

("Official Gazette" No. 57/11)

LAW AMENDING THE AIR TRANSPORT LAW

Article 1

Article 19a is added to the Air Transport Law ("Official Gazette" No. 73/10), following Article 19, Article 19a shall be added as follows:

"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, action to be taken and timeframe for its 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 entity from the obligation to meet a certain technical requirement if it has established that the entity has otherwise provided the same safety level which is achieved by applying that requirement. "

Article 2

Article 184, Paragraph 1, word: "the Directorate" shall be substituted by the words "Director of the Directorate."

Paragraph 2, word: "the Directorate" is substituted by the words: "Director of the Directorate".

Article 3

Article 204 is amended as follows:

"Article 204

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

1) A person is fatally or seriously injured as a result of being in the aircraft, or, direct contact with any part of the aircraft, including parts which have become detached

from the aircraft, or, direct exposure to jet blast, except when the injuries are from natural causes, self- inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew;

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

3) The aircraft is missing or is completely inaccessible.

Serious incident means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft, which in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.

The owner, aircraft operator or a crew member involved in an accident or a serious incident, any person involved in the maintenance, design, manufacture of that aircraft or in the training of its crew; any person involved in the provision of air traffic control, flight information or aerodrome services, who have provided services for the aircraft, including the staff of the Directorate, who has knowledge of the occurrence of an accident or serious incident shall, without delay, notify the Accidents and Serious Incidents Investigation Centre.”

Article 4

The name of the Article 206 and its contents shall be changed to read:

“Accidents and Serious Incidents Investigation Centre

Article 206

Accidents and Serious Incidents Investigation Centre (hereinafter referred to as the Investigation Centre) shall be established as a separate organization for the purpose of carrying out the professional activities related to the organization and implementation of safety related investigations of accidents and serious incidents involving civil aircraft, as well as collecting and analyzing information relevant to the aviation safety and proposing measures to prevent future accidents.

The Investigation Centre shall operate independently or in cooperation with the authorities of other states responsible for the investigation of accidents and serious incidents, when provided for by a ratified international agreement. “

Article 5

The title of the Article 207 and its contents shall be changed to read:

“The investigator-in-charge

Article 207

The Investigation Centre shall be managed by the investigator-in-charge who has the position of a director of this separate organization.

Investigator-in-charge shall be appointed by the Government for a five-year period, upon the proposal made by the Prime Minister, from persons eligible for employment in government agencies, having higher education, appropriate expertise to conduct investigations of accidents and serious incidents with a nine-year working experience in the aviation field.

The investigator-in-charge shall be accountable for his/her work to the Prime Minister.

Deputy investigator-in-charge shall be appointed by the Government for a five-year period, at the proposal made by the investigator-in-charge, who will occupy a position of a Deputy Director of the separate organization.

Provisions of this Law pertaining to the investigator-in-charge shall be applicable to the requirements for the appointment of a deputy investigator-in-charge. ”

Article 6

The title of Article 208 and its contents shall be changed to read:

“Termination of duties of the investigator-in-charge

Article 208

The duties of the investigator-in-charge shall be terminated following the expiration of the appointment period, if he/she resigns or is removed from office.

Investigator-in-charge shall be removed from office in the case of negligence in discharging his/her duties, if sentenced to imprisonment for a period of six months or in the case of any offense that makes him unsuitable to serve as the investigator-in-charge or

in the case of the infringement of regulations governing conflict of interest in performing the public services.”

Article 7

The title of Article 209 and its contents shall be changed to read:

“Accidents and Serious Incidents Investigation Commission

Article 209

The investigation into every accident and a serious incident shall be conducted by the Accidents and Serious Incidents Investigation Commission (hereinafter: Commission).

The Commission shall be established by the investigator-in-charge and shall consist of persons from the list of experts (pilots, aeronautical engineers, air traffic controllers, meteorologists, doctors, lawyers and other persons working in the aviation field), which is compiled at the proposal by the investigator-in-charge, for each calendar year, and issued by the Government, taking into account their professional, moral, mental and physical abilities to conduct investigations of accidents and serious incidents and their experience in the same field.

The number of members and composition of the Commission depend upon the seriousness, type and scope of the accident or serious incident.

The Commission shall be independent in its work and shall be functionally independent from anybody whose interests may be in conflict with the tasks and powers of the Commission.

Nobody may restrict the content and scope of research, to influence the content or the scope of the preliminary, interim or final reports on the investigation into an accident or a serious incident, or the contents and scope of the safety recommendations of the Commission. “

Article 8

Article 212 is amended as follows:

“Article 212

While investigating the accident and serious incident, the investigator-in-charge and the Commission members shall have the right to:

1) Have immediate free access to the scene of the accident and serious incident and the aircraft, its contents or its wreckage;

- 2) Ensure without delay listing of evidence and controlled removal of aircraft debris or components for examination or analysis purposes;
- 3) Have immediate access to and use of the flight recorders, including their contents and any other relevant recordings;
- 4) Request a complete autopsy examination of the bodies of the fatally injured persons and to have immediate access to the results of such examinations or of tests made on samples taken;
- 5) Request a medical examination of persons involved in the operation of the aircraft request tests to be carried out on samples taken from such people and to have immediate access to the results of such examinations or tests;
- 6) Call and examine witnesses and require them to produce information or evidence relevant to the investigation of the accident or serious incident;
- 7) Have free access to relevant records and information held by the owner, user, and manufacturer of the aircraft, the certificate holder of the type design, the responsible maintenance organization, the training organization, air navigation service providers, aerodrome operators, and to the Directorate.”

Article 9

Article 215 is amended as follows:

“Article 215

When an accident or a serious incident involves a civil and domestic or foreign military aircraft, the accident or serious incident shall be investigated by a joint civil and military commission.

Half of the members in a joint civil and military committee shall be appointed by the investigator-in-charge from the list of experts in Article 209 of this Law, and the other half of the members shall be appointed by the minister in charge of defence.

The joint civil and military commission shall be chaired by the investigator-in-charge”.

Article 10

In Article 232 the words: “inspection oversight in aviation:” shall be deleted.

Article 11

In Article 234, Paragraph 1, words: “and inspection” shall be added, following: "conduct the audit".

In Paragraph 2 after the words: “administrative acts in the first instance” shall follow “carry out the inspection”.

Words “of competence” shall be deleted in Paragraph 3.

Article 12

In Article 235 following paragraph 4, Paragraph 5 shall be added to read as follows:

“The appeal under paragraph 4 shall not delay enactment of the administrative act.”

Article 13

In Article 243, Paragraph 1 following the word: "audit", the words "and inspection" shall be added, and a comma including the words: "and inspection shall be conducted by the ministry in charge of transport" shall be deleted.

Article 14

In Article 247, Paragraph 2 the words: "forwarded to the Directorate" shall be substituted with the words: "forwarded to the Director of the Directorate."

Article 15

In Article 250, Paragraph 1 words: "the ministry in charge of transport" shall be substituted with the word: "the Directorate".

In paragraph 4 words "the minister in charge of transport" shall be substituted with the word: "the Directorate".

Article 16

In Article 254, point 2) is amended as follows:

“2) Request from the training organization to vary, suspend or revoke the certificate of competence to a person from among the aviation personnel whose activities indirectly have an impact on the aviation safety or conduct a periodic assessment of competence;”

The word: "indirectly" in point 3) shall be substituted by the word: "directly".

Article 17

Title of Article 257 and its contents are changed to read:

"The right of appeal against the aviation inspector's decision

Article 257

Appeal against the aviation inspector's decision may be lodged with the minister in charge of transport.

The appeal against the decision of an aviation inspector shall not suspend the enactment of the decision. "

Article 18

In Article 258, Paragraph 1 following point 7) is added to point 7 a), which reads:

"7a) fails to comply with safety order issued (Article 19 a), paragraph 1)".

Article 19

In Article 259 Paragraph 1 after point 4) is added to item 4a), which reads:

"4.a) fails to comply with safety order issued (Article 19 a), paragraph 1)".

Article 20

In Article 260, after item 7) is added to item 7a), which reads:

"7a) fails to comply with safety order issued (Article 19 a), paragraph 1)".

Article 21

The title of Article 264 and its contents shall be changed to read:

"Taking over the authorizations in the field of the safety of investigation of accidents and serious incidents of civil aircraft

Article 264

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".

Article 22

In Article 210, paragraph 1, Article 213, paragraph 1, Article 258, paragraph 1 item 47), and Article 260 item 26) the words "chairman of the commission" in a

particular case shall be replaced with the words "investigator-in-charge" in the appropriate case.

Article 23

The Government shall appoint an investigator-in-charge within three months from the date of entering into force of this Law, and the Investigation Centre will commence its work no later than six months from the date of entering into force of this Law.

Pending the fulfilment of the requirements for the establishment of the Accidents and Serious Incidents Investigation Commission laid down in this Law, investigations into accidents and serious incidents shall be conducted by the Accidents and Serious Incidents Investigation Commission, which is appointed by the Directorate for every accident and serious incident, consisting of members from the appropriate list of experts.

Article 24

On the date of entering into force of this Law, the Law on Aerodromes ("Official Gazette of SRS" No. 28/75, 24/85 - the other law, 35/86 and the related law, 6 / 89 - the other law and 6/89 - the other law, and the "Official Gazette of the Republic of Serbia" No. 67/93 - the other law, and 44/95- the other law) shall be repealed.

Article 25

This Law shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Serbia.