

Disclaimer:

This document represents an unofficial translation of the Consolidated version of the Air Transport Law of the Republic of Serbia, published in the “Official Gazette of the Republic of Serbia”, No 73/2010 of 12 October 2010, “Official Gazette of the Republic of Serbia”, No 57/2011 of 1 August 2011, “Official Gazette of the Republic of Serbia”, No 93/12 of 28 September 2012, “Official Gazette of the Republic of Serbia”, No 45/15 of 22 May 2015 and “Official Gazette of the Republic of Serbia”, No 66/15 (other Law)¹ of 4 August 2015.

AIR TRANSPORT LAW

Chapter One BASIC PROVISIONS

Scope

Article 1

This Law shall lay down the conditions for ensuring safety and security of air transport in the Republic of Serbia.

Aircraft to Which this Law Shall Apply

Article 2

This Law shall apply to aircraft while in the territory of the Republic of Serbia, unless otherwise set forth by ratified international agreement and to military aircraft and military section of joint civil/military aerodromes, only when expressly stipulated so by this Law.

This Law shall apply to the civil aircraft registered in the Republic of Serbia, and located outside the territory of the Republic of Serbia, only if not contrary to the regulations of the State within the territory of which such aircraft are located, or to a ratified international agreement.

Definitions

Article 3

Specific definitions used in the Law have the following meaning:

1) *Aerodrome* shall mean a defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

2) *Schedules facilitated airport* shall mean an airport where there is potential for congestion at some periods of the day, week or year which is amenable to resolution by voluntary cooperation between air carriers and where a schedules facilitator has been appointed to facilitate the operations of air carriers operating services or intending to operate services at that airport;

¹ *Articles 204 – 217, Article 258, Para 1, Points 100-102, Article 260, Para 1, Points 64-66 of the Air Transport Law were repealed by means of the Article 56 of the Law on accident investigations in aviation, railways and waterborne transport (“Official Gazette of the Republic of Serbia“, No 66/15)*

3) *Aerodrome infrastructure* shall mean the basic physical, logistic, technological and information and communication structure covering manoeuvring areas, platforms, roads, facilities, installations, systems and equipment;

4) *Unmanned aircraft* shall mean an aircraft the flight of which is controlled by onboard computers or by the remote control of an operator on the ground;

5) *Aircraft* shall mean any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

6) *Model aircraft* shall mean an unmanned aircraft, weighing 20 kg, not including fuel, which is flown for sport or recreational purposes, to which the provisions of the Convention on International Civil Aviation, Chicago, 1944 have not been applicable;

7) *Aeronautical product* shall mean an aircraft, engine or propeller;

8) *Flight time* shall mean:

- for aeroplanes, touring motor gliders and powered lift it means the total time from the moment an aircraft first moves for the purpose of taking off until the moment it finally comes to rest at the end of flight;
- for helicopters it means the total time from the moment a helicopter's rotor blades start turning until the moment the helicopter finally comes to rest at the end of flight and the rotor blades are stopped;
- for airships it means the total time from the moment an airship is released from the mast for the purpose of taking off until the moment it finally comes to rest at the end of the flight, and is secured on the mast;
- for gliders – the total time from the moment the glider first moves for the purpose of taking off until the moment it comes to the rest at the end of flight;

9) *Flight duty period* shall mean a period that commences when a crew member is required to report for duty, which includes a sector or a series of sectors, and finishes when the aircraft finally comes to rest and the engines are shut down, at the end of the last sector on which the crew member acts as an operating crew member;

10) *Parts and appliances* shall mean any instrument, equipment, mechanism, part, apparatus, appurtenance, software or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight or is installed in or attached to the aircraft, including parts of an airframe, engine or propeller, or equipment used to manoeuvre the aircraft from the ground;

11) *Occurrence* shall mean an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident;

12) *Additional crew members* shall mean technical crew members, other than flight crew or cabin crew members, but allocated duties on board or on the ground by an operator to assist the pilot on flights on which specific onboard equipment may be requested;

13) *Prohibited area* shall mean a defined portion of the airspace above particular territory in which air operations are prohibited;

14) *Military operating area* shall mean the particular portion of air space used for the navigation of military aircraft (piloting area, instrumental navigation area, group flight area, low level flight area and the like);

15) *Interoperability* shall mean a range of functional, technical and operational characteristics of systems and the constituents of the technical systems of air navigation, as well as of their operating procedures, aimed at ensuring safe, seamless and efficient performance;

16) *Calibration from air* shall mean the control from air of ground-based navigation and surveillance systems, air navigation communications and aerodrome lighting systems, to ensure that the parameters of the mentioned systems meet the operational requirements, and which may be periodical or conducted immediately before release to service;

17) *Commercial operation* shall mean any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator;

18) *Security control* shall mean the application of procedures, measures and actions by which the introduction of prohibited articles is prevented;

19) *Access control* shall mean the application of means by which the entry of unauthorized persons or of unauthorized vehicles, may be prevented;

20) *Airside* shall mean the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is restricted;

21) *Coordinated airport* shall mean an airport where, in order to land or take-off, it is necessary for an air carrier or any other aircraft operator to have been allocated a slot by a coordinator, with the exception of State flights, humanitarian flights or emergency landing;

22) *Airspace user* shall mean civil or state aircraft flying within the air space, as well as other users requiring the use of air space;

23) *Route* shall mean a one direction flight between the airport of the first departure and the airport of the final destination;

24) *Local night* shall mean a period of eight hours falling between 22:00 and 08:00 local time;

25) *Local day* shall mean a 24 hours period commencing at 00:00 local time;

26) *Local flight* shall mean any flight other than a flight for carriage of passengers, baggage, mail and cargo between different airports or other approved landing locations;

27) *Manoeuvring area* is a part of an aerodrome, to be used for the take-off, landing and taxiing of aircraft, excluding aprons;

28) *International recommended practices* shall mean any specification dealing with physical features, configuration, equipment, performance, staff or procedures the uniform application of which has been accepted as desirable in view of safety, regularity or efficiency of air transport and which the State strives to meet, in accordance with the Convention on International Civil Aviation, Chicago, 1944;

29) *International standard* shall mean any specification dealing with physical features, configuration, equipment, performances, staff or procedures the uniform application of which has been accepted as desirable in view of safety, regularity or efficiency of air transport and which the State must meet, in accordance with the Convention on International Civil Aviation, Chicago, 1944;

30) *Meteorological analysis* shall mean the information obtained through a detailed study of the conditions in the atmosphere above a designated area, based on actual monitoring;

31) *Meteorological forecast* shall mean information on expected meteorological conditions for a specific time or period of time and for a particular area or a portion of airspace;

32) *Meteorological report* shall mean the information on observed meteorological conditions related to particular time and location;

33) *Aircraft incident* shall mean an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

34) *Security-restricted area* shall mean the area of airside where, in addition to access being restricted, other aviation security standards are applied;

35) *Flight information region* shall mean an airspace of defined dimensions within which flight information service and alerting service are provided;

36) *Danger area* shall mean the portion of airspace within which the flight of aircraft is limited because activities dangerous to the flight of aircraft may exist at specified times;

37) *Aerodrome operator* shall mean any legal or natural person who manages an aerodrome and holds a certificate, an approval or an agreement for an aerodrome operation;

38) *Operator of an aircraft* shall mean any legal or natural person, operating or proposing to operate one or more aircraft;

39) *Operating licence* shall mean an authorization by which its holder is authorized to carry out commercial air transport operations as specified thereon;

40) *Operational air traffic* shall mean flights of state aircraft which are not operated according to the rules and procedures of International Civil Aviation Organization but are operated in accordance with the rules and procedures laid down by competent authorities;

41) *General air traffic* shall mean all flights of aircraft, including flights of state aircraft, conducted in accordance with rules and procedures of the International Civil Aviation Organization;

42) *Aircraft stand* shall mean the part of an apron or a special area of the aerodrome designated for parking an aircraft;

43) *Flight plan* shall mean specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

44) *Apron* shall mean a defined area intended to accommodate aircraft for the purpose of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;

45) *Known consignor* shall mean a consignor who is authorized to directly load his own cargo or mail onto the aircraft;

46) *Known supplier of airport supplies* shall mean a supplier authorized by an aerodrome operator for delivery of supplies intended to be sold in security restricted area of an airport;

47) *Runway* shall mean a defined rectangular area on a land aerodrome prepared for landing and take-off of aircraft;

48) *Aerial work* shall mean an aircraft operation in which an aircraft is used for specialized services, except for commercial air transport operations, such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement etc.

49) *Screening* shall mean the application of technical or other means that are intended to identify and/or detect prohibited articles;

50) *Check-in baggage* shall mean baggage that is supposed to be carried in a cargo compartment of the aircraft;

51) *Cross-border area* shall mean the structure of airspace stretching over the state borders and/or borders of flight information regions;

52) *Obstacle shall mean* all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that:

- are located on an area intended for the surface movement of aircraft, or
- extend above defined surface intended to protect aircraft in flight, or
- stand outside those defined surfaces and that have been assessed as being a hazard to air navigation;

53) *Temporary segregated area* shall mean the portion of airspace that has been temporarily segregated at the request of a particular user, to enable its exclusive use by that user;

54) *Temporary reserved area* shall mean the portion of airspace temporarily reserved for a particular user, which however, may be available to other users, upon obtaining an approval from the air traffic control unit;

55) *Duty period of a crew member* shall mean a period which starts when a crew member is required by an operator to report for or to commence a duty and ends when the person is free of all duties, including post-flight duty;

56) *Regulated agent* shall mean an air carrier, agent, freight forwarder or any other entity who ensures security controls in respect of cargo or mail;

57) *Regulated supplier of in-flight supplies intended for use on board an aircraft* shall mean a supplier who is authorized for direct loading of in-flight supplies intended for use on board onto the aircraft;

58) *Risk* shall mean the combination of probability or frequency of a repeated danger and severity of possible consequences arising from such a danger;

59) *Taxiway* shall mean a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including:

- (1) *aircraft stand taxilane* shall mean a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
- (2) *apron taxiway* shall mean a portion of a taxiway system located on an apron and intended to provide a through taxi-route across the apron;
- (3) *rapid exit taxiway* shall mean a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways and thereby minimizing runway occupancy times;

60) *ATS route* shall mean airspace route, advisory route, controlled or uncontrolled air traffic route, arrival or departure route to and from aerodrome, established primarily to direct the flow of traffic for the purpose of providing air traffic

services, which is defined by route criteria including markings, direction related to the waypoint, distance between two waypoints, reporting requirements and the lowest safe altitude;

61) *Cabin baggage* shall mean baggage intended for carriage in the cabin of an aircraft;

62) *Complex motor-powered aircraft* shall mean:

(1) an aeroplane:

- with a maximum certified take-off mass exceeding 5.700 kg, or
- certified for a maximum passenger seating configuration of more than nineteen, or
- certified for operation with a minimum crew of at least two pilots, or
- equipped with one or more turbojet engines or more than one turboprop engine, or

(2) a helicopter certified:

- for a maximum take-off mass exceeding 3.175 kg, or
- for a maximum passenger seating configuration of more than nine, or
- for operation with a minimum crew of at least two pilots, or

(3) a tilt rotor aircraft;

63) *Slot* shall mean the permission given by a coordinator to use the full range of airport infrastructure necessary to operate an air service at a coordinated airport on a specific date and time for the purpose of landing or take-off;

64) *Managing body of an airport* shall mean the body which, in conjunction with other activities or otherwise, has the task under national laws or regulations of administering and managing the airport facilities and coordinating and controlling the activities of the various operators present at the airport or within the airport system concerned;

65) *Technical air navigation systems* shall mean the set of integral elements in an aircraft and on the ground, including satellite devices, enabling provision of services during all phases of an aircraft operations;

66) *Conditional route* shall mean the route of air traffic, or a part of such route, which does not have permanent characteristics and may be planned and used under prescribed conditions;

67) *Restricted area* shall mean the part of airspace within which the operations of aircraft are limited and conducted in accordance with certain predefined conditions, for a specific period;

68) *Functional system* shall mean a combination of equipment, procedures and human resources organized in an entirety to perform a function;

69) *Heliport* shall mean an aerodrome or a defined area on the ground or a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters.

Airspace of the Republic of Serbia

Article 4

The airspace of the Republic of Serbia shall mean the space above the territory of the Republic of Serbia.

The use of the airspace of the Republic of Serbia is free for all aircraft operating air transport, in accordance with international instruments, this law and other regulations.

Rules of the Air

Article 4a

In the airspace of the Republic of Serbia the aircraft shall observe the Rules of the Air.

The Rules of the Air referred to in paragraph 1 hereof shall be laid down by the Regulation adopted by the Civil Aviation Directorate of the Republic of Serbia.

Provisions of the Regulation referred to in the paragraph 2 hereof shall be applicable to all the aircraft performing general air traffic in the airspace of the Republic of Serbia.

Civil and State Aircraft

Article 5

The civil aircraft of the Republic of Serbia shall be the aircraft entered into the Aircraft Register of the Republic of Serbia and the Aircraft Records of the Republic of Serbia.

A state aircraft shall be military aircraft, aircraft used in police services, customs aircraft, as well as the aircraft used for the transportation of the heads of states or Governments and high level state delegations.

The military aircraft of the Republic of Serbia shall be the aircraft entered on the Military Aircraft Register which are operated according to the flight rules applicable to general or operational air traffic.

Military Aircraft Operations

Article 6

Military aircraft operations shall be the operations involving military aircraft of the Republic of Serbia and foreign military aircraft.

Operations of military aircraft of the Republic of Serbia shall be conducted as aerodrome flights, flights out of aerodrome, over-flights and special purpose flights.

Flights out of aerodrome and special purpose flights may be operated on or outside designated routes.

Operations of military aircraft of the Republic of Serbia shall be regulated by the ministry in charge of defence.

Special Purpose Flights

Article 7

Special purpose flights shall be the flights of military aircraft intended for the protection of the sovereignty over the airspace, military aircraft test flights upon major repairs and flights conducted for the purpose of operational needs of the ministry in charge of defence.

Such flights shall have priority over other flights, except for the flights where the pilot of the aircraft operating the flight declared emergency, flights with apparent emergency situations, flights jeopardized by acts of unlawful interference or the flights already affected by acts of unlawful interference.

Special purpose flights shall also be the flights conducted for the purpose of operational needs of the ministry in charge of the interior.

The minister in charge of interior shall prescribe special purpose flights operated for the purpose of operational needs of that ministry.

Airspace Use Restrictions

Article 8

Air transport and other operations of aircraft over cities and towns, populated areas and industrial facilities below the altitude prescribed by the rules on classes of airspace referred to in Article 37 shall be forbidden.

Exceptionally, operations of aircraft over cities and towns, populated areas and industrial facilities below the altitude prescribed may be conducted in line with the instructions of an air traffic control service provider, if a prior approval for such a flight is granted by the Civil Aviation Directorate of the Republic of Serbia (hereinafter referred to as: the Directorate).

The approval for operations of aircraft over cities and town, populated areas and industrial facilities below the altitudes prescribed shall not be required in respect of state aircraft flights, fire-fighting flights, search and rescue flights and medical transportation in case of which only a prior filing of a flight plan with an air traffic control service provider shall be required.

Dropping or Spraying

Article 9

Nothing shall be dropped or sprayed from an aircraft in flight, except where aviation safety and security are jeopardized and with the exception of items and liquids used for agriculture, forestry and medical purposes, items and liquids used for fire extinguishing, equipment, goods, medicines and other items used for care in case of natural disasters, as well as fliers and other advertising materials, under the conditions prescribed in detail by the Directorate.

Unmanned Aircraft, Model Aircraft, Rockets and other Flying Objects

Article 10

Unmanned aircraft, model aircraft, rockets and other flying objects may be used for economic, scientific, sporting and other purposes but so as not to compromise air transport safety.

Prior approval granted by the Air Navigation Service Provider shall be required for launching rockets and other flying objects.

Conditions for safe use of unmanned aircraft and model aircraft, their classification, equipment, registration and maintenance, as well as requirements to be fulfilled by the persons using unmanned aircraft or model aircraft, conditions for launching rockets and other flying objects shall be laid down in detail by the Directorate.

For possible damage that arises from use of unmanned aircraft, model aircraft, rockets and other flying objects, a person using unmanned aircraft, model aircraft, rockets and other flying objects shall be liable.

Parachute Descents

Article 11

Parachute descents shall not be made in areas of controlled airspace and aerodrome traffic zones save when an aircraft crew must leave the aircraft in emergency or if an approval for parachute descents is granted by the Directorate.

Restrictions on Carrying Armament and Active Recording Equipment

Article 12

In the airspace of the Republic of Serbia, a foreign aircraft shall be forbidden to carry on board active loaded small arms, missiles and bomber armament.

Exceptionally, in cases of joint international military exercises on the training grounds of the Republic of Serbia, on the proposal of the minister in charge of defence, the Government may approve a foreign military aircraft to carry on board active loaded small arms, missiles and bomber armament, as well as active recording equipment.

Prohibited, Restricted and Danger Areas

Article 13

Operations of aircraft in a prohibited area or opposite to the conditions for operations in a prohibited area shall be prohibited.

The Directorate shall define danger, prohibited and restricted areas, as well as conditions for operations of aircraft in a restricted area, upon obtained opinions of the minister in charge of defence and minister in charge of interior.

The Directorate shall approve the operations of aircraft in a restricted area, upon obtained opinions of the minister in charge of defense and ministger in charge of interior.

Chapter Two
SAFETY
Definition of Safety

Article 14

Safety shall be the state wherein the risks related to compromising life and health of people and infliction of damage to property are reduced and maintained at an acceptable level by means of continuous identification of hazards and control of risks arising from identified hazards.

Air navigation service providers, air carriers, aerodrome operators, aeronautical technical organizations dealing with maintenance of aircraft and other entities designated by the Directorate (hereinafter referred to as: aviation entities) are primarily responsible for the safe performance of their activities or providing of services, while all the individuals who may affect safety in the course of performing their duties are also responsible for ensuring safe operations of aviation entities.

National Civil Aviation Safety Programme

Article 15

With the aim of reaching an acceptable level of safety, the Government shall adopt, on the proposal of the minister in charge of transport, a national civil aviation safety programme.

The national civil aviation safety programme shall establish the principles, rules and activities aimed at reaching and promotion of an acceptable level of safety in civil aviation, in accordance with the Standards and Recommended Practices of the International Civil Aviation Organization (SARPs, ICAO).

The national civil aviation safety programme shall be implemented by the Directorate.

National Aviation Safety Committee

Article 15a

For coordinating the operation of the authorities, organizations and aviation entities which are liable for the aviation safety and giving recommendations how to improve it, the Government shall establish the National Aviation Safety Committee, as a provisional Government working body.

The National Aviation Safety Committee shall coordinate the preparation and development of the National Aviation Safety Programme.

The composition and a method of operation of the National Aviation Safety Committee shall be laid down by the Government, on the proposal of the minister in charge of transport.

Safety Management System

Article 16

A safety management system shall include organization, procedures and accountability system, establishing and maintaining an acceptable level of safety with respect to the activities of an aviation entity.

An aviation entity shall establish safety management system on the basis of the national civil aviation safety programme, the mandatory part of which is the safety

management manual, and obtain an approval from the Directorate for the system itself, its changes and amendments.

The conditions under which the safety management system may be established and used shall be prescribed by the Directorate.

Acting upon an application for obtaining an approval for the safety management system and its amendments shall be subject to the payment of a tax to the Directorate.

Reporting on Occurrence to Directorate

Article 17

An aviation entity and every other person determined in the regulation mentioned in paragraph 3 of this Article shall report each occurrence to the Directorate, in accordance with the safety management manual, and other persons may report voluntarily, if considering an occurrence as an actual or potential hazard.

The Directorate shall collect information on an occurrence, ensure appropriate confidentiality of the personal data pertaining to the reporter, organize and conduct the handling and analysis of occurrence reports, establish and maintain an occurrence database and exchange data on occurrences with the aviation authorities of other states and international aviation organizations.

Occurrences to be reported, persons bound to report an occurrence, procedures for reporting and dissemination, protection, storage, usage and exchanging of data on occurrences and the procedure for the establishment and maintenance of the occurrence database shall be prescribed in detail by the regulation issued by the Directorate.

Protection of Data

Article 17a

When processing information on occurrences collected by the Directorate, through a mandatory or voluntary reporting on occurrences, provisions of the regulations that govern protection of the personal data pertaining to the reporter, as well as the provisions of the regulations that govern the confidentiality of data shall be applicable.

Data referred to in paragraph 1 thereof shall not be used for other purposes, except for the aviation safety and security promotion.

All the personal data pertaining to the reporter, as well as data of the persons involved in an occurrence, shall be considered confidential and the Directorate shall not forward them to other persons, unless requested by the judicial authorities of the Republic of Serbia.

Except in the case of a criminal act, the Directorate shall not institute proceedings against persons in respect of unintentional infringements of the law, and where it is not the case of gross negligence, which came to its attention only because they had been reported pursuant to the mandatory occurrence reporting system.

Employers shall encourage their employees, for general good, to report occurrences which they consider real or potential threat to aviation safety, with no fear they will be subject to any consequences.

Introduction of Changes to the Functional System

Article 18

The aviation entity which plans to introduce changes to the functional system that might affect the safety of operations or provision of services shall notify the Directorate on its intention and submit to the Directorate relevant safety argumentation and obtain its approval for the planned changes.

The procedure for the introduction of a change, the contents of safety argumentation and the procedure for the analysis and assessment of safety argumentation shall be prescribed in detail by the regulation issued by the Directorate.

Acting upon an application for obtaining an approval for the planned changes to the functional system shall be subject to the payment of a tax to the Directorate.

Risk Assessment and Mitigation

Article 19

An aviation entity shall continuously and systematically identify hazards, assess and mitigate risks in performing its activities in order to prevent hazards and reduce the risks to the acceptable safety level.

Risk assessment and mitigation shall be applied to the basic elements of operations, human resources, procedures, equipment and working environment.

The requirements related to the risk assessment and mitigation, classification of severity of hazards and risk classification, shall be prescribed in detail by the regulation issued by the Directorate.

Safety order and exemptions

Article 19a

The Director of the Directorate shall immediately issue a safety order, if immediate action is necessary to be taken in the interest of civil aviation safety.

The safety order shall specify addressee, the reasons for its issue, actions to be taken and timeframe for their implementation, date of entry into force and, if applicable, period of time for which the order is issued.

In exceptional cases and for a period not exceeding six months, the Directorate may grant an exemption to an aviation entity from the obligation to meet a certain technical requirement, if it has determined that the entity otherwise provided the same safety level as achieved by applying that requirement.

Chapter Three
PROTECTION OF AIRSPACE
Airspace Protection System

Article 20

The airspace protection system shall represent a set of measures, activities and procedures aimed at maintaining the sovereignty over the airspace of the Republic of Serbia, which includes: surveillance, identification, procedures in case of airspace intrusion and terrorist threats and civil and military coordination.

The airspace protection system and the conditions under which it is established shall be prescribed by the minister in charge of defence.

Airspace Surveillance

Article 21

The airspace surveillance of the Republic of Serbia is a unique system comprising all civil and military capacities, rendered for the purpose of establishing and maintaining the required level of airspace protection and securing the air transport of the Republic of Serbia.

Identification in Airspace

Article 22

The identification of aircraft in the airspace of the Republic of Serbia shall be carried out to prevent the airspace violation and ensure secure and safe air transport.

The identification of aircraft shall be conducted uniformly, on the basis of an agreement between the ministry in charge of defence and the air navigation service provider designated by the Government.

Airspace Violation

Article 23

The entering of a foreign aircraft into the airspace of the Republic of Serbia or its leaving the airspace of the Republic of Serbia contrary to the instructions of the air traffic service provider or any flights of national or foreign aircraft conducted contrary to the conditions specified in the approval of the competent authority or in the flight plan shall be considered as the violation of the airspace of the Republic of Serbia.

The flights of foreign guided and unguided flying objects in such space without the permission of the ministry in charge of defence shall also be considered as the violation of airspace.

The guided and unguided flying object shall mean the devices without crew, powered by an engine and operating flights fully in a temporarily segregated area of airspace.

Flight Plan

Article 24

An aircraft may fly in the airspace of the Republic of Serbia on the basis of a flight plan previously submitted to an air navigation service provider.

A content, procedure of submitting, amending and closing a flight plan in general air traffic and a procedure of issuing approvals which precede to submitting a flight plan shall be prescribed by the Directorate.

A content, procedure of submitting, amending and closing a flight plan for aircraft operating in operational air traffic shall be laid down by the Regulation adopted by the Government on the joint proposal of the minister in charge of defense and the minister in charge of internal affairs.

Flight Plan of a Foreign Aircraft

Article 25

A foreign state aircraft may only submit a flight plan if for its flight the ministry in charge of foreign affairs already issued diplomatic clearance, with the assent of the ministry in charge of defence.

The flight plan of a foreign aircraft operating non-scheduled air services shall be submitted if the flight has been previously approved by the Directorate.

Terrorist Threats from Airspace

Article 26

A terrorist threat from the airspace of the Republic of Serbia shall be any threat, activity or an act of unlawful interference that might jeopardize the aircraft, passengers and human and material resources of the Republic of Serbia.

The procedures in respect of the actions of competent bodies in case of terrorist threats from airspace shall be established by the act of the Government, on the proposal of the minister in charge of defence.

Civil-Military Coordination

Article 27

Civil-military coordination and communication system carried out for the purpose of the protection of the airspace of the Republic of Serbia shall be regulated by special agreements concluded between the ministry in charge of defence and aviation entities.

The activities related to civil-military coordination and the exchange of information between Serbian Armed Forces and the air navigation service provider designated by the Government on the situation in the airspace of the Republic of Serbia shall be conducted by a unit for civil-military coordination which shall be established by the ministry in charge of defence.

Chapter Four
AIR NAVIGATION
I AIR NAVIGATION BASICS

Article 28

Air navigation comprises the function of air traffic management and a set of services in air navigation enabling safe and efficient movement of aircraft on the ground and in the air.

II AIR TRAFFIC MANAGEMENT

1. Definition of Air Traffic Management

Article 29

Air traffic management shall mean a set of functions in the aircraft and on the ground, enabling safe and efficient movement of aircraft during all stages of aircraft operations.

Air traffic management includes functions related to airspace management and air traffic flow management, comprising also air traffic services.

2. Airspace Management

Definition and Contents of Airspace Management

Article 30

Airspace management shall mean the function of planning aimed at ensuring the efficient use of airspace on the basis of dynamic approach to airspace use among different categories of users, according to the presented needs of users.

Airspace management shall encompass flexible use of airspace, airspace organization, airspace structure design and modelling and other functions related to airspace management.

Airspace management shall be prescribed in detail by the Government, on the proposal of the minister in charge of transport.

Flexible Use of Airspace

Article 31

Flexible use of airspace shall mean the concept according to which the airspace shall be considered as one continuum adjusted to the needs of airspace users on a daily basis.

This concept shall ensure most efficient use of airspace by all users, based on real needs and real use for a specified time period.

The flexible use of airspace shall be based on three levels of airspace management: strategic, pre-tactical and tactical level.

The Government shall prescribe in detail the concept of the flexible use of airspace.

Strategic Airspace Management

Article 32

The strategic level of airspace management shall mean the joint civil-military process defining the national policy of airspace management and providing for the necessary strategic planning, taking into consideration the requirements of national and international airspace users and air navigation service providers.

The national policy of airspace management shall be laid down by the Government, at the proposal of the minister in charge of transport.

The Government shall also appoint the air navigation service provider which will participate in airspace management at pre-tactical and tactical level.

National Aviation Committee

Article 33

The Government shall establish the National Aviation Committee, as a non-permanent body, for the purpose of the efficient airspace management at the strategic level.

The National Aviation Committee shall develop the national airspace management policy, perform airspace evaluation for the purpose of planning and introduction of the flexible use of airspace, propose the priorities and procedures for the use and allocation of airspace, propose the principles for the coordination of civil and military airspace users, periodically review the requirements for the use of airspace and areas, monitor the processes carried out at the pre-tactical and tactical levels of airspace management and perform other duties entrusted to it by the Government.

The composition and working methodology of the National Aviation Committee shall be prescribed by the Government, based on the proposal of the minister in charge of transport.

Pre-tactical Airspace Management

Article 34

The pre-tactical level of airspace management shall include the processing of users' requests, allocation of airspace for the use and forwarding of such data to the interested users.

The pre-tactical airspace management operations shall be performed by the unit for civil-military coordination.

The unit for civil-military coordination may perform the allocation of airspace of other states.

The working methodology of the unit for civil-military coordination shall be prescribed by the minister in charge of defence, with the assent of the minister in charge of transport.

Tactical Airspace Management

Article 35

The tactical level of airspace management shall include daily real-time activation, deactivation or reallocation of airspace previously allocated by the unit for civil-military coordination.

Air navigation service provider and the ministry in charge of defence shall conclude an agreement on civil-military coordination establishing the procedures related to civil-military coordination and ensuring interoperability of the communication and data exchange systems.

The agreement shall also regulate the exchange of data on air traffic and airspace used to safely separate the aircraft the guidance of which falls under the competence of the ministry in charge of defence from other aircraft.

The tactical level of airspace management shall be prescribed in detail by the regulation passed by the minister in charge of defence, with the assent of the ministry in charge of transport.

Definition of Airspace Organization

Article 36

The organization of airspace comprises the airspace classification, air traffic routes, air traffic route network management, establishment of functional airspace blocks, determination of vertical and lateral boundaries of airspace under the competence of air traffic control units, development of navigation procedures for approach, arrival and departure for a specific aerodrome, as well as other activities related to airspace organization.

Airspace Classification

Article 37

Airspace classifications and the conditions under which each airspace class may be used shall be regulated by the Government, on the proposal of the minister in charge of transport.

Air Traffic Route Network

Article 38

An air traffic route network shall be established at a regional level, in line with the air traffic flows and requirements of the air transport participants.

The air traffic route network in the Republic of Serbia shall be harmonized by the air navigation service provider, and approved by the Directorate.

Functional Airspace Block

Article 39

A functional airspace block shall mean an airspace block based on operational requirements and established regardless of State boundaries, where the provision of air navigation services and related functions are optimized and/or integrated.

A functional airspace block shall be established by an international agreement.

Vertical and Lateral Airspace Boundaries under the Competence of Air Traffic Control Units

Article 40

Vertical and lateral airspace boundaries under the competence of air traffic control unit shall be determined by the air traffic control service provider, taking into consideration the airspace class, operational and technical performances of communications, navigation and surveillance systems and requirements of users, with the prior approval of the Directorate.

Navigation Procedures for Approach, Arrival and Departure, Missed Approach and Holding

Article 41

Navigation procedures comprising approach, arrival and departure for specific aerodrome, missed approach and holding, shall be developed by the air traffic control service provider.

The methodology of development and the form of such navigation procedures shall be prescribed by the Directorate, in accordance with the Standards and Recommended Practices of the International Civil Aviation Organization.

Airspace Structure Development and Design

Article 42

Airspace structure development and design includes determination of temporarily reserved and temporarily segregated portions of airspace, cross-border areas, conditional routes, prohibited areas, restricted areas, danger areas, military operations areas, as well as other airspace structure development and design activities.

Temporary reserved and temporary segregated portions of airspace, cross-border areas, conditional routes and military operations areas shall be determined by the Government, while the respective data thereof shall be published in the Integrated Aeronautical Information Package.

3. Air Traffic Flow Management

Article 43

Air traffic flow management shall be the function established to contribute to a safe, orderly and expeditious flow of air traffic, by ensuring optimum utilisation of capacities of the air traffic service provider, taking into account the extent to which the air traffic flow and volume have been adjusted to meet the capacities declared by the air traffic service provider.

III AIR NAVIGATION SERVICES

1. Purpose of Air Navigation Services Provision

Article 44

Air navigation services shall be provided to all the users to ensure safe, orderly and expeditious air navigation.

The air navigation services shall be provided by the air navigation service provider.

2. Types of Air Navigation Services

Article 45

Air navigation services shall include air traffic services, communication, navigation and surveillance services, aeronautical meteorological services, aeronautical information services and search and rescue services.

Air traffic services shall be the air traffic control service, flight information services, alerting and advisory services.

Flight information services and alerting services shall be rendered within a flight information region.

3. Air Traffic Services
a) Air Traffic Control Services
Definition of Air Traffic Control

Article 46

Air traffic control shall comprise a series of procedures and activities performed to prevent collisions between aircraft in flight and in the manoeuvring area, collisions in manoeuvring areas between aircraft and obstructions; secure regular and expedient air traffic and air traffic flow; identification of aircraft and flying objects for the purpose of notifying the aircraft in flight; coordination of work with air traffic controls of other countries; issuing of approvals for launching anti-hail rockets as well as alerting and initiating of search and rescue activities.

The procedure for rendering the air traffic control services shall be prescribed by the Directorate.

Air Traffic Control Units

Article 47

Air traffic control services shall be provided by air traffic control units.

The air traffic control units, depending on the phase of the flight of an aircraft in which air traffic control services are being provided can be aerodrome, approach and area air traffic control units.

Aerodrome air traffic control unit shall provide air traffic control service at the aerodrome and in its vicinity, from the aerodrome tower.

Approach air traffic control unit shall provide air traffic control service in the vicinity of aerodrome, to the aircraft on their departure from and arrival at the aerodrome.

Area air traffic control unit shall provide services to aircraft within the area of its competences, while in en-route phase of flight.

The Use of Phraseology while Providing Air Traffic Control Services

Article 48

In the course of providing air traffic control services, the standard phraseology in English language shall be used, as prescribed by the Directorate.

When air traffic control services are performed for a national aircraft operating in accordance with the rules for operational air traffic, the phraseology in Serbian language shall also be used, as prescribed by the Directorate.

b) Flight Information Services
Definition of Flight Information Services

Article 49

Flight information services shall include providing advice and information necessary for the safe conduct of flights, particularly related to the status of aerodrome, meteorological information, radio and navigation systems and other information relevant for flight operations.

The procedure for the provision of flight information services shall be prescribed by the Directorate, with the assent of the minister in charge of defence.

The Use of Phraseology while Providing Flight Information Services

Article 50

While providing flight information services, in addition to the use of the phraseology in English language, the phraseology in Serbian language may also be used, as prescribed by the Directorate, with the assent of the minister in charge of defence.

c) Alerting

Article 51

Alerting services shall be provided to relevant organizations, and shall be related to an aircraft which requires instigation of search and rescue and where necessary, providing assistance to such organizations.

Alerting services shall be provided within air traffic control services and flight information services.

The procedure for the provision of alerting services shall be prescribed by the Directorate.

4. Communication, Navigation and Surveillance Services

Definition of Communication, Navigation and Surveillance Services

Article 52

Communication services shall include aeronautical fixed and mobile services and air navigation technical system to enable ground-to-ground, air-to-ground and air-to-air communications for air navigation purposes.

Navigation services shall include services and air navigation technical systems that provide aircraft with positioning and timing information.

Surveillance services shall include services and air navigation technical systems used to determine the respective positions of aircraft to allow safe separation.

Obligations of Communication, Navigation and Surveillance Services Provider

Article 53

The provider of communication, navigation and surveillance services shall ensure timely and reliable services.

The systems, devices, equipment and facilities shall be used according to the technical documentation, user manuals and maintenance programs, which must be kept and updated.

Systems, Devices, Equipment and Facilities of Air Navigation Service Providers

Article 54

The air navigation service provider shall plan, design, procure, use, maintain and technically supervise the operation and serviceability of the communication, navigation and surveillance systems, devices, equipment and facilities, the technical specifications and operating and maintenance procedures of which meet the international regulations and standards, commitments assumed by a ratified international agreement and conditions laid down by the Directorate.

The communication, navigation and surveillance systems, devices and equipment shall be regularly checked and calibrated from air, in accordance with the regulation referred to in paragraph 1 thereof.

5. Aeronautical Meteorological Services

Definition of Aeronautical Meteorological Services

Article 55

Aeronautical meteorological services shall comprise continued monitoring of meteorological conditions above aerodrome within the flight information region aimed at ensuring safety, efficiency and regularity of air navigation, as well as preparation or obtaining of meteorological information, their communication to users of services and the provision of meteorological information to users.

Meteorological information shall include meteorological reports, analysis and prognosis or any other information related to the existing or expected meteorological conditions.

Aeronautical meteorological services and the procedure for preparing and obtaining meteorological information, communication of meteorological information and the provision of meteorological information to users of such services shall be prescribed by the Directorate.

Organizations Providing Aeronautical Meteorological Services

Article 56

Aeronautical meteorological services shall be provided by aeronautical meteorological station, aerodrome meteorological office, and meteorological watch office.

The aeronautical meteorological station shall be the station designated to make observations and meteorological reports to be used in aviation.

The aerodrome meteorological office shall be the office located at the aerodrome, designated to provide aeronautical meteorological services.

The meteorological watch office shall be the office established for the provision of aeronautical meteorological services within the flight information region or controlled area within which air traffic services are being provided.

Availability of Information Observed

Article 57

The provider of aeronautical meteorological services at an aerodrome shall make the data obtained by meteorological observation available, in order to enable the preparation of aerodrome climatological tables for all aerodromes and make such tables available to service users.

An aerodrome climatological table shall be the table showing statistical data on an identified condition related to one or more meteorological elements at an aerodrome.

The type and form of identified data, the procedure and period of their keeping, the procedure for their collection in order to be processed and the disposability of climatological tables to service users shall be prescribed in detail by the regulation passed by the Directorate.

Communication of Required Meteorological Services

Article 58

An air carrier shall appropriately inform the aeronautical meteorological service provider about the meteorological services it requires or changes required in respect of the provision of meteorological services.

The procedure for such an informing shall be prescribed by the Directorate.

6. Aeronautical Information Services

Definition of Aeronautical Information Services

Article 59

Aeronautical information service shall be the provision of aeronautical information necessary for the safety, regularity and efficiency of air navigation.

Aeronautical information services shall include receiving, generating, organizing, collecting, processing, formatting, publishing, keeping and distributing aeronautical information and data.

The modality of aeronautical information service provision, including the requirements related to the quality management system, shall be prescribed by the Directorate.

Integrated Aeronautical Information Package

Article 60

The provisions of this Law and other regulations governing national and international air transport, information related to the safety, timeliness and efficiency of air navigation, differences from standards prescribed by the International Civil Aviation Organization and other data significant for the operation of aircraft shall be published in the Integrated Aeronautical Information Package.

Aviation entities, state administration authorities, organizations and other persons acting as the sources of information relevant for the safety, regularity and efficiency of air navigation shall timely provide aeronautical information service provider with the information for the purpose of publishing in the Integrated Aeronautical Information Package.

The contents and the form of the elements of the Integrated Aeronautical Information Package, types of data entered in the Integrated Aeronautical Information Package, source of data, collection, communication and publishing procedure shall be prescribed in detail by the Directorate.

7. Search and Rescue Service

Definition of Search and Rescue Service

Article 61

Search and rescue service shall mean the system of measures and procedures undertaken to locate an aircraft accident site, rescue injured or endangered persons, provide them with initial medical assistance and evacuate them to a safe place.

Search and rescue of an aircraft and persons shall be organized and coordinated by the Directorate, through the rescue-coordination centre, in accordance with the regulation on providing search and rescue services..

Search and rescue service for military aircraft shall be organized by the ministry in charge of defence.

Participants in Search and Rescue

Article 62

Participants in search and rescue shall be the ministries in charge of defence, interior and health, authorities of municipalities and cities, the city of Belgrade and autonomous provinces, public enterprises, and all other natural and legal persons capable of rendering assistance.

The aerodrome services (rescue and fire fighting service and the service for emergency medical assistance) shall participate in the rescue of persons, in case an accident takes place at the aerodrome.

The modality of participation in search and rescue shall be prescribed by the Government, on the proposal of the minister in charge of transport.

Reimbursement of Search and Rescue Expenses

Article 63

A participant in search and rescue shall be entitled to reimbursement for actual expenses arising from the participation in search and rescue, to be paid by the operator whose aircraft was searched for or whose passengers and crew were rescued, within 90 days from the day of filing the appropriate claim for reimbursement with the aircraft operator.

If an aircraft operator is not able to reimburse the expenses, they shall be reimbursed from the budget of the Republic of Serbia.

The Republic of Serbia shall be entitled to refund the expenses reimbursed from the aircraft operator.

IV. AIR NAVIGATION SERVICE PROVIDERS

Definition of Air Navigation Service Providers

Article 64

An air navigation service provider shall be an undertaking, other legal person, a State administration authority competent for hydrometeorological services or an entrepreneur providing air navigation services for general air traffic.

To qualify for an air navigation service provider, an undertaking, other legal person, a State administration authority competent for hydrometeorological services or an entrepreneur shall hold a certificate to provide air navigation services and shall be designated by the Government to provide services in the airspace or a portion of the airspace.

Notwithstanding Article 46(2), for providing search and rescue services, neither a certificate nor a Government designation is required, and for providing communications, navigation and surveillance services and aeronautical information services no Government designation is required.

Requirements for the Issuance of the Certificate for Air Navigation Service Provision

Article 65

A certificate for air navigation service provision shall be issued to an undertaking, a legal person, a state administration authority competent for hydro meteorological services or an entrepreneur having the principal place of business in the Republic of Serbia and fulfilling the requirements related to:

- 1) technical and operational competence and suitability;
- 2) safety management system and quality management system;
- 3) financial strength;
- 4) liability and insurance cover;
- 5) appropriate organizational structure and management and accountability system;
- 6) human resources;
- 7) security.

Issuance of the Certificate for Air Navigation Service Provision

Article 66

The certificate for air navigation service provision shall be issued by the Directorate for an unlimited period.

The certificate shall be granted for the provision of one or a bundle of air navigation services.

The conditions under which the certificate for air navigation service provision shall be granted, varied, suspended or revoked and the form of the certificate shall be prescribed in detail by the regulation passed by the Directorate.

Acting upon an application for the issuance, revalidation or varying of the certificate for air navigation service provision shall be subject to the payment of a tax to the Directorate.

Provision of Air Navigation Services in the Airspace of Other States

Article 67

An air navigation service provider may provide services in the airspace of other States, if provided for by an international agreement.

Coordination of Air Navigation Services Provision

Article 68

The provision of air navigation services shall be coordinated in such a way that the air navigation service providers determine procedures for their joint activities.

Coordinated provision of air navigation services shall be ensured by a contract concluded between air navigation service providers.

Provision of Services to the Serbian Armed Forces

Article 69

An air navigation service provider which will provide services to the Serbian Armed Forces shall be designated by the Government, on the proposal of the minister in charge of defence.

The conditions, the mode and the scope of services provided to the Serbian Armed Forces shall be defined by contracts concluded between the air navigation service provider and the ministry in charge of defence, previously approved by the Government.

Provision of Services of a Particular Interest for the Republic of Serbia

Article 70

The Government may define locations in the territory of the Republic of Serbia where it shall be mandatory to provide one or more air navigation services.

Alongside with defining the obligation to provide services, the Government shall designate the services provider.

Records and Documentation Keeping

Article 71

An air navigation service provider shall maintain the records in electronic or some other form and keep all data on services provided.

The type of data recorded or kept in some other way, the method of maintaining records and keeping data, as well as the period of keeping such data, shall be prescribed by the Directorate, while the procedures for maintaining records and keeping data related to military aircraft shall be prescribed by the minister in charge of defence.

Recognition of a Foreign Document

Article 72

The Directorate shall recognize a certificate for providing air navigation services issued in another State if the requirements under which this certificate is issued are as strict as the requirements prescribed by this Law.

A certificate for providing air navigation services issued or recognized by the national supervisory authority of the European Union Member State shall be recognized without any additional recognition procedure, in accordance with a ratified international agreement.

A charge shall be payable to the Directorate to process an application for the recognition of a certificate for providing air navigation services issued by another State.

Charges for Air Navigation Services Provision

Article 73

The users of air navigation services shall pay charges for the provision of air navigation services to air navigation services providers.

The charges and the amounts thereof shall be calculated according to the standards defined by international agreements.

Chapter Five
AIR TRANSPORT OPERATIONS
1. Categories of Air Transport Operations

Article 74

The air transport comprises commercial and non-commercial aircraft operations. Commercial aircraft operations comprise commercial air transport and specialized operations for remuneration.

Non-commercial operations of aircraft comprise flights for operator's own purposes or operator's carriage of his goods or employees or business partners and their baggage, as well as specialized operations, without remuneration.

2. Commercial Air Transport Operations
a) Commercial Air Transport

Article 75

Commercial air transport operations shall mean a flight or a series of flights to transport passengers, baggage, mail and cargo for remuneration or other valuable consideration.

Commercial air transport operations may be scheduled or non-scheduled operations.

Scheduled and Non-scheduled Air Services

Article 76

Scheduled air services shall mean a series of flights with the following characteristics:

1) each flight, seats or capacities for the transport of cargo and/or mail are open to individual booking to public, directly from the air carrier or from its authorized representatives;

2) it is operated between the same two or more airports:

(1) according to a published timetable, or

(2) with flights so regular or frequent that they constitute a recognizably systematic series.

A non-scheduled air service is a commercial air transport service performed as other than a scheduled service.

Operating Licence

Article 77

Commercial air transport may be operated by an undertaking holding an operating licence (air carrier).

An operating licence shall be granted to an undertaking that:

1) has its principal place of business in the Republic of Serbia,

2) holds a valid air operator certificate;

3) has at his disposal at least one aircraft through ownership or dry lease;

4) is registered to operate commercial air transport as a predominant activity;

5) has internal organisation which provides for the implementation of the provisions thereof;

- 6) is owned through majority ownership by the Republic of Serbia or its nationals and under their effective control, direct or indirect, unless otherwise provided by a ratified international agreement;
- 7) meets the financial conditions referred to in Article 78 of the Law;
- 8) meets the legal liability insurance requirements from the compulsory traffic insurance regulations;
- 9) has a good business repute.

Financial Conditions to issue Operating Licence

Article 78

An undertaking applying for the first time for the operating licence shall demonstrate that:

- 1) it can meet its actual and potential obligations, established under realistic assumptions, for a period of 24 months from the start of commercial air transport operations;
- 2) it can meet its fixed and operational costs from operations according to its business plan and established under realistic assumptions, for a period of the first three months from the start of commercial air transport operations, without taking into account any income from its operations;

As an evidence for the purpose of paragraph 1 thereof, each applicant shall submit a business plan for, at least, the first three years of operation, which shall detail the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or indirectly through related undertakings or other legal persons, as well as provide other requested data on its financial capabilities.

Notwithstanding provisions referred to in paragraphs 1 and 2 thereof, an undertaking applying for an operating licence to operate non-scheduled air services with aircraft of less than 10 tonnes maximum take-off weight and/or less than 20 seats, shall demonstrate that its net capital is at least 100.000 Euros or the equivalent amount of Serbian Dinars or provide, on the request of the Directorate, all data necessary for assessment of its financial capabilities.

The provisions referred to in paragraphs 1 and 2 thereof, shall be applicable to an applicant referred to in paragraph 3 thereof, who intends to operate scheduled air services or whose turnover exceeds 3.000.000 Euros per year or the equivalent amount of Serbian Dinars.

Granting an Operating Licence

Article 79

An operating licence shall be granted by the Directorate for an unlimited period of time and it shall remain valid as long as the air carrier is compliant with the conditions for its granting.

An air carrier shall at all times be able on request of the Directorate to demonstrate that it meets the conditions prescribed for granting an operating licence.

An operating licence shall not be granted for:

- 1) the carriage operated by non-power driven aircraft or ultralight power-driven aircraft;

2) local flights.

In a case referred to in paragraph 3 thereof, only an aircraft operator certificate shall be granted.

Assessment of the Compliance for granting an Operating Licence

Article 80

The Directorate shall assess 24 months after granting an operating licence, whether an air carrier still meets the conditions required for granting an operating licence, as well as whenever there is any doubt in respect of the fulfillment of the prescribed conditions.

A holder of an operating licence shall provide to the Directorate, upon request, all data relevant for the fulfillment of conditions prescribed for granting an operating licence.

A holder of an operating licence shall provide to the Directorate the annual financial reports within six months of the financial year ending, in accordance with the regulations laying down accounting and revision.

In case of a financial reorganisation of an air carrier, the Directorate may grant a temporary operating licence with the validity period of 12 months, provided safety of the services operated by an air carrier is not at risk, stating the possible changes of the air operator certificate in the operating licence, as well as that the financial reorganisation is possible within a period for which a temporary operating licence is granted.

Suspension, Revocation and Variation of an Operating Licence

Article 81

The Directorate shall suspend or revoke the operating licence of an air carrier ceases to conform with any of the conditions foreseen for the issuance of an operating licence.

The Directorate may, upon the request of an air carrier, alter the operating licence.

Specific Case of the Revocation of an Operating Licence

Article 82

The Directorate shall revoke an operating licence of an air carrier who has not started operating commercial air transport within six months from the date of the issuance of an operating licence, or who commenced operating commercial air transport but has not been operating it for more than six months.

Bylaw

Article 83

The conditions and a procedure under which an operating licence or a temporary operating licence is issued, amended, suspended or revoked and the procedure under which an air carrier provides to the Directorate its financial reports, shall be prescribed in detail by the regulation of the Directorate.

The Directorate shall publish in the “Official Gazette of the Republic of Serbia“ a list of acts on issuing, suspending or revoking operating licences every calendar year.

To process an application for issuing or amending an operating licence, a charge shall be payable to the Directorate.

Air Operator Certificate

Article 84

An air operator certificate shall mean a certificate granted to an undertaking, other legal person, entrepreneur or a State authority which holds equipment, staff and organization for safe operations stated in the certificate.

An air operator certificate holder shall, while operating commercial air transport, observe the terms of the certificate.

An air operator certificate shall be granted by the Directorate for an unlimited period.

The Directorate shall amend, suspend or revoke an air operator certificate where an air carrier fails to be compliant with any of the conditions necessary for granting the certificate.

Relation between the Air Operator Certificate and the Operating Licence

Article 85

Suspension or revocation of an air operator certificate shall oblige the Directorate to suspend or revoke the operating licence *ex officio*.

Variation of an air operator certificate may be reflected, where appropriate, in a variation of the operating licence.

Bylaw

Article 86

The conditions under which an air operator certificate is granted, amended, suspended or revoked, and the form of the certificate shall be defined in detail by the regulation of the Directorate.

To process an application for granting or amending an air operator certificate, a charge shall be payable to the Directorate.

Aircraft Lease

Article 87

An aircraft may be leased with or without crew.

Prior to leasing in an aircraft, a national air carrier shall obtain an approval from the Directorate to conclude a leasing agreement.

A national air carrier leasing out an aircraft to any foreign air carrier shall obtain the prior approval only if the aircraft is leased out without crew, and when an aircraft is wet leased it shall notify the Directorate thereon.

The key elements of an aircraft lease agreement are also the type of lease, conditions in respect of aircraft maintenance, use and oversight.

The conditions under which an approval for an aircraft lease agreement shall be granted will be prescribed in detail by the regulation passed by the Directorate.

Provisions of this Article shall be also applicable to the lease of aircraft used in specialized operations.

Delegation of Supervisory Functions and Duties

Article 88

When an aircraft entered on the Aircraft Register of the Republic of Serbia is operated in another country pursuant to an agreement for the aircraft lease, charter or any similar arrangement, the Republic of Serbia may, in accordance with the Convention on International Civil Aviation, by means of an agreement with such other State transfer to it all or part of its supervisory functions and duties as State of registry in respect of that aircraft, after which the Republic of Serbia shall be relieved of responsibility in respect of the functions and duties transferred.

When an aircraft is registered in another State, and is operated in the Republic of Serbia pursuant to an agreement for the aircraft lease, charter or any similar arrangement, the State of registry may, in accordance with the Convention on International Civil Aviation, by means of an agreement with the Republic of Serbia transfer to the Republic of Serbia all or part of its supervisory functions and duties as the aviation authority of that other State in respect of the aircraft, after which the Republic of Serbia shall assume responsibility in respect of the functions and duties transferred thereto.

An arrangement on the delegation of supervisory functions and duties may be concluded only with a Member State of the International Civil Aviation Organization and shall be registered with the competent body of the International Civil Aviation Organization.

Certificates of airworthiness, radio licences and crew licences and certificates issued by the State to whom supervisory functions and duties have been transferred shall be recognized as if issued by the State transferring those supervisory functions and duties.

The Right of a National Air Carrier to Select a Route

Article 89

A national air carrier shall independently select routes to operate scheduled air services in the Republic of Serbia.

A national air carrier may start operating scheduled international air services on a route in accordance with conditions laid down in ratified international agreements.

A national air carrier shall independently decide whether it will operate non-scheduled international air services.

Public Service Obligation

Article 90

Where there is no commercial interest to operate scheduled air services on a route, even though it is being considered vital for the economic and social development of a region in the Republic of Serbia, and if other modes of transport cannot satisfy the needs of the region, the Government may proclaim the operations of air services on such a route to be of public interest (hereinafter referred to as: public service obligation).

Decision on the public service obligation shall be published in the "Official Gazette of the Republic of Serbia", alongside with the conditions and privileges related to the operation of scheduled air services on such a route.

If within six months from the date of the imposition of public service obligation no air carrier shows interest to commence operation of scheduled air services, the

Government may issue an invitation to tender in order to select an air carrier which will operate scheduled air services on the route for a compensation and a period of time not exceeding four years.

In any case, a decision on the imposition of public service obligation shall be deemed to have expired if no scheduled air service has been operated during a period of 12 months on the route subject to that obligation.

Conditions for operating scheduled air services on a route with public service obligation shall be prescribed in detail by the Government, on the proposal of the minister in charge of transport.

International Commercial Air Transport Operations with the Republic of Serbia

Article 91

A foreign air carrier may operate international commercial air transport operations with the Republic of Serbia only when holding a permit, unless foreseen by a ratified international agreement that a permit is not requested.

A permit referred to in paragraph 1 thereof shall be granted by the Directorate.

The conditions under which a permit referred to in paragraph 1 thereof is granted shall be laid down by the Directorate.

Air Fares and Air Rates for Air Services

Article 92

An air carrier shall freely set air fares and rates for the carriage of passengers, baggage, mail and cargo in commercial air transport, unless such a freedom is limited by a ratified international agreement.

An air carrier shall publish a total amount of air fares and air rates and clearly state the elements which make the air fares and air rates.

Conditions of publishing a total amount of air fares and air rates and their elements which shall be stated, as well as the obligations of the air carriers in respect of access of the public to such rates and fares shall be laid down by the Directorate.

Limiting or Refusing Traffic Rights

Article 93

The Directorate may, on the proposal of the ministry in charge of environment, limit or suspend the commercial air transport on a particular route when the threshold values of the emissions of the contamination substances in air or threshold values of environmental noise are exceeded, particularly when other modes of transport provide an appropriate level of services.

The limitation or suspension of commercial air transport operations may be applied if it does not distort competition between air carriers and if it is not more restrictive than necessary and shall have a limited period of validity not exceeding three years, upon which the needs for pursuing the measures shall be reviewed by the Directorate.

Conditions under which the exercise of traffic rights may be limited or refused shall be prescribed in detail by the Directorate.

Flight Schedule Coordination and Slots Allocation

Article 94

Flight schedule is established time of aircraft take-off and landing in scheduled air services and shall be determined separately for summer and winter seasons.

An air carrier shall publish the flight schedule not later than 15 days prior to the beginning of its application, and the timetable changes – not later than ten days prior to the application of the changed timetable.

An air carrier shall perform operations in accordance with the published flight schedule as long as it is in force.

An air carrier shall notify the public immediately on the disruption of air services or the alternations in the flight schedule by public media.

On schedules facilitated airports, coordination of flight schedule and slot allocation, in the manner prescribed by the regulation referred to in paragraph 7 thereof, shall be performed by the flight coordinator appointed by an airport operator, and on coordinated airports by an independent coordinator.

Decision on establishing or changing status of an airport as a schedules facilitated airport or a coordinated airport, as well as a decision on appointing an independent coordinator, on the request of an airport operator, shall be made by the Directorate with the agreement of the ministry in charge of transport.

Rules to determine a schedules facilitated airport or a coordinated airport, slots allocation and coordination of flight schedules, planning of airport traffic on schedules facilitated airport or on a coordinated airport, as well as the operation of a coordination committee, slots coordinator and schedules facilitator for their purpose of achieving efficient, harmonized and coordinated air traffic at airports with increased air traffic volume shall be laid down by the Directorate.

b) Specialized Operations conducted for Remuneration

Article 95

To conduct specialized operations for remuneration, an aircraft operator shall submit to the Directorate a declaration on his capabilities for conducting such operations, and when conducting high risk specialized operations an aircraft operator shall hold an authorization to conduct such operations.

An authorization on fulfilling the conditions referred to in paragraph 1 thereof shall be issued by the Directorate for an unlimited period.

For checking the fulfillment of the conditions to conduct high risk specialized operations, a charge shall be payable to the Directorate.

Bylaw

Article 96

Types of specialized operations conducted for remuneration, the meaning and types of high risk commercial specialized operations, conditions and the manner of conducting such operations, conditions under which an authorization to conduct such operations is issued, amended, suspended or revoked, as well as the format and the content of the authorization, shall be laid down in detail by the regulation of the Directorate.

3.Non-Commercial Operations and Air Shows

Non-Commercial Operations

Article 97

An aircraft operator performing non-commercial operations, and using complex engine aircraft, shall submit to the Directorate a declaration by which he confirms that he is qualified as required and has ensured sufficient financial resources in order to perform air operations.

Requirements to be fulfilled by the aircraft operator performing non-commercial operations, as well as the content of the declaration referred to in paragraph 1 thereof shall be defined in detail by the regulation adopted by the Directorate.

Aeronautical Events

Article 98

An aeronautical event shall be held when approved by the Directorate.

Alongside with the application for an approval of an aeronautical event, an organizer of such an event shall submit to the Directorate the data on the organizer, time schedule, type, place and program of the event, as well as on aircraft participating in the event.

An aeronautical event with exclusively military or military and civil aircraft involved shall be held only if approved by the ministry in charge of defence and the Directorate.

Chapter Six AERODROMES

1. Use and Classification of Aerodromes

Use of Aerodromes

Article 99

Aerodromes shall be used for take-off, landing and surface movement of aircraft.

The provision referred to in paragraph 1 thereof shall not be applicable to:

- 1) aircraft the landing location of which due to their characteristics cannot be determined in advance (free balloon, paraglider, non-power driven kite);
- 2) aircraft landing in an emergency;
- 3) aircraft operating urgent medical flight;
- 4) aircraft taking-off and landing for search and rescue purposes;
- 5) aircraft participating in fire-fighting;
- 6) flights operated by military aircraft;
- 7) special purpose flights operated by the ministry in charge of interior in performing their operational functions.

Notwithstanding paragraph 1 hereof, an aircraft which is not a complex aircraft, as well as a helicopter, may use locations outside an aerodrome for take-off and landing, under conditions laid down by the Directorate.

Aerodromes Classification

Article 100

Aerodromes may be civil, military and joint civil/military.

Civil aerodrome shall mean an aerodrome used for civil air transport operations and is managed by an aerodrome operator.

Civil aerodromes shall be classified in accordance with the physical characteristics and equipment of the runway and taxi way, in accordance with the regulation enacted by the Directorate.

Military aerodrome shall mean an aerodrome intended for military operations and is managed by the ministry in charge of defense.

Use of a Military Aerodrome for Civil Air Transport Operations

Article 101

A military aerodrome or a part of the military aerodrome may be used for the civil purposes, as a joint civil/military aerodrome, where an agreement between the ministry in charge of defence and the civil operator at the military aerodrome is concluded.

The agreement referred to in paragraph 1 thereof, defines runways and taxiways, parking positions, devices that may be used for the needs of the civil air transport operations, use and conditions of an aerodrome maintenance or its parts, devices or aids and mutual rights and obligations of the contracting parties.

When used for civil purposes, a military aerodrome or a part of the military aerodrome shall meet the conditions laid down in this Law and regulations adopted thereon for the civil aerodrome, and the aerodrome operator shall be compliant with the conditions laid down for the civil operator.

Notwithstanding paragraph 1 thereof, a military aerodrome or a part of the military aerodrome may be used for particular civil air transport operations where an aircraft operator holds an approval from the ministry in charge of defence.

Military part of the of the joint civil/military aerodrome shall be managed by the ministry in charge of defence.

Use of a Civil Aerodrome for Military Operations

Article 102

A civil aerodrome or a part of the civil aerodrome may be used for military operations, where an agreement between an aerodrome operator and the ministry in charge of defence is concluded, with previously obtained opinion from the Directorate in respect of the safety effects to civil air transport operations.

In respect of the content of the agreement related to the use of the civil aerodrome or a part of the civil aerodrome for military operations, provisions referred to in the Article 101(2) thereof shall be applicable.

Notwithstanding paragraph 1 thereof, a civil aerodrome may be used for particular military aircraft operations based on an aerodrome operator agreement.

Use of an Aerodrome for International Air Transport Operations.

Aerodrome Opening Hours

Article 103

An aerodrome may be used for international air transport operations if an aerodrome operator provides conditions for the State border crossing in accordance with the law which defines the State border protection and if the crossborder transition for international air transport operations is defined by an act of the Government.

Notwithstanding paragraph 1 thereof, other aerodromes for international air transport operations may be used if an aerodrome operator, upon request and on his own expenses, ensures conditions for the implementation of the law which defines the State border protection.

Opening hours of an aerodrome is a period during which an aerodrome intended for commercial air transport operations shall be open for commercial air transport operations, and shall be determined by the Directorate, on the proposal of an aerodrome operator.

Outside an aerodrome opening hours an aircraft may take-off or land within the period determined by an aerodrome operator.

2. Aerodrome Certificate, Approval to operate an Aerodrome and Agreement to operate an Aerodrome

Conditions to operate an Aerodrome in Air Transport Operations

Article 104

An aerodrome may be operated in air transport operations where an aerodrome operator holds an aerodrome certificate, approval to operate an aerodrome or an agreement to operate an aerodrome, and when at the moment of operating an aerodrome he is compliant with all the conditions to ensure safe air transport operations, as well as all conditions related to aviation security.

Aerodrome Certificate

Article 105

An aerodrome certificate shall be granted to the operator of an aerodrome open for public and which is used for commercial air transport and operations using instrument approach or departure procedures, if:

- 1) it has a paved runway of at least 800 m in length or longer, or
- 2) exclusively handles helicopters.

Exceptionally, to the operator of an aerodrome who is compliant with the conditions referred to in paragraph 1 thereof, but who fails to realize a turnover that exceeds 10.000 and performs not more than 850 operations related to carriage of cargo, the Directorate may grant an approval to operate an aerodrome.

Approval to operate an Aerodrome and Agreement to operate an Aerodrome

Article 106

An approval shall be granted to the operator of an aerodrome intended for take-off and landing of aircraft with the maximum take-off mass (*MCTOM*) which exceeds 2.0370 kg and which is intended for commercial air transport operations.

Notwithstanding paragraph 1 thereof, an approval shall be granted to the operator of an aerodrome which is intended for take-off and landing of the aircraft with the maximum take-off mass (*MCTOM*) lower than 2.0370 kg, and which is intended for commercial air transport of passengers or pilots' training.

The operator of an aerodrome not covered with paragraphs 1 and 2 thereof, shall be granted an agreement to operate an aerodrome.

Unless otherwise laid down, the provisions of the Law which refer to an approval to operate an aerodrome shall be applicable to an aerodrome certificate, accordingly.

The Directorate shall keep the records of the aerodromes to which an approval or an agreement for their operation is granted.

Granting an Approval or an Agreement to operate an Aerodrome

Article 107

The Directorate shall grant an approval or an agreement to operate an aerodrome upon verifying that an aerodrome and the operator of an aerodrome are compliant with the conditions foreseen by this Law and regulations adopted thereon in respect of: physical characteristics of an aerodrome, ensured visual aids for navigation (markings, lighting, markers), obstacles and obstacle marking systems and surfaces with restricted use, electrical systems, operational services, aerodrome equipment and installations, in respect of an aerodrome technical maintenance and security.

Together with an application for an approval to operate an aerodrome, the aerodrome operator shall provide the Directorate with the aerodrome manual, and together with an application for an agreement to operate an aerodrome, the aerodrome operator shall provide the Directorate with the guidelines for operating an aerodrome.

A structure, content, procedure and approval of an aerodrome manual and guidelines to operate an aerodrome, as well as other documentation necessary to make a decision upon an application, shall be defined in detail by the regulation of the Directorate.

For verifying compliance with the conditions to issue an approval or an agreement to operate an aerodrome, a charge shall be payable to the Directorate.

Specification of an Approval or an Agreement for using an Aerodrome

Article 108

An aerodrome may be operated in air transport operations only in accordance with the privileges defined by the Directorate in the terms of an approval or an agreement specifications attached to it.

Content of an approval or an agreement for using an aerodrome shall be defined in detail by the regulation of the Directorate.

Validity of an Approval or an Agreement to operate an Aerodrome

Article 109

An approval and an agreement for using an aerodrome shall be granted by the Directorate for an unlimited period.

Upon issuing an approval for using an aerodrome, the Directorate shall conduct periodical oversights of an approval holder, in accordance with the established periodical oversight programme.

The Directorate shall suspend or revoke an approval or an agreement for using an aerodrome, where an approval or agreement holder fails to be compliant with any of the applicable conditions for issuing an approval or an agreement.

Notification of Changes and Termination of Aerodrome Operation

Article 110

The operator of an aerodrome open to public shall notify the Directorate and the competent air traffic control unit on planned works of a larger scope which may lead to closure of an aerodrome or limitations of its use, as well as of all other changes which relate to conditions under which an approval or an agreement is issued for operating an aerodrome.

Where an aerodrome or an aerodrome operator no longer fulfills, as a whole or partially, any of the conditions related to safe air transport operations or aviation security, an aerodrome operator shall limit or permanently or temporarily terminate the operation of an aerodrome and shall notify thereon the Directorate and the competent air traffic control unit.

Amending an Approval or an Agreement to operate an Aerodrome

Article 111

If an aerodrome operator, within the validity of an approval or an agreement for operating an aerodrome, intends to make changes at an aerodrome, which may affect the approval or agreement specification for operating an aerodrome, he shall apply to the Directorate for amendment of an approval or an agreement submitting the necessary documentation supporting the application.

The aerodrome operator shall submit an application referred to in paragraph 1 thereof to the Directorate at the latest 60 days before any such change takes place.

Upon an application for amending the approval or the agreement for operating an aerodrome, the Directorate shall conduct an oversight in the scope necessary to make a decision on amending the approval or an agreement for operating an aerodrome.

For verifying the compliance with the conditions for amending the approval or agreement for operating an aerodrome, a charge shall be payable to the Directorate.

Transfer of an Approval or an Agreement to operate an Aerodrome

Article 112

An aerodrome operator may, with prior approval by the Directorate, transfer a valid approval or an agreement for operating an aerodrome to other operator, whereby the operator who transfers an approval or an agreement keeps the whole responsibility for operating an aerodrome, until the transfer is approved by the Directorate.

The Directorate shall approve the transfer of the approval or agreement for operating an aerodrome after verifying, upon conducted oversight, that the recipient of the approval or agreement is compliant with the conditions for being issued an approval or an agreement for operating an aerodrome prescribed by the Law and regulations adopted thereon.

For verifying compliance with the conditions to transfer an approval or an agreement for operating an aerodrome, a charge shall be payable to the Directorate.

Temporary Approval for operating an Aerodrome

Article 113

In the course of the procedure to issue or transfer an approval for operating an aerodrome, the Directorate may, on the proposal of an applicant to issue or transfer an approval, issue a temporary approval for operating an aerodrome.

The Directorate shall issue a temporary approval for operating an aerodrome where the following conditions are fulfilled:

- 1) if the procedure for verifying compliance with the conditions for issuing or transferring an approval is initiated, and thereby there is a significant probability that such a procedure will be positive;
- 2) if issuing a temporary approval is of significance for public and it does not impose any risk to safety and security of air transport operations.

A temporary approval for operating an aerodrome shall be valid for one year from the date of being issued and shall cease to be valid:

- 1) by making a decision on issuing an approval for operating an aerodrome or refusing an application for issuing such an approval; or
- 2) by making a decision which approves a transfer of an approval for operating an aerodrome or refusing an application for transferring such an approval;
- 3) expiry of the period on which the temporary approval is issued.

The provisions of this Law and regulations adopted thereon which refer to an aerodrome operator shall also be applicable to holders of a temporary approval to operate an aerodrome.

Bylaw

Article 114

Conditions and the procedure to grant an approval or an agreement for operating an aerodrome, conditions and the procedure under which an approval or an agreement is amended, suspended or revoked, conditions and the procedure to grant a temporary approval for operating an aerodrome, conditions and the procedure to transfer an approval or an agreement for operating an aerodrome, as well as conditions under which an aerodrome is operated in air transport operations shall be defined in detail by the regulation of the Directorate.

3. Planning, Design and Construction of an Aerodrome Specific Conditions for Planning, Design, Construction, Building, Adaptation or Reconstruction of an Aerodrome

Article 115

An aerodrome shall be planned, designed and constructed in the manner which enables safe take-off, landing and surface movement of aircraft, as well as ground-handling and which ensures compliance with the security requirements.

The investor and operator of an aerodrome shall ensure that planning, design, building, adaptation and reconstruction of an aerodrome is carried in accordance with the regulations on planning and construction of facilities, as well as in accordance with the specific conditions laid down in Article 114 thereof.

A designer of the planning documentation which refers to construction, building, adaptation and reconstruction of an aerodrome and the planning documentation which regulates the environment around an aerodrome, prior to make known to public, shall be submitted to the Directorate for obtaining an opinion.

Approval of the Documentation

Article 116

Prior to applying for the construction permission with the competent authority and/or prior to commencing the works, the investor shall submit to the Directorate the technical and safety documentation for approval, which demonstrates maintenance of the acceptable safety and security levels of air transport operations.

An approval referred to in paragraph 1 thereof shall be granted by the Directorate, with the agreement of the ministries in charge of defence, interior and customs where an aerodrome is of significance within their competences.

To process an application for the approval of the documentation, a charge shall be payable to the Directorate.

In the oversight referred to in paragraph 4 thereof, the representatives of the ministries in charge of defence, interior and customs shall be involved, where an aerodrome is of significance within their competences.

For the oversight referred to in paragraph 4 thereof, a charge shall be payable to the Directorate.

Permission for positioning Facilities, Installations and Devices which may represent an Obstacle

Article 117

Obstacles which jeopardize air traffic safety shall be removed or demolished, and obstacles which may affect the air traffic safety shall be marked to be visible by day, by night and in low visibility conditions.

Facilities, installations and devices which are intended to be constructed or installed within or outside an aerodrome perimeter, and which as an obstacle may affect the air traffic safety, may be constructed or positioned by an investor only upon obtained permission of the Directorate.

The Directorate shall issue a permission referred to in paragraph 2 thereof when identifying that such facilities, installations or devices do not affect the air traffic safety.

To process an application for obtaining a permission referred to in paragraph 2 thereof, a charge shall be payable to the Directorate.

Marking of Obstacles

Article 118

Where an obstacle is subject to marking, the Directorate shall, in the Decision by which it grants an approval for positioning facilities, installations or devices which may represent an obstacle, order an obstacle marking.

An obstacle shall be marked by:

1) the owner of a facility, installation or a device which represents an obstacle, if an obstacle was built or positioned after an aerodrome construction, if an obstacle is located outside an aerodrome perimeter or if an obstacle is mobile;

2) the operator of an aerodrome, if an aerodrome is constructed in the vicinity of an obstacle.

A method of determining whether a facility, installation or device represents an obstacle, as well as the procedure of marking obstacles shall be laid down in detail by the Directorate.

Approval for positioning Facilities, Installations and Devices which may affect the Operation of Radio Devices

Article 119

Facilities, installations and devices intended to be constructed or positioned within or outside an aerodrome perimeter, and which can affect the operation of radio devices used in air navigation services, may be positioned by an investor only upon an obtained approval from the Directorate.

The Directorate shall grant an approval referred to in paragraph 1 thereof when determined that such facilities, installations or devices do not affect the air traffic safety.

A method to determine whether a facility, installation or device may affect the the operation of radio devices used in air navigation services shall be laid down in detail by the Directorate.

To process an application for obtaining an approval referred to in paragraph 1 thereof, a charge shall be payable to the Directorate.

4. Maintenance of an Aerodrome and Aerodrome Services

Definition of Conditions for an Aerodrome Operation, Inspection and Maintenance

Article 120

The operator of an aerodrome shall undertake all the measures necessary for the safe take-off, landing, surface movement and reside of aircraft, as well as for providing groundhandling services.

The operator of an aerodrome which is open to public shall define conditions for an aerodrome operation, to ensure undisturbed use of manoeuvring surfaces and aprons, facilities, devices and equipment according to their purpose, technical properties and an aerodrome capacity.

The operator of an aerodrome shall provide regular inspections and maintenance of manoeuvring areas, runways, aprons, facilities, installations, devices and equipment which enable safe take-off, landing and surface movement of aircraft, and shall notify the competent air traffic control unit thereon.

The Directorate shall adopt a regulation which lays down in detail the inspection and maintenance procedures, types of inspections and maintenance, as well as plans and programmes of an aerodrome inspection and maintenance.

Apron Management

Article 121

The operator of an aerodrome shall establish management activities and control of aircraft and vehicles movement on the aerodrome apron.

The operator of an aerodrome may delegate by an agreement services which provide for management activities and control of aircraft and vehicles movement on an aerodrome apron to other undertaking, other legal person or an entrepreneur.

An undertaking, other legal person or an entrepreneur to which apron management services have been delegated shall submit to the Directorate a declaration on its capability for providing such services.

The Directorate shall adopt a regulation which lays down in detail conditions that shall be fulfilled by the apron management service providers, as well as conditions which refer to submission and validity of the declaration on the capability for providing such services.

Risk Mitigation from the Presence of Birds and other Animals

Article 122

The operator of an aerodrome shall, in cooperation with the competent authorities of the State administration and local self-management authorities, undertake measures for removal or prevention of dumps formation or other materials that may attract birds and other animals at an aerodrome or its vicinity, and in the cases when the removal of such materials is not possible, he shall ensure that every risk for aircraft is assessed and mitigated to the lowest possible level.

The operator of an aerodrome shall ensure birds observation and dispersion of birds and other animals at an aerodrome perimeter and in its vicinity, information collection from aircraft operators, aerodrome personnel and other sources on the presence of birds or other animals at an aerodrome and in its vicinity, analysis of such information,

and shall undertake other measures which bring the probability of birds and other animals collision and the aircraft to the lowest possible level.

The Directorate shall adopt a regulation which lays down in detail the procedure to mitigate risks from birds and other animals strike at an aerodrome and in its vicinity.

Safeguarding of Aerodromes from uncontrolled Access of People and Animals

Article 123

The operator of an aerodrome holding a certificate shall position a barrier or other suitable obstacle for preventing entry of the animals big enough that may pose a threat to an aircraft, as well as for preventing occasional or intentional access of unauthorized persons at an aerodrome surface which is not public.

The operator of an aerodrome holding an approval or an agreement for operating an aerodrome, shall position a barrier or other suitable obstacle or undertake other appropriate measure for safeguarding of an aerodrome, only when the Directorate, when assessing the fulfillment of the conditions for issuing an approval or an agreement assesses that such positioning is necessary for the air traffic safety.

The Directorate shall adopt a regulation which lays down in detail the procedure of safeguarding an aerodrome against uncontrolled access of people and animals and criteria for the assessment referred to in paragraph 2 thereof.

Rescue and Fire Fighting Services and Rescue and Fire Fighting Protection

Article 124

An aerodrome operator holding an approval to operate an aerodrome shall organize, depending on the fire fighting category of the aerodrome, a fire fighting service and rescue or a fire fighting protection .

An aerodrome operator holding an agreement to operate an aerodrome open to public shall organize a fire fighting protection.

The Directorate shall adopt a regulation which lays down a method of determining an aerodrome fire fighting category, conditions to be fulfilled by the fire fighting service or a fire fighting protection, minimum equipment and fire extinguishing agents, minimum number and conditions to be fulfilled by the firefighting personnel, minimum premises, devices and installations of the fire fighting service, as well as a procedure in case of an emergency landing, accident or serious incident at an aerodrome.

The aerodrome operator may conclude an agreement to delegate functions of the fire fighting service or the fire fighting protection to other organisation (professional fire fighting units of the city etc.), whereby that organisation shall be compliant with the conditions laid down by the Law and regulations adopted thereon in respect of personnel, vehicles, equipment and fire extinguishing agents and rescue.

Emergency Medical Service and Emergency Medical Protection

Article 125

An aerodrome operator holding a certificate to operate an aerodrome shall establish an emergency medical service, and an aerodrome operator holding an approval shall organize an emergency medical protection at an aerodrome.

An aerodrome operator holding an agreement to operate an aerodrome shall organize at an aerodrome open to public an emergency medical protection.

An aerodrome operator on which an emergency medical service is organized shall ensure adequately qualified personnel, premises, equipment, devices and medical vehicles, as well as to establish operational procedures in an emergency situations.

The Directorate shall adopt a regulation which lays down in detail conditions for providing emergency medical services and emergency medical protection at an aerodromes.

An aerodrome operator may conclude an agreement to delegate functions of the emergency medical service or emergency medical protection to a medical institution, whereby such an institution shall be compliant with the conditions laid down by the Law and regulations adopted thereon.

5. Ground Handling Services

Categories of Ground Handling Services

Article 126

At aerodromes intended for commercial air transport operations the following ground handling services may be provided:

- 1) administrative operations and control;
- 2) passengers handling;
- 3) baggage loading and unloading;
- 4) freight and mail loading;
- 5) aircraft ramp handling;
- 6) aircraft handling;
- 7) aircraft fuel and oil handling;
- 8) aircraft maintenance;
- 9) flight preparation and crew administration;
- 10) ground transport of passengers and crew from and to aircraft;
- 11) catering services.

Authorization for providing Ground Handling Services

Article 127

Ground handling services may be provided by an undertaking, other legal person or an entrepreneur who is registered in the Republic of Serbia and holds an authorization for providing one or more ground handling services, issued by the Directorate.

Notwithstanding paragraph 1 thereof, ground handling services may be provided by an operator of an aerodrome or an aerodrome management body if compliant with the conditions laid down for ground handling services provider.

In case referred to in the paragraph 2 thereof, no special authorization is granted for ground handling services, but such services shall be stated within the scope of an aerodrome approval.

The Directorate shall grant an authorization for providing ground handling services upon verifying that an applicant is compliant with the organisational, financial, technical, technological and personnel requirements for providing ground handling services.

For verifying compliance with the conditions to issue, amend or revalidate the validity of an authorization for providing ground handling services, a charge shall be payable to the Directorate.

Self-handling

Article 128

An air carrier may provide, for itself, one or more categories of ground handling services (hereinafter referred to as: self-handling).

Services referred to in Article 126 points 2)-5) and 7) thereof shall be subject to an authorization for self-handling.

The Directorate shall grant an authorization for self-handling if it verifies that an applicant is compliant with the organisational, financial, technical, technological and personnel conditions for providing self-handling.

For verifying compliance with the conditions to issue, amend or revalidate the validity of an authorization for self-handling, a charge shall be payable to the Directorate.

Validity of an Authorization for providing Ground Handling Services and an Authorization for Self-handling

Article 129

An authorization for providing ground handling services and an authorization for self-handling shall be issued for an unlimited period.

The Directorate shall suspend or revoke an authorization referred to in paragraph 1 thereof, if an authorization holder fails to meet any of the conditions necessary for issuing an authorization.

The Directorate shall adopt a regulation which lays down in detail conditions and the procedure under which an authorization for providing ground handling services and an authorization for self-handling is issued, amended, suspended or revoked, defines a period to which such authorizations are issued, defines an approach to ground handling services market at aerodromes, determines ground handling services and self-handling services for which a number of service providers may be limited and a number of air carriers entitled for self-handling, as well as measures and the procedure according to which service providers are selected.

Free Market Access. Aerodrome Infrastructure Access

Article 130

At an aerodrome used for commercial air transport operations with annual transportation higher than 2.000.000 passengers or 50.000 tones of goods, ground handling service providers have a free market access for providing one or more services.

Notwithstanding paragraph 1 thereof, the Directorate may limit a number of ground handling service providers at particular aerodromes or the privilege for self-handling under conditions foreseen by the regulation referred to in the Article 129(3) thereof.

An air carrier shall independently decide whether he will and with whom conclude an agreement for providing ground handling services.

The operator of an aerodrome shall publish a list of aerodrome infrastructure, determine charges for an access to such infrastructure, enable an access of the ground handling services providers to an aerodrome infrastructure under objective, transparent and non-discriminatory principles, as well as conclude an agreement with the ground handling services providers on using an aerodrome infrastructure.

Obligations of the Ground Handling Services and Self-handling Services Providers Subcontracting

Article 131

A holder of an authorization for providing ground handling services or an authorization for self-handling shall ensure the continuity in providing ground handling services or self-handling services, as well as provide services for which an authorization is granted in fair and non-discriminatory principles.

A ground handling services provider shall separate ground handling services accounting from other operations performed.

A holder of an authorization for providing ground handling services may delegate provision of particular ground handling services by contract to other legal person or an entrepreneur (subcontractor) who holds a valid authorization for providing such ground handling services.

In the case referred to in paragraph 3 thereof, a subcontractor cannot further delegate the provision of services to other entities by contract.

Committee of Air Carriers using Aerodrome Services

Article 132

The operator of an aerodrome holding an aerodrome certificate shall set up a Committee of air carriers using aerodrome services.

The Committee referred to in paragraph 1 thereof shall represent the interests of the aerodrome users, propose improvements in the use of aerodrome and the operation of air transport, consider the extension of the aerodrome capacity, give opinion when selecting providers of ground-handling and self-handling services and give opinion on slot allocation, taking into consideration the principle of non-discrimination among air carriers using aerodrome services.

The procedure for the establishment of the Committee of air carriers using aerodrome services and its rules of procedure shall be laid down by the Directorate.

Aerodrome Charges

Article 133

The operator of an aerodrome shall be entitled to charges paid by aerodrome users for using facilities, devices and services, exclusively provided by the operator of an aerodrome and which relate to landing, take-off, illumination systems, aircraft parking, as well as passengers and freights handling.

The Directorate shall adopt a regulation which lays down in detail services chargeable to the aerodrome operator, basic rules for calculating aerodrome charges and aerodromes to which such rules shall be applicable.

National State aircraft operating special purpose flights shall not pay aerodrome charges.

The amount of charges shall be defined by the aerodrome operator in non-discriminatory manner for aerodrome users.

The aerodrome operator shall notify all aerodrome services users of reasons to increase a particular charge and its precise amount at the latest 60 days before the planned date of introducing the increased charge.

In case the aerodrome operator and the users fail to make an agreement on the proposed changes of the accounting system and the amount of the aerodrome charges, any of the parties may apply to the Directorate, which shall assess the justification of the reasons for changing the accounting system and the amount of the aerodrome charges, make an expert analysis, make a decision on changing the accounting system and the amount of the aerodrome charges upon consultations with the aerodrome operator and the aerodrome users, in accordance with the regulation referred to in paragraph 2 thereof.

6. Heliports

Approval to operate Heliports and Agreement to operate Heliports

Article 134

Provisions of the Law which refer to an approval or an agreement to operate an aerodrome shall be applicable to heliports, accordingly.

Conditions and the procedure for issuing an approval and an agreement to operate heliports, conditions and the procedure under which an approval or an agreement to operate heliports is amended, suspended or revoked, conditions and the procedure to issue a temporary approval to operate a heliport, conditions and the procedure to transfer an approval or an agreement to operate a heliport, as well as conditions under which a heliport is operated in air transport shall be defined in details by the regulation of the Directorate.

Chapter Seven
AERONAUTICAL PRODUCTS, PARTS AND APPLIANCES
I. AIRCRAFT USE AND CLASSIFICATION

Use of Aircraft in Air Transport Operations

Article 135

An aircraft entered on the Aircraft Register of the Republic of Serbia, the Aircraft Records of the Republic of Serbia and the Military Aircraft Register of the Republic of Serbia, which remains in a condition to safely operate a flight, shall be allowed to be used in air transport operations.

Foreign aircraft entered on the aircraft registers of other states and recognized by the Directorate may also be used in air transport operations.

An aircraft may be used in air transport operations only in accordance with its type, category and purpose.

Classification of Aircraft

Article 136

The Directorate shall prescribe the aircraft classification pursuant to its category, type and purpose.

Classification of military aircraft shall be prescribed by the minister in charge of defence.

II. CIVIL AIRCRAFT REGISTERS

1. Aircraft Register and Aircraft Records

Article 137

The Republic of Serbia shall keep the Aircraft Register of the Republic of Serbia (hereinafter referred to as: the Aircraft Register) and the Aircraft Records of the Republic of Serbia (hereinafter referred to as: the Aircraft Records).

The Aircraft Register and the Aircraft Records are public books kept by the Directorate.

2. Entry of Aircraft on the Aircraft Register and the Aircraft Records

Categories of Aircraft Entered on the Aircraft Register and the Aircraft Records

Article 138

Aircraft of all categories shall be entered on the Aircraft Register.

Aircraft with maximum take-off mass of less than 560 kg, non-power-driven hang gliders, paragliders and other aircraft prescribed by the Directorate shall be entered on the Aircraft Records.

Requirements for Entering an Aircraft on the Aircraft Register

Article 139

An aircraft not entered on the foreign aircraft register, fulfilling the requirements from the type certificate and capable of safe air transport operations may be entered on the Aircraft Register if:

- 1) an aircraft owner is wholly or partially the Republic of Serbia, other legal person or an entrepreneur registered in the Republic of Serbia;

- 2) an aircraft owner is, wholly or partially, a citizen of the Republic of Serbia, having residence in the Republic of Serbia or outside Serbia, if the aircraft base is at the aerodrome in the Republic of Serbia;
- 3) an aircraft operator is a legal person, an entrepreneur or a natural person having its principal place of business or permanent residence in the Republic of Serbia.

An amateur-built aircraft shall be entered on the Aircraft Register even though not being subject to type certification.

An aircraft owned or operated by a foreign natural or a legal person may be entered on the Aircraft Register when an approval for the entry on the Register is granted by the minister in charge of transport.

In order to register in the Aircraft Register an aircraft de-registered from a foreign register, an export certificate of airworthiness issued by the aviation authority of a foreign State or the certificate of airworthiness issued by the Directorate upon initial aircraft inspection shall be prerequisite.

An imported aircraft, not registered in a foreign register of aircraft, shall be entered on the Aircraft Register under the same conditions as if produced in the Republic of Serbia.

Aircraft Registration Certificate

Article 140

An aircraft shall be entered on the Aircraft Register upon the application of either aircraft owner or the operator, on behalf and with the authorization of the owner.

Upon entering an aircraft on the Aircraft Register, the Directorate shall issue an aircraft registration certificate.

Temporary Entering on the Aircraft Register

Article 141

An aircraft which fails to meet the requirements to be entered on the Aircraft Register may be temporarily entered on the Aircraft Register, if it is:

- 1) imported into the Republic of Serbia and is provided with the type certificate issued by the aviation authority of a foreign country;
- 2) manufactured in the Republic of Serbia, and exported and provided with the type certificate issued by the Directorate;
- 3) manufactured in the Republic of Serbia, not provided with the type certificate but meeting the requirements for assessment of flight abilities and technical features.

Temporary registration may be valid up to 12 months.

Upon temporary entering on the Aircraft Register, the Directorate shall issue the temporary aircraft registration certificate.

De-registration from the Aircraft Register

Article 142

The Directorate shall de-register an aircraft from the Aircraft Register upon the application of either the aircraft owner or the aircraft operator or *ex officio*.

If the aircraft owner and the aircraft operator are not the same, the applicant for aircraft de-registration shall submit the written and certified statement of each person entered on the owner/operator sheet, declaring its consent to the aircraft de-registration.

The aircraft owner or the aircraft operator shall submit, together with the application for aircraft de-registration, the written and certified statement of each person entered on the mortgage sheet, declaring its consent to the aircraft de-registration.

The Directorate shall, *ex officio*, de-register from the Aircraft Register any aircraft that has been destroyed, permanently withdrawn from use, missing, entirely inaccessible or whose certificate of airworthiness has expired for more than ten years.

Where an aircraft is removed from the Aircraft Register to allow re-registration into a foreign register, the Directorate shall issue a certificate of de-registration, and if an aircraft is airworthy the Directorate shall, on the request of an applicant, issue an export certificate of airworthiness.

Contents of the Aircraft Register

Article 143

The Register of Aircraft is composed of the main book and the collection of documents.

The main book is composed of files formed for each aircraft.

One aircraft may have one file only.

The file consists of:

- 1) a registration sheet with entered registration mark, category, type, purpose and main technical features of an aircraft, aircraft operational limitations and data on aeronautical products built in the aircraft;
- 2) an owner/operator sheet, which includes the entered owner and operator of an aircraft and main data on aircraft owner and the aircraft operator;
- 3) a pledge sheet, which includes main data of the owner and the legal basis of the pledge right.

The collection of documents shall contain all the documents that have served as the basis for entering the data onto the files of the Aircraft Register.

Basis for Entering Proprietary and Right of pledge

Article 144

The entry on the owner/operator sheet and the pledge sheet of the Aircraft Register shall be based on an act of the competent court which has its principal seat in the same place as the principal place of business of the Directorate.

The entry of proprietary right on the Aircraft Records shall be based on the certified written statement of the owner, if an aircraft has been manufactured in the Republic of Serbia, or the evidence of customs clearance if an aircraft has been manufactured abroad.

The entry of proprietary right of an amateur-built aircraft shall be based on a certified written statement of a person that manufactured such an aircraft.

3. Aircraft Nationality and Registration Marks

Article 145

An aircraft entered on the Aircraft Register or the Aircraft Records shall have the nationality marks of the Republic of Serbia. An aircraft having the nationality marks of the Republic of Serbia shall bear the nationality, common and registration marks.

The nationality marks are the State flag of the Republic of Serbia and the nationality marks granted by the International Civil Aviation Organization.

The registration and common marks and the manner of their use and the use of the nationality marks shall be prescribed by the Directorate.

The military aircraft entered on the Military Aircraft Register shall have the nationality marks of the Republic of Serbia and it shall bear the nationality marks and registration marks prescribed by the ministry in charge of defence.

4. Application of the Provisions on the Aircraft Register in respect of Aircraft Records

Article 146

The provisions of this Law on the Aircraft Register shall be applicable to the Aircraft Records as appropriate.

The contents and the method of keeping the Aircraft Records shall be prescribed by the Directorate.

5. Aircraft Documents and Logbooks On Board an Aircraft in Flight

Article 147

An aircraft entered on the Aircraft Register, while in flight, shall carry on board the aircraft registration certificate, certificate of airworthiness, airworthiness review certificate, aircraft radio station licence and other records and logbooks.

The documents and logbooks that shall be carried on board the aircraft, as well as their contents and maintenance, shall be prescribed by the Directorate.

The aircraft documents shall be written in Serbian and English language, and the aircraft logbook shall be kept in English language only.

6. Military Aircraft Documents and Logbooks

Article 148

The documents and logbooks of military aircraft issued by competent military authority shall be also valid when used for operations not deemed to be the military ones, if issued in accordance with this Law.

III. AERONAUTICAL-TECHNICAL ORGANIZATIONS

1. Aeronautical-Technical Activities and Organizations

Definition of Aeronautical-Technical Activities and Organization

Article 149

Aeronautical-technical activities shall comprise design and manufacture, the tests preceding type certification, maintenance and ensuring continuing airworthiness of aircraft or other aeronautical products, parts and appliances.

Aeronautical-technical activities may be carried out by an undertaking, legal person or an entrepreneur who holds an approval for aeronautical-technical activities (hereinafter referred to as: the aeronautical-technical organization) or a natural person who is not subject to obtaining the approval because of amateur dealing with the design, manufacture and maintenance of amateur-built aircraft.

The aeronautical-technical organizations shall be entered on the record kept by the Directorate which shall prescribe the contents and the method of keeping the record.

Approval for Aeronautical-Technical Activities

Article 150

The approval for aeronautical-technical activities shall be issued by the Directorate for an unlimited period of time to an undertaking, another legal person, a state administration body or an entrepreneur who has premises to perform the activities, tools and materials, appropriate personnel, an operations manual and who meets other requirements prescribed by the Directorate.

The aeronautical-technical organization issued with the continuing airworthiness management approval, the Directorate may also issue the approval for periodic aircraft inspections.

The conditions for alteration, suspension or revocation of the approval for aeronautical-technical activities, and the form of the approval shall be prescribed by the Directorate.

A tax shall be payable to the Directorate for acting upon an application for the issuance or variation of the approval granted for exercising aeronautical-technical activities.

The Directorate shall carry out an oversight 12 months following an issue of the maintenance organisation approval certificate, and afterwards every 24 months to ensure that the person referred to in paragraph 1 thereof is continuously compliant with the conditions to carry out such activities.

A tax shall be payable to the Directorate for verifying compliance with the conditions to issue a maintenance organisation approval certificate.

Notwithstanding paragraph 1 thereof, in accordance with the conditions determined by a ratified international contract, a maintenance organisation approval certificate for design of specific categories of aeronautical products, parts and appliances shall be issued by the European Aviation Safety Agency (hereinafter referred to as: EASA).

In case the Directorate carries out an oversight of the maintenance organisation on behalf of EASA, a tax shall be payable to the Directorate.

Recognition of a Foreign Document

Article 151

The Directorate may recognize a document issued by the aviation authority of a foreign State, where the requirements under which it was issued are as stringent as the requirements prescribed for the issuance of an approval for exercising aeronautical-technical activities.

A document issued or recognized by a competent authority of the European Union Member State or EASA shall be accepted, without any additional recognition procedure, in accordance with a ratified international agreement.

A tax shall be payable to the Directorate for acting upon an application for the recognition of a foreign document.

Design and Production of Aeronautical Products, Parts and Appliances

Article 152

Design shall mean a procedure of developing documentation required for the production or modification of an aeronautical product, part and appliance.

Production may be a prototype production, serial production or amateur production.

Prototype production shall mean a production of an aeronautical product the type of which has not been certified yet, and serial production refers to the production of an aeronautical product with already certified type.

Amateur production refers to production of an aeronautical product which, as a rule, shall not be subject to type certification and is not supported by complete design and production documentation. The requirements under which aeronautical products, parts and appliances shall be designed and produced shall be prescribed by the Directorate.

2. Aeronautical Product Type Certification

Aeronautical Product Type Tests

Article 153

Aeronautical product type certification shall commence with type tests carried out by an aeronautical-technical organization.

Type tests are the procedures of verifying that a new type and model of an aeronautical product meet, either wholly or partially, the technical requirements for airworthiness.

The requirements under which an aeronautical product may be operated in air transport and limitations thereof, the technical documentation on the type of an aeronautical product, and the operating and maintenance manuals for an aeronautical product, as well as the aircraft engine emissions and generated noise levels, shall be set forth in the course of type tests.

Conditions under which a type of an aeronautical product is determined, as well as the technical regulations on airworthiness shall be laid down by the Directorate.

Identification of the Type and Type Certificate

Article 154

After completion of type tests, an aeronautical-technical organization shall submit the documentation to the Directorate.

Upon the receipt of documentation, the Directorate shall undertake additional checks and thereafter shall certify the new type or shall reject the application for the new type certification.

The Directorate shall issue a type certificate to an aeronautical product with the certified type as well as the certificate of aircraft generated noise and the certificate of aircraft engine emissions.

The certificate of aircraft engine emissions shall be issued on the basis of the specifications provided by the aircraft manufacturer or shall be granted on the basis of separate test results.

A tax shall be payable to the Directorate for acting upon an application for the issuance of the type certificate, the certificate of generated noise and certificate of exhaust emission.

Notwithstanding paragraph 3 thereof, a type certificate, a noise certificate and a emissions certificate for specific categories of aeronautical products shall be issued by EASA, in accordance with the conditions determined by a ratified international agreement.

Recognition of a Foreign Type Certificate

Article 155

The Directorate may recognize the type certificate issued by the aviation authority of a foreign state, where the requirements under which it was issued are as stringent as the requirements prescribed for the issuance of an aeronautical product type certificate.

A type certificate issued or recognized by EASA shall be accepted, without any additional recognition procedure, in accordance with a ratified international agreement.

A tax shall be payable to the Directorate for acting upon an application for the recognition of a foreign document.

3. Defect in Design

Article 156

If there is a defect in an aeronautical product design, built-in material, procedure of construction, testing, operation or maintenance, which affects airworthiness, the Directorate may order the rectification of such a defect to the aircraft operator within the time period determined by the Directorate.

If the Directorate issued a type certificate, it may, in case of a major defect, suspend the use of the type certificate until such defect is rectified.

If the operator of an aeronautical product fails to rectify the defect within the time period assigned, the Directorate may revoke certificate of airworthiness, airworthiness review certificate or permit to fly.

IV. CONTINUING AIRWORTHINESS

1. Continuing Airworthiness and Airworthiness

Definition of Continuing Airworthiness

Article 157

An aircraft shall be continuously airworthy if it meets the type certificate requirements, if it is in a condition for safe operation and if it meets other requirements prescribed by the Directorate.

A continuing airworthiness of the aircraft is demonstrated by a certificate of airworthiness and airworthiness review certificate.

Certificate of Airworthiness

Article 158

The certificate of airworthiness shall be issued if, upon initial aircraft inspection, it is established that an aircraft fulfills all the requirements concerning continuing airworthiness.

The certificate of airworthiness shall be issued by the Directorate for an unlimited period.

When issuing the certificate of airworthiness for the first time, the Directorate shall also issue the first airworthiness review certificate, which shall remain valid for 12 months.

A tax shall be payable to the Directorate for acting upon a request for the issuance of the certificate of airworthiness.

Initial Aircraft Inspection

Article 159

Initial aircraft inspection shall be conducted prior to entering an aircraft on the Aircraft Register or the Aircraft Records.

Initial aircraft inspection shall also be conducted when the aircraft operator applies for a new certificate of airworthiness because the previously issued one has been revoked due to:

- 1) major damage to the aircraft;
- 2) major modifications to the aircraft;
- 3) interruption of continuing airworthiness for more than six months;
- 4) failure to meet any of the requirements needed for maintaining the continuing airworthiness;
- 5) use of an aircraft out of its category or purpose specified in the certificate of airworthiness;
- 6) change of an aircraft purpose.

If an initial aircraft inspection establishes that an aircraft may be operated with a specific limitation, it shall be entered on the certificate of airworthiness.

The initial aircraft inspection shall be carried out by the Directorate and tax shall be payable to the Directorate for carrying out the initial aircraft inspection.

Issue and Revalidation of an Airworthiness Review Certificate

Article 160

Depending on an identified type, purpose and a category of the aircraft, an airworthiness review certificate shall be issued or revalidated by the maintenance organisation which holds an approval certificate or the Directorate.

An aircraft owner or user who intends to maintain continuing airworthiness shall ensure revalidation of an airworthiness review certificate every 12 months.

Notwithstanding paragraph 1 thereof, for aircraft which do not have a type certificate issued or recognized by EASA, an airworthiness review certificate shall be issued by the Directorate every 12 months.

Where a revalidation of an airworthiness review certificate is carried by the Directorate, to process an application for revalidation of an airworthiness review certificate, a charge shall be payable to the Directorate.

Periodical Aircraft Inspections

Article 161

Depending on the type, purpose and category of the aircraft, periodical aircraft inspections for issuing an airworthiness review certificate shall be conducted by the Directorate or a maintenance organisation which holds an approval certificate and which is selected by the aircraft user.

Where a periodical inspection referred to in paragraph 1 thereof is conducted by the Directorate, a charge shall be payable to the Directorate.

Article 162

Deleted.

Additional Requirements for Establishing and Maintaining Continuing Airworthiness in Commercial Air Transport Operations

Article 163

An aircraft operating commercial air transport shall meet the additional requirements for establishing and maintaining continuing airworthiness.

The additional requirements are related to the establishment of the aircraft minimum equipment list and configuration deviation list.

Both lists shall be established by an aircraft operator and approved by the Directorate.

2. Aircraft Maintenance Program

Article 164

For continued aircraft airworthiness, an aircraft user shall carry out the aircraft maintenance foreseen by the aircraft maintenance programme.

The aircraft maintenance programme is a series of measures and procedures undertaken to maintain the continuing airworthiness of the aircraft and shall be applicable when approved by the Directorate.

A tax shall be payable to the Directorate for the aircraft maintenance programme approval.

3. Ferry Flight Permit

Article 165

The Directorate may issue a ferry flight permit to an aircraft which is not continuing airworthy or for which it still has not been proved that it is continuing airworthy, but remains in a condition to safely operate a ferry flight under the specific circumstances.

The Directorate shall lay down the conditions and limitations under which the aircraft to which a ferry flight permit is issued shall operate a ferry flight.

A tax shall be payable to the Directorate for the issue of the ferry flight permit.

Article 166

Deleted.

4. Bylaw

Article 167

The conditions under which certificate of airworthiness and airworthiness review certificate shall be issued, varied, suspended or revoked, the form of the certificate of airworthiness and the form of the airworthiness review certificate, restrictions entered on the certificate of airworthiness, a method of conducting initial and periodical aircraft inspections, charges payable for the periodical inspections, contents of the aircraft maintenance programme, a manner in which a maintenance programme is applied, a method of identifying the minimum equipment list and configuration deviation list, and conditions under which a flight permit is issued shall be defined by the regulation passed by the Directorate.

5. Airworthiness of other Aeronautical Products and Parachutes

Article 168

Airworthiness of ultralight aircraft, amateur built aircraft, other aeronautical products and parachutes shall be defined in detail by the regulation of the Directorate.

V. INSPECTION OF A FOREIGN AIRCRAFT

Article 169

A foreign aircraft may be subject, at an aerodrome in the Republic of Serbia, to internal and external ramp inspection by an authorized person of the Directorate for the purpose of checking the documents and logbooks on board the aircraft, the licences of aircraft crew and the condition of the aircraft, its equipment and compartments designated for the carriage of passengers, baggage, mail and cargo.

The inspection of a foreign aircraft shall be conducted in compliance with the procedures and standards set out by the competent body of the European Union.

If there is any justified doubt that the documents and logbooks on board an aircraft or those in possession of the crew, or aircraft itself, equipment or compartments for transportation of passengers, baggage, mail and cargo are not in compliance with corresponding international safety standards, an authorized person of the Directorate shall undertake the measures prescribed by the competent body of the European Union.

Chapter Eight
AVIATION PERSONNEL

1. Definition of Aviation Personnel

Article 170

Aviation personnel shall mean the personnel whose activities directly or indirectly affect air transport safety.

2. Categories of Aviation Personnel

Aviation Personnel Whose Activities Directly Affect Air Transport Safety

Article 171

Aviation personnel whose activities directly affect the air transport safety shall be composed of flight crew, other than flight crew personnel and cabin crew.

Flight crew personnel are aircraft pilot, flight engineer, flight navigator and a parachutist.

Other than flight crew personnel are air traffic controller, student air traffic controller, aircraft maintenance staff, air traffic safety electronics personnel and a flight dispatcher.

Cabin crew means personnel assigned to perform duties related to the safety of passengers on board based on the licence.

Licence

Article 172

Aviation personnel whose activities directly affect air transport safety shall be properly licensed with corresponding ratings of the licence holders.

The licence shall be issued to a person who is professionally qualified and who meets the requirements relating to age and other requirements prescribed by the Directorate.

The licence shall be issued by the Directorate for a limited or an unlimited period depending on the category of aviation personnel.

Qualification Assessment

Article 173

Qualification assessment shall be performed by the examiners authorized by the Directorate.

The procedure for qualification assessment shall be prescribed by the Directorate.

A tax shall be payable to the Directorate for the competence assessment.

Aviation Personnel Whose Activities Indirectly Affect Air Transport Safety

Article 174

Aviation personnel whose activities indirectly affect air transport safety are aeronautical meteorological personnel, rescue and fire fighting personnel, personnel providing ground handling services, personnel for control of aircraft movement areas, flight information service dispatchers and aerodrome security personnel.

Certificate of Competence

Article 175

Aviation personnel whose activities indirectly affect air transport safety shall be properly licensed with corresponding certificate of competence, which includes the ratings of the certificate holder.

The certificate of competence shall be issued by the aviation personnel training centre, either for limited or unlimited period of time depending on the category of aviation personnel.

Together with the certificate of competence referred to in paragraph 2 thereof, the personnel carrying out security screening at an aerodrome shall also hold a certificate issued by the Directorate.

Detailed classification of the personnel whose activities indirectly affect the air transport safety, conditions under which a certificate of competence is issued, amended, suspended or revoked, the format of the certificate of competence, as well as the conditions under which the certificate referred to in paragraph 3 thereof is issued and amended shall be prescribed by the Directorate.

Provisions of the Articles 184-186 thereof shall be accordingly applicable to suspension and revocation of the certificate referred to in paragraph 3 thereof.

A tax shall be payable to the Directorate for issuing and amending the certificate referred to in paragraph 3 thereof.

Authorization

Article 176

An authorization is a specific document which entitles a person to undertake, on behalf of the Directorate, an action or conduct particular activities, and is issued under the conditions prescribed by the Directorate.

An authorization shall be issued by the Directorate for a limited time period.

Bylaw

Article 177

The Directorate shall prescribe the conditions under which the licence shall be issued and ratings entered therein, validity period of the licence and authorization granted, validity period of rating entered on the licence, the conditions under which the licence and authorization shall be varied, suspended or revoked, the conditions under which ratings entered in a licence shall be suspended or revoked, and the forms of licences and authorizations.

A tax shall be payable to the Directorate for processing of application for licence and authorization issuance, entering ratings on a licence or an authorization and licence, authorization or rating revalidation, as well as upon the application for varying an authorization.

Aviation Personnel Register and Records

Article 178

Aviation Personnel Register of Aviation Personnel Records shall be kept in the Republic of Serbia.

Aviation Personnel Register shall contain the data of aviation personnel who have directly affect air transport safety, and the Aviation Personnel Records shall contain the data of other aviation personnel.

Aviation Personnel Register shall be kept by the Directorate and the Aviation Personnel Records shall be kept by training centres.

The contents and the mode of keeping the Aviation Personnel Register and the Records shall be prescribed by the Directorate.

The Military Aviation Personnel Register shall be kept by the ministry in charge of defence, which shall also prescribe the contents and the mode of keeping its register.

Aviation Personnel Training Centres

Article 179

Training to acquire, revalidate or renew a licence, rating, certificate and a certificate of competence shall be provided in the training centres in accordance with the training programmes approved by the Directorate.

Notwithstanding paragraph 1 thereof, training to acquire or renew the cabin crew licence may also be provided by the aircraft operator in commercial air transport operations.

To qualify as the training centre of aviation personnel, an organisation shall have an approval certificate for providing training of aviation personnel issued by the Directorate.

Conditions under which the approval certificate for providing training of an aviation personnel is issued, amended, suspended and revoked, its validity and format shall be prescribed by the Directorate.

To proceed upon an application to issue or amend an approval certificate for providing training of aviation personnel, a tax shall be payable to the Directorate.

Flight Simulation Training Devices and other Types of Synthetic Training Devices

Article 180

Where training of the aviation personnel to acquire, revalidate or renew a licence or rating requires use of a flight simulator training device or other types of synthetic training devices, for using such a device the training centre shall obtain a user approval from the Directorate.

A flight simulator training device user approval shall be issued if a device holds an appropriate qualification certificate, issued or accepted by the Directorate.

Conditions to be fulfilled for issuing a user approval for a flight simulator training device or other types of synthetic training devices, as well as for issuing a qualification certificate, shall be laid down by the regulation of the Directorate.

A tax shall be payable to the Directorate for issuing a user approval for a flight simulator training device or other types of synthetic training devices and for issuing a qualification certificate.

Records of Aviation Personnel Training Centres

Article 181

Records of Aviation Personnel Training Centres shall be kept by the Directorate.

The contents and the mode of keeping the Records shall be prescribed by the Directorate.

Recognition of Training and Ratings Acquired in Military Service

Article 182

Training, ratings and other requirements the military aviation personnel have accomplished during performance of military service shall be recognized when taking the exams for issuing of the licence and certificate of competence under the conditions prescribed by the Directorate.

3. Recognition of Training, Licences and Ratings Acquired in Other State

Article 183

The Directorate may recognize the training conducted in other State if it is consistent with the training conducted in the Republic of Serbia.

The training conducted in other State, and not existing in the Republic of Serbia, shall be recognized if such training has been carried out in compliance with the international standards.

The Directorate may recognize a licence and rating issued in other State if they meet the requirements prescribed for the issuance of licences and ratings in the Republic of Serbia.

An appropriate tax shall be paid to the Directorate to act upon the application for recognition of the training carried out in other State and of foreign licences and ratings granted therein.

4. Suspension of Licence Conditions for Suspension of Licence

Article 184

Where inspection supervision establishes that a licence holder fails to comply with the prescribed rules or procedures or directly endangers the air transport safety, the aviation inspector shall immediately prevent, in writing, the licence holder to exercise the rights from his licence, and shall submit within the following seventy two hours to Director of the Directorate the explanatory written proposal for a full or partial suspension of the licence.

Director of the Directorate shall be compelled to make a decision with reference to the forwarded proposal within five days from the date of receipt of such proposal, otherwise the suspension shall be deemed to have expired.

Contents and Duration of Licence Suspension

Article 185

By the decision on full licence suspension, a licence holder shall be banned to exercise the ratings contained in his licence, and by the decision on partial licence suspension – the licence holder shall be permitted only to exercise some of specific ratings contained in his licence.

The full or partial suspension of the licence use shall remain in force for maximum six months starting from the date the licence holder has been banned to exercise the licence rights on the basis of the decision made in writing.

Filing a complaint to the decision on licence suspension shall not be permitted.

Orders in the Decision on Licence Suspension; Revocation of Licence or Rating

Article 186

A licence holder may be ordered by the decision on licence suspension to fulfil corresponding obligations (to be additionally trained in the aviation personnel training centre and to pass appropriate theoretical or practical part of an exam, which is otherwise taken for licence granting, or to be subject to additional medical check and alike).

The full or partial suspension of the licence use shall be void if the licence holder has met, prior to expiry of the suspension, the obligations ordered by the decision on licence suspension.

The Directorate shall revoke the licence or some of the ratings contained therein, unless the licence holder has met, up to expiry of the suspension, the obligations ordered by the decision on suspension.

5. Obligations of Aviation Personnel to Carry Required Documents

Article 187

While on duty, aviation personnel is obliged to have on their person licences or certificates of competence and the flight crew, air traffic controllers and cabin crew – the medical certificates as well.

A person attending the practical training is obligated to have in his/her person a document proving that he/she is undergoing the practical training.

6. Medical Fitness of Flight Crew, Air Traffic Controllers and Cabin Crew

Proving Medical Fitness

Article 188

The flight crew, air traffic controllers, student air traffic controllers and cabin crew may perform the functions they are authorized to only when they demonstrate that they are medically fit with an appropriate medical certificate.

The Directorate shall prescribe the conditions under which medical fitness shall be examined, the procedure of medical examination, time period for medical examination to be undertaken as well as the classes and forms of medical certificates.

Medical Examinations and the Issuance of Medical Certificates

Article 189

Medical fitness of the aviation personnel referred to in the Article 188(1) thereof shall be determined by medical examinations carried out by medical examiners and medical centres holding a certificate issued by the Directorate.

Certified medical examiners and authorized medical centres (aero-medical centres) shall conduct medical examinations, assess the medical fitness and issue medical certificates under conditions prescribed by the Directorate.

Notwithstanding paragraphs 1 and 2 thereof, medical fitness of parachutists and paraglider pilots may be determined also by medical examinations prescribed for the motor vehicles drivers.

Records of Medical Institutions and Doctors of Medicine

Article 190

The records of medical institutions and the doctors of medicine entitled to examine the medical fitness shall be kept by the Directorate.

The Directorate shall regulate the contents and mode of keeping the records of medical institutions and doctors of medicine.

Bylaw

Article 191

The Directorate shall prescribe the conditions under which an authorization for examination of medical fitness shall be issued, altered, suspended or revoked, criteria according to which the period of its validity shall be determined as well as the forms of medical certificate issued.

Second Instance Evaluation of Medical Fitness

Article 192

A person dissatisfied with an assessment of his medical fitness may file a second instance appeal before the Directorate, which shall set up a second instance medical examination commission composed of independent expert medical examiners.

An appeal of a second instance shall be filed within 15 days from the date a person has received his medical certificate.

To process an appeal of a second instance, a tax shall be payable to the Directorate.

7. Examination of Psychological and Physical Fitness of Aviation Personnel

Article 193

When exercising their functions, aviation personnel shall not be permitted to be under the effects of alcohol or any psychoactive substances or to be in psychological and physical conditions that incapacitate proper exercising of their functions.

Psychological and physical condition of aviation personnel shall be assessed by a person authorized by the aviation personnel employer before the aviation personnel undertake exercising of their functions, as well as during exercising their functions, in the manner which shall not prevent their work.

8. Aircraft Crew Composition and Number of Aircraft Crew Members

Article 194

The aircraft crew shall be composed of persons exercising professional duties related to aircraft flight and comprises flight crew members, cabin crew members and other crew members.

The number and composition of the aircraft crew members shall be established by aircraft type certificate, aircraft operations manual, operations manual of the aircraft operator and the Directorate's regulation.

The rights and obligations of the aircraft crew members shall be determined in the operations manual of the aircraft operator.

Aircraft Pilot

Article 195

A pilot shall mean a crew member who operates an aircraft or participates in aircraft operation.

A pilot authorized to operate and aircraft in a multi-crew may designate the aircraft control to other duly authorized pilot, if member of the crew.

Age Limit for Exercising the Privileges of the Pilot in Commercial Air Transport

Article 196

A person who has attained the age of 60 shall act as a pilot of an aircraft engaged in commercial air transport operations only:

- 1) as a member of a multi-pilot crew;
- 2) when such a pilot is the only pilot in the flight crew who has attained age of 60.

A person who has attained the age of 65 years shall not act as a pilot of an aircraft engaged in commercial air transport operations..

Pilot-In-Command

Article 197

The pilot-in-command shall be the pilot who, as a rule, is in command of an aircraft and in charge of the flight in its entirety.

The responsibility of the pilot-in-command shall start from the moment when the documents of loaded baggage, cargo or mail are taken over or when one or several persons are embarked on board an aircraft with the intention of flight, and it terminates when all such persons have disembarked and the documents relating to all baggage, cargo or mail have been handed over to corresponding services of destination aerodrome.

The pilot-in-command shall be designated for each flight or a part thereof by the aircraft operator.

The pilot-in-command may authorize the aircraft crew member to replace him while he is not on board an aircraft which is on the ground.

The pilot-in-command shall represent the aircraft operator.

Obligations of the Pilot-In-Command, Crew Members and Other Individuals

Article 198

The pilot-in-command shall, prior to a flight, verify that the aircraft and the aircraft crew are ready for the flight, that all needed documents and logbooks are on

board the aircraft, and shall be responsible to undertake the measures laid down by the operations manual of the aircraft operator.

The crew members and other individuals shall be bound to observe the orders given by the pilot-in-command.

If aircraft flight safety is jeopardized, the pilot-in-command may deny boarding to a crew member or any other person, may refuse loading of baggage, mail or cargo, and demand their disembarking or unloading.

If aircraft flight safety or aircraft security is jeopardized, the pilot-in-command shall be authorized to undertake all measures needed to maintain the flight safety and aircraft security, in accordance with the regulation enacted by the Directorate.

**Working Time, Flight Time and Rest Periods and Breaks of Aircraft Crew
Members
Article 199**

Working time of the aircraft crew members in commercial operations shall not exceed:

- 1) 60 hours in seven consecutive calendar days;
- 2) 110 hours in 14 consecutive calendar days;
- 3) 190 hours in 28 consecutive calendar days;
- 4) 2.000 hours in one calendar year.

Flight time of the aircraft crew members in commercial operations shall not exceed:

- 1) 100 hours in 28 consecutive calendar days;
- 2) 900 hours in one calendar year.
- 3) 1.000 hours in 12 consecutive calendar days.

The aircraft crew member in commercial operations is entitled to paid vacations for at least 28 calendar days.

The aircraft operator shall provide a rest period to the aircraft crew member in commercial operations of:

- 1) at least 36 hours continuously (including two local nights and a local day), whereby no more than 168 hours may pass between the two consecutive breaks;
- 2) at least seven local days in a calendar month, which may encompass the vacations referred to in point 1) thereof;
- 3) at least 96 local days in every calendar year, which may encompass the vacations referred to in point 2) thereof.

Conditions for duty period, flight time, flight duty period, breaks and rest periods of the aircraft crew members shall be prescribed in detail by the Directorate.

The operator of aircraft in commercial operations shall ensure that provisions on working time, flight time, flight duty period, break and rest periods of the aircraft crew members are observed, and shall keep the records thereon.

**Working Time and the Right to paid Air Traffic Controllers Vacations
Article 199a**

Working time of air traffic controllers shall not exceed 40 hours per week, whereby within 30 consecutive calendar days it shall not exceed 160 hours.

An air traffic controller is entitled to 15 calendar days of paid vacations (recreational rest period) within a calendar year, for maintaining his psycho-physical condition.

Shift duration within a working day, duration of a continuous work and the duration of a daily rest periods of air traffic controllers shall be laid down by the regulation of the Directorate.

The air navigation service provider shall ensure that the working time provisions, duration of shifts within a working day, duration of continuous work and duration of daily break periods are observed.

Chapter Nine
PROTECTION AGAINST AIRCRAFT NOISE AND AIRCRAFT ENGINE
EMISSIONS

Environmental Protection

Article 200

Aviation entities shall be obliged to undertake the measures for the protection of environment against aircraft noise and other noise related external factors, which result from the operations and service provision in aviation.

The procedure for the abatement of noise arising from aircraft taking-off and landing, compliant with international standards, shall be prescribed by the minister in charge of transport, with the assent of the minister in charge of environmental protection.

Obligations of an Aerodrome Operator

Article 201

An aerodrome operator shall ensure that, in the course of the use of an aerodrome, the environmental protection measures are applied, in accordance with this Law and the regulations governing environmental protection.

Acceptable Level of Noise and Engine Emissions at Aerodromes

Article 202

Noise and engine emissions at aerodromes and in their vicinity shall not exceed prescribed maximum threshold values.

Acceptable levels of noise and engine emissions at aerodromes, the mode of monitoring the level of noise and engine emissions and the introduction of operational restrictions at certain points of aerodromes, as well as the measures for mitigation of aircraft engine emissions, shall be prescribed by the minister in charge of transport, with the assent of the minister in charge of environmental protection.

Aircraft operators shall pay a charge for environmental protection from aircraft noise and aircraft engine emissions.

The funds obtained from the charges mentioned in paragraph 3 of this Article shall be by 60% of their value an income of aerodrome operator and by 40% of their value - the income of the budget of the Republic of Serbia and shall have dedicated use through the Fund for Environmental Protection.

An aerodrome operator shall use the funds from the charge imposition exclusively for the implementation of appropriate measures of protection, for the mitigation of harmful effects of aircraft noise and aircraft engine emissions and the remedy of hazardous consequences prescribed in this Law and the regulations governing environmental protection.

The Fund for Environmental Protection shall use the funds obtained from the charge imposition primarily for the development of the strategic noise maps and the action plans for the protection from air transport environmental noise.

The minister in charge of transport shall prescribe, with the assent of the minister in charge of environmental protection, the amount of the charge for the environmental protection from the aircraft noise and aircraft engine emissions.

Measurement of Noise and Noise Protected Areas

Article 203

The operators of the aerodromes intended for commercial air transport where more than 50 000 take-offs and landings took place throughout previous year, and the operator of a joint civil/military aerodrome serving the flights of military and jet aircraft shall provide permanent measuring of noise at the aerodrome and in its vicinity generated during take-offs and landings of aircraft.

The noise measurement results shall be used for the development of strategic noise maps and action plans for environmental protection against noise and vibrations generated in air transport, and shall also serve to outline the noise protected areas wherein the level of aircraft noise generated exceeds the acceptable levels.

The minister in charge of transport, with the assent of the minister in charge of environmental protection, shall prescribe the procedure for measuring noise at aerodromes.

Chapter Ten

ACCIDENTS AND SERIOUS INCIDENTS OF AIRCRAFT

Articles 204 – 217 – repealed by means of the Article 56 of the Law on accident investigations in aviation, railways and waterborne transport (“Official Gazette of the Republic of Serbia“, No 66/15)

Chapter Eleven

FACILITATIONS

National Programme for Facilitations in Air Transport

Article 218

The national program for facilitations in air transport shall establish a series of measures, activities and technological procedures that facilitate international commercial air transport operations and expedite the flow of passengers, baggage, mail and cargo.

On the basis of the national program for facilitations in air transport, the state administration bodies, organizations, legal persons, aerodrome operators, air carriers and other entities shall be appointed for implementation of the program and their responsibilities and obligations pertaining to the program implementation shall be specified.

The national program for facilitations in air transport shall be enacted by the Government on the basis of the proposal rendered by the minister in charge of Transport.

National Committee for Facilitations in Air Transport

Article 219

For the purpose of coordinating enforcement of the national program of facilitations in air transport and rendering proposals for the improvement of the measures foreseen by the program, the Government shall establish the National Committee for Facilitations in Air Transport.

The Government shall appoint the representatives of the ministries in charge of transport, foreign affairs, interior, finances, customs, agriculture, tourism, health, and environmental protection, the representatives of the Directorate and the representatives of aerodrome operators and air carriers to act as the members of the National Committee for Facilitations in Air Transport.

The work of National Committee for Facilitations in Air Transport shall be prescribed in detail by the Government, on the proposal of the minister in charge of transport.

Chapter Twelve

AVIATION SECURITY

Definition of Aviation Security and an Act of Unlawful Interference

Article 220

Aviation security shall mean safeguarding civil aviation against acts of unlawful interference which is achieved by a combination of measures and human and material resources.

The following shall be understood in particular as acts of unlawful interference: violence against the persons on board the aircraft in flight, if it may jeopardize the aircraft safety; demolition of an aircraft engaged in air traffic, or such inflicting of damage to an aircraft which might incapacitate that aircraft for flight or endanger flight safety; putting any device or substance on an aircraft in use by means of which such aircraft might be destroyed or so damaged that it is incapacitated to operate or the flight safety might be jeopardized; destruction of or damage inflicted to technical systems of air traffic or obstructing their operations if these may endanger aircraft safety in flight; issuing false information by which the safety of an aircraft in flight is imperilled; unlawful and deliberate use of any device, substance or weapons for committing an act of violence against persons at an aerodrome which may result or might result in severe body injury or death of persons, or may result in demolition or serious damage to the buildings, equipment and facilities at an aerodrome or to an aircraft out of use landed therein if these may or might jeopardize the aerodrome safety.

National Aviation Security Programme

Article 221

With the aim of the implementation of standards in the domain of aviation security, the Government shall, on the proposal of the minister in charge of transport, adopt a national aviation security programme.

The National Aviation Security Programme shall lay down: aviation security measures and procedures, particularly safeguarding against various acts of unlawful interference and obligations of State authorities and other entities related to implementation of civil aviation security measures; plan for acting in emergency situations; method of determining airside and security-restricted areas at an aerodromes

and the conditions to access and exit such areas and movement within; control of a manner of undertaking security measures; control of the efficiency of the security measures; training in respect of security; conditions to be fulfilled by all the security screening personnel; conditions which shall be fulfilled by the security equipment; a method to determine critical facilities, parts of infrastructure and systems used in civil aviation, safeguarding against electronic threats, as well as alternative measures which an aerodrome operators holding an approval to operate an aerodrome on which air transport operations are conducted, shall apply.

On the basis of the national aviation security programme, the Directorate shall adopt a national quality control programme and an aviation security training programme.

The national aviation security programme, national quality control programme and aviation security training programme shall be implemented by the Directorate.

National Aviation Security Committee

Article 222

For the purpose of coordinating security activities between authorities and organizations responsible for implementation of security measures and recommendations for their improvement, the Government shall establish the National Aviation Security Committee, as the occasional Governmental body.

The composition and mode of work of the National Aviation Security Committee shall be prescribed by the Government, on the proposal of the minister in charge of transport.

Aerodrome Aviation Security Committee

Article 223

An aerodrome operator holding an aerodrome certificate shall set up an Aerodrome Aviation Security Committee to coordinate security measures implementation established by the National Civil Aviation Security Programme, and the security programme established by an aerodrome operator, as well as to propose the new aviation security measures.

The representatives of all stakeholders involved in the enforcement of security measures at an aerodrome shall be nominated as the members of the Aerodrome Aviation Security Committee.

Aviation Security Programs

Article 224

An aerodrome operator holding an aerodrome certificate, ground handling service providers, air carriers, air navigation service providers, as well as other subjects determined by the National Civil Aviation Security Programme, shall, in accordance with that programme draw up and apply their own security programmes.

Programmes referred to in paragraph 1 thereof shall be applicable upon the approval of the Directorate.

A foreign air carrier conducting international scheduled commercial services with the Republic of Serbia or a series of charter flights in international commercial operations shall, prior to entry into force of the timetable for each season, provide the Directorate with its security programme, as well as an approval of such a programme granted by the competent State authority of the air carrier.

The programme referred to in paragraph 3 thereof shall be accepted with no additional approval procedure, where it is approved by the competent authority of the State of the air carrier, except in case where it is necessary that such an air carrier amends such a programme by developing local procedures in accordance with the National Civil Aviation Security Programme.

An aerodrome operator holding an approval for the operation of an aerodrome, on which commercial air services are conducted, shall draw up, apply and amend security measures procedures.

To process an application for security programme approval and for its amendment a tax shall be payable to the Directorate.

Airside and Security Restricted Area of an Aerodrome and Safeguarding Measures Article 225

An aerodrome operator holding an aerodrome certificate shall, upon an obtained agreement of the ministry in charge of interior and specific organizations in charge of security information, determine airside and security restricted area, access points and passenger gates and obtain an approval of the Directorate.

An aerodrome operator referred to in paragraph 1 thereof shall mark the access points and passenger gates and shall position appropriate warnings, cautions or prohibitions to prevent an unauthorized entry to an airside or security restricted area.

An aerodrome operator holding an aerodrome approval on which commercial air transport operations are provided, shall, on the basis of a particular security risk assessment determine an airside and security restricted area of an aerodrome or shall position a barrier or other suitable obstacle or shall undertake other appropriate measure to safeguard an aerodrome.

An aerodrome operator shall obtain a security risk assessment referred to in paragraph 3 thereof from the ministry in charge of interior and from a special organization in charge of security information.

Access Control. Security Control Article 226

At an aerodrome the operator of which holds a certificate, an access control of persons and vehicles into an aerodrome airside and security restricted area shall be conducted.

Besides access control, also screening of all passengers and their hold baggage, other than passengers and items carried, check-in baggage, cargo and mail, supplies intended to be sold at an aerodrome, in-flight supplies intended for use on board an aircraft, air carrier materials and mail, as well as security control of vehicles shall be conducted at an entry into an aerodrome security restricted area or inside this area.

An access control and security screening shall be conducted by an aerodrome operator or a legal person that concludes an agreement with an aerodrome operator for conducting such activities.

Screening referred to in paragraph 2 thereof shall be conducted with direct surveillance of the ministry in charge of interior, which shall conduct any additional security screening when necessary.

Notwithstanding paragraph 2 thereof, screening shall not be mandatory:

1) for cargo and mail for which an air carrier, a regulated agent or known consignor has applied screening from the National Civil Aviation Security Programme;

2) for airport supplies intended to be sold at an aerodrome for which a known supplier of such supplies has applied screening from the National Civil Aviation Security Programme;

3) for in-flight supplies for which an air carrier or a regulated supplier of such supplies has applied screening from the National Civil Aviation Security Programme;

4) for check-in baggage which upon arrival to the destination continues the flight to other destination, under different flight number, by another aircraft or transfer baggage, and in other cases foreseen by the National Civil Aviation Security Programme;

No access to a person refusing screening shall be allowed into a security restricted area, as well as to a person for which personnel conducting screening has any doubt in respect of his intentions, his baggage or cabin baggage.

At an aerodrome the operator of which holds an approval for aerodrome operation, and on which commercial air transport operations are conducted, a control of access of persons and vehicles into an aerodrome airside and security restricted area shall be conducted, as well as screening on the basis of a particular security risk assessment referred to in Article 225(3) thereof.

Permit to conduct Access Control and Screening

Article 227

For the purpose of performing an access control and screening an aerodrome operator or a legal person who concludes an agreement with the aerodrome operator to conduct an access control and screening shall hold a permit issued by the Directorate, for a limited time.

To qualify as a regulated agent, known consignor and regulated supplier of the in-flight supplies intended for use on board an aircraft, a permit is required issued by the Directorate.

Conditions under which a permit to conduct access control and screening is issued, amended, revalidated, suspended or revoked, time period and format, as well as conditions to issue an approval for a regulated agent, known consignor and regulated supplier of the in-flight supplies intended for use on board an aircraft, shall be laid down in detail by the regulation of the Directorate.

For the purpose of processing an application to issue, revalidate or amend a permit to conduct access controls and screening, as well as for issuing an approval for a regulated agent known consignor and regulated supplier of the in-flight supplies intended for use on board an aircraft, a charge shall be payable to the Directorate.

Obligations of an Aerodrome Operator

Article 228

An aerodrome operator holding an aerodrome certificate shall conduct inspections and safeguarding of facilities, installations, devices and equipment at an aerodrome and shall ensure: an area for the inspection of aircraft which is subject of an act of unlawful interference; conditions for access control and prevention of an unauthorised access into an aerodrome airside or security restricted area; suitable premises and technical

equipment for conducting screening, as well as a suitable place for destroying detected explosive and flammable substances or dangerous goods.

For an aerodrome operator holding an approval to operate an aerodrome, obligations referred to in paragraph 1 thereof shall be determined on the basis of the particular security risk assessment referred to in Article 225(3) thereof.

An aircraft security check which is subject of an unlawful interference, as well as removal of detected explosive and flammable substances or dangerous goods shall be conducted by the ministry in charge of interior.

Conditions for access control and preventing an unauthorized access to an aerodrome airside or security restricted area and conditions which the premises and technical equipment for screening and a place for destroying detected explosive and flammable substances or dangerous goods must meet, shall be laid down by the Regulation of the Directorate.

Security Charge

Article 229

The costs of providing material and technical conditions for security screening and the costs of performing security screening activities shall be compensated from the security charge paid to the aerodrome operator by departing passengers.

The amount of security charge shall be determined by an aerodrome operator, with the prior assent of the ministry in charge of transport.

Introduction of Weapons and Prohibited Items

Article 230

It shall be prohibited to introduce weapons or firearms, ammunition, explosive, flammable or hazardous substances into the cabin compartment of an aircraft and into the security restricted area as well as the articles specified in the list of forbidden items prescribed by the Directorate.

Exceptionally, the carrying of weapons and ammunition shall be permitted only under the conditions prescribed by the minister in charge of interior.

A person possessing weapon or firearm or ammunition shall hand it/them over to an officer of the ministry in charge of interior at the aerodrome on the check-in, and shall have it/them returned upon disembarkation.

The mode of submitting and returning the weapon or firearm and ammunition shall be prescribed by the minister in charge of interior.

Modality of handling explosives, flammable and dangerous substances, as well as items listed as prohibited, shall be prescribed by the Directorate.

Identification Sign and Security Check

Article 231

Access and movement other than passengers and vehicles in an aerodrome airside and security restricted area shall be prohibited, as well as critical facilities, infrastructure parts and systems used for civil aviation needs outside an aerodrome, with no suitable identification card.

An identification card for access and movement in an aerodrome airside and security restricted area shall be issued by an aerodrome operator, for a limited time, and

an identification card for access to critical facilities, infrastructure parts and systems outside an aerodrome shall be issued by the user.

Prior to issuing an identification card, and where needed upon its issuance, ministry in charge of interior and a special organization in charge of security information shall conduct security check of all the persons to which an identification card is issued, including persons that apply security control and screening.

A person to whom an identification card is issued shall in case of the expiry of the identification card, its loss, change of a working position or a termination of the employment, notify the person that issued an identification card.

A legal person using a vehicle for which an identification card is issued shall upon the expiry of the identification card, its loss or termination of the use of that vehicle, notify the person that issued an identification card.

Security Test of Aviation Security Measures

Article 231a

For the purpose of quality control of the aviation security measures, the Directorate shall, in cooperation with the ministry in charge of interior conduct the security test of the aviation security measures.

The security test of the aviation security measures is a simulation of an act of unlawful interference with the purpose of checking an application of the aviation security measures.

For using a weapon replica or a simulation of an explosive device when conducting a security test of aviation security measures, an authorization of the ministry in charge of interior is required.

The security test of the security measures shall be conducted in accordance with the requirements from the National Aviation Security Programme and Quality Control Programme of Aviation Security Measures.

Chapter Thirteen

COMPETENT ADMINISTRATIVE BODY AND ORGANISATION IN CHARGE OF AIR TRANSPORT

MINISTRY IN CHARGE OF TRANSPORT

Article 232

The ministry in charge of transport exercises the state administration functions which refer to formulating and implementing the Government policy in the domain of aviation, strategy of air transport development, organization of air transport system, oversight of the Directorate's work in performing its assigned public authorizations and other functions laid down by this and other laws.

II CIVIL AVIATION DIRECTORATE OF THE REPUBLIC OF SERBIA

Establishment and Legal Status

Article 233

The Civil Aviation Directorate of the Republic of Serbia shall be established by this Law, as a public agency over which the Government exercises the rights of establishment on behalf of the Republic of Serbia and, as publicly authorized, it shall exercise the state administration functions assigned to it by this Law.

The Directorate shall have the status of legal person with the rights, obligations and responsibilities laid down by this Law and other regulations.

The Directorate shall be liable for its obligations with its property.

The Directorate's headquarters shall be in Belgrade.

Functions of the Directorate

Article 234

The Directorate shall enact the regulations and administrative acts in the first instance when authorized to do so by this Law or any other regulation, issue official documents and keep the records for which it is authorized by this Law or any other regulation, conduct the audit and inspection of aviation entities, participate in the work of international aviation organizations and institutions as well as their working bodies, cooperate with competent authorities of other countries and exercise other functions laid down by this Law or other regulations.

The Directorate shall be entrusted with the state administration functions for which it is authorized by this Law and which shall encompass the enactment of regulations and administrative acts in the first instance, the conduct of inspection, the issuance of official documents and records keeping.

The Directorate shall be the National Supervisory Authority of the Republic of Serbia in air navigation, in accordance with the regulations of the European Union, and therefore, it shall issue the certificate for air navigation services provision and shall assess whether the providers of air navigation services fulfil the requirements for services provision.

Regulations of the Directorate

Article 235

Regulations passed by the Directorate must correspond by nature and by title to legislation passed by state administration authorities.

The Directorate's Regulations shall be published in "Official Gazette of the Republic of Serbia", free of any charge for their publication.

The regulations passed by the Directorate may make references to international acts and regulations, international standards and recommended practice, which, in such case, shall be directly applicable. In that case, the regulation of the Directorate shall contain as well the information on availability of the acts and regulations, international standards and recommended practice referred to (the Internet or some other appropriate form).

An appeal against an administrative act in the first instance enacted by the Directorate in administrative procedure may be filed with the minister in charge of transport.

The appeal under paragraph 4 shall not delay enactment of the administrative act.

Bodies of the Directorate

Article 236

The Management Board and the Director shall be the bodies of the Directorate.

Scope of the Management Board

Article 237

The Management Board shall:

- 1) adopt the Directorate's annual business plan;
- 2) adopt the Directorate's financial plan and reports which the Directorate submits to the Government;
- 3) *deleted*;
- 4) pass general acts which are not in the scope of authority of the Director
- 5) guide the work of the Director and issue working instructions;
- 6) supervise the Directorate's business operations;
- 7) exercise other functions laid down by the law governing public agencies.

Composition of the Management Board

Article 238

The Management Board shall have five members, appointed by the Government for a period of five years on the proposal of the minister in charge of transport and may be reappointed.

The Management Board shall have a President appointed by the Government among the members of the appointed Management Board, on the proposal of the minister in charge of transport.

The members of the Management Board shall be entitled to allowance the net amount of which cannot be higher than simple total average earning per an employee, without taxes and contributions, paid in the Republic of Serbia in the month of October of the year preceding the year when payment of the allowance takes place, as per data of the State authority in charge of statistics.

Director

Article 239

The Director shall act as agent and represent the Directorate, manage the Directorate's work and its registered activities, enact regulations and individual legal acts of the Directorate, enact the Directorate's rules of procedure, rules relating to internal organization and job classification in the Directorate, render decisions regarding the rights, obligations and responsibilities of the employees in the Directorate, issue the directives regulating the mode of operation, acts and behaviour of the employees in the Directorate, prepare and implement the Management Board decisions and exercise other functions laid down by the law governing public agencies and other regulations and general acts.

Deputy Director

Article 240

The Director shall have the Deputy who shall be replacing him/her when absent or prevented from exercising his/her duties. The Deputy shall be nominated in the same way as the Director.

Funding of the Directorate

Article 241

The Directorate shall provide the funds to exercise the duties from its scope of activities encompassing:

- 1) fees and taxes prescribed by this Law payable to the Directorate;
- 2) portion of charges paid in accordance with the Multilateral Agreement on Route Charges or other ratified international agreements and the portion of terminal charges set up by annual cost base for the performance of regulatory and oversight functions;
- 3) charges for the promotion of air transport paid, through aerodrome operator, by the departing passengers in commercial air transport;
- 4) charges for the promotion of air transport paid, through aerodrome operator, by the aircraft operators per departing tonne of mail and cargo in air transport;
- 5) other sources, in accordance with this Law.

The regulation of the Directorate on the amount of taxes to be paid on the basis of this Law, the amount of charge to be paid by all departing passengers in commercial air transport and the amount of charge paid by the aircraft operators per departing tonne of mail and cargo in air transport shall enter into force upon obtaining Government approval.

Resources referred to in paragraph 1 thereof shall be paid directly to the business account.

Other Regulations Applicable to the Directorate

Article 242

The law governing on public agencies shall apply to all issues which concern the position of the Directorate and which are not foreseen by this Law.

The general regulations on labour shall apply to the rights, obligations and responsibilities of the Director, the Deputy and of all employees of the Directorate.

Chapter Fourteen

AUDIT AND INSPECTION

I. COMPETENCES AND THE APLICABILITY OF REGULATIONS

Article 243

Audit and inspection shall be carried out by the Directorate.

The law governing on general administrative procedure shall apply to all issues relating to inspection and auditing and not foreseen by this Law and the inspection shall be also regulated by the law governing inspection.

II. AUDIT

Subjects of Audit, Definition and Types of Audit

Article 244

Subject to audit shall be an undertaking, other legal persons, State authority, organisation and entrepreneurs performing operations or providing services in aviation (hereinafter referred to as “subjects of audit”).

Audit shall establish whether the subject of audit fulfils the requirements for exercising functions or providing services in aviation.

An initial audit shall verify whether the subject of audit meets the requirements for acquiring the certificates or other individual legal acts.

The periodical audit shall be conducted while the certificate or other individual legal act is in force.

A tax shall be payable to the Directorate for conducting audits at the request of a subject of audit.

Audit shall be performed as an entrusted state administration function.

Program of Periodical Audit

Article 245

The Directorate shall draw up the program of periodical audits for each year, and notify the time of audit to the accountable person of the subject of audit.

The Directorate shall also notify the accountable person of the subject of audit on the scope, plan and the mode of auditing.

Auditors

Article 246

Audit shall be conducted by the authorized persons of the Directorate (auditors).

An auditor shall be entitled and authorized to assess facilities, equipment, devices, designs, documentation, and public documents of the subject of audit; to make an insight into the work process and quality of services rendered by the subject of audit and to take the statements needed to establish factual findings.

When conducting an audit, an auditor shall have an auditor’s identity card in possession evidencing that he is an auditor.

Auditor’s Report, Corrective Measures and the Procedure of the Directorate

Article 247

Auditors shall draw up written report on their assessment containing the factual findings and established, described and documented irregularities.

The written report shall be forwarded to the Director of the Directorate and to the subject of audit.

Depending on the contents of the report, the Directorate may order to the subject of audit to propose corrective measures for the rectification of irregularities and the terms for their undertaking.

The Directorate shall evaluate corrective measures proposed by the subject of audit and accept them if convenient for the rectification of irregularities, and the subject of audit shall apply the corrective measures adopted by the Directorate.

The Directorate and the subject of audit shall jointly agree upon the timeframe for the corrective measures to be applied by the subject of audit.

Upon completion of auditors' work, the final decision on the audit results shall be brought by the Director of the Directorate.

Delegation of Particular Audit Activities Recognition of Foreign Documents

Article 248

The Directorate may delegate particular activities within audit either to a natural or legal person, on condition that such person is licensed for the conduct of particular activities within audit.

A licence for conducting particular activities within audit shall be issued by the Directorate for a limited period of time.

The Directorate may recognize a document for conducting audits issued by a foreign State or an international organization if the conditions under which it has been issued are as stringent as the conditions prescribed for conducting audits in the Republic of Serbia.

A tax shall be payable to the Directorate in respect of processing an application for issuing, extending the validity or varying the licence for conducting of particular activities within the audit, and in respect of processing an application for recognition of a foreign document.

Bylaw

Article 249

The mode of implementing audit procedure, the conditions for acquiring the status of an auditor, the rights and obligations of auditors and the form of their official identity card, the rights and obligations of the subjects of audit and the contents of the audit report shall be detailed and defined in the regulation passed by the Directorate.

The Directorate shall also prescribe activities within the audit, which may be entrusted either to natural or legal persons, the requirements that natural or legal persons shall meet in order to be issued with a licence, the validity period of such a licence, the conditions under which it shall be varied, suspended or revoked as well as the form of the licence.

III. INSPECTION

1. Definition of Inspection. Aviation Inspector

Article 250

Inspection oversight in respect of the implementation of this Law, regulations adopted on the basis of this Law, international documents and accepted national and international standards and recommended practice shall be performed by the Directorate-by virtue of an aviation inspector.

Inspection shall be conducted in respect of air navigation service provider, air carrier, aircraft owner and operator, operator of aerodrome, airfield or terrain, aerodrome investor, aeronautical-technical organization, aviation personnel, as well as other undertakings, legal persons, entrepreneurs and natural persons performing operations, duties or providing services (hereinafter referred to as "subjects of inspection")

When conducting the inspection, the aviation inspector shall wear official uniform and have his official identity card in his possession-

The requirements to be met for acquiring the status of an aviation inspector, the official uniform and the form of an official identity card of aviation inspector shall be prescribed by the Directorate.

Aviation inspector shall neither develop nor take part in the development of planning or technical documentation and the technical control of technical documentation of a subject of inspection, nor conduct expert oversight in respect of production, construction or building activities of the subject of inspection.

2. Rights and Duties of an Aviation Inspector

Article 251

Aviation inspector shall conduct the procedure, grant decisions and take measures within the rights and duties laid down in this Law.

While performing inspection, the aviation inspector shall be entitled and authorized to:

- 1) inspect all aeronautical documentation of the subject of inspection defined in this Law;
- 2) inspect:
 - 1) airports, airfields and terrains,
 - 2) aircraft and aeronautical products,
 - 3) communications, navigation and surveillance systems, appliances, equipment and facilities,
 - 4) premises, facilities, installations, operating means and products,
 - 5) other objects, devices and items of the subject of inspection;
- 3) take statements from authorized persons of the subject of inspection and from other persons;
- 4) demand the reports and data on the business operations of the subject of inspection;
- 5) make direct insight into the work of personnel of the subject of inspection;
- 6) take other measures and actions within his/her competence;

Aviation inspector shall inform the accountable person of the subject of inspection of his/her presence.

The accountable person of the subject of inspection shall act upon the orders of the aviation inspector.

3. Aviation Inspector Authorizations Authorization to Order Rectification of Irregularities

Article 252

In case of observing the work irregularities of the subject of inspection, the aviation inspector shall be authorized to make a decision ordering the subject of inspection to rectify observed irregularities and to determine the term the subject of inspection shall be bound to rectify the irregularities.

The subject of inspection shall be bound to act upon the decision granted by the aviation inspector.

The accountable person of the subject of inspection shall be obligated to notify in writing the aviation inspector, within 48 hours from the expiry time of the term scheduled for the rectification of irregularities, whether irregularities have been rectified.

Authorization for Temporary Restriction and Limitation

Article 253

Depending on the inspection results and the severity of direct jeopardizing safety and security, the aviation inspector shall be authorized to make an immediate decision to:

- 1) prohibit temporarily an undertaking, other legal entity or an entrepreneur to exercise activities or render services;
- 2) prohibit an undertaking, other legal entity, entrepreneur or a natural person to undertake activities which may be dangerous for aviation safety and security, life and health of people, environment and property;
- 3) restrict temporarily or prohibit temporarily a company, other legal entity or an entrepreneur to use aircraft, aerodrome, facilities, premises, working means, equipment, systems or devices that do not meet the requirements prescribed for their utilization.

The aviation inspector shall be authorized to prohibit temporarily the exercise of duties to a person from among the aviation personnel whose activities directly affect air transport safety under the requirements laid down in Article 184 of this Law.

Authorization to Submit Proposals to the Director of the Directorate

Article 254

An aviation inspector may, in writing, propose to the Director of the Directorate the following:

- 1) variation, suspension or revocation of the certificate or other individual legal act which is to confirm that an undertaking, other legal person or an entrepreneur meets the requirements to exercise activities or render services in aviation;
- 2) to request from the training organization to vary, suspend or revoke the certificate of competence to persons from among the aviation personnel whose activities indirectly have an impact on the aviation safety or to conduct a periodic assessment of competence of those persons;
- 3) additional assessment of the competence or medical fitness of a person from among the aviation personnel whose activities directly affect the safety of air traffic.

4. Inspection Records

Article 255

The aviation inspector shall, immediately upon completion of inspection and *in situ*, draw up the inspection records which shall also contain the measures ordered to the subject of inspection.

Exceptionally, an aviation inspector who prohibits in writing the exercising of duties to a person from among aviation personnel whose activities directly affect air transport safety shall draw up the inspection records within 24 hours upon completion of inspection as per Article 184 of this Law.

The inspection records shall be forwarded to the subject of inspection.

Other Provisions on Inspection
Air Carrier's Obligation to Provide a Seat for Aviation Inspector

Article 256

An air carrier is obliged to, upon notification, provide a seat on board the aircraft for the aviation inspector who shall oversee the work of aircraft crew or check airworthiness of the aircraft in flight.

The right of appeal against the aviation inspector's decision

Article 257

An appeal against the aviation inspector's decision may be logged with the minister in charge of transport.

The appeal against the decision of an aviation inspector shall not suspend the enactment of the decision.

Chapter fifteen

PENALTY PROVISIONS

Violations

Article 258

A legal person shall be liable to a fine for infringement which may range from 500.000 up to 2.000.000 RSD if it:

- 1) performs air transport operations contrary to the international acts, this Law and other regulations (Article 4(2));
- 2) does not observe the rules of the air (Article 4a(1));
- 3) performs air transport operations or operations of aircraft over cities, populated areas and industrial facilities below the altitude laid down by the regulation on the airspace classes referred to in Article 37 thereof (Article 8(1));
- 4) flies over cities, populated areas and industrial facilities below the laid down altitude contrary to instructions of the air traffic control services Article 8(2));
- 5) drops out items and liquids from an aircraft in flight contrary to the Article 9 thereof;
- 6) uses unmanned aircraft, model aircraft, rockets or other flying object in a manner which jeopardizes air transport safety (Article 10(1)) or contrary to conditions laid down by the regulation referred to in Article 10(3) thereof;
- 7) launches a rocket or other flying object with no prior approval by the air navigation service provider Article 10(2) thereof;
- 8) allows parachute descents contrary to the Article 11 thereof;
- 9) operates an aircraft in a prohibited area or contrary to the conditions for operations in a prohibited area (Article 13(1));
- 10) operates an aircraft in a restricted area without obtained approval of the Directorate (Article 13(3));
- 11) fails to report any occurrences, in accordance with the safety management manual (Article 17(1));
- 12) fails to notify the Directorate of introducing changes into the functional system or fails to provide the Directorate with the safety argumentation or fails to obtain an approval of the Directorate for a planned change (Article 18(1));

13) fails to continuously and automatically identify hazards, assess and mitigate risks in performing its functions (Article 19(1));

14) fails to act upon issued safety order (Article 19a(1));

15) as an aircraft operator uses an aircraft flying in the airspace of the Republic of Serbia without previously filing a flight plan (Article 24(2));

16) fails to provide regular and reliable services as a communication, navigation and surveillance services provider (Article 53(1));

17) fails to use systems, devices, equipment and facilities in accordance with the technical documentation, user manuals and maintenance programmes or if technical documentation, user manuals and maintenance programmes are not properly kept and maintained (Article 53(2));

18) fails to plan or design or procure or use or maintain or monitor the operation and serviceability of the communication, navigation and surveillance systems, devices, equipment and facilities, the technical properties and operating and maintenance procedures of which meet the international regulations and standards, commitments assumed by ratified international agreement, and conditions prescribed by the Directorate (Article 54(1));

19) fails to regularly check and calibrate from air communication, navigation and surveillance systems, devices and equipment (Article 54(2));

20) fails to make available observed meteorological data or place such data at the disposal of service users (Article 57(1));

21) fails to provide in due time aeronautical information service providers with the information relevant for aircraft operations for the purpose of publishing in the Integrated Aeronautical Information Package (Article 60(2));

22) provides air navigation services and does not hold a certificate to provide services or has not been designated by the Government to provide such services (Article 64(2));

23) as an air navigation service provider fails to record data in electronic form or fails to keep all data on provided services in other manner (Article 71(1));

24) operates commercial air transport without a valid operating licence (Article 77(1));

25) operates a non-power driven aircraft or ultralight power-driven aircraft or local flights without an air operator certificate (Article 79(3),(4));

26) fails to provide the Directorate, upon request, data relevant for the fulfillment of conditions prescribed for granting an operating licence (Article 80(2));

27) as a holder of an operating licence fails to provide the Directorate with the annual financial reports within six months of the financial year ending (Article 80(3));

28) while operating commercial air transport operations fails to observe conditions stated in the air operator certificate (Article 84(2));

29) prior to aircraft lease fails to obtain an approval from the Directorate to conclude a leasing agreement (Article 87(2));

30) dry leases an aircraft to a foreign air carrier with no previous approval from the Directorate or wet leases an aircraft without notifying the Directorate thereon (Article 87(3));

31) fails to operate international air transport operations under conditions determined with ratified international agreement (Article 89(2));

32) fails to publish a total amount of air fares and air rates or to clearly state the elements which make the air fares and rates (Article 92(2));

33) fails to publish the flight schedule at the latest 15 days prior to the beginning of its application, and the timetable and changes at the latest ten days prior to the application of the changed timetable (Article 94(2));

34) fails to perform its functions in accordance with the published flight schedule as long as it is in force (Article 94(3));

35) fails to immediately notify the public on the disruption of air services or the alternations in the flight schedule by public media (Article 94(4));

36) conducts specialized operations for remuneration, without submitted declaration on his capabilities for conducting such operations, or when conducting high risk specialized operations without holding an authorization to conduct such operations (Article 95(1));

37) performs non-commercial operations using complex engine aircraft, and fails to provide the Directorate a declaration which confirms that he is qualified as required and has ensured sufficient financial resources in order to perform air operations (Article 97(1));

38) performs non-commercial operations contrary to the conditions determined by the regulation referred to in Article 97(2) thereof;

39) organizes an air show without approval of the Directorate (Article 98(1));

40) fails to use an aerodrome for take-off, landing and surface movement (Article 99(1));

41) for take-off and landing uses locations outside an aerodrome contrary to the conditions prescribed by the Directorate (Article 99(3));

42) take-off or land at an aerodrome outside an aerodrome opening hours, out of the period determined by an aerodrome operator (Article 103(4));

43) operates an aerodrome in air transport operations and does not hold an aerodrome certificate, approval or agreement for the operation of an aerodrome or if at the moment of using an aerodrome fails to be compliant with all the conditions to ensure safe air transport operations, as well as all the conditions related to aviation security (Article 104);

44) operates an aerodrome in air transport operations contrary to the conditions determined by the Directorate in the approval specification or an agreement specification to operate an aerodrome (Article 108(1));

45) fails to notify the Directorate and the competent air traffic control unit on planned works of a larger scope which may lead to closure of an aerodrome or limitations of its use, as well as of all other changes which relate to conditions under which an approval or an agreement to operate an aerodrome is issued (Article 110(1));

46) fails to limit or permanently or temporarily terminate the operation of an aerodrome which no longer fulfills any of the conditions related to safe air transport operations or aviation security or fails to notify thereon the Directorate and the competent air traffic control unit when (Article 110(2));

47) makes a change at an aerodrome which may affect the approval or agreement specification for operating an aerodrome, and fails to submit to the Directorate an application for amendment of an approval or an agreement (Article 111(1));

48) prior to make known to public, fails to submit to the Directorate the planning documentation which refers to construction, building, adaptation and reconstruction of an aerodrome or the planning documentation which regulates the environment around an aerodrome for obtaining an opinion (Article 115(3));

49) fails to submit to the Directorate the technical and safety documentation prior to applying for the construction with the competent authority and/or prior to commencing the works (Article 116(1));

50) fails to mark the obstacles which may affect the air traffic safety (Article 117(1));

51) constructs or positions facilities, installations and devices within or outside an aerodrome perimeter, which as an obstacle may affect the air traffic safety without the permission from the Directorate (Article 117(2));

52) constructs or positions positions facilities, installations and devices within or outside an aerodrome perimeter, which may affect the operation of radio devices used in air navigation services without obtaining an approval from the Directorate (Article 119(1));

53) fails to undertake all the measures necessary for the safe take-off, landing, surface movement and reside of the aircraft, as well as the provision of ground handling services at an aerodrome (Article 120(1));

54) fails to define conditions for an aerodrome operation, to ensure undisturbed use of manoeuvring surfaces and aprons, facilities, devices and equipment according to their purpose, technical properties and an aerodrome capacity (Article 120(2));

55) fails to provide regular inspections and maintenance of manoeuvring areas, runways, aprons, facilities, installations, devices and equipment which enable safe take-off, landing and surface movement, or to notify the competent air traffic control unit thereon (Article 120(3));

56) fails to establish management activities and control of aircraft and vehicles movement on the aerodrome apron (Article 121(1));

57) fails to submit to the Directorate a declaration of its capabilities for providing an apron management services (Article 121(3));

58) fails to undertake measures for removal or prevention of dumps formation or other materials that may attract birds and other animals at an aerodrome or its vicinity, or in the cases when the removal of such materials is not possible, to ensure that every risk for aircraft is assessed and mitigated to the lowest possible level (Article 122(1));

59) fails to ensure birds observation and dispersion of birds and other animals at an aerodrome perimeter and in its vicinity, or information collection from aircraft operators, aerodrome personnel and other sources on the presence of birds or other animals at an aerodrome and in its vicinity, or fails to make analysis of such information, or fails to undertake other measures which bring the probability of birds and other animals collision and the aircraft to the lowest possible level (Article 122(2));

60) fails to position a barrier or other suitable obstacle for preventing entry of the animals big enough that may pose a threat to an aircraft, as well as for preventing occasional or intentional access of unauthorized persons at an aerodrome surface which is not public (Article 123(1));

61) fails to position a barrier or other suitable obstacle or to undertake other appropriate measure for safeguarding of an aerodrome, if the Directorate, when assessing

the conditions for an approval or an agreement, assesses that such positioning is necessary for the air traffic safety (Article 123(2));

62) fails to organize, depending on the fire-fighting category of the aerodrome, a fire-fighting service or a fire-fighting protection at an aerodrome (Article 124(1),(2));

63) delegates functions of the firefighting service or firefighting protection to an organisation which is not compliant with the conditions laid down by the Law and regulations adopted thereon in respect of personnel, vehicles, equipment and fire extinguishing agents and rescue (Article 124(4));

64) fails to establish an emergency medical service, or fails to organize an emergency medical protection (Article 125(1),(2));

65) delegates functions of the emergency medical service or emergency medical protection to a medical institution which is not compliant with the conditions laid down by the Law and regulations adopted thereon (Article 125(5));

66) provides ground handling services and does not hold an authorization of the Directorate for providing such services (Article 127(1));

67) as an air carrier provides self-handling without an authorization of the Directorate (Article 128 (1),(2));

68) fails to publish a list of aerodrome infrastructure, or to determine charges for an access to such infrastructure, or fails to enable an access of the ground handling services providers to an aerodrome infrastructure under objective, transparent and non-discriminatory principles, or fails to conclude an agreement with the ground handling services providers on using an aerodrome infrastructure (Article 130(4));

69) as a holder of an authorization for self-handling fails to ensure the continuity in providing ground handling services or self-handling services, or fails to provide services for which an authorization is granted in fair and non-discriminatory principles (Article 131(1));

70) fails to separate ground handling services accounting from other operations performed (Article 131(2));

71) delegates provision of particular ground handling services to other legal person or an entrepreneur (subcontractor) who does not hold a valid authorization for providing such ground handling services (Article 131(3));

72) fails to set up a Committee of air carriers using aerodrome services (Article 132(1));

73) defines the amount of aerodrome charges which is discriminatory for particular aerodrome users (Article 133 (4));

74) fails to notify all aerodrome services users of reasons to increase a particular charge and its precise amount at the latest 60 days prior to the planned date of introducing the charge increased (Article 133(5));

75) uses an aircraft not entered in the Aircraft Register of the Republic of Serbia, Records of the Republic of Serbia or Military Aircraft Register of the Republic of Serbia or which is not in a condition to safely operate a flight (Article 135(1));

76) uses an aircraft contrary to its category, type or purpose (Article 135(3));

77) uses an aircraft with the nationality marks of the Republic of Serbia, and fails to bear the nationality marks or the registration marks or common marks (Article 145(2));

78) uses an aircraft entered in the Aircraft Register, and while in flight it fails to carry on board the registration certificate, or certificate of airworthiness, or airworthiness

review certificate, or aircraft radio station licence or other records and logbooks (Article 147(1));

79) performs maintenance activities without an approval for providing maintenance activities (Article 149(2));

80) designs or produces aeronautical products, parts and appliances contrary to the conditions prescribed by the Directorate (Article 152(5));

81) operates an aircraft in commercial air transport operations which fails to meet additional requirements for establishing and maintaining continuing airworthiness (Article 163(1));

82) applies an aircraft maintenance programme which is not approved by the Directorate (Article 164(2));

83) operates an aircraft contrary to the conditions and limitations determined in the flight permit by the Directorate (Article 165(2));

84) enables aviation personnel whose activities directly affect the air transport safety to exercise functions without an appropriate licence (Article 172(1));

85) enables an exercise of the functions which indirectly affect the air transport safety to the personnel not holding a certificate of competence (Article 175(1),(3));

86) provides training to aviation personnel in accordance with training programmes which are not approved by the Directorate (Article 179(1));

87) provides training to the aviation personnel without an approval certificate for providing training (article 179(3));

88) provides training to the aviation personnel on a flight simulator training device or on other types of synthetic training devices for which no user approval from the Directorate is obtained (Article 180(1));

89) conducts medical examinations of the aviation personnel without holding a certificate (Article 189(1));

90) conducts medical examinations, assesses the medical fitness or issues medical certificates contrary to the conditions prescribed by the Directorate (Article 189(2));

91) fails to ensure assessment of the psychological and physical condition of the aviation personnel prior to exercising their functions, as well as while exercising their functions, in the manner which does not prevent their work (Article 193(2));

92) fails to ensure the number and composition of the aircraft crew members in accordance with the aircraft type certificate or aircraft operations manual or operations manual of the aircraft operator or the regulation of the Directorate (Article 194(2));

93) enables that a person who exceeds the age limit defined by the Article 196 of the Law is engaged in commercial air transport operations;

94) fails to determine the pilot-in-command for each flight or a portion of the flight (Article 197(3));

95) fails to ensure observation of the provisions on the flight duty period, flight time, duty period, breaks and rest periods of the aircraft crew members or fails to keep records thereon (Article 199(6));

96) fails to ensure an observation of the working time provisions, duration of shifts within a working day, duration of continuous work and duration of daily break periods of air traffic controllers (Article 199a(4));

97) fails to undertake measures for protection of environment against aircraft noise and other noise related external factors which affect noise, and originate from operations and services provision in aviation (Article 200(1));

98) fails to ensure that, while using an aerodrome, environment protection measures are applied, in accordance with the Law and regulations that govern environment protection (Article 201);

99) fails to provide permanent measuring of noise generated at an aerodrome and in its vicinity during take-offs and landings of aircraft (Article 203(1));

100) Deleted;

101) Deleted;

102) Deleted;

103) fails to set up an Aerodrome Aviation Security Committee (Article 223(1));

104) fails to draw up or apply its own aviation security programme in accordance with the National Civil Aviation Security Programme (Article 224(1));

105) applies its own aviation security programme without an approval without being approved by the Directorate (Article 224(2));

106) fails to draw up, amend or apply its security measures procedures (Article 224(5));

107) fails to determine an aerodrome airside and security restrictive area or official corridors or passenger corridors or fails to obtain an approval thereon by the Directorate (Article 225(1));

108) fails to mark the official access points and passenger gates or fails to position appropriate warnings, cautions or prohibitions to prevent an unauthorized entry into an airside and security-restricted area (Article 225(2));

109) fails to determine an airside and security restricted area of an aerodrome or to position a barrier or other suitable obstacle or fails to undertake other appropriate measure to safeguard an aerodrome on the basis of a particular security risk assessment (Article 225(3));

110) fails to ensure an access control of persons and vehicles into an aerodrome airside and security restricted area (Article 226(1));

111) fails to ensure screening at entry into a security-restricted area or inside this area referred to in Article 226(2) thereof;

112) allows an access to a person refusing screening into a security restricted area or a person for which there is a reasonable doubt in respect of his intentions, his baggage or hand baggage (Article 226(6));

113) performs an access control or screening without holding a permit of the Directorate (Article 227(1));

114) fails to conduct inspections and safeguarding of facilities, installations, devices and equipment at an aerodrome or fails to ensure: an area for the inspection of aircraft which is subject of an act of unlawful interference; conditions for access control and prevention of an unauthorized access into an aerodrome airside or security restricted area; suitable premises and technical equipment for conducting screening or a suitable place for destroying detected explosive and flammable substances or dangerous goods (Article 228(1));

115) fails to prohibit access and movement of other than passengers and vehicles in an aerodrome airside and security restricted area, as well as critical facilities, infrastructure parts and systems used for civil aviation needs outside an aerodrome, with no suitable identification card (Article 231(1));

116) fails to act upon the decision of the aviation inspector (Article 252(2));

For the infringement referred to in paragraph 1 thereof, an accountable person within the a legal person shall be liable to a fine which may range from 50.000 up to 150.000 RSD.

For the infringement referred to in paragraph 1 thereof, an entrepreneur shall be liable to a fine which may range from 100.000 up to 500.000 RSD..

Article 259.

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Violations subject to Penalty and Committed by Natural Persons

Article 260

The natural person shall be liable to a fine which may range from 50.000 to 150.000 for the infringement if it:

1) performs air transport operations contrary to the international acts, this Law and other regulations (Article 4(2));

2) fails to observe the rules of air (Article 4a(1));

3) performs air transport operations or operations of aircraft over cities, populated areas and industrial facilities below the altitude laid down by the regulation on the organization and use of the airspace classess referred to in Article 37 thereof (Article 8(1));

4) flies over cities, populated areas and industrial facilities below the laid down altitude contrary to the instructions of the air traffic control services (Article 8(2));

5) drops out items and liquids from an aircraft in flight contrary to the Article 9 thereof;

6) uses unmanned aircraft, model aircraft, rockets or other flying object in a manner which jeopardizes air transport safety (Article 10(1)) or contrary to conditions laid down by the regulation referred to in Article 10(3) thereof;

7) launches a rocket or other flying object with no prior approval by the air navigation service provider (Article 10(2)) thereof;

8) makes parachute jumps or allows parachute descents contrary to the Article 11 thereof;

9) operates an aircraft in a prohibited area or contrary to the conditions for operations in a prohibited area (Article 13(1));

10) operates an aircraft in a restricted area without an approval of the Directorate (Article 13(3));

11) fails to report any occurrences, in accordance with the safety management manual (Article 17(1));

- 12) fails to act upon an issued safety order (Article 19a(1));
- 13) as a pilot in command causes an airspace infringement of the Republic of Serbia (Article 23(1));
- 14) as a pilot in command is in command of the aircraft flying in the airspace of the Republic of Serbia without previously filing a flight plan (Article 24(1));
- 15) while providing air traffic control services fails to use standard phraseology in English language (Article 48(1));
- 16) if as a schedules facilitator or a coordinator performs coordination of flight schedules and slots allocation in the manner contrary to the regulation referred to in Article 94(7) thereof;
- 17) performs non-commercial operations using complex engine aircraft, and fails to provide the Directorate with a declaration which demonstrates that he is qualified as required and has ensured sufficient financial resources in order to perform air operations (Article 97(1));
- 18) performs non-commercial operations contrary to the conditions laid down by the regulation referred to in Article 97(2) thereof;
- 19) fails to use an aerodrome for take-off, landing and surface movement (Article 99(1));
- 20) for take-off and landing uses locations outside an aerodrome contrary to the conditions prescribed by the Directorate (Article 99(3));
- 21) operates an aerodrome in air transport operations and fails to hold an aerodrome certificate, approval or agreement for the operation of an aerodrome or if at the moment of using an aerodrome fails to be compliant with all the conditions to ensure safe air transport operations, as well as all the conditions related to aviation security (Article 104);
- 22) operates an aerodrome in air transport operations contrary to the conditions determined by the Directorate in the approval specification or an agreement specification to operate an aerodrome (Article 108(1));
- 23) fails to notify the Directorate and the competent air traffic control unit on planned works of a larger scope which may lead to closure of an aerodrome or limitations of its use, as well as of all other changes which relate to conditions under which an approval or an agreement to operate an aerodrome is issued (Article 110(1));
- 24) fails to limit or permanently or temporarily terminate the operation of an aerodrome which no longer fulfills any of the conditions related to safe air transport operations or aviation security or fails to notify thereon the Directorate and the competent air traffic control unit when an aerodrome (Article 110(2));
- 25) makes a change at an aerodrome which may affect the approval or agreement specification to operate an aerodrome, and fails to submit to the Directorate an application for amendment of an approval or an agreement (Article 111(1));
- 26) prior to make known to public, fails to submit to the Directorate the planning documentation which refers to construction, building, adaptation and reconstruction of an aerodrome and the planning documentation which regulates the environment around an aerodrome for obtaining an opinion (Article 115(3));
- 27) fails to submit to the Directorate the technical and safety documentation for approval prior to applying for the construction with the competent authority and/or prior to commencing the works (Article 116(1));

28) constructs or positions facilities, installations and devices within or outside an aerodrome perimeter which as an obstacle may affect the air traffic safety, without the permission from the Directorate (Article 117(2));

29) constructs or positions facilities, installations and devices within or outside an aerodrome perimeter which may affect the operation of radio devices used in air navigation services without obtaining an approval from the Directorate (Article 119(1));

30) fails to undertake all the measures necessary for the safe take-off, landing, surface movement and reside of the aircraft, as well as the provision of ground handling services at an aerodrome (Article 120(1));

31) fails to define conditions for an aerodrome operation, to ensure undisturbed use of manoeuvring surfaces and aprons, facilities, devices and equipment according to their purpose, technical properties and an aerodrome capacity (Article 120(2));

32) fails to provide regular inspections and maintenance of manoeuvring areas, runways, aprons, facilities, installations, devices and equipment which enable safe take-off, landing and surface movement or to notify the competent air traffic control unit thereon (Article 120(3));

33) fails to establish activities management and control of aircraft and vehicles movement on the aerodrome apron (Article 121(1));

34) fails to submit to the Directorate a declaration of its capabilities for providing an apron management services (Article 121(3));

35) fails to undertake measures for removal or prevention of dumps formation or other materials that may attract birds and other animals at an aerodrome or its vicinity, or in the cases when the removal of such materials is not possible, to ensure that every risk for aircraft is assessed and mitigated to the lowest possible level (Article 122(1));

36) fails to ensure birds observation and dispersion of birds and other animals at an aerodrome perimeter and in its vicinity or information collection from aircraft operators, aerodrome personnel and other sources on the presence of birds or other animals at an aerodrome and in its vicinity or fails to make analysis of such information or fails to undertake other measures which bring the probability of birds and other animals collision and the aircraft to the lowest possible level (Article 122(2));

37) fails to position a barrier or other suitable obstacle for preventing entry of the animals big enough that may pose a threat to an aircraft, as well as for preventing occasional or intentional access of unauthorized persons at an aerodrome surface which is not public (Article 123(1));

38) fails to position a barrier or other suitable obstacle or to undertake other appropriate measure for safeguarding of an aerodrome, if the Directorate, when assessing the conditions for an approval or an agreement, assesses that such positioning is necessary for the air traffic safety (Article 123(2));

39) fails to organize, depending on the fire-fighting category of the aerodrome, a fire-fighting service or a firefighting protection at an aerodrome (Article 124(1),(2));

40) delegates functions of the firefighting service or firefighting protection to other organisation which is not compliant with the conditions prescribed by the Law and regulations adopted thereon in respect of personnel, vehicles, equipment and fire extinguishing agents and rescue (Article 124(4));

41) fails to establish an emergency medical service or fails to organize an emergency medical protection (Article 125(1),(2));

42) delegates functions of the emergency medical service or emergency medical protection to a medical institution which is not compliant with the conditions laid down by the Law and regulations adopted thereon (Article 125(5));

43) uses an aircraft not entered in the Aircraft Register of the Republic of Serbia, Records of the Republic of Serbia or Military Aircraft Register of the Republic of Serbia or which is not in a condition to safely operate a flight (Article 135(1));

44) uses an aircraft contrary to its category, type or purpose (Article 135(3));

45) uses an aircraft with the nationality marks of the Republic of Serbia, and fails to bear the nationality marks or the registration marks or common marks (Article 145(2));

46) uses an aircraft entered in the Aircraft Register, and while in flight it fails to carry on board the registration certificate or certificate of airworthiness or airworthiness review certificate or aircraft radio station licence or other records and logbooks (Article 147(1));

47) designs or produces aeronautical products, parts and appliances contrary to the conditions prescribed by the Directorate (Article 152(5));

48) operates an aircraft in commercial air transport operations which fails to meet additional requirements for establishing and maintaining continuing airworthiness (Article 163(1));

49) applies an aircraft maintenance programme not being approved by the Directorate (Article 164(2));

50) operates an aircraft contrary to the conditions and limitations laid down in the flight permit by the Directorate (Article 165(2));

51) exercises the functions which directly affect the air transport safety without an appropriate licence endorsed by its holder's ratings (Article 172(1));

52) exercises the functions which indirectly affect the air transport safety without holding an appropriate certificate of competence (Article 175(1)(3));

53) when exercising functions fails to have a licence or a certificate of competence, and the flight crew, air traffic controllers and cabin crew also a medical certificate (Article 187(1));

54) in the course of practical training fails to have a document which proves that a person is undergoing practical training (Article 187(2));

55) exercises functions he is authorized to and fails to demonstrate that he is medically fit with an appropriate medical certificate (Article 188(1));

56) carries out medical examinations of the aviation personnel without holding a certificate to assess medical fitness (Article 189(1));

57) conducts medical examinations, assesses the medical fitness or issues medical certificates contrary to the conditions prescribed by the Directorate (Article 189(2));

58) while exercising his privileges he is under the influence of the alcohol or psychoactive substances or in a psycho-physical condition which might render him unable to safely exercise his privileges (Article 193(1));

59) acts as a pilot of an aircraft engaged in commercial air transport operations and has exceeded the age requirements defined in the Article 196 thereof;

60) fails to verify prior to flight that the aircraft and the aircraft crew are ready for the flight, that all the needed documents and logbooks are on board or fails to undertake measures defined by the operations manual of the aircraft operator (Article 198(1));

- 61) fails to observe the orders given by the pilot-in-command (Article 198(2));
- 62) fails to undertake all the necessary measures to maintain the flight safety and aircraft security (Article 198(4));
- 63) fails to undertake measures in accordance with the regulation referred to in the Article 199(5) thereof;
- 64) *Deleted*;
- 65) *Deleted*;
- 66) *Deleted*;
- 67) allows an access to a person refusing screening into a security restricted area, or a person for which there is a reasonable doubt in respect of his intentions, his baggage or cabin baggage (Article 226(6));
- 68) introduces weapons or firearms, ammunition, explosive, flammable or hazardous substances into the cabin compartment of an aircraft and into the security restricted areas, as well as the articles specified in the list of prohibited items prescribed by the Directorate (Article 230(1));
- 69) prior to embarkation when checking in for the flight fails to present and fails to hand over weapon or firearm or ammunition to an officer of the ministry in charge of interior at an aerodrome (Article 230(3));
- 70) without a suitable identification card enters the airside and the security restricted area and moves inside them or in critical facilities, infrastructure parts and systems used for civil aviation needs outside an aerodrome (Article 231(1));
- 71) fails to notify the person that issued an identification card in case of the expiry of the identification card, its loss, change of a working position or a termination of the employment (Article 231(4));
- 72) fails to act upon an order of the aviation inspector (Article 251(4));
- 73) fails to act upon the decision of the aviation inspector (Article 252(2));
- 74) fails to notify in writing the aviation inspector within 48 hours from the deadline whether irregularities have been rectified (Article 252(3)).

Chapter sixteen

TRANSITIONAL AND FINAL PROVISIONS

Status of the Serbia and Montenegro Air Traffic Services Agency Ltd.

Article 261

By virtue of the Agreement between the Government of the Republic of Serbia and the Government of Montenegro concluded on 31st October 2003 whereby the Serbia and Montenegro Air Traffic Services Agency Ltd. was established, it is deemed that the Government has authorised the Serbia and Montenegro Air Traffic Services Agency Ltd. to render all services in air navigation in the territory of the Republic of Serbia until the Government decides otherwise.

Term for Enactment of Regulations for the Enforcement of this Law

Article 262

Regulations for the enforcement of this Law shall be enacted within the term of 24 months from the date of entry into force of this Law.

Enactment of Government Acts and the Establishment of the Committees

Article 263

The Government shall enact the national civil aviation safety programme, the national policy for airspace management and the national program for facilitation in air transport within the period of 18 months from the date of entry into force of this Law.

The Government shall establish the National Aviation Committee for Airspace Management, the National Committee for Facilitation in Air Transport and National Aviation Security Committee within the period of 18 months from the date of entry into force of this Law.

Taking over of the authorizations in the field of safety investigation into accidents and serious incidents of civil aircraft

Article 264

The Investigation Centre shall take over from the Directorate the rights, obligations, employees, case files, equipment, tools and archives required for carrying out duties and responsibilities in the field of safety investigations into accidents and serious incidents of civil aircraft.

Enactment of the Regulations Stemming from the ECAA Agreement

Article 265

Notwithstanding the regulations for the enactment of which the Directorate is empowered, the Directorate shall adopt the regulations in the domain of aviation contained in Annex I to the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (pursuant to UN Security Council Resolution 1244 of 10 June 1999) on the Establishment of a European Common Aviation Area (the ECAA Agreement). The multilateral

agreement has been ratified by means of the law published in “Official Gazette of the Republic of Serbia – International Treaties” No 38/09.

Management Board and the Director of the Directorate

Article 266

The Council of the Civil Aviation Directorate of the Republic of Serbia shall continue, from the date of entry into force of this Law, to act as the Management Board of the Directorate, composed as foreseen by this Law.

The Director General and the Deputy Director General of the Civil Aviation Directorate of the Republic of Serbia shall continue, from the date of entry into force of this Law, to work as the Director of the Directorate and the Deputy Director of the Directorate, as a public agency, with the authorizations foreseen by this Law and the law governing public agencies.

Validity of Individual Legal Acts Passed on the Basis of Regulations in Force

Article 267

Licences and other individual legal acts passed on the basis of regulations in force on the day of entry into force of this Law, which certified that their holders are qualified to perform functions or duties or provide services in aviation, shall remain in force up to the term of the expiry of validity indicated therein, or until the issuance of appropriate individual legal acts passed on the basis of this Law and regulations adopted on the basis thereof, and not later than 24 months from the day of entry into force of this Law.

All entities bound by the provisions of this Law to obtain an individual legal act certifying they fulfil the conditions necessary to perform functions, duties or provide services in aviation, and being not bound in this respect by the Air Transport Law (“Official Gazette of FRY” No 12/98, 5/99, 44/99, 73/00 and 70/01 and “Official Gazette of RS” No 101/05), shall fulfil all the conditions laid down in this Law within 24 months from its entry into force.

Application of this Law in respect of proceedings commenced

Article 268

The provisions of this Law shall be applicable to all proceedings commenced prior to entry into force of this Law if, until its entry into force, they were not resolved by rendering of a final decision.

Exceptionally, violation procedures commenced prior to the entry into force of this Law shall be concluded in accordance with the regulations that have been in force until the day of entry into force of this Law, if they are less severe for the offender.

Abrogation of the Air Transport Law and other regulations

Article 269

On the day of entry into force of this Law, the Air Transport Law (“Official Gazette of FRY” No 12/98, 5/99, 44/99, 73/00 and 70/01 and “Official Gazette of RS” No 101/05), the Decision on the Establishment of the Civil Aviation Directorate of the State of Serbia and the State of Montenegro (“Official Gazette of RS” No 102/03), the Decision on the Exercise of Founding Rights in the Civil Aviation Directorate of the State of Serbia and the State of Montenegro (“Official Gazette of RS” No 53/06) and the

Conclusion on the Change of the Name of the Civil Aviation Directorate of Serbia and Montenegro (“Official Gazette of RS” No 12/07) shall cease to be in force.

Entry into Force of this Law

Article 270

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