

**Disclaimer:**

*This document is 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, Official Gazette of the Republic of Serbia No 66/15 (other Law)<sup>1</sup> of 4 August 2015, and Official Gazette of the Republic of Serbia No 83/18 of 29 October 2018*

## **AIR TRANSPORT LAW**

### **Section One**

#### **BASIC PROVISIONS**

##### **Article 1**

##### **Scope**

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

##### **Article 2**

##### **Aircraft to which this Law applies**

This Law shall apply to:

a) Aircraft in the territory of the Republic of Serbia, unless otherwise set forth in ratified international agreement, and

b) Military aircraft and military sections of joint civil-military aerodromes, only when expressly stipulated in this Law.

This Law shall apply to the civil aircraft registered in and located outside the territory of the Republic of Serbia, unless this is contrary to the regulations of the State within the territory of which such aircraft are located, or to a ratified international agreement.

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– 217, Article 258, Paragraph 1, Points 100-102, Article 260, Paragraph 1, Points 64-66 of the Air Transport Law were repealed by means of Article 56 of the Law on accident investigations in aviation, railways and waterborne transport (“Official Gazette of the Republic of Serbia“, No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

### Article 3 Definitions

Definitions used in this Law shall have the following meanings:

1) *aircraft* means a power-driven heavier than air aircraft, deriving its lift chiefly from aerodynamic reactions on the surface which remain fixed under given requirements of flight;

1a) *aerodrome* means 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* means 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;

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

3a) *public aerodrome/heliport* means an aerodrome/heliport available to all users under the same requirements, with the working time published in the Integrated Airspace Information Package;

3b) *packaging for the transport of dangerous goods* means one or more vessels and all other components, other components or materials necessary for the vessel to fulfil its tank function and the safety function for acceptance and safe storage of the contents;

3c) *safe participation in air transport* means such participation in air transport where the probability of death, injury, illness, pecuniary damage or any environmental damage is negligible;

4) *unmanned aircraft* means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board;

5) *aircraft* means 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;

5a) *aircraft emergency* means an aircraft in a specific situation in which there is a reasonable suspicion that the safety of aircraft and persons therein are threatened with serious and imminent danger, so that it needs immediate assistance, while there is no possible way of establishing whether the occurrence took place;

6) *model aircraft* means an unmanned aircraft, weighing up to 20 kg, excluding fuel, which is flown for sporting or recreational purposes, to which the provisions of the Convention on International Civil Aviation, Chicago, 1944 are not applicable;

7) *aeronautical product* means an aircraft engine and propeller;

7a) *air traffic* means all aircraft in flight or operating on the manoeuvring area and apron of an aerodrome;

8) *flight time*:

- 1) for aeroplanes, touring motor gliders and powered lift it means the total time from the moment of aircraft's first movement for taking off by the moment it finally comes to rest at the end of the flight;
- 2) for helicopters it means the total time from the moment a helicopter's rotor blades start turning by the moment the helicopter finally comes to rest at the end of the flight and the rotor blades stop;
- 3) for airships, it means the total time from the moment an airship is released from the mast for take-off by the moment the airship finally comes to rest at the end of the flight and is secured at the mast;
- 4) for gliders it means the total time from the moment the glider first moves for take-off by the moment it comes to rest at the end of flight;

9) *flight duty period* means 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 where the crew member acts as an operating crew member;

10) *parts and appliances* 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* means any safety-related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person and includes, in particular, an accident or serious incident;

12) *additional crew members* means technical crew members, other than flight crew or cabin crew members, assigned by an aircraft operator to perform duties on board or on the ground to assist the pilot on flights where specific onboard equipment may be required;

12a) *state of origin* means the state in the territory of which the consignment is first to be loaded on an aircraft;

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

14) *military operating area* means a particular portion of airspace used for the navigation of military aircraft (piloting area, instrumental navigation area, group flight area, low-level flight area, etc.);

15) *interoperability* means 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;

15a) *security survey* means a pre-announced comprehensive analysis of the operation of aerodrome operators, air operators or other entities engaged in aviation security activities aimed at identifying weak points that could be used to commit acts of unlawful interference, as well as establishing the security measures that are necessary to implement the established policy;

15b) *landside* means a part of an aerodrome, buildings and their parts including the surrounding lands accessible with no restrictions;

15c) *unit load device* (ULD) means any type of shipping container, aircraft container, aircraft pallet with a net or aviation pallet with a covering and a net;

16) *calibration from air* means the control from the 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 recurrent or conducted without delay before release to service;

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

18) *security controls* means the application of procedures, measures and actions by which the introduction of prohibited articles is prevented;

19) *access control* means the application of means by which the entry of unauthorised persons or vehicles, may be prevented;

20) *airside* means the movement area of an airport, adjacent terrain and buildings or portions, access to which is restricted;

21) *coordinated airport* means an airport where, in order to take-off or land, it is necessary for an air carrier or any other aircraft operator to have been allocated a slot by a coordinator, except for State flights, humanitarian flights or emergency landing;

22) *airspace user* means civil or state aircraft flying within the airspace, as well as other users requiring the use of airspace;

22a) *flying object* means any object other than an aircraft, unmanned aircraft or aircraft model the movement of which through the atmosphere is impossible to control once it began its movement

23) *route* means a one direction flight between the airport of the first departure and the airport of the final destination;

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

25) *local day* means 24 hours commencing at 00:00 local time;

26) *local flight* means 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* means a part of an aerodrome, to be used for the take-off, landing and taxiing of aircraft, excluding aprons;

28) *international recommended practices* means 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* means 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* means the information obtained through a detailed study of the requirements in the atmosphere above a designated area, based on actual monitoring;

31) *meteorological forecast* means information on expected meteorological requirements for a specific time or period and a particular area or a portion of airspace;

32) *meteorological report* means the information on the comply with meteorological requirements related to a particular time and location;

32a) *airworthiness directive* means a document setting out the measures that must be taken for the product to reach an acceptable level of safety;

33) *aircraft incident* means 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* means the area of airside where, in addition to access being restricted, other aviation security standards are applied;

34a) *demarcated area* means an area that is separated by means of access control either from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an aerodrome;

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

36) *danger area* means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

36a) *dangerous goods* means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the technical instructions, or which are classified according to these instructions;

37) *aerodrome operator* means any legal or natural person managing an airport and holds a certificate, approval or an agreement for operating the airport;

38) *aircraft operator* means any legal or natural person, operating or intending to operate one or more aircraft;

39) *operating licence* means an authorisation by which its holder is authorised to carry out commercial air transport operations as specified thereon;

40) *operational air traffic* means flights of state aircraft which are not operated according to the rules and procedures of International Civil Aviation Organisation but are operated in accordance with the rules and procedures specified by competent authorities;

41) *general air traffic* means all flights of aircraft, including flights of state aircraft, conducted under the rules and procedures of the International Civil Aviation Organisation;

42) *aircraft stand* means a designated area on an apron intended to be used for parking an aircraft;

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

44) *apron* means 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* means a consignor who is authorised to directly load his own cargo or mail onto the aircraft;

46) *known supplier of airport supplies* means a supplier authorised by an aerodrome operator for delivery of supplies intended to be sold in security restricted area of an airport;

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

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

48a) *dangerous goods shipper* means a company, another legal entity or enterprise which, in its own name and for his own account, or for a third party, delivers dangerous goods. If the transport is performed on the basis of the contract of carriage, the consignor shall be considered to be the shipper under that contract;

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

50) *check-in baggage* means baggage that is supposed to be carried in an aircraft hold;

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

52) *obstacle* means all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that:

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

53) *temporary segregated area* means 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* means a portion of airspace temporarily reserved for a particular user, which, however, may be available to other users, upon obtaining approval from the air traffic control unit;

54a) *unruly passengers* means passengers, boarded on aircraft from the moment of closing the aircraft door before take-off until the moment of their opening after landing, who commit the following:

- 1) assault, intimidate, threaten, or commit any other act which is likely to endanger the good conduct and discipline on board the aircraft or endanger aircrew, persons and property on board the aircraft;
- 2) assault, intimidate, threaten, interference or other action that may affect the ability of flight crew members to exercise their duties during the flight;
- 3) cause deliberate damage to aircraft, its components or associated equipment, as well as the deliberate failure to perform particular operations, which could endanger the Directive and safety of aircraft and personnel, as well as aircraft property;
- 4) communicate false information with the aim of endangering in-flight aircraft safety;
- 5) fail to perform the relevant commands or instructions issued for the safety, orderliness, or effectiveness of operations;

55) *duty period* means 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* means 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 means a supplier who is authorised for direct loading of in-flight supplies intended for use on board onto the aircraft;

57a) *flight schedule* means a flight schedule with the indicated aerodrome of departure, the date and time of departure, and the destination aerodrome, date and time of landing;

58) *risk* means predicted probability and severity of the consequences or outcomes of a hazard;

59) *taxiway* means 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 means a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;

- 2) apron taxiway means 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 means 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 minimising runway occupancy times;

60) *ATS route* means 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* means baggage intended for carriage in the cabin of an aircraft;

62) *complex motor-powered aircraft* means:

an aeroplane:

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

a helicopter certified:

- a) for a maximum take-off mass exceeding 3.175 kg, or
- b) for a maximum passenger seating configuration of more than nine, or
- c) for operation with a minimum crew of at least two pilots, or a tilt-rotor aircraft;

63) *slot* means 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;

63a) *account consignor* means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo or mail on all-cargo or all-mail aircraft only;

64) *airport managing body* means 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 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 means non-permanent ATS route or portion which can be planned and used under the specified requirements;

67) restricted area means the part of airspace within which the operations of aircraft are limited and conducted in accordance with certain predefined requirements, for a specific period;

68) functional system means a combination of equipment, procedures and human resources organised in entirety to perform a function;

69) heliport means 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;

70) Cospas-Sarsat means a non-profit intergovernmental organisation managing a global satellite system for detecting and locating activated emergency transmitters (aircraft, naval and ports) and forwarding information to the appropriate rescue coordination centre.

#### **Article 4** **Airspace of the Republic of Serbia**

The airspace of the Republic of Serbia is 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 services, in accordance with the international instruments, this Law and other regulations.

#### **Article 4a** **Rules of the air**

The aircraft within the airspace of the Republic of Serbia shall comply with the rules of the air.

The rules of the air referred to in paragraph 1 are contained in 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 apply to all aircraft performing general air traffic within the airspace of the Republic of Serbia.

## **Article 5**

### **Civil and state aircraft**

Civil aircraft of the Republic of Serbia shall be the aircraft entered on the aircraft registry and records of the Republic of Serbia.

State aircraft are aircraft used in military, police, and customs services, including aircraft used for transportation of heads of states or governments, and high level state delegations.

Military aircraft of the Republic of Serbia are the aircraft entered on the Military Aircraft Registry which are operated according to the flight rules applicable to general or operational air traffic.

## **Article 6**

### **Military aircraft operations**

Military aircraft operations are comprised of military aircraft of the Republic of Serbia and foreign military aircraft.

Military aircraft operations of the Republic of Serbia include aerodrome flights, flights out of aerodrome, overflights, and special purpose operations.

Flights out of aerodrome and special purpose operations may be operated along or outside the designated routes.

Military aircraft operations in the territory of the Republic of Serbia are regulated by the ministry of defence.

## **Article 7**

### **Special purpose operations**

Special purpose operations are military aircraft operations intended for the protection of airspace sovereignty, military aircraft test flying following major repairs, and flights conducted for the purpose of operational needs of the ministry of defence.

They take precedence over other flights, excluding flights where the PIC declares emergency, flights with the actual emergency situation, flights endangered or already affected by acts of unlawful interference.

Special purpose operations also comprise flights for the purpose of the ministry of interior in the performance of their operational duties.

The minister of interior shall be responsible for regulating special purpose operations conducted for the specific operational requirements of that ministry.

### **Article 8**

#### **Operations over urban, other populated areas, and industrial facilities**

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

Notwithstanding the above, aircraft operations over urban, other populated areas, and industrial facilities below the specified altitudes may be conducted if a prior approval for the flight is issued by the Civil Aviation Directorate of the Republic of Serbia (hereinafter: Directorate).

The approval for aircraft operations over urban and other populated areas, and industrial facilities below the specified altitudes is not required in case of state aircraft, firefighting, search and rescue, and air medical services in which case only a prior communicating the flight plan to the air traffic control service provider is required.

### **Article 9**

#### **Dropping or spraying**

Nothing shall be dropped or sprayed from an aircraft in flight, except where aviation safety and security are endangered, 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 requirements specified in detail by the Directorate.

### **Article 10**

#### **Unmanned aircraft, aeronautical models, missiles and other flying objects**

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

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

Requirements 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, requirements for launching missiles and other flying objects shall be specified in detail by the Directorate.

The person operating unmanned aircraft, model aircraft, missiles and other flying objects shall be held liable for any possible damage arising from the use of unmanned aircraft, model aircraft, missiles and other flying objects.

#### **Article 12**

##### **Restrictions on carrying armament and active recording equipment**

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

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

#### **Article 13**

##### **Prohibited, restricted and danger areas**

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

The Directorate shall define danger, prohibited, and restricted areas, as well as requirements for the aircraft operations within the restricted areas, upon receiving approval from the ministers of defence and interior.

The Directorate shall approve aircraft operations within the restricted areas upon receiving the opinions from the ministers of defence and interior.

### **Section Two**

#### **SAFETY**

#### **Article 14**

##### **Definition of safety**

Safety is the state where the risks related to endangering lives and health of persons, and incurring damage to property are reduced and maintained at an acceptable level by means of continuous identification of hazards and control of risks arising from the determined hazards.

Air navigation service providers, air carriers, aerodrome operators, maintenance organisations, and other entities designated by the Directorate (hereinafter referred to as: aviation entities) are responsible primarily for the safe performance of their activities or providing of services, while the responsibility for the safety of the aviation entities lies with the persons who may endanger safety in the course of performing their duties are also responsible for ensuring safe operations of aviation entities.

### **Article 15**

#### **National civil aviation safety programme**

The Government adopts the national civil aviation safety programme at the proposal of the minister of transport, with the aim of reaching the acceptable level of safety.

The National Civil Aviation Safety Programme establishes the principles, rules, and activities with the aim of reaching and promoting the acceptable level of safety in civil aviation in accordance with the Standards and Recommended Practices of the International Civil Aviation Organisation (SARPs, ICAO).

Directorate shall be responsible for the implementation of the national civil aviation safety programme.

### **Article 15a**

#### **National aviation safety committee**

National aviation safety committee shall be established by the Government as the Provisional Government committee for coordinating operations of authorities, organisations and aviation entities which are responsible for aviation safety and for giving recommendations for safety promotion.

National aviation safety committee shall coordinate the development of the national aviation safety programme.

The Government shall set forth the composition and manner of operation of the national aviation safety committee, at the proposal of the minister of transport.

### **Article 16**

#### **Safety management system**

Safety management system shall comprise organisation, procedures, and accountability, establishing and maintaining the acceptable safety level in the respect of the aviation entity`s activities.

An aviation entity shall establish a safety management system under the national civil aviation safety programme, the mandatory part of which is the safety management manual, and seek approval from the Directorate for the safety management system and amendments thereto.

The requirements under which the safety management system is established and implemented shall be specified by the Directorate.

Application for obtaining an approval for the safety management system and its amendments shall be subject to charge payable to the Directorate.

### **Article 17**

#### **Occurrence reporting**

An aeronautical entity and any other person designated as referred to in the regulation referred to in paragraph 4 of this Article shall, in the manner specified in this Regulation, report to the Directorate any occurrence, while other persons may do so voluntarily if they deem that such occurrence presents a real or potential danger.

The purpose of occurrence reporting is to prevent accidents and incidents without apportioning blame or liability.

The Directorate shall collect information on occurrences; ensure the protection of the applicant's personal data; analyse the occurrence; consider and, if necessary, change the classification of safety risks identified by the aeronautical entity in accordance with the risk classification methodology adopted by the Directorate; organize and implement the processing of occurrence reports; establish and maintain the occurrence database and exchange information on occurrences with the aviation authorities of foreign states and international aviation organisations.

Occurrence reporting, persons who are required to report occurrences, the manner in which the data are reported, processed, protected, stored, used and exchanged, and the manner in which the occurrence data base is organized and maintained shall be more closely specified in the regulation adopted by the Directorate.

### **Article 17a**

#### **Personal data protection**

When processing information on occurrences collected by the Directorate by way of mandatory or voluntary reporting, the provisions of the regulations on personal data protection pertaining to the reporters of occurrences, including the provisions of the regulations on data confidentiality shall be applicable.

The data referred to in paragraph 1 above shall not be used for other purposes other than for the promotion of aviation safety and security.

Any personal data pertaining to the reporter and persons involved in an occurrence shall be considered confidential, while in turn the Directorate shall not forward them to other persons, unless otherwise 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 the unintentional infringements of the law, and where there is no gross negligence, which came to its attention merely for the reason of their being reported pursuant to the mandatory occurrence reporting system.

Employers shall encourage their employees for common good to report occurrences which they identify as actual or potential threats to aviation safety, without apportioning blame or repercussions.

### **Article 18** **Introduction of changes to the functional system**

The aviation entity intending to introduce changes to its functional system likely to endanger the safety of operations or provision of services shall notify the Directorate on its intention and submit to it the relevant safety argumentation and obtain its approval for the planned changes.

The procedure for the introduction of change, contents of safety argumentation, and procedure for the analysis and assessment of safety argumentation shall be described in more detail in the regulation adopted by the Directorate.

Processing the application for approval to introduce changes to the functional system shall be subject to charge payable to the Directorate.

### **Article 19** **Risk assessment and mitigation**

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

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

The requirements related to the risk assessment and mitigation, classification of severity of hazards and risk classification shall be more explicitly specified in the regulation adopted by the Directorate.

**Article 19a**  
**Safety directive and exemptions**

The Director of the Directorate shall without delay issue a safety directive, if it is necessary to take immediate action in the interest of civil aviation safety. The safety directive shall specify addressee, the reasons for its issue, actions to be taken and timeframe for their implementation, date of entry into force, and term for which the order is issued, if applicable.

Exceptionally, the Directorate may grant to an aviation entity an exemption from the obligation to meet a particular technical requirement, for the period not exceeding six months, if the Directorate establishes that the entity has otherwise ensured the same safety level as it would be achieved by applying that requirement.

**Section Three**  
**PROTECTION OF AIRSPACE**  
**Article 20**  
**Airspace protection system**

Airspace protection system is a set of measures, activities and procedures with the aim of maintaining the sovereignty of 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 requirements under which it is established shall be specified by the minister of defence.

**Article 21**  
**Airspace surveillance**

The airspace surveillance of the Republic of Serbia is a unique system comprising of all civil and military, urban and other populated areas, rendered for the purpose of establishing and maintaining the required level of airspace protection and ensuring security of the air transport of the Republic of Serbia.

**Article 22**  
**Identification of aircraft in airspace**

The identification of aircraft within the airspace of the Republic of Serbia shall be carried out to prevent the airspace infringements and ensure safety and security of air transport.

The identification of aircraft within the airspace for the purpose of protection of the airspace of the Republic of Serbia shall be carried out by the responsible units of the Serbian Armed Forces and the responsible units of the air navigation service provider.

The identification of aircraft shall be conducted consistently, under the agreement between the ministry of defence and the air navigation service provider designated by the Government.

### **Article 23**

#### **Airspace infringements**

Entering of foreign aircraft the airspace of the Republic of Serbia or leaving the same contrary to the clearance of the air traffic service provider or any flight of a national or foreign aircraft operated contrary to the requirements specified in the approval by the competent authority or as indicated in the flight plan shall be deemed to constitute an infringement of the airspace of the Republic of Serbia.

An airspace infringement means flying a foreign unmanned aircraft within the airspace of the Republic of Serbia without the approval of the Directorate.

Based on the approval issued by the ministry of defence, the Directorate shall subsequently issue the approval referred to in paragraph 2 of this Article.

### **Article 24**

#### **Flight plan**

Any aircraft may fly within the airspace of the Republic of Serbia on the basis of a flight plan submitted on prior notice to an air navigation service provider.

A foreign state air operator carrying out international public air services with the Republic of Serbia may submit the flight plan if the flight has previously been approved by the Directorate, unless it is provided for that such approval is not required under the ratified international agreement.

### **Article 25**

#### **Flight plan of foreign state aircraft**

Foreign state aircraft may submit a flight plan exclusively upon receiving prior diplomatic clearance from the ministry of foreign affairs, and the approval from the ministry of defence respectively.

The flight plan of foreign aircraft operating non-scheduled air services shall be submitted if the Directorate issues prior approval for that flight.

## **Article 26**

### **Airborne terrorist threats**

Airborne terrorist threats against the Republic of Serbia are the threats, activities, or acts of unlawful interference which may reasonably endanger aircraft, passengers, human and material resources of the Republic of Serbia.

The procedures and obligations of competent authorities in the event of airborne terrorist threats shall be regulated by the Government act at the proposal of the ministers of defence and interior.

## **Article 27**

### **Civil-military coordination**

The civil-military coordination and communication system carried out for the purpose of protecting the airspace of the Republic of Serbia shall be regulated by means of special agreements concluded between the ministry of defence and aviation entities.

The activities related to civil-military coordination and exchange of information between Serbian Armed Forces and the ANS provider authorised by the Government regarding the situation in the airspace of the Republic of Serbia shall be conducted by the civil-military coordination unit established by the ministry of defence.

## **Section Four**

### **AIR NAVIGATION**

## **Article 28**

### **I THE BASIC PRINCIPLES OF AIR NAVIGATION**

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

### **II AIR TRAFFIC MANAGEMENT**

## **Article 29**

### **1. Definition of air traffic management**

Air traffic management means 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, including the air traffic services.

## **2. Airspace management**

### **Article 30**

#### **Definition and contents of airspace management**

Airspace management means the function of planning with the aim of ensuring the efficient use of airspace under dynamic approach to airspace use between different categories of users, according to the presented user requirements.

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

Airspace management shall be specified in detail by the Government, at the proposal of the minister of transport with the approval from the minister of defence.

### **Article 31**

#### **Flexible use of airspace**

Flexible use of airspace means the concept according to which the airspace is regarded as one continuum accommodated to all airspace users` requirements on a daily basis.

This concept shall ensure most efficient use of airspace by all users, based on actual needs and 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 specify in detail the concept of the flexible use of airspace.

### **Article 32**

#### **Strategic airspace management**

The strategic level of airspace management means the joint civil-military process defining the national policy for 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 for airspace management shall be specified by the Government, at the proposal of the Minister of transport.

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

### **Article 33**

#### **National aviation committee**

The Government shall establish the National Aviation Committee as a temporary 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, and 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 as required by the Government.

The composition and work methodology of the National Aviation Committee shall be specified by the Government at the proposal of the minister of transport.

### **Article 34**

#### **Pre-tactical airspace management**

Pre-tactical level includes the processing of users' requests, allocation of airspace for the use and forwarding of such data to the users concerned.

The pre-tactical airspace management operations shall be performed by the airspace management cells.

The airspace management cells may perform the allocation of airspace of other states.

### **Article 35**

#### **Tactical airspace management**

Tactical level of airspace management includes daily real-time activation, deactivation or reallocation of airspace previously allocated by the civil-military coordination unit.

Under a special agreement on civil-military coordination concluded between the ministry of defence and air navigation service provider, an airspace management unit shall be established including the procedures for civil-military coordination ensuring the interoperability of the communication and data exchange systems.

**Article 36**  
**Definition of airspace organisation**

Airspace organisation comprises the airspace classification, air traffic routes, air traffic route network management, establishment of functional airspace blocks, and delineating 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 organisation.

**Article 37**  
**Airspace classification**

Airspace classifications and the requirements under which all airspace classes may be used shall be regulated by the Government, at the proposal of the minister of transport.

**Article 38**  
**Air traffic route network**

An air traffic route network shall be established at a regional level, in accordance 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.

**Article 39**  
**Functional airspace block**

A functional airspace block means 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.

The functional airspace block shall be established by way of an international agreement.

**Article 40**

## **Vertical and lateral airspace boundaries under the responsibility of air traffic control units**

Vertical and lateral airspace boundaries under the responsibility of an 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 from the Directorate.

### **Article 41 Instrument flight procedures**

Instrument flight procedures which include approach landing, arrival and departure at a particular aerodrome, missed approach and hold shall be made by the air traffic control service provider specifically authorised by the Directorate.

The requirements for the issuance of authorisations for the development of instrument flight procedures, method of preparing, and their form shall be specified by the Directorate.

### **Article 42 Airspace structure development and design**

Airspace structure development and design includes defining 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 defined by the Government, while the relevant information shall be published in the Integrated Aeronautical Information Package.

### **Article 43 3. Air Traffic Flow Management**

Air traffic flow management is a service established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring air traffic control service provider's capacity is utilised to the maximum extent possible and the traffic volume is compatible with the capacities declared by the appropriate ATC authority.

Within the air traffic flow management process, in addition to air traffic service providers, the following parties shall also be involved: aircraft operators, entities involved

in airspace management, aerodrome operators, local air traffic flow management units, as well as other entities as specified in the regulation referred to in paragraph 4 of this Article.

The parties referred to in paragraph 2 of this Article shall plan, coordinate and implement the ATFM actions within the process of managing the air traffic flow and capacity management in accordance with the regulation referred to in paragraph 4 of this Article.

The air traffic flow management, capacity management, measures taken for that purpose, the coordination of all parties involved in air traffic flow management processes and their other responsibilities shall be more closely specified in the regulation adopted by the Directorate.

### **III AIR NAVIGATION SERVICES**

#### **Article 44**

##### **1. Purpose of air navigation services provision**

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

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

#### **Article 45**

##### **2. Types of air navigation services**

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

Air traffic services are 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.

#### **Article 46**

##### **3. Air Traffic Services**

###### **a) Air Traffic Control Services**

###### **Definition of Air Traffic Control**

Air traffic control comprises a series of procedures and activities performed for the purpose of preventing collisions between aircraft in flight and on the manoeuvring area between aircraft and obstructions; ensuring regular and expedient air traffic and air traffic flow; identifying of aircraft and flying objects for the purpose of notifying the aircraft in

flight; coordinating of work with air traffic controls of the neighbouring states; issuing of approvals for launching anti-hail missiles, and alerting for the purpose of initiating the search and rescue activities.

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

#### **Article 47**

#### **Air traffic control units**

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

Depending on the phase of a flight of aircraft where air traffic control services are provided, the air traffic control unit are aerodrome control unit, approach control unit and area control centre.

Aerodrome control unit provides air traffic control service at an aerodrome and in its vicinity from the aerodrome control tower.

Approach control unit provides air traffic control service in the vicinity of an aerodrome to controlled flights arriving at or departing from an aerodrome.

Area control centre provides air traffic control service to aircraft within the area of its responsibility, while on the en-route phase of flight.

#### **Article 48**

#### **Use of phraseology**

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

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

#### **Article 49**

#### **b) Flight Information Services**

#### **Definition of Flight Information Services**

Flight information services shall include providing advice and information necessary for the safe conduct of flights, particularly related to the status of an 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 specified by the Directorate, with the approval from the minister of defence.

#### **Article 50**

##### **Use of phraseology in the Flight Information Services**

While providing flight information services, in addition to phraseology in English language, the phraseology in Serbian language may also be used, as specified by the Directorate, with the approval from the Minister of defence.

#### **Article 51**

##### **c) Alerting service**

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

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

The procedure for the provision of alerting service shall be specified by the Directorate.

#### **Article 52**

##### **4. Communication, Navigation and Surveillance Services**

##### **Definition of Communication, Navigation and Surveillance Services**

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.

#### **Article 53**

##### **Obligations of Communication, Navigation and Surveillance Services Provider**

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.

#### **Article 54**

##### **Systems, devices, equipment and facilities of Air Navigation Service Providers**

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 requirements specified by the Directorate.

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

### **5. Aeronautical Meteorological Services**

#### **Article 55**

##### **Definition of aeronautical meteorological services**

Aeronautical meteorological services are comprised of continued monitoring of meteorological requirements 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 requirements.

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 specified by the Directorate.

#### **Article 56**

##### **Organisations providing aeronautical meteorological services**

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 aeronautical meteorological office shall be designated to provide meteorological services to aerodromes.

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.

#### **Article 57**

#### **Availability of the observed information**

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 specified in detail by the regulation passed by the Directorate.

#### **Article 58**

#### **Communication of the required meteorological services**

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 specified by the Directorate.

#### **Article 59**

### **6. Aeronautical Information Services**

#### **Definition of Aeronautical Information Services**

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 specified by the Directorate.

### **Article 60** **Integrated Aeronautical Information Package**

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 specified by the International Civil Aviation Organisation and other data significant for the operation of aircraft shall be published in the Integrated Aeronautical Information Package.

Aviation entities, state administration authorities, organisations 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 specified in detail by the Directorate.

### **Article 61** **7. Search and Rescue Services** **Definition**

The aircraft search and rescue service is made up of a system of measures and procedures that are applied when an aircraft is in a state of emergency, and for locating the aircraft accident site, rescuing of persons injured in an accident, or endangered by the accident, by providing the first aid assistance to those persons and delivering them to a place of safety by applying all available resources.

The aircraft search and rescue service shall be organized and supervised by the Directorate in accordance with the international standards and recommended practices.

The Directorate shall also keep records of the registered emergency locator transmitters.

The aircraft search and rescue operation in civil aviation is initiated and managed by the Directorate, through its rescue coordination centre, which receives, monitors, evaluates and exchanges information when an aircraft is in a state of emergency.

Information on aircraft in the state of an emergency shall be provided to the rescue coordination centre by air navigation service providers, Cospas-Sarsat and other entities as specified in the regulation referred to in Article 62, paragraph 3 of this Law.

Aircraft search and rescue service shall be available 24 hours a day.

The search and rescue service for military aircraft shall be organized by the ministry of defence.

### **Article 61a**

#### **Search and rescue region**

The search and rescue region shall cover the territory of the Republic of Serbia, and may include the territory of another State, provided that this is stipulated in the international agreement concluded with that State.

In accordance with the international agreement referred to in paragraph 1 of this Article, the authority of the other State responsible for search and rescue may participate in search and rescue operations on the territory of the Republic of Serbia.

### **Article 62**

#### **Parties in search and rescue**

Ministries of defence, interior and health, municipal authorities, towns, city of Belgrade and autonomous provinces, specialized rescue units, aerodrome services (rescue and firefighting department and emergency medical services) shall be involved in the provision of aircraft search and rescue services, air navigation service providers, public companies, healthcare institutions, as well as all other legal and natural persons that can provide assistance.

With the aim of improving the search and rescue service in the Republic of Serbia, the Directorate organizes exercises involving the parties referred to in paragraph 1 of this Article.

The provision of search and rescue services including the method of conducting the exercises referred to in paragraph 2 of this Article shall be specified by the Directorate.

The manner in which the parties in the aircraft search and rescue are engaged shall be specified by the Government at the proposal of the minister of transport.

### **Article 63**

#### **Reimbursement of search and rescue costs**

A party to search and rescue shall be entitled to reimbursement for the actual costs 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 request from the aircraft operator the reimbursement of costs.

#### **IV. AIR NAVIGATION SERVICE PROVIDERS**

##### **Article 64**

##### **Definition of Air Navigation Service Providers**

Air navigation service provider (ANS) shall be an undertaking, legal entity, 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, legal entity, state administration authority competent for hydrometeorological services or an entrepreneur shall hold the certificate for the provision of air navigation services and shall be designated by the Government to provide these services within the airspace or a portion of airspace.

Notwithstanding Article 46 (2), for providing the following services no certificate or a Government designation is required:

- a) search and rescue services,
- b) communications, navigation and surveillance services, and
- c) aeronautical information services.

##### **Article 65**

##### **Requirements for the issue of the certificate for ANS provision**

A certificate for ANS provision shall be issued to an undertaking, legal entity, state administration authority competent for hydrometeorological 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 organisational structure, management and accountability system;
- 6) human resources;
- 7) security.

**Article 66**  
**Issue of the certificate for the ANS provision**

Certificate for the provision of air navigation services shall be issued by the Directorate for an indefinite period.

The certificate shall be issued for the provision of one or a bundle of services.

The requirements under which the certificate for ANS provision shall be issued, varied, suspended or revoked and the form of the certificate shall be described in more detail in the regulation enacted by the Directorate.

Acting upon an application for issue, revalidation or variation of the certificate for ANS provision shall be subject to charge payable to the Directorate.

**Article 67**  
**ANS Provision within the airspace of other states**

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

**Article 68**  
**Coordination of ANS Provision**

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 way of an agreement concluded between air navigation service providers.

**Article 69**  
**Provision of services to the Serbian Armed Forces**

Air navigation service provider which will provide services to the Serbian Armed Forces shall be designated by the Government at the proposal of the Minister of defence.

The requirements, manner and scope of services provided to the Serbian Armed Forces shall be defined by agreements concluded between the air navigation service provider and the Ministry of defence, previously approved by the Government.

#### **Article 70**

##### **Provision of services of particular interest to the Republic of Serbia**

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.

The Government shall be responsible for designating the ANS provider as well as for defining the obligations for the provision of the services.

#### **Article 71**

##### **Record and documentation keeping**

ANS provider shall maintain the records in electronic or other format, retaining all data on the services provided.

The type of information recorded or kept in other formats, method of maintaining records and retention of information, as well as the period of retaining such information shall be defined by the Directorate, while the procedures for maintaining records and retaining data related to the military aircraft shall be defined by the Minister of defence.

#### **Article 72**

##### **Recognition of foreign documents**

The Directorate shall recognize the certificate for the provision of air navigation services issued by another State if the requirements under which this certificate was issued are in compliance with the requirements of this Law.

The certificate for the provision of air navigation services issued or recognized by the national supervisory authority of an EU Member State shall be recognized without any additional recognition procedure in accordance with the appropriate ratified international agreement.

The charge shall be payable to the Directorate for processing applications for the recognition of the certificate for providing air navigation services issued by another State.

#### **Article 73**

##### **Charges for ANS provision**

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

The charges and their amounts shall be calculated according to the standards defined in the appropriate international agreements.

## **Section Five AIR TRANSPORT OPERATIONS**

### **Article 74**

#### **1. Categories of Air Transport Operations**

Air transport comprises commercial and non-commercial operations.

Commercial operations encompass commercial air transport operations and specialized operations for remuneration.

Non-commercial operations comprise:

- a) flights for operator's own purposes or operator's carriage of its own goods, employees or business partners and their baggage, and
- b) specialized operations for no remuneration.

#### **2. Commercial Air Transport Operations**

### **Article 75**

#### **a) Commercial Air Transport**

Commercial air transport operations means a flight or a series of flights for carrying of passengers, baggage, mail and/or cargo for remuneration or other valuable consideration.

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

### **Article 76**

#### **Scheduled and non-scheduled air services**

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

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

- 2) it is operated between the same two or more airports:
  - a) according to a published timetable, or
  - b) with flights so regular or frequent that they constitute a recognizably systematic series.

Non-scheduled air service is a commercial air transport services performed as other than scheduled services.

### **Article 77 Operating Licence**

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

An undertaking shall be issued an operating licence provided that:

- 1) its principal place of business is located in the Republic of Serbia,
- 2) it holds a valid AOC;
- 3) it has one or more aircraft at its disposal through ownership or dry lease agreement;
- 4) it is registered to operate air services as a main occupation;
- 5) it has such a company structure so as to allow for the implementation of the provisions of this Article ;
- 6) it is owned through majority ownership by the Republic of Serbia or its nationals and is under their effective control, direct or indirect, unless otherwise provided for in a ratified international agreement;
- 7) it complies with the financial conditions referred to in Article 78 of the Law;
- 8) it complies with the legal liability insurance requirements specified in the compulsory traffic insurance regulations;
- 9) it has a good business repute.

### **Financial requirements for issuing an operating licence**

#### **Article 78**

Any undertaking applying for the first time for an 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 cover its fixed and operational costs arising 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 evidence for the purpose of paragraph 1, each applicant shall submit a business plan for at least the first three years of operation 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 entity, as well as provide other requested data on its financial capabilities.

Notwithstanding the provisions referred to in paragraphs 1 and 2, an undertaking applying for an operating licence to operate non-scheduled services with aircraft of less than 10 tonnes maximum take-off mass and/or less than 20 seats shall demonstrate that its net capital is at least €100.000 or the equivalent amount in RSD or provide, as required by the Directorate, all relevant information for the purposes of the assessment of its financial capabilities.

The provisions referred to in paragraphs 1 and 2 shall apply to an applicant referred to in paragraph 3, intending to operate the scheduled air services or whose turnover exceeds €3.000.000 per year or the equivalent amount in RSD.

### **Article 79** **Issuing of an operating licence**

An operating licence shall be issued by the Directorate for an indefinite period of time and it shall remain valid as long as the air carrier continues to meet the requirements.

Air carriers must at all times be able to demonstrate at the request by the Directorate that they meet the requirements necessary to obtain the operating licence.

Operating licence shall not be issued:

- 1) where air services are operated by non-power-driven aircraft or ultralight power-driven aircraft; and
- 2) for local flights.

In the cases referred to in paragraph 3 above only air operator certificate shall be issued.

### **Article 80** **Assessment of compliance for issuing an operating licence**

Following the period of 24 months after the issuing of the operating licence, the Directorate makes the assessment whether the air carrier concerned continues to meet the requirements for issuing the operating licence, as well as whether there are any reasonable concerns raised in respect of the fulfilment of the specified requirements.

The operating licence holder shall at the request from the Directorate provide all relevant information for the fulfilment of requirements to be issued the operating licence.

The operating licence holder shall provide to the Directorate the annual financial reports within six months from the fiscal year end in accordance with the regulations governing accounting and auditing.

In case of a financial reorganisation of the air carrier, the Directorate may issue a temporary operating licence with the validity period of 12 months, provided that:

- a) the safety of operations is not endangered,
- b) the potential amendments to the air operator certificate within the operating licence are stated, and
- c) that the financial reorganisation can be carried out within the period for which the temporary operating licence is issued.

### **Article 81**

#### **Suspension, revocation and variation of an operating licence**

The Directorate shall suspend or revoke an operating licence if the air carrier fails to comply with any of the requirements necessary for the issue of an operating licence.

At the request from an air carrier, the Directorate may vary the operating licence.

### **Article 82**

#### **Specific cases for the revocation of an operating licence**

The Directorate shall revoke the operating licence to the air carrier:

- a) if the air carrier failed to commence the commercial air transport flights within six months from the date of the issue of the operating licence, or
- b) if the air carrier commenced operating the commercial air transport flights but has not been operating them for a period exceeding six months.

### **Article 83**

#### **Bylaw**

The requirements and the 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 specified in detail by the regulation passed by the Directorate.

The list of regulations on issuing, suspending or revoking operating licences shall be published in the Official Gazette of the Republic of Serbia each calendar year by the Directorate.

The charge for processing an application for issuing or amending an operating licence shall be payable to the Directorate.

#### **Article 84**

##### **Air operator certificate**

Air operator certificate (AOC) means a certificate issued to an undertaking, legal entity, entrepreneur, or state authority which holds equipment, staff and organisation for safe operations stated in the certificate.

The air operator certificate holder shall in the course of operating the commercial air transport operations comply with the terms of the certificate.

The air operator certificate shall be issued by the Directorate for an indefinite period.

The Directorate shall amend, suspend or revoke an air operator`s certificate if the air carrier fails to comply with any of the requirements necessary for issuing the certificate.

#### **Article 85**

##### **Co-relation between AOC and the operating licence**

Suspension or revocation of AOC requires from 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.

#### **Article 86**

##### **Bylaw**

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

Charge shall be payable to the Directorate for processing applications for issuing or amending the air operator certificate.

**Article 87**  
**Aircraft lease**

An aircraft may be leased with or without aircrew.

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

If the aircraft of the national air carrier is dry-leased to a foreign air carrier, this lease agreement shall be subject to prior approval, and where an aircraft is wet-leased, the national air carrier shall notify the Directorate thereon.

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

The requirements under which an approval for aircraft lease agreement is issued shall be specified in detail by the Directorate.

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

**Article 88**  
**Delegation of supervisory functions and duties**

When an aircraft entered on the aircraft registry of the Republic of Serbia is operated in another country pursuant to aircraft lease agreement, 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 the aircraft lease agreement, 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.

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

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

### **Article 89**

#### **The right of the national air carrier to route selection**

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

The national air carrier may start operating scheduled international air services on a route in accordance with requirements specified in ratified international agreements.

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

### **Article 90**

#### **Public Service Obligation**

Where carriage by other modes of transport does not meet the requirements and where there is no commercial interest to operate the scheduled air services on a route of significance for the economic and social development of the Republic of Serbia or if the necessity for performing such services is under a specific bilateral or multilateral agreement, the Government may declare the air services on such a route as the route of public interest (hereinafter: public service obligation).

The decision to declare a public service obligation and the requirements and benefits under which the scheduled air services can be performed on this route shall be published in the Official Gazette of the Republic of Serbia.

Prior to making the decision referred to in paragraph 2 of this Article, the intention to declare the public service obligation and the planned date of its establishment shall be communicated by the minister of transport to the aerodromes which are connected by that route and to air carriers operating the air services on that route.

If an air carrier fails to commence or demonstrate its capability of commencing the scheduled air services in a short period of time under the requirements set out in the decision referred to in paragraph 2 of this Article, the ministry of transport may initiate a procedure, carried out under the law on public procurement, whereby the air carrier is selected to operate the scheduled air services on that route for remuneration and for a period of up to four years.

In duly justified cases, the period for which an air carrier is selected may be extended to a maximum of five years if the route serves to connect distant regions.

The decision declaring the public service obligation service shall cease to be valid if a scheduled air services on the route on which the obligation is imposed are not operated within a period of 12 months.

More detailed requirements for declaring the public service obligation and defining the criteria for carrying out the transport on such public service obligation shall be specified by the Government at the proposal of the minister of transport.

## **Article 91**

### **International commercial air services operated to the Republic of Serbia**

For the purpose of performing international commercial air services to the Republic of Serbia, a foreign air carrier shall hold an approval, unless otherwise provided for in a ratified international agreement.

The Directorate shall issue the approval referred to in paragraph 1 of this Article if it establishes the following:

- 1) it has been agreed under the relevant international agreement that it is feasible to use the traffic rights necessary for performing the required commercial air services;
- 2) the applicant is duly authorised to perform the required commercial air services;
- 3) the state whose competent authority has issued the authorisation referred to in point (2) of this paragraph and the state of aircraft registration complies with the international standards in the field of aviation safety and security;
- 4) a foreign air carrier ensured the adequate damage insurance;
- 5) a foreign air carrier or foreign aircraft intended to be used by the air carrier are not on the EU list of air carriers subject to an operating ban.

If the requirement referred to in paragraph 2, point (1) of this Article is not complied with, the foreign air carrier intending to conduct an individual flight or a set of up to four flights in the air transport of passengers, excluding the emergency medical transportation, shall, along with the application for issuing the approval, submit a declaration of recognition for the domestic air carriers authorised and trained to perform the required commercial air services.

If a domestic air carrier does not agree that a foreign air carrier can perform commercial air services referred to in paragraph 3 of this Article, it shall, within 48 hours upon receipt of the request, inform the Directorate and the applicant thereof, thereby assuming the obligation to request the commercial air services to be operated under the same or similar conditions in terms of aircraft capacity and flight time.

If the requirement referred to in paragraph 2, point (1) of this Article is not complied with, and the foreign air carrier submits the application for performing the scheduled air

services or a series of more than four flights in the non-scheduled air transport of passengers from the territory of the Republic of Serbia, for the operation of which the domestic air carrier has been authorised and qualified, the Directorate shall request the prior approval from the ministry of transport.

The ministry of transport issues the approval referred to in paragraph 5 of this Article if it is satisfied that the required commercial air services are operated in accordance with the Government's air transport policy, air traffic development strategy and if it is in the best interest of domestic aviation entities.

The Directorate shall revoke the approval referred to in paragraph 1 of this Article if it establishes that a foreign air carrier fails to operate air services in accordance with the requirements laid down in a ratified international agreement and/or approval, or if a foreign air carrier no longer complies with any of the requirements specified in this Article.

The Directorate shall specify the detailed requirements and method of issuing approvals to foreign air carriers for performing international commercial air services to the Republic of Serbia

## **Article 92**

### **Air fares and air rates**

An air carrier shall freely set air fares and rates for the carriage of passengers, baggage, mail and freight in commercial air services, unless such a freedom is limited under 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.

In terms of price setting for air services, discrimination based on the nationality or identity of air carriers shall be forbidden, which according to the international treaty has the right to use the traffic rights in scheduled air services to and from the Republic of Serbia.

The air ticket seller, whether in the case of an air carrier, its agent or any other person authorised to sell air tickets shall provide access to the prices for carriage to and from aerodromes in the Republic of Serbia without discrimination on grounds of citizenship or residence of the purchaser or on the seating arrangement basis.

The requirements for publishing a total amount of air fares and air rates and their elements that must be stated, as well as the obligations of air carriers in respect of public access to such rates and fares shall be specified by the Directorate.

## **Article 93**

### **Limitation or suspension of en-route services**

The Directorate may at the proposal of the ministry for the environment protection limit or suspend commercial air transport on a particular route when the threshold values of air pollutant emissions or noise are exceeded, particularly when other modes of transport provide an appropriate level of services.

The limitation or suspension of commercial air transport may be applied if it does not distort competition between air carriers and if it is not more restrictive than necessary. The limitation or suspension shall be of a limited period not exceeding three years and the Directorate shall re-assess the necessity for limitation or suspension once their validity has expired.

The detailed requirements under which the limitation or suspension are granted shall be specified by the Directorate.

#### **Article 94** **Flight schedule coordination and slot allocation**

A flight schedule for scheduled air services shall be established specifically for the summer and specifically for the winter seasons.

An air carrier shall publish the flight schedule not later than 15 days prior to the beginning of its application, while the timetable changes shall be published 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 whilst in force.

An air carrier shall publicly notify without delay the disruption in air services or changes to the flight schedule.

At schedules facilitated airports, the coordination of a flight schedule, as specified in the regulation referred to in paragraph 7 of this Article, shall be performed by the flight coordinator appointed by an aerodrome operator, while at coordinated airports the allocation of slots shall be performed by an independent coordinator.

The decision on establishing or changing status of an airport as a schedules facilitated or a coordinated airport, as well as a decision on appointing an independent coordinator, at the request of an aerodrome operator, shall be made by the Directorate with the agreement of the minister of transport.

The Directorate shall specify the rules for establishing the schedules facilitated airport or coordinated airport, slots allocation and coordination of flight schedules, planning of airport traffic at schedules facilitated airports or at coordinated airports, as well as the operation of a coordination committee, slots coordinator and schedules facilitator for

the purpose of achieving efficient, harmonized and coordinated air traffic at airports with increased air traffic volume.

#### **Article 95**

##### **b) Specialized operations for remuneration**

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

An authorisation on compliance with the requirements referred to in paragraph 1 shall be issued by the Directorate for an indefinite period.

For ensuring the compliance with the requirements to conduct high risk specialized operations, a charge shall be payable to the Directorate.

#### **Article 96**

##### **Bylaw**

Types of specialized operations conducted for remuneration, interpretation and types of high risk commercial specialized operations, requirements and the manner of conducting such operations, requirements under which an authorisation to conduct such operations is issued, amended, suspended or revoked, as well as the format and the content of the authorisation, shall be specified in detail in the bylaw regulation of the Directorate.

#### **Article 97**

##### **3. Non-commercial operations and flying displays**

###### **Non-Commercial Operations**

An aircraft operator performing non-commercial complex engine operations shall submit to the Directorate a declaration certifying that it is duly competent and has sufficient financial resources in order to perform the non-commercial operations.

The requirements to be met by aircraft operators performing non-commercial operations, as well as the content of the declaration referred to in paragraph 1 shall be specified in detail in the regulation adopted by the Directorate.

#### **Article 98**

##### **Flying displays**

Flying displays may take place if approved by the Directorate and if the airspace management cell allocates the airspace to the flying display organizer for that purpose.

The Directorate issues the approval referred to in paragraph 1 of this Article if the requirements related to the safe conduct of the planned aviation activities have been complied with.

Airspace management cell referred to in paragraph 1 of this Article shall perform the airspace management cell in accordance with the regulation referred to in Article 30, paragraph 3 of this Law.

## **Section Six AERODROMES**

### **1. Use and classification of aerodromes**

#### **Article 99 Use of aerodromes**

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

The provision referred to in paragraph 1 shall not apply to:

- 1) aircraft whose landing location cannot be determined in advance due to their characteristics (free balloons, paragliders, non-power driven kites);
- 2) emergency landing;
- 3) emergency aeromedical service;
- 4) taking-off and landing for search and rescue purposes;
- 5) participating in fire-fighting activities;
- 6) flights operated by military aircraft;
- 7) special purpose flights operated by the Ministry of interior in performing their operational functions.

Notwithstanding paragraph 1, aircraft which are not complex motor-powered aircraft, including helicopters, can use locations outside an aerodrome for take-off and landing, under the conditions specified by the Directorate.

#### **Article 100 Classification of aerodromes**

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

Civil aerodrome means 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.

A military aerodrome means an aerodrome intended for the operation of military aircraft and is managed by the Ministry of defence.

### **Article 101**

#### **Use of military aerodromes by civil aircraft**

A military aerodrome or a portion may be used for the civil aviation purposes as a joint civil/military aerodrome, subject to the agreement between the ministry of defence and a natural or legal person intending to become a civil operator at a military aerodrome. Under the agreement referred to in paragraph 1 the following shall be defined: runways and taxiways, parking positions, devices that may be used as required for the civil air transport operations, use and requirements for the maintenance of an aerodrome or its parts, devices or aids, and mutual duties and responsibilities of the contracting parties.

When used for civil purposes, a military aerodrome or a portion must comply with the requirements specified in this Law and regulations adopted thereon for the civil aerodrome, and the aerodrome operator shall be compliant with the requirements specified for the civil operator.

Notwithstanding paragraph 1, a military aerodrome or a portion may be used for individual civil aviation flights if an aircraft operator holds the approval from the Ministry of defence.

Military portion of the joint civil/military aerodrome shall be managed by the ministry of defence.

### **Article 102**

#### **Military aircraft using civil aerodromes**

A civil aerodrome or a portion thereof may be used for military operations, subject to agreement between an aerodrome operator and the ministry of defence, and subject to previous opinion obtained from the Directorate in respect of safety impact on civil air transport operations.

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

Notwithstanding paragraph 1, civil aerodromes may be used for a particular military aircraft subject to aerodrome operator agreement.

## **Use of aerodromes for international air transport operations**

### **Article 103**

#### **Aerodrome opening hours**

An aerodrome may be used for international air transport operations if an aerodrome operator ensures the conditions for the state border crossing in accordance with the law regulating the state border protection and if the cross border transition for international air operations is defined by an act of Government.

Notwithstanding paragraph 1, other aerodromes may be used for international air operations if an aerodrome operator, upon request and at his expense, creates conditions for the implementation of the law regulating the state border protection.

Aerodrome opening hours means a period during which an aerodrome open to public use must be open for air operations, while the opening hours are regulated by the Directorate at the proposal of the aerodrome operator.

An aircraft may take-off or land outside of aerodrome opening hours within the period as determined by aerodrome operator.

## **2. Aerodrome certification, approval to operate an aerodrome and agreement to operate an aerodrome**

### **Article 104**

#### **Requirements for aerodrome operators**

An aerodrome may be operated in air transport if an aerodrome operator holds an aerodrome certificate, approval or agreement to operate an aerodrome, and if at the moment of operating an aerodrome it complies with all the requirements to ensure safe air transport operations, including the aviation security requirements.

### **Article 105**

#### **Aerodrome certification**

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

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

Notwithstanding the above, to aerodrome operator who is compliant with the requirements referred to in paragraph 1, 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 issue an approval to operate an aerodrome.

### **Article 106**

#### **Approval to operate an aerodrome and agreement to operate an aerodrome**

An approval shall be issued to an aerodrome operator 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, the approval shall be issued to aerodrome operator intended for take-off and landing of aircraft with the maximum take-off mass (*MCTOM*) lower than 2.0370 kg, and intended for commercial air transport or pilot training.

Aerodrome operators not covered by paragraphs 1 and 2 shall be issued an agreement to operate an aerodrome.

Unless otherwise specified, the provisions of the Law which refer to an approval to operate an aerodrome shall apply to aerodrome certificate, accordingly.

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

### **Article 107**

#### **Issuing an approval or agreement to operate an aerodrome**

The Directorate shall issue an approval or an agreement to operate an aerodrome upon verifying that an aerodrome and Aerodrome operator are compliant with the requirements provided for under 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 requirements to issue an approval or an agreement to operate an aerodrome, a charge shall be payable to the Directorate.

#### **Article 108**

##### **Specification of approval or agreement on aerodrome operation**

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 on aerodrome operation shall be specified in detail in the regulation adopted by the Directorate.

#### **Article 109**

##### **Validity of approval or agreement on aerodrome operation**

An approval and agreement on aerodrome operation shall be issued by the Directorate for an indefinite period.

Upon issuing the approval above, the Directorate shall conduct recurrent audits of an approval holder, in accordance with the established recurrent audits programme.

The Directorate shall suspend or revoke the approval or agreement on aerodrome operation if the approval or agreement holder fails to comply with any of the applicable requirements for issuing the approval or agreement.

#### **Article 110**

##### **Notification of changes and termination of aerodrome operation**

Operator of aerodrome open to public shall notify the Directorate and the responsible air traffic control unit on planned large-scale works which may lead to closure of aerodrome or restriction in its use, as well as of all other changes related to requirements under which an approval or an agreement is issued for operating an aerodrome.

Where an aerodrome or an aerodrome operator no longer fulfils, wholly or partially, any of the requirements related to safety and security, an aerodrome operator shall restrict, or permanently or temporarily terminate the operation of the aerodrome and shall notify thereon the Directorate and the responsible air traffic control unit.

**Article 111**  
**Amending an approval or agreement to operate an aerodrome**

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 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 requirements for amending the approval or agreement for operating an aerodrome, a charge shall be payable to the Directorate.

**Article 112**  
**Transfer of an approval or agreement to operate an aerodrome**

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, by 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 requirements for being issued an approval or an agreement for operating an aerodrome under the Law and regulations adopted thereon.

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

**Article 113**  
**Temporary approval for operating an aerodrome**

In the course of the procedure to issue or transfer an approval for operating an aerodrome, the Directorate may, at 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 requirements are fulfilled:

1) if the procedure for verifying compliance with the requirements 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 approves a transfer of an approval for operating an aerodrome or refusing an application for transferring such an approval;

3) expiry of the period where the temporary approval is issued.

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

#### **Article 114**

##### **Bylaw**

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

#### **Article 115**

### **3. Planning, design and construction of aerodromes Specific requirements for planning, design, construction, building, adaptation or reconstruction of aerodromes**

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 aerodrome operator 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 requirements specified in Article 114.

Prior to professional field work inspection, the draft planning document for the aerodrome complex and the area adjacent to the aerodrome complex shall be submitted to the Directorate for the purpose of obtaining an opinion.

### **Article 116**

#### **Documentation approval**

Prior to undertaking any professional or technical inspection, and prior to submitting the application for the construction certificate, the technical documentation relating to the construction, extension and reconstruction of an aerodrome shall be submitted to the Directorate for the purpose of obtaining the approval.

The aerodrome operator shall notify the Directorate of the works at an aerodrome that are not subject to the granting of a construction certificate, which may affect the safety and security of aircraft, and, at the request of the Directorate, submit the relevant documentation for the purpose of obtaining the approval.

An investor or an aerodrome operator shall notify the Directorate of completion of works referred to in paragraphs 1 and 2 of this Article.

Should any changes occur after the issuing of the opinion referred to in Article 115 of this Law, or after the issuing of the certificate referred to in paragraphs 1 and 2 of this Article, the investor or aerodrome operator shall a new opinion or approval from the Directorate.

Processing of the application for granting the approval referred to in paragraphs 1 and 2 of this Article shall be subject to charge payable to the Directorate.

### **Article 117**

#### **Permission for positioning facilities, installations and devices which may be an obstacle**

Obstacles which endanger air traffic safety shall be removed or demolished, and obstacles which may affect air traffic safety shall be marked to be visible by day, by night and under low visibility requirements.

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

The Directorate shall issue a permission referred to in paragraph 2 when identifying that such facilities, installations or devices do not affect the air traffic safety. A charge shall be payable to the Directorate for applications for obtaining the permission referred to in paragraph 2.

### **Article 118**

#### **Obstacle marking**

Where an obstacle is subject to marking, the Directorate shall order the obstacle marking by way of the Decision granting the approval for positioning facilities, installations or devices which may be regarded as an obstacle.

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) aerodrome operator, 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 specified in detail by the Directorate.

#### **Article 119**

#### **Approval for positioning the facilities, installations and devices which may affect the operation of radio devices**

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 issue an approval referred to in paragraph 1 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 operation of radio devices used in air navigation services shall be specified in detail by the Directorate.

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

#### **Article 120**

#### **4. Maintenance of aerodromes and aerodrome services**

#### **Definition of the requirements for aerodrome operation, inspections and maintenance**

Aerodrome operator shall undertake all the measures necessary for the safe take-off, landing, and movement on the surface and parking of aircraft, as well as for providing ground handling services.

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

Aerodrome operator shall provide regular inspections and maintenance of manoeuvring areas, runways, aprons, facilities, installations, devices and equipment ensuring safe take-off, landing and surface movement of aircraft, and shall notify the responsible air traffic control unit on the condition of those.

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

### **Article 121**

#### **Apron management**

Aerodrome operators shall be responsible for apron management services and control of movement of aircraft and vehicles on apron.

The services ensuring the management and control of movement of aircraft and vehicles on apron may be delegated to another undertaking, legal entity or entrepreneur by an aerodrome operator through a contract.

Undertaking, legal entity or entrepreneur to which the apron management services have been delegated shall submit to the Directorate a declaration on its capability for providing such services.

The Directorate shall adopt the regulation specifying the detailed requirements to be complied with by apron management service providers, and requirements for the submission and validity of the declaration on the capability of providing apron management services.

### **Article 122**

#### **Birds and wildlife control**

Aerodrome operator shall undertake measures for removal or prevention of dump formation or other materials that can attract birds and wildlife at aerodromes or their vicinity, and in the cases when the removal of such materials is not possible, the aerodrome operator shall ensure that every risk to aircraft is assessed and mitigated to the lowest possible level.

The competent authority of the state administration and local self-government shall take measures to remove or prevent the build-up of wild dumps or other contents around aerodromes, which can attract birds and wildlife.

Aerodrome operators shall ensure bird observation, their dispersion, controls of other wildlife at an aerodrome perimeter and aerodrome vicinity, gathering of information from aircraft operators, aerodrome personnel and other sources on the presence of birds or

other wildlife at aerodromes and in their vicinity, analysis of such information, and shall undertake other measures which bring the probability of birds and wildlife strikes to the lowest possible level.

The Directorate shall adopt a regulation on the detailed procedure to mitigate risks from bird and wildlife strikes at aerodromes and their vicinity.

### **Article 123**

#### **Safeguarding aerodromes from uncontrolled access of persons and wildlife**

An aerodrome operator holding a certificate shall position a barrier or other appropriate obstacle for preventing entry of wildlife of such size that may endanger aircraft safety, as well as for preventing occasional or intentional access of unauthorised persons at the portion of an aerodrome other than landside.

An aerodrome operator holding an approval or agreement for operating an aerodrome, shall position a barrier or other appropriate obstacle or undertake other appropriate measures for safeguarding the aerodrome, once the Directorate establishes during the verification of compliance with the requirements for issuing an approval or an agreement that such barriers and/or obstacles are necessary for the safety and security of air traffic.

Within the area of at least three meters from the aerodrome perimeter there must not be any plants or facilities that may be used for unauthorised access or prevent the aerodrome perimeter from being supervised.

The Directorate shall adopt a regulation on a detailed procedure for safeguarding aerodromes against uncontrolled access of people and wildlife, and the criteria for the assessment referred to in paragraph 2.

### **Article 124**

#### **Fire protection, rescue and firefighting services**

An aerodrome operator holding an approval to operate an aerodrome shall organize, depending on the aerodrome firefighting category, firefighting protection, rescue and firefighting services.

An aerodrome operator holding an agreement to operate an aerodrome open to public must organize firefighting protection.

The Directorate shall adopt a regulation on a method of determining an aerodrome firefighting category, requirements to be fulfilled by the firefighting service or a fire protection, minimum equipment and fire extinguishing agents, minimum number and

requirements to be fulfilled by the firefighting personnel, minimum premises, devices and installations of the firefighting 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 firefighting services or fire protection to other organisation (professional firefighting units of the city etc.), whereby that organisation shall be compliant with the requirements under the Law and regulations adopted thereon in respect of personnel, vehicles, equipment, and fire extinguishing agents and fire rescue.

### **Article 125**

#### **Emergency medical service and emergency medical protection**

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

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

An aerodrome operator where emergency medical service is organized shall ensure that appropriately qualified personnel, premises, equipment, devices and medical vehicles are in place, and shall establish operational procedures for emergency situations.

The Directorate shall adopt the regulation on the detailed requirements for providing emergency medical services and protection at 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 requirements under the Law and regulations adopted thereon.

## **5. Ground Handling Services**

### **Article 126**

#### **Categories of ground handling services**

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.

### **Article 127**

#### **Authorisation for supplying ground handling services**

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

Notwithstanding paragraph 1, ground handling services may be supplied by an aerodrome operator or an airport managing body if compliant with the requirements specified for ground handling services supplier.

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

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

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

### **Article 128**

#### **Self-handling**

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 shall be subject to an authorisation for self-handling.

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

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

### **Article 129**

#### **Validity of an authorisation for supplying ground handling services and an authorisation for self-handling**

An authorisation for supplying ground handling services and an authorisation for self-handling shall be issued for an indefinite period.

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

The Directorate shall adopt a regulation on the detailed requirements and the procedure under which an authorisation for supplying ground handling services and an authorisation for self-handling is issued, amended, suspended or revoked, defines a period to which such authorisations are issued, defines access to the ground handling market at aerodromes, determines the ground handling services and self-handling services for which a number of service suppliers may be limited and a number of air carriers entitled for self-handling, as well as measures and the procedure according to which service suppliers are selected.

### **Article 130**

#### **Free market access. Access to aerodrome infrastructure**

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

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

An air carrier shall independently decide to conclude the agreement for supplying the ground handling services.

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

### **Article 131**

### **Obligations of the ground handling service suppliers and subcontracting of self-handling service suppliers**

A holder of an authorisation for supplying the ground handling services or an authorisation for self-handling shall ensure the continuity of the supply of the ground handling services or self-handling services, as well as supply the services for which an authorisation is issued in a fair and non-discriminatory manner.

Suppliers of ground handling services shall separate the accounting of ground handling services from other operations.

A holder of an authorisation for the supply of ground handling services may delegate the supply of particular ground handling services through agreement to other legal entity or entrepreneur (subcontractor) holding the valid authorisation for supplying of such services.

In the case referred to in paragraph 3, a subcontractor shall not delegate the supply of services to other entities by way of an agreement.

### **Article 132 Airport Users` Committee**

Aerodrome operator holding an aerodrome certificate shall set up the airport users` committee.

The Committee referred to in paragraph 1 shall defend the interests of airport users, propose improvements airport utilization and the operation of air transport, discuss extensions of airport capacity, give opinions regarding the selection of the suppliers of ground-handling and self-handling services, and give opinions on slot allocation, taking into consideration the principle of non-discrimination between airport users.

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

### **Article 133 Airport charges**

Aerodrome operators shall be entitled to charges imposed to and paid by airport users for utilization of the facilities, devices and services, exclusively provided by aerodrome operators relating to landing, take-off, illumination systems, aircraft parking, including passenger and freight handling.

The Directorate shall adopt the regulation on the detailed services subject to charges set by aerodrome operators, framework rules for setting the airport charges, and airports to which such rules shall be applicable.

National state aircraft operating special purpose flights, as well as domestic and foreign aircraft participating in search and rescue in the territory of the Republic of Serbia or performing humanitarian flights shall be exempt from paying airport charges.

The level of charges to be imposed on airport users shall be set in a non-discriminatory manner.

Aerodrome operators shall notify all airport users of reasons for the increase of a particular charge and its accurate amount at the latest 60 days prior to the planned date of introducing the increased charge.

Prior to making a decision to change the charging system or the amount of aerodrome charges, the aerodrome operator shall conduct consultations with the airport users.

If the aerodrome operator and airport users fail to agree on the proposed changes to the accounting system and the level of airport charges, any of the parties may refer the matter to the Directorate which in turn examines the justifications for the modification of the accounting system and the level of airport charges, make the analysis, and takes the decision on the modification of the accounting system and the level of airport charges upon the consultations with the aerodrome operator and airport users in accordance with the regulation referred to in paragraph 2.

## **6. Heliports**

### **Article 134**

#### **Approval to operate heliports and agreement to operate heliports**

The provisions of the Law pertaining to an approval or an agreement to operate an aerodrome shall apply to heliports, accordingly.

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

## **Section Seven**

### **AERONAUTICAL PRODUCTS, PARTS AND APPLIANCES**

#### **I. AIRCRAFT USE AND CLASSIFICATION**

##### **Article 135**

##### **Use of aircraft in air transport**

An aircraft entered on the aircraft registry of the Republic of Serbia, the Aircraft Records of the Republic of Serbia and the Military Aircraft Registry of the Republic of Serbia, continuously remaining in a condition for safe operation of a flight, shall be allowed to be used in air operations.

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

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

##### **Article 136**

##### **Classification of aircraft**

The Directorate shall specify aircraft classification pursuant to their category, type and purpose.

Classification of military aircraft shall be under the competence of the Minister of defence.

#### **II. CIVIL AIRCRAFT REGISTRY**

##### **Article 137**

##### **1. Aircraft registry and records**

The Republic of Serbia shall keep aircraft registry of the Republic of Serbia (hereinafter referred to as aircraft registry) and records of the Republic of Serbia (hereinafter referred to as aircraft records).

The aircraft registry and aircraft records are public books kept by the Directorate.

##### **Article 138**

##### **2. Entering of aircraft into the aircraft registry and aircraft records**

## **Categories of aircraft entered on the aircraft registry and records**

Aircraft registry shall include all categories of aircraft, excluding ultralight aircraft, amateur-built aircraft and unmanned aircraft that are entered on the aircraft records.

### **Article 139 Requirements for registration**

An aircraft not entered into the foreign aircraft Registry, fulfilling the requirements in the type certificate and capable of safe air transport operations may be entered on the aircraft registry if:

- 1) the aircraft owner is wholly or partially the Republic of Serbia, other legal entity or an undertaking registered in the Republic of Serbia;
- 2) the aircraft owner is, wholly or partially, a citizen of the Republic of Serbia, resident of the Republic of Serbia or outside Serbia, if the base is at the aerodrome in the Republic of Serbia;
- 3) an aircraft operator is a legal entity, an undertaking or a natural person with the principal place of business or permanent residence in the Republic of Serbia;
- 4) the aircraft owner or aircraft operator is a foreign natural or legal person, with the approval of the ministry of transport.

In order to re-enter an aircraft deregistered from a foreign registry on the aircraft registry, the 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 the prerequisite.

An imported aircraft, not registered in a foreign aircraft registry, shall be entered on the aircraft registry under the same requirements as if produced in the Republic of Serbia.

### **Article 140 Aircraft registration certificate**

An aircraft shall be entered on the aircraft registry upon the application of either aircraft owner or the operator, on behalf and with the authorisation of the owner.

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

### **Article 141 Temporary registration**

An aircraft which fails to meet the requirements to be entered on the aircraft registry may be temporarily entered on the aircraft registry, 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 Registry, the Directorate shall issue the temporary aircraft registration certificate.

#### **Article 142 De-registration**

The Directorate shall de-register an aircraft from the Aircraft Registry 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 into 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 into the mortgage sheet, declaring its consent to the aircraft de-registration.

The Directorate shall, *ex officio*, de-register from the Aircraft Registry 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 Registry to allow re-registration into a foreign registry, 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.

#### **Article 143 Contents of registry**

The Aircraft Registry 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 contain 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 aircraft operator 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 Registry.

#### **Article 144**

##### **Basis for entering proprietary and right of pledge**

The entry on the owner/operator sheet and the pledge sheet of the Aircraft Registry including the change of the entered data are 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.

The owner or aircraft operator entered on the aircraft registry shall report to the Directorate any change in the data entered on that registry, unless the official records are kept

#### **Article 145**

##### **3. Nationality and registration marks**

Aircraft entered on the aircraft registry or aircraft records shall bear the nationality marks of the Republic of Serbia. Aircraft bearing nationality marks of the Republic of Serbia shall bear the nationality, common and registration marks.

The nationality marks shall be the state flag of the Republic of Serbia and the nationality marks assigned by the International Civil Aviation Organisation.

Registration and common marks and the manner of their use and the use of the nationality marks shall be specified by the Directorate.

Military aircraft entered on the military aircraft registry shall bare the nationality marks of the Republic of Serbia, and the nationality and registration marks specified by the ministry of defence.

#### **Article 146**

##### **Application of provisions on aircraft registry in respect of aircraft records**

The provisions of this Law on the Aircraft Registry shall apply to the Aircraft Records as appropriate.

The contents and the method of keeping the aircraft records shall be specified by the Directorate.

#### **5. Onboard aircraft documents and log books**

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

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

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

#### **Article 148**

##### **6. Military aircraft documents and logbooks**

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

### **III. AERONAUTICAL MAINTENANCE ORGANISATIONS**

#### **1. Maintenance activities and organisations**

**Article 149**  
**Definition of maintenance activities and organisations**

Maintenance 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.

Maintenance activities may be carried out by an undertaking, legal entity or an entrepreneur holding an approval for maintenance activities (hereinafter referred to as: maintenance organisations) or a natural person who is not subject to obtaining the approval because of insufficient handling of design, manufacture and maintenance of amateur-built aircraft.

Maintenance organisations shall be entered on the records kept by the Directorate which specifies contents and method of record keeping.

**Article 150**  
**Approval for maintenance activities**

The approval for maintenance activities shall be issued by the Directorate for an indefinite period of time to an undertaking, another legal entity, state administration body or an entrepreneur with the appropriate premises to perform the activities, tools and materials, appropriate personnel, an operations manual and who meets other requirements specified by the Directorate.

The Directorate may also issue the approval for recurrent inspections of aircraft along with the continuing airworthiness management approval granted to the airworthiness organisation.

The requirements for variation, suspension or revocation of the approval for maintenance activities, and the form of the approval shall be specified by the Directorate.

A charge shall be payable to the Directorate for the application for the issue or variation of the approval issued for exercising maintenance activities.

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

The charge shall be payable to the Directorate for verifying compliance with the requirements to issue a maintenance organisation approval certificate.

Notwithstanding paragraph 1, in accordance with the requirements determined by a ratified international agreement, 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 charge shall be payable to the Directorate.

### **Article 151** **Recognition of a foreign document**

The Directorate may recognize a document issued by an aviation authority of a foreign State, where the requirements under which it was issued are as stringent as the requirements specified for the issue of an approval for exercising aeronautical maintenance 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 charge shall be payable to the Directorate for processing the application for the recognition of a foreign document.

### **Article 152** **Design and production of aeronautical products, parts and appliances**

Design means 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 means 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 specified by the Directorate.

## **2. Aeronautical product type certification**

### **Article 153**

#### **Aeronautical product type tests**

Aeronautical product type certification shall commence with type tests to be carried out by maintenance organisations.

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, 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.

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

### **Article 154**

#### **Identification of aircraft type and type certificate**

After completion of type tests, a maintenance organisations 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 under the specifications provided by the aircraft manufacturer or shall be issued in accordance with the separate test results.

A charge shall be payable to the Directorate for processing the application for the issue of the type certificate, the certificate of generated noise and certificate of exhaust emission.

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

### **Article 155**

#### **Recognition of a foreign type certificate**

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 specified for the issue 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 charge shall be payable to the Directorate for processing the application for the recognition of a foreign document.

### **Article 156**

#### **3. Airworthiness directive**

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 issue the airworthiness directive for the rectification of a defect to the user of the product, binding the user to rectify the deficiency within a specific time period.

If the Directorate issued a type certificate, it may, in case of a major defect, suspend the use of the type certificate by 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**

#### **Article 157**

##### **Definition of continuing airworthiness**

An aircraft shall be considered to be maintained in an airworthy condition provided that:

- a) it meets the type certificate requirements,
- b) it is in a condition for safe operation, and

c) it meets other requirements as specified by the Directorate.

Continuing airworthiness of aircraft is demonstrated by a certificate of airworthiness and airworthiness review certificate.

### **Article 158**

#### **Certificate of airworthiness**

The certificate of airworthiness shall be issued if it has been established on initial aircraft inspection that the aircraft fulfils all the requirements concerning the continuing airworthiness.

The certificate of airworthiness shall be issued by the Directorate for an indefinite 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 charge shall be payable to the Directorate for processing the application for issuing the certificate of airworthiness.

### **Article 159**

#### **Initial aircraft inspection**

Initial aircraft inspection shall be conducted prior to entering an aircraft into the aircraft registry or 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 aircraft;
- 2) major modifications to aircraft;
- 3) interruption of continuing airworthiness for more than six months;
- 4) failure to meet any of the requirements 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 the purpose of an aircraft.

If during initial aircraft inspection it has been found that an aircraft may be operated with a specific limitation, this fact shall be entered into the certificate of airworthiness.

The initial aircraft inspection shall be carried out by the Directorate and charge shall be payable to the Directorate.

**Article 160**  
**Issue and revalidation of airworthiness review certificate**

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

The aircraft owner or operator intending to maintain continuing airworthiness shall ensure revalidation of the airworthiness review certificate every 12 months.

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

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

**Article 161**  
**Recurrent aircraft inspections**

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

Recurrent inspections referred to in paragraph 1, conducted by the Directorate, shall be subject to the charge payable to the Directorate.

**Article 162**  
*Deleted.*

**Article 163**  
**Additional requirements for establishing and maintaining continuing  
airworthiness in commercial air transport operations**

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.

#### **Article 164**

### **2. Aircraft maintenance program**

For ensuring continuing airworthiness of aircraft, an aircraft operator shall carry out the aircraft maintenance provided for 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 charge shall be payable to the Directorate for the approval of aircraft maintenance programme.

#### **Article 165**

### **3. Ferry flight permit**

The Directorate may issue a ferry flight permit to an aircraft which does not comply with the technical regulations on airworthiness or has not yet been proved to be fully compliant with the technical regulations on airworthiness, but remains capable to safely operate the ferry flight under the specific circumstances.

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

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

#### **Article 166**

*Deleted.*

#### **Article 167**

### **4. Bylaw**

The requirements 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 into the certificate of airworthiness, a method of conducting initial and recurrent aircraft inspections, charges payable for the recurrent 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 requirements under which a flight permit is issued shall be defined by the regulation passed by the Directorate.

#### **Article 168**

## **5. Airworthiness of parachutes and other aeronautical products**

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

### **Article 169**

## **V. INSPECTION OF FOREIGN AIRCRAFT**

If a foreign aircraft is at an aerodrome in the territory of the Republic of Serbia, it may be subject to internal and external ramp inspections by a person authorised by the Directorate to check the documents and logbooks on board, including the aircrew licences, the condition the aircraft is in, its equipment and compartments designated for the carriage of passengers, baggage, mail and cargo.

Inspection of foreign aircraft shall be conducted in compliance with the procedures and standards set out by the competent authority of the European Union.

If a significant concern is raised regarding non-compliance with the appropriate international safety standards of documents and logbooks on board or those in possession of aircrew, including equipment or sections for transportation of passengers, baggage, mail and cargo, the person authorised by the Directorate undertakes the measures as specified by the competent authority of the European Union.

### **Section Eight**

## **AVIATION PERSONNEL**

### **Article 170**

#### **1. Definition of aviation personnel**

Aviation personnel are personnel whose operations directly or indirectly affect the safety of air transport.

#### **2. Categories of aviation personnel**

### **Article 171**

#### **Flight deck operations**

#### **Aircrew**

Aircrew are composed of flight crew, personnel other than flight crew members, and cabin crew.

Flight crew are pilot-in-command, flight engineer, navigator, and parachutist.

Personnel other than aircrew are air traffic controller, student air traffic controller, aircraft maintenance staff, air traffic safety electronics personnel, and flight dispatcher.

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

### **Article 172**

#### **Licence**

Aviation personnel whose activities directly affect air transport safety shall be properly licensed including the corresponding ratings.

The licence shall be issued to persons professionally qualified, meeting the age and other requirements as specified by the Directorate.

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

### **Article 173**

#### **Qualification assessment**

The professional capability of aviation personnel whose activities directly affect aviation safety, depending on the type of aviation personnel, shall be checked by the Directorate, as well as by the examiners and assessors authorised by it.

The examiners and assessors referred to in paragraph 1 of this Article shall be entitled to remuneration derived from the charge referred to in paragraph 3 of this Article.

The charge shall be payable to the Directorate for the qualification assessment.

### **Article 174**

#### **Aviation personnel whose activities indirectly affect air transport safety**

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

### **Article 175**

#### **Certificate of competence**

Aviation personnel whose activities indirectly affect air transport safety shall be properly licensed and shall have the corresponding certificate of competence, including the appropriate ratings.

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

The personnel carrying out security screening at airports must hold the appropriate certificate issued by the Directorate alongside the certificate of competence referred to in paragraph 2.

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

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

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

#### **Article 176**

#### **Authorisations**

An authorisation is a specific document entitling a person to undertake on behalf of the Directorate an action or conduct particular activities, and is issued under the requirements specified by the Directorate.

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

#### **Article 177**

#### **Bylaw**

The Directorate shall lay down the requirements for issuing of licences and ratings, including validity period of licences and authorisations, validity period of ratings, the requirements for variation, suspension and revocation of licences and authorisations, the requirements for the suspension or revocation of ratings, as well as formats of the licences and authorisations.

Charges shall be payable to the Directorate for the applications for issue of licences, ratings or authorisations including revalidation, and the application for authorisation variation.

**Article 178**  
**Aviation personnel registry and records**

Aviation Personnel Registry and Aviation Personnel Records shall be maintained in the Republic of Serbia.

Aviation Personnel Registry 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 Registry shall be kept by the Directorate and the Aircrews Records shall be kept by training organisations.

The contents and manner of maintaining the Aviation Personnel Registry and Records shall be specified by the Directorate.

The Military Aircrews Registry shall be kept by the ministry of defence, which shall also specify the contents and the method of keeping its Registry.

**Article 179**  
**Aviation personnel training organisations**

Training to obtain, revalidate or renew licences, ratings, certificates and the certificate of competence shall be provided by training organisations in accordance with the training programmes approved by the Directorate.

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

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

Requirements under which the approval for providing training to aviation personnel is issued, amended, suspended and revoked, its validity and format shall be specified by the Directorate.

Processing applications for issuing or amending the approval certificate for providing training to aviation personnel shall be subject to a charge payable to the Directorate.

**Article 180**  
**Flight simulation training devices (FSTD) and other types of STDs**

Where training for issue, revalidation or renewal of licences or ratings requires use of FSTD or other types of STDs, for using such a device the training organisation shall obtain a user approval from the Directorate.

A FSTD user approval shall be issued if a device holds an appropriate qualification certificate, issued or approved by the Directorate.

Requirements to be fulfilled for issuing a user approval for FSTD or other types of STDs, as well as for issuing a qualification certificate, shall be specified by the regulation of the Directorate.

A charge shall be payable to the Directorate for issuing a user approval for FSTD or other types of STDs and for issuing a qualification certificate.

### **Article 181**

#### **Aviation personnel training organisations records**

Records of aircrew training organisations shall be kept by the Directorate.

The contents and the manner of keeping records shall be specified by the Directorate.

### **Article 182**

#### **Recognition of training and ratings acquired in military service**

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

### **Article 183**

#### **3. Recognition of training, licences and ratings**

The Directorate may recognize the training conducted in other states if it complies with the training standards applicable in the Republic of Serbia.

The training conducted in other states, which is non-compliant with the training standards applicable 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 states if they meet the requirements specified for the issue of licences and ratings in the Republic of Serbia.

Processing of the applications for the recognition of training carried out in another State including any foreign licences and ratings issued therein shall be subject to an appropriate charge payable to the Directorate.

**4. Licence suspension**  
**Article 184**  
**Licence suspension**

Where during inspection oversight it has been established that a licence holder fails to comply with the specified rules or procedures, or directly endangers aviation safety, the aviation inspectors shall without delay prevent, in writing, the licence holder from exercising the privileges as stipulated in the licence, and within the seventy two hours submit to the Director of the Directorate the explanatory written proposal for a full or partial suspension of the licence.

Director of the Directorate shall/must make a decision with reference to the proposal within five days from the date of the receipt of the proposal, or else the suspension shall be deemed to have expired.

**Article 185**  
**Contents and duration of licence suspension**

Decision on full licence suspension prohibits the licence holder to exercise the privileges from the ratings contained in his licence, while the decision on partial licence suspension permits the licence holder only exercise some of the specific privileges from the ratings contained in his licence.

The full or partial suspension of the licence use shall remain in force for a maximum of six months starting from the date the licence holder has been banned from exercising the privileges from the licence under the decision made in writing.

Filing an appeal against the decision on licence suspension shall not be permitted.

**Article 186**  
**Orders within the decision on licence suspension; revocation of  
licences /ratings**

A licence holder may be ordered by way of the decision on licence suspension to fulfil the corresponding obligations (to receive additional training in the aircrew training organisation and pass appropriate theoretical or practical part of an exam, which is otherwise taken for obtaining the licence, or to be subject to additional medical check, etc.). 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, before the expiry of the suspension, the obligations ordered by the decision on suspension.

#### **Article 187**

### **5. Obligation to carry the required documents**

While on duty, aircrew members shall possess on their person a licence, certificate or credential of competence, while the flight crew members, air traffic controllers and cabin crew members shall also on their person possess the medical certificate.

A person attending practical training shall have on their person a document proving that they are undergoing practical training.

### **6. Medical fitness of flight crew, cabin crew, and air traffic controllers**

#### **Article 188**

### **Demonstrating medical fitness**

Flight crew members, air traffic controllers, student air traffic controllers and cabin crew members may perform the functions they are authorised for only when they demonstrate their medical fitness by producing the appropriate medical certificate.

The Directorate shall specify the requirements under which medical fitness is examined, medical examination procedure, period when the medical examination is to be undertaken, and types and forms of medical certificates.

#### **Article 189**

### **Medical examination and issue of medical certificates**

#### **Aircrew**

Aircrew medical fitness referred to in Article 188(1) shall be established through medical examinations carried out by medical examiners and aeromedical centres appropriately authorised by the Directorate to conduct such aeromedical examinations.

Certified medical examiners and authorised aeromedical centres shall conduct medical examinations, assess medical fitness and issue medical certificates under the requirements specified by the Directorate.

Notwithstanding paragraphs 1 and 2, medical fitness of parachutists and paraglider pilots may also be established through medical examinations specified for motor vehicle drivers.

**Article 190**  
**Records of medical institutions and doctors of medicine**

Records of medical institutions and medical examiners entitled to perform medical fitness examinations shall be kept by the Directorate.

The Directorate shall regulate the contents and manner of keeping the records of medical institutions and medical examiners.

**Article 191**  
**Bylaw**

The Directorate shall specify the requirements under which an authorisation for medical fitness examination shall be issued, varied, suspended or revoked, criteria according to which the period of validity shall be determined, as well as the forms of medical certificate issued.

**Article 192**  
**Second instance medical fitness evaluation**

If a person is not satisfied with an assessment of his/her 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. The second instance appeal shall be filed within 15 days from the date a person has received his/her medical certificate.

The experts participating in the work of the second-level medical commission shall be entitled to remuneration paid from the funds of the Directorate.

For processing the second instance appeals, a charge shall be payable to the Directorate.

**Article 193**  
**7. Examination of mental and physical fitness**

When exercising their duties, aircrew members must not be under the influence of any alcohol beverages or psychoactive substances, or to be in such a mental and physical state so as to be hindered to properly exercise their duties.

Mental and physical fitness of aircrew members shall be assessed by a person authorised by the aircrew employer prior to aircrew commencing their duties and in the course of their duties in such a manner so as not to interrupt their activities.

**8. Aircrew**  
**Article 194**  
**Composition and number of aircrew members**

Air crew members shall be composed of persons exercising duties related to aircraft flight, comprising flight, cabin, and other crew members.

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

Duties and responsibilities of aircrew members shall be described in the operations manual of the aircraft operator.

**Article 195**  
**Pilot**

A pilot is a crew member operating an aircraft or participating in aircraft operation.

A pilot authorised to operate an aircraft in a multi-crew environment may delegate aircraft controls to other duly authorised pilot, if he is a member of the crew.

**Article 196**  
**Curtailement of privileges for Commercial Air Transport pilots**

A person who has attained the age of 60 years shall not act as a pilot of an aircraft engaged in commercial air transport operations except:

- 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 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.

**Article 197**  
**Pilot-in-command**

Pilot-in-command shall be a pilot who, as a rule, is in command of an aircraft for the entirety of the flight.

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 aircraft operator shall designate the pilot-in-command for each flight or a part thereof.

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

The pilot-in-command shall act as the representative of the aircraft operator.

## **Article 198**

### **Duties and responsibilities of the pilot-in-command, crew members and other persons**

Prior to a flight, the pilot-in-command shall ensure that the aircraft and its crew are ready for the flight, that the required documentation and log books are in place, and shall take steps as specified in the operating manual of the aircraft operator.

Air crew members and other personnel shall comply with the instructions of the pilot-in-command.

If the flight safety of the aircraft is endangered, the pilot-in-command may deny boarding, loading of baggage, mail or cargo, and order disembarking or unloading.

The pilot-in-command shall in the reasonable manner restrain, including physical deprivation of liberty, the person endangering the safety of the flight, persons and property or disturbing the good order and discipline on board and may cause such person to disembark at the first aerodrome where the aircraft lands.

If, during the flight, a crew member or another person on board prepares, attempts to commit or actually commits an act endangering the safety of aircraft or persons thereon, the pilot-in-command shall take measures to prevent such an act, and if the act is committed mitigate its consequences, taking into account the safety of passengers, crew and aircraft.

The pilot-in-command may request assistance of other crew members or authorize them to take enforcement actions, or may request assistance from passengers and authorize them to take enforcement actions.

If a person has to be disembarked from an aircraft due to: committing an act endangering the safety of persons and property on board, disruption of on board good order and discipline, failure to comply with the instructions of the pilot-in-command or failure to comply with other procedures, which endangers the safety of air operations, the pilot-in-command shall prior to landing at an aerodrome in the Republic of Serbia notify the responsible air traffic control service provider, and ministry of interior, and shall upon landing at that aerodrome deliver the offender to that ministry, including all gathered evidence, if any, and provide that authority with the necessary information.

If an aircraft referred to in paragraph 7 of this Article lands at an aerodrome in another state, the pilot-in-command shall, by way of the responsible air traffic control service provider, notify the competent authority of that state and, shall upon landing at that aerodrome, deliver the person and the evidence gathered, if any, and provide that authority with the necessary information.

### **Article 199**

#### **Working time, flight time, flight duty period, breaks and rest periods**

Working time of the 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 for 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.

Crew members in commercial operations are entitled to paid vacations for at least 28 calendar days.

The aircraft operator shall provide a rest period to crew members 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);
- 3) at least 96 local days in every calendar year, which may encompass the vacations referred to in point 2).

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

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

**Article 199a**  
**Working time and the right to paid vacations for air traffic controllers**

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 mental and physical condition.

Shift duration within a working day, duration of a continuous work and duration of a daily rest periods of air traffic controllers shall be specified in more detail in 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 complied with.

**Section Nine**  
**PROTECTION AGAINST AIRCRAFT ENGINE EMISSIONS AND NOISE**

**Article 200**  
**Environmental protection**

Aviation entities must undertake measures for the protection of environment against aircraft noise and other external factors resulting from the operations and service provision in aviation.

**Article 201**  
**Obligations of aerodrome operators**

Aerodrome operators shall ensure that, in the course of the use of an aerodrome, the environmental protection measures are applied, under this Law and the regulations governing environmental protection.

**Article 203**  
**Operational restrictions regarding noise protection at aerodromes**

Aerodrome operators shall ensure continuous noise measurements as generated at the particular airport and its surrounding areas during take-off and landing of aircraft, in case of airports where more than 50,000 movements of civil aircraft has been carried out in the course of the previous calendar year.

If noise levels established at an airport are above the specified limit value, the ministry of transport may decide on the operational limitations related to noise at airports.

The Government shall issue a regulation specifying in more detail the requirements for the adoption of decisions on operational restrictions relating to noise protection at airports.

## **Chapter 10**

### **TRANSPORT OF DANGEROUS GOODS BY AIR**

#### **Article 204**

##### **Transport of dangerous goods by air - basic provisions**

The transport of dangerous goods by air in domestic and international air transport shall be carried out in accordance with the provisions of this Law and international standards and recommended practices in Annex 18 of the Convention on International Civil Aviation, as well as in accordance with the valid edition of Document 9284 of the International Civil Aviation Organisation on Technical instructions for the safe transport of dangerous goods by air (hereinafter: Technical Instructions).

Notwithstanding paragraph 1 of this Article, the provisions of this Law shall not apply to those objects and substances that, in accordance with Article 207 of this Law, are classified as dangerous goods, but for which regulations governing airworthiness or air services require them to be on board the aircraft during flight or are used for the specific purposes specified in the Technical Instructions.

Objects and materials intended to replace objects and materials referred to in paragraph 2 of this Article, as well as objects and materials referred to in paragraph 2 of this Article that have been removed for replacement, shall be transported by air in accordance with the provisions of this Law, unless otherwise specified in the Technical Instructions.

Specific items and materials carried by passengers or crew members shall be exempted from the application of this Law in accordance with the Technical Instructions.

The transport of dangerous goods on military aircraft is regulated by a regulation granted by the minister of defence.

#### **Article 205**

##### **Special exemptions**

The transport of articles and substances by air shall be forbidden for those articles and substances:

- 1) which are by their name or generic description specified in the Technical Instructions as forbidden for transport under any circumstances;
- 2) identified in the Technical Instructions as forbidden for transport by air in normal circumstances;
- 3) infected live wildlife.

Notwithstanding paragraph 1 of this Article, articles and substances referred to in paragraph 1.2) and 3) of this Article may be transported by air if the Technical Instructions stipulate that they can be transported with the approval of the country of origin or if the Directorate has granted exemption.

The Directorate may grant the exemption referred to in paragraph 2 of this Article in urgent circumstances, if other modes of transport are inadequate or if the compliance with the specified requirements would be contrary to the public interest, whereby it is necessary to take all measures to achieve an equivalent level of safety in air transport.

In the case of the transport of dangerous goods where the Republic of Serbia is solely the State of Overflight and criteria for granting the exemption referred to in paragraph 3 of this Article are not fulfilled, the Directorate may grant an exemption if it is satisfied that the appropriate level of safety in air transport has been achieved.

The decision of the Directorate on the application for the transportation of dangerous goods must contain the requirements on the quantity of dangerous goods, method of packaging or other requirements as deemed necessary to ensure safety of air transport.

## **Article 206**

### **Approval granted to a foreign air carrier**

A foreign air carrier may transport dangerous goods to and from the territory of the Republic of Serbia upon granting the approval by the Directorate.

The application for the approval referred to in paragraph 1 of this Article shall be submitted no later than 30 days prior to intended commencement of transportation operations by the air operator.

The approval referred to in paragraph 1 of this Article shall be granted with a validity period of 12 months from the date of its issue.

Granting of the approval referred to in paragraph 1 of this Article shall not exempt the foreign air carrier from the obligation to obtain the exemption referred to in Article 205 paragraph 2 of this Law.

Granting the approval referred to in paragraph 1 of this Article shall be subject to charge paid to the Directorate.

The requirements for granting an approval to a foreign air carrier for the transport of dangerous goods and the documentation submitted with the application for the approval shall be determined by the regulation granted by the Directorate.

#### **Article 207**

### **Classification of dangerous goods**

Dangerous goods transported by air shall be classified in accordance with the Technical Instructions.

#### **Article 208**

### **Packaging of dangerous goods**

Packaging used for the transport of dangerous goods by air must comply with the following requirements:

- 1) they shall be of good quality and shall be constructed and securely closed so as to prevent leakage which might be caused in normal requirements of transport, by changes in temperature, humidity or pressure, or by vibration;
- 2) they shall be appropriate for the contents they are intended and resistant to any chemical or other action of such cargo;
- 3) they shall meet the material and construction specifications in the Technical Instructions;
- 4) if they are primarily intended for the retention of liquids, they shall be such that, without leakage, are capable of withstanding, without leaking, the pressure stated in the Technical Instructions.

#### **Article 209**

### **Inner packaging and empty packaging**

Inner packagings shall be so packed, secured or cushioned as to prevent their breakage or leakage and to control their movement within the outer packagings during normal requirements of air transport, while cushioning and absorbent materials shall not react dangerously with the contents of the packagings.

Packaging used for the transport of dangerous goods by air cannot be reused until inspected and found free from corrosion or any other damage, and if reused all necessary measures shall be taken to prevent contamination of subsequent contents.

If, due to the nature of their former contents, uncleaned empty packagings may present a hazard, they shall be tightly closed and treated according to the hazard they constitute.

Dangerous substances shall not adhere to the outside of packages in the quantity that can be harmful.

## **Article 210**

### **Labelling and marking of dangerous goods**

Each package of dangerous goods shall be labelled with the appropriate labels and in accordance with the provisions set forth in the Technical Instructions and in the manner specified in these instructions.

Unless otherwise provided for in the Technical Instructions, each package of dangerous goods shall be marked with the proper shipping name of its contents and, when assigned, the UN number and such other markings as may be specified in those Instructions.

Each packaging manufactured to a specification contained in Technical Instructions shall be so marked in accordance with the appropriate provisions of those Instructions unless otherwise set forth in those Instructions.

Packaging that does not meet the appropriate packing requirements specified in Technical Instructions cannot be marked with the packaging specifications.

English language shall be used for the markings related to dangerous goods.

## **Article 211**

### **Shipper`s responsibilities**

Before a person offers any piece of dangerous goods for transport by air, that person must:

- 1) ensure that the articles or substances are not forbidden for transport by air (under any circumstances or to obtain from the Directorate an exemption from the prohibition of transport, in the case of cargo whose transport is forbidden without prior exemption;
- 2) ensure that such cargo are classified, packed, marked and labelled under this Law and the Technical Instructions and that they are accompanied by a properly completed dangerous goods transport document.

Unless otherwise provided for in the Technical Instructions, the person who offers dangerous goods for transport by air shall complete, sign and provide to the operator a dangerous goods transport document, which shall contain the information required by those Instructions.

The transport document shall bear a declaration signed by the person who offers dangerous goods for transport indicating that the dangerous goods are fully and accurately described by their proper shipping names and that they are classified, packed, marked, labelled, and in proper condition for transport by air in accordance with the relevant regulations.

Dangerous goods transport document must be in English.

**Article 212**  
**Operator`s responsibilities**

An aircraft operator shall:

1) not accept dangerous goods for transport by air unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where the Technical Instructions indicate that such a document is not required;

2) not accept dangerous goods for transport by air unless until the package, overpack or freight container containing the dangerous goods has been inspected in accordance with the acceptance procedures contained in the Technical Instructions;

3) develop and use a checklist for the acceptance of dangerous goods for transport by air;

4) ensure that packages and overpacks containing dangerous goods and freight containers containing radioactive materials shall be loaded and stowed on an aircraft in accordance with the provisions of the Technical Instructions;

5) before loading on an aircraft or into a unit load device packages and overpacks containing dangerous goods and freight containers containing radioactive materials they shall be inspected for evidence of leakage or damage;

6) not accept to place an unloading cargo unit on the aircraft or where there is damage or leakage;

7) remove from aircraft any package of dangerous goods loaded on an aircraft that appears to be damaged or leaking, or arrange for its removal by an appropriate authority or organisation, and thereafter shall ensure that the remainder of the consignment is in a proper condition for transport by air and that no other package has been contaminated;

8) upon unloading from the aircraft or unit load device, make inspection for the signs of damage or leakage on packages or overpacks containing dangerous goods and freight containers containing radioactive materials, as well as inspect the area where they were stowed for establishing damage or contamination;

9) ensure that dangerous goods are not transported in the flight deck or passenger compartment where passengers are present, except in cases where permitted by the Technical Instructions;

10) ensure that any hazardous contamination found on an aircraft as a result of leakage or damage to dangerous goods be removed without delay;

11) without delay take out of service and not returned to service the aircraft, which has been contaminated by radioactive materials, until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions;

12) ensure that packages containing dangerous goods which might react dangerously one with another are not stowed on an aircraft next to each other or in a position that would allow interaction between them in the event of leakage;

13) ensure that packages of toxic, infectious and radioactive substances are stowed on an aircraft in accordance with the provisions of the Technical Instructions, and that radioactive materials are separated from people, live wildlife and undeveloped film;

14) protect the dangerous goods from being damaged, and shall secure such cargo in the aircraft in such a manner that will prevent any movement in flight which would change the orientation of the packages;

15) ensure that packages of dangerous goods bearing the “Cargo aircraft only” label are loaded in on a cargo aircraft so that the air crew or other authorised persons can see, handle them, and if the size and weight of the packages allow for them to be separated from the other cargo, unless otherwise specified in the Technical Instructions;

16) prior to the departure of an aircraft transporting dangerous goods, as soon as possible, provide a written notice on dangerous goods to the pilot-in-command in accordance with the Technical Instructions;

17) introduces in its Operations Manual information enabling flight crew to perform duties related to the transport of dangerous goods and instructions on measures to be taken in the event of emergencies arising from the transport of dangerous goods;

18) informs passengers on the types of dangerous goods that are forbidden for transport by aircraft, in accordance with the Technical Instructions;

19) in the event of an accident or a serious incident of an aircraft that may be associated with the transport of dangerous goods:

(1) urgently notify the relevant authorities responsible for the response in the event of an accident or serious incident on the dangerous goods on board, as specified in the information supplied to the pilot-in-command,

(2) as soon as practicable inform the competent authorities of the state of the operator and of the State in which the accident or a serious incident occurred;

20) in the event of an accident involving the aircraft transporting dangerous goods, if requested, promptly provide information on dangerous goods on board to the appropriate emergency services, as well as to the competent authorities of the State where the accident occurred, as indicated in the information provided to the pilot-in-command.

## **Article 213**

### **Pilot-in-command responsibilities**

If an in-flight emergency occurs, the pilot-in-command shall through the appropriate air traffic services unit, as soon as the situation permits, inform the aerodrome operator of any dangerous goods on board the aircraft, in accordance with the Technical Instructions.

#### **Article 214**

##### **Provision of information to employees**

The aircraft operator, consignor and other organisations involved in the transport of dangerous goods by air shall provide such information to their employees, which will enable them to perform the duties related to the transport of dangerous goods and the instructions on the measures to be taken in case of emergencies resulting from the transport of dangerous goods by air.

#### **Article 215**

##### **Training of personnel in the field of the transport of dangerous goods by air**

Personnel performing the duties in the field of the transport of dangerous goods by air must be trained according to the vocational training program approved by the Directorate.

The programs referred to in paragraph 1 of this Article shall be established and implemented by the following:

- 1) shippers of dangerous goods, including packers and persons or organisations undertaking the responsibilities of the shipper;
- 2) aircraft operators;
- 3) ground handling agencies which perform, on behalf of the operator, the act of accepting, handling, loading, unloading, transferring or other processing of cargo or mail;
- 4) ground handling agencies located at an airport which perform, on behalf of the operator, the act of processing passengers;
- 5) agencies, not located at an airport, which perform, on behalf of the operator, the act of checking in passengers;
- 6) freight forwarders;
- 7) agencies engaged in the security screening of passengers and crew and their baggage and/or cargo or mail; and;
- 8) designated postal operators.

The charge shall be payable to the Directorate for the approval of the program referred to in paragraph 1 of this Article.

For the approval of the program referred to in paragraph 1 of this Article, the fee shall be paid to the Directorate.

#### **Article 216**

### **Instructor for transport of dangerous goods**

The training of persons performing duties related to the transport of dangerous goods by air shall be carried out by instructors for the transport of dangerous goods, based on the approval granted by the Directorate.

The approval referred to in paragraph 1 of this Article shall be granted for an indefinite period, and shall cease to be valid if the instructor does not train at least one person in the course of twenty four months or fails to complete the recurrent training.

The charge shall be payable to the Directorate for granting the approval referred to in paragraph 1 of this Article.

### **Article 217**

#### **Certificate of competence**

The certificate of competence valid for a period of 24 months shall be granted to a person successfully completing the training for carrying out the tasks related to the transport of dangerous goods by air.

The instructor shall keep records on all the issued certificates referred to in paragraph 1 of this Article, and shall make them available to the Directorate upon its request.

Persons performing the transport of dangerous goods referred to in Article 215, paragraph 2 of this Law shall appoint employees who possess a valid certificate of professional competence for the performance of duties in the transport of dangerous goods.

Persons performing the transport of dangerous goods referred to in Article 215, paragraph 2 of this Law shall retain data on the professional training of employees who perform tasks in the transport of dangerous goods by air and deliver them to the Directorate upon request.

The Directorate shall specify the requirements for granting the approval to the instructor for the transport of dangerous goods by air, the form of this approval, as well as the requirements for granting a certificate to a person performing duties in the transport of dangerous goods and the form of the certificate of professional competence.

### **Section Ten**

#### **ACCIDENTS AND SERIOUS INCIDENTS**

*Articles 204 – 217 are repealed by means of Article 56 of the Law on Accident Investigations in Aviation, Railway and Waterborne Transport (“Official Gazette of the Republic of Serbia“, No 66/15)*

### **Section Eleven**

#### **FACILITATION**

**Article 218**  
**National aviation facilitation programme**

The national aviation facilitation program shall establish a series of measures, activities and technological procedures to facilitate international commercial air transport operations and expedite the flow of passengers, baggage, mail and cargo. Under the National Aviation Facilitation Program, the state administration bodies, organisations, legal entities, aerodrome operators, air operators and other entities shall be appointed for the implementation of the program and their responsibilities and obligations regarding the its implementation shall be specified.

The National Aviation Facilitation Program shall be enacted by the Government on the basis of the proposal made by the Minister of transport.

**Article 219**  
**National Aviation Facilitation Committee**

For the purpose of coordinating enforcement of the national facilitation program in air transport and making proposals for the improvement of the measures provided for in the program, the Government shall establish the National Aviation Facilitation Committee.

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

The work of the National Aviation Facilitation Committee shall be specified in more detail by the Government at the proposal of the Minister of transport.

**Section Twelve**  
**AVIATION SECURITY**

**Article 220**  
**Definition of aviation security and acts of unlawful interference**

Aviation security means safeguarding civil aviation against acts of unlawful interference achieved by combining measures, and human and material resources.

The following shall in particular be deemed as acts of unlawful interference:

1. an act of violence against a person on board an aircraft in flight likely to endanger the safety of aircraft;

2. destruction of an aircraft in service, or such causing of damage to an aircraft which might incapacitate that aircraft for flight or endanger the flight safety;
3. putting any device or substance on an aircraft in use by means of which such aircraft might be destructed or so damaged that it is incapacitated to operate or the security flight safety might be endangered;
4. destruction of or damage inflicted to technical systems of air traffic or obstructing their operations if these may endanger the safety of aircraft in flight;
5. issuing false information by which the safety of an aircraft in flight is endangered;
6. unlawful and deliberate use of devices, substances or weapons for committing an act of violence against persons at aerodromes which may result or might result in severe bodily injury or deaths, or may cause demolition or serious damage of buildings, equipment and facilities at aerodromes, or to aircraft out of use landed therein if such aircraft may or might endanger the aerodrome safety.

### **Article 221**

#### **National Aviation Security Programme**

For the purpose of the implementation of the international standards and recommended practices contained in Annex 17 of the Convention on International Civil Aviation and Document 30 (Part II) of the International Civil Aviation Conference (ECAC), the Government shall at the proposal from the minister of transport issue the National Aviation Security Program constituting the framework to be complied with by all state authorities and aviation entities.

The National Aviation Security Program specifies the following: preventive, increased and contingency measures and procedures ensuring the aviation security, in particular the prevention of various forms of acts of unlawful interference and the obligation of state authorities and other entities related to the implementation of security measures; emergency planning; method of establishing landside, airside and security restricted areas at airports and requirements for access and movement within those areas; control of the manner in which the security measures are implemented; control of the effectiveness of security measures; security training; requirements to be complied with by all persons performing background checks; requirement for the aviation security equipment; method of establishing critical facilities, parts of infrastructure and systems used in civil aviation, including protection against cyber threats.

Implementation of the National Aviation Security Program shall be ensured by the Directorate.

The Directorate shall adopt and implement the quality assurance program for the security measures and training program based on the National Aviation Security Program.

### **Article 222**

#### **National aviation security committee**

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

The composition and method of work of the National Aviation Security Committee shall be regulated by the Government, at the proposal of the minister of transport.

### **Article 223**

#### **Airport aviation security committee**

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

The representatives of all parties involved in the enforcement of the security measures at airports shall be nominated as the members of the Airport Aviation Security Committee.

### **Article 224**

#### **Aviation security program**

An aerodrome operator holding the airport certificate, air carriers, as well as other entities specified in the National Civil Aviation Security Programme shall in accordance with that programme develop and implement their own security programmes.

The programmes referred to in paragraph 1 shall be applicable when approved by the Directorate.

A foreign air carrier conducting international scheduled commercial services to the Republic of Serbia or a series of charter flights in the 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 issued by the competent state authority of the air carrier.

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

An aerodrome operator holding the certificate for the operation of the airport at which commercial air services are operated shall develop, implement and amend the security measures procedures for the implementation of the security measures.

The application process to be granted the security programme approval and its amendments shall be subject to a charge payable to the Directorate.

#### **Article 224a**

##### **Aviation security measures and security risk assessment**

Aerodrome operators, air operators and other entities designated in the National Aviation Security Program shall implement the aviation security measures specified in that program, which must be appropriate, objective, non-discriminatory and proportionate to the estimated risks.

If, based on the security risk assessment, it has been found that there is no threat to the aviation security system, the entities referred to in paragraph 1 of this Article shall apply preventive measures in the field of aviation security.

Exemptions to the application of the preventive security measures shall be granted by the Directorate under the provisions of the National Aviation Security Program.

If the security risk assessment shows that there is a vulnerability in the part of the aviation security system, the entities referred to in paragraph 1 of this Article shall implement the security measures.

Exceptionally, taking into account the particularities at individual airports and their traffic, the Directorate may authorize the application of alternative security measures if, based on risk assessment, it has been found that they provide an adequate level of protection.

Security risk assessment shall be carried out by the ministry of interior and security services in cooperation with the entities to which the risk assessment is relevant.

Security risk assessment shall be carried out annually or, if necessary, on a regular basis.

#### **Article 225**

##### **Airport areas: landside, airside and security restricted area**

An aerodrome operator holding the airport certificate shall, upon obtaining the approval from the ministry of interior and security services, establish and delineate landside, airside and security restricted areas and, if necessary, the demarcated area at the airport, mark gates for officials and gates for passengers, and obtain approval from the Directorate for all the above.

The aerodrome operator referred to in paragraph 1 of this Article shall mark official gates and passenger gates and set appropriate signs of notification, warning or ban for unauthorised access into a controlled and security restricted areas.

#### **Article 226**

### **Access control, surveillance and patrolling Screening**

At the airport where the operator has the airport certificate, the aerodrome operator must ensure access control of persons and vehicles to the controlled and security restricted areas of the aerodrome, including surveillance and patrolling.

In addition to access control, at the entrance into the security restricted area of that airport or within this area, the aerodrome operator must also provide screening of all passengers, their hand baggage, and persons other than passengers, including carry-on baggage, cargo and mail, airport supplies, in-flight supplies, air carrier materials and mail, as well as vehicle inspection.

Notwithstanding paragraph 2 of this Article, background checks shall not be mandatory:

- 1) for cargo and mail for which the air carrier, regulated agent, known consignor or account consignor has carried out security controls under the National Aviation Security Program;
- 2) airport supplies for which the known consignor of these supplies has carried out security controls under the National Aviation Security Program;
- 3) for in-flight supplies for which the air carrier or regulated supplier of such supplies has carried out security controls under the National Aviation Security Program;
- 4) for transfer baggage in cases provided for in the National Aviation Security Program;
- 5) in other cases as provided for in the National Aviation Security Program.

The screening referred to in paragraph 2 of this Article shall be carried out with the direct oversight by the ministry of interior with the additional screening as necessary.

Access control, surveillance, patrolling and screening shall be performed by aerodrome operators or legal entities making an agreement with the aerodrome operator on the performance of those activities.

Access into the security restricted area shall be prohibited to persons who verbally abuse or physically attack personnel carrying out the security measures, as well as to persons making threats, displaying disruptive behaviour, disturbing public peace and order, or refusing to be background checked, as well as to persons reasonably suspected by the security personnel in terms of their intentions, baggage or items carried on their person.

If the legal entity carrying out the screening uses technical equipment this equipment must comply with the standards specified for this type of equipment and must obtain the approval from the Directorate for usage.

Issuance of the permit to use the security screening technical equipment shall be subject to charge paid to the Directorate.

### **Article 227**

#### **Permit to perform access control, screening, surveillance and patrolling**

Permit of a limited duration to conduct access control, screening, surveillance and patrolling shall be obtained from the Directorate by the aerodrome operator or a legal entity concluding the agreement with the aerodrome operator on carrying out of those activities.

Notwithstanding paragraph 1 of this Article, the permit to perform access control, inspection, surveillance and patrolling fails to have to possess:

- 1) regulated agent, if performing screening only of cargo and mail;
- 2) regulated supplier of in-flight supplies, if it solely performs inspections of in-flight supplies.

For the status of a regulated agent, known consignor and regulated supplier of in-flight supplies, the approval must be sought from the Directorate.

The requirements for issuing, amending, extending the validity of, suspending or revoking the permit to perform access control, inspection, surveillance and patrolling, the time for which the permit is issued, and its format, as well as the requirements for issuing approval to acquire the status of the regulated agent, known consignor or the regulated supplier of in-flight supplies shall be more closely specified in the regulation passed by the Directorate.

The charge shall be payable to the Directorate for applications for issuing, amending, or validity extension of the permit to perform access control, inspection, surveillance and patrolling, including issuing of the approval for the status of the regulated agent, known consignor or the regulated supplier of in-flight supplies.

## **Article 228**

### **Obligations of aerodrome operators**

Aerodrome operators holding the airport certificate shall conduct inspections and protection of the facilities, installations, devices and equipment at airports and shall ensure the following: an area for the inspection of aircraft subject to unlawful interference; requirements for control and prevention of unauthorised access in the airport controlled and security restricted areas; appropriate premises and technical equipment for carrying out background checks, as well as adequate premises for the destruction of explosive devices detected or equipment for the safe transport of explosive devices.

The ministry of interior shall conduct security search of aircraft subject to an act of unlawful interference, or suspected of being subjected to an act of unlawful interference, disembarkation and screening of passengers, unloading and screening of baggage, cargo and mail from such aircraft, as well as the removal of detected explosive, inflammable or dangerous materials.

## **Article 229**

### **Security charge**

The costs of providing material and technical requirements 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, subject to prior approval from the Minister of transport.

### **Article 230**

#### **Introduction of weapons and prohibited items**

It shall be prohibited to introduce weapons or firearms, ammunition, explosive, flammable or dangerous substances into the passenger cabin and the security restricted area, including the articles on the list of prohibited articles specified by the Directorate.

Notwithstanding the above, carrying of weapons and ammunitions shall be permitted only under the requirements specified by the interior minister.

A person possessing weapons, firearms or ammunition shall hand them over to an officer of the ministry of interior at an aerodrome check-in point, which shall be returned to them upon disembarkation.

The manner of submitting and returning the weapons, firearms and ammunitions shall be regulated by the interior minister.

The manner of handling the explosives, flammable and dangerous substances, as well as articles listed as prohibited shall be specified by the Directorate.

### **Article 230a**

#### **List of disruptive passengers**

Air carriers shall have the right to make a list of disruptive passengers and, in accordance with it, deny the right to carriage to such passengers.

### **Article 231**

#### **Identification card**

The access and movement of persons other than passengers and vehicles into the airside and security restricted area of an airport, as well as critical facilities, parts of infrastructure and systems used for civil aviation purposes outside the airport shall be prohibited without the appropriate identification card.

The identification card for the access to and movement within the controlled and security restricted areas of airports shall be issued by the aerodrome operator, while the

identification card to be able to gain access to the critical facilities, parts of the infrastructure and systems outside the aerodrome shall be issued by their user.

The identification card shall be issued with a validity period not exceeding five years.

The person to whom the identification card is issued shall, in the event of expiration of the validity of the identification card, change of post, termination of employment or at the request of the issuer return the identification card to the issuer or in case of loss of the identification card immediately inform the issuer thereof.

The legal entity using the vehicle for which the identification card is issued shall, upon expiration of the validity of the identification card, the termination of the use of that vehicle or upon the issuer's request, return the identification card to the issuer or in case of loss of the identification card immediately inform the issuer thereof.

The issuer of the identification card referred to in paragraph 2 of this Article shall process the following information on the person to whom the identification card is issued: name, surname, unique registration number of the citizen, date and place of birth, identity card number or travel document number if foreign citizen, citizenship, residence and employment data.

The issuer of the identification card shall keep records of the issued identification cards and shall retain the identification card for at least five years after the validity of the identification card has expired.

### **Article 231a**

#### **Background check**

Prior to issuing the identification card or, when necessary, subsequent to its issue the ministry of interior in cooperation with the security services shall carry out background checks on all persons issuing the identification card for the purpose of establishing whether or not there is a security breach.

The security breach referred to in paragraph 1 of this Article is:

1) a person convicted for a criminal offense falling within the offenses against: life and body, rights and freedoms of persons and citizens, full freedom, against marriage and family, property, human health, general safety of people and property, constitutional order and security of the Republic of Serbia, state bodies, public order and peace, against aviation safety, against humanity and other rights protected by international laws;

2) a person being prosecuted for one of the criminal offenses referred to in paragraph 1 of this paragraph;

3) a person having been sentenced, for the past three years, for an infringement in the field of public order and peace with elements of violence or a person having been sentenced for violations of the law regulating weapons and ammunition;

4) the security services forming a negative opinion of a person.

In addition to the persons to whom the identification card is issued, background checks shall also be carried out for persons implementing security screening, training instructors, responsible air carrier security officers, flight controllers, and crew members.

Background checks of persons referred to in paragraph 3 of this Article shall be conducted at least every five years.

The application for background check may be submitted by an employer of the person whose background is to be checked, except for a security training instructor in which case the application for background check is submitted by the Directorate.

In addition to the application referred to in paragraph 5 of this Article, the written approval of the person for carrying out the background check shall also be submitted.

Refusal to sign the approval for the background check and the fact there is a security breach shall both constitute grounds for the termination of employment contract and of every other privilege.

In the process of performing a background check, the following data on the person being subject to background check shall be examined: name and surname, as well as previous names and surnames; identification number; date and place of birth; citizenship, previous citizenship and dual citizenship; residence and place of residence, as well as previous residence; marital status and family status; data on persons living in the same household with the person being checked (their names and surnames, together with the previous names and surnames, their dates of birth, as well as the relationship with the person being checked); professional education and profession; data on previous employment; data related to the military service; data on criminal record and any sentences for misdemeanours or misdemeanour procedures in progress; contacts with foreign police organisations, foreign security services and intelligence services; data on membership or participation in activities of organisations whose activities or goals are prohibited; data on habits, preferences and behaviour, as well as data on previous background checks.

When performing a background check, the data are collected and processed in accordance with the law on interior affairs, personal data protection and data secrecy."

### **Article 231a**

#### **Security measures testing**

For the purpose of quality control of the aviation security measures, the Directorate shall, in cooperation with the Ministry 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 authorisation of the Ministry 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.

### **Article 231b**

#### **Test of security measures. Security survey**

In order to control the quality of aviation security measures, the Directorate conducts a test of security measures and a security survey.

The test is a simulation of an act of unlawful interference aimed at controlling the application of aviation security measures.

The use of a weapon replica or simulation of an explosive during the implementation of the test requires the authorisation of the ministry of interior, as well as the presence of the representatives of that ministry.

Test security measures and security survey shall be conducted in accordance with the requirements of the National Aviation Security Program and the Quality Assurance Program for Aviation Security.

### **Section Thirteen**

#### **COMPETENT ADMINISTRATIVE BODY AND ORGANISATION FOR AIR TRANSPORT**

### **Article 232**

#### **Transport Ministry**

The Transport Ministry exercises the state administration functions which refer to formulating and implementing the Government policy in the domain of aviation, strategy of air transport development, organisation of air transport system, supervision of the Directorate's work in performing its assigned public and other functions under this and other laws.

## **II CIVIL AVIATION DIRECTORATE OF THE REPUBLIC OF SERBIA**

### **Article 233**

#### **Incorporation and legal status**

The Civil Aviation Directorate of the Republic of Serbia shall be established under this Law, as a public agency over which the Government exercises the rights of incorporation on behalf of the Republic of Serbia and, as such, it exercises the state administration functions under this Law.

The Directorate shall have the status of a legal entity with the rights, obligations, and responsibilities as specified in this Law and other regulations.

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

The Directorate's headquarters shall be in Belgrade.

### **Article 234**

#### **Functions of the Directorate**

The Directorate shall enact regulations and administrative acts in the first instance when authorised to do so under this Law or any other regulation, issue official documents and keep records for which it is authorised under this Law or any other regulation, conduct audits and inspections of aviation entities, participate in the work of international aviation organisations and institutions, including their committees, cooperate with competent authorities of other countries, and exercise other functions under this Law or other regulations.

The Directorate shall be entrusted with the state administration functions for which it is authorised under this Law and which shall encompass the enactment of regulations and administrative acts in the first instance, the conduct of inspection, the issue 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 the provision of air navigation services and assess whether the air navigation services provider meets the requirements for the provision of the services.

### **Article 235**

#### **Regulations**

Regulations passed by the Directorate must correspond by nature and title to legislation passed by state administration authorities.

The Directorate's Regulations shall be published in the 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 of transport.

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

### **Article 236**

#### **Bodies**

The Management Board and the Director shall be the bodies of the Directorate.

### **Article 237**

#### **Scope of the Management Board**

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 within the scope of authority of the Director General;
- 5) guide the work of the Director General and issue working instructions;
- 6) supervise the Directorate's business operations;
- 7) exercise other functions under the law governing public agencies.

### **Article 238**

#### **Composition of the Management Board**

The Management Board shall have five members, appointed by the Government for a period of five years at the proposal of the Minister of transport and may be reappointed.

The Management Board shall have a President appointed by the Government between the members of the appointed Management Board, at the proposal of the Minister 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, with no taxes and contributions, that are 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 national statistics authority.

### **Article 239**

#### **Director General**

The Director General 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 organisation 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 method of operation, acts and behaviour of the employees in the Directorate, prepare and implement the Management Board decisions and exercise other functions under the law governing public agencies and other regulations and general acts.

### **Article 240**

#### **Deputy Director**

The Director shall have the Deputy who shall be replacing him/her when absent or hindered from exercising his/her duties. The Deputy shall be nominated in the same way as the Director.

### **Article 241**

#### **Financing**

The Directorate shall provide the funds to exercise the duties from its scope of activities encompassing:

- 1) fees and charges under 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, under this Law.

The regulation of the Directorate on the amount of charges to be paid under 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 shall be paid directly to the business account.

#### **Article 242**

#### **Other regulations applicable to the Directorate**

The law governing the public agencies shall apply to all issues which concern the position of the Directorate and which are not provided for in this Law.

The general regulations on labour shall apply to the rights, obligations and responsibilities of the Director, the Deputy and all employees of the Directorate.

#### **Section Fourteen**

#### **AUDIT AND INSPECTION**

#### **I. COMPETENCES AND APPLICABILITY OF REGULATIONS**

#### **Article 243**

Audit and inspection shall be carried out by the Directorate.

The law governing general administrative procedure shall apply to all matters not governed by this Law regarding audits and inspections, while inspections shall also be regulated by the law on inspections.

#### **II. AUDITS**

#### **Article 244**

#### **Entity audited, definition and types of audits**

Subject to audit shall be an undertaking, other legal entities, state authorities, organisations and entrepreneurs performing operations or providing services in aviation (hereinafter referred to as “entity audited”).

An audit shall establish whether the entity audited satisfies the requirements for exercising the functions or providing services in aviation.

An initial audit shall verify whether the entity audited meets the requirements for acquiring the certificates or other individual legal acts.

The recurrent audit shall be conducted while the certificate or other individual legal act is in force.

The charge shall be payable to the Directorate for conducting audits at the request of an entity audited.

Audit shall be performed as an entrusted state administration function.

The charge shall be payable to the Directorate for the implementation of initial and recurrent audits, whereas the recurrent audit shall be funded in accordance with a ratified international agreement.

#### **Article 245** **Recurrent audits program**

The Directorate shall develop the program of recurrent audits for each year, and notify the time of audit to the accountable person of the entity audited.

The Directorate shall also notify the accountable person of the entity audited on the scope, plan and the method of the audit.

#### **Article 246** **Auditors**

Audit shall be conducted by the authorised persons (auditors) of the Directorate.

An auditor shall be entitled and authorised to assess facilities, equipment, devices, designs, documentation, and public documents of the entity audited; to make an insight into the work process and quality of services rendered by the entity audited 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.

**Article 247**  
**Auditor's report, corrective action and Directorate's procedure**

Auditors shall write a report on their assessment containing the factual findings, including the established, described and documented deficiencies.

This written report shall be forwarded to the Director of the Directorate and to the entity audited.

Depending on what was stated in the report, the Directorate may order to the entity audited to propose corrective action to remedy the deficiencies and the timeframe for their implementation.

The Directorate shall assess the corrective action proposed by the entity audited and accept them if they are found to be appropriate to remedy the deficiencies, and the entity audited shall apply the corrective action accepted by the Directorate.

The Directorate and the entity audited shall mutually agree the timeframe for the corrective action to be applied by the entity audited.

Upon completion of auditors' work, the final decision on the audit outcomes shall be made by the Director of the Directorate.

**Article 248**  
**Delegation of individual auditing activities. Recognition of foreign documents**

The Directorate may delegate particular activities within an audit, either to a natural or legal entity, provided that the person concerned is subject to licence for conducting such individual activities within an 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 organisation if the requirements under which it has been issued are as stringent as the requirements specified for conducting audits in the Republic of Serbia.

A charge 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.

**Article 249**

## **Bylaw**

The manner of implementing the audit procedure, the requirements for acquiring the status of an auditor, the duties and responsibilities of auditors and form of their official identity card, duties and responsibilities of the objects of audit and contents of the audit report shall be detailed and defined in the regulation enacted by the Directorate.

The Directorate shall also specify activities within the audit, which may be entrusted either to natural or legal entities, the requirements that natural or legal entities shall meet in order to be issued with a licence, the validity period of the licence, the requirements under which it shall be varied, suspended or revoked as well as the form of the licence.

### **III. INSPECTION**

#### **Article 250**

##### **1. Concept of inspection Aviation inspectors**

Inspection oversight over the application of this Law, bylaws enacted thereon, international acts and adopted domestic and international standards and recommended practices shall be conducted by the aviation inspectors from the Directorate.

Directorate may delegate particular tasks related to the aviation inspections to a person that is not fully compliant with the title of an aviation inspector but possesses specialized know-how necessary for the performance of the tasks under Article 48, paragraph 3 of the Law on Inspections (Official Gazette of the Republic of Serbia No 36/15 and 44/18- other law).

Inspections shall be conducted in respect of air navigation service provider, air carrier, aircraft owners and operators, aerodrome operators, operators of airfields or terrains, aerodrome investors, Maintenance organisations, aircrews, as well as other undertakings, legal entities, entrepreneurs and natural persons performing operations, duties or providing services (hereinafter referred to as “entity inspected”).

When conducting an inspection, the aviation inspectors shall wear official uniform and have the official identity card on their person.

The requirements to be complied with for the status of an aviation inspector, the official uniform and the form of an official identity card of aviation inspectors shall be specified by the Directorate.

Aviation inspectors shall neither develop nor take part in the development of planning or technical documentation and the technical control of technical documentation

of an entity inspected nor conduct expert oversight in respect of production, construction or building activities of the entity inspected.

### **Article 251**

#### **2. Duties and responsibilities of aviation inspectors**

Aviation inspectors shall be responsible for implementing procedures, issuing decisions and taking measures within the duties and responsibilities as provided for in this Law.

Aviation inspectors shall have the following privileges in the course of inspections:

1) inspect general and individual acts, records and other documents of the entity inspected, which he could not obtain ex officio;

2) inspect:

- i. aerodromes,
- ii. aircraft and aviation products,
- iii. communication, navigation and control systems, devices, equipment and facilities,
- iv. the premises, plants, installations, equipment and products,
- v. other facilities, devices and objects of the entity inspected;

3) investigate and take statements from the responsible persons and other persons of the entity inspected;

4) request reports and data on the work of the entity inspected;

5) perform inspection of the work of the staff of the entity inspected;

6) apply for initiation of proceedings for infringements referred to in Article 258, paragraph 1 to 3 and Article 260, paragraph 1 of this Law;

7) issue an infringement report for infringements referred to in Article 258, paragraphs 4 and 5, and Article 260, paragraph 2 of this Law;

8) bring criminal charges;

9) take other measures and actions for which they are authorised.

Aviation inspectors shall notify the responsible person of the entity inspected in his presence.

The responsible person of the entity inspected shall act upon the directives of the aviation inspector.

#### **3. Aviation inspector authorisations**

### **Article 252**

#### **Authorisation to enforce remedial action**

If aviation inspectors identify any deficiencies in the operations of the entity inspected, they shall be authorised to instruct the entity inspected to eliminate such deficiencies and set the time frame within which the entity inspected is to take the remedial action.

The entity inspected shall take measures to eliminate the deficiencies as specified in the record, or in the decision of the aviation inspector.

The entity inspected shall within 48 hours from the expiration of the time frame within which the entity inspected is to take the remedial action, communicate in writing to the aviation inspector if the remedial action has been taken.

### **Article 253**

#### **Authorisation for temporary restriction and limitation**

Depending on the inspection results and the severity of the immediate threat to safety and security, the aviation inspectors shall be authorised to make a prompt decision to:

- 1) prohibit temporarily an undertaking, or 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 specified for their utilization.

The aviation inspectors shall be authorised to temporarily prohibit the exercise of duties to a person from between the aircrews whose activities directly affect air transport safety under the requirements specified in Article 184 of this Law.

### **Article 254**

#### **Authorisation to submit proposals to the Director of the Directorate**

An aviation inspectors 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 entity or an entrepreneur meets the requirements to exercise activities or render services in aviation;
- 2) to request from the training organisation to vary, suspend or revoke the certificate of competence to persons from between the aircrews whose activities indirectly affect aviation safety or to conduct additional assessment of competence of those persons;

- 3) additional assessment of the competence or medical fitness of a person from between the Aircrews whose activities directly affect the safety of air traffic.

#### **Article 255**

#### **4. Inspection records**

The aviation inspectors shall, without delay upon completion of inspection and *in situ*, develop inspection records which shall also contain the measures ordered to the entity inspected.

Notwithstanding the above, an aviation inspectors who prohibits in writing the exercising of duties to a person from between aircrews whose activities directly affect air transport safety will develop the inspection records within 24 hours upon completion of inspection as per Article 184 of this Law.

Inspection records shall be forwarded to the entity inspected.

#### **Article 256**

#### **Other provisions on inspection air carrier's obligation to provide a seat for an aviation inspector**

An air carrier must, upon notification, provide a seat on board aircraft for the aviation inspectors who is to perform the oversight of air crew performance or check in-flight airworthiness.

#### **Article 257**

#### **The right to appeal against aviation inspectors's decision**

An appeal against the aviation inspectors's decision may be filed with the minister of transport.

An appeal against the decision of an aviation inspectors shall not suspend its enactment, and aviation inspector may, in duly justified cases, make a decision that an appeal suspends its enactment.

## **Section fifteen PENALTIES**

### **Article 258 Penalties**

A legal entity shall be liable to a penalty for infringement which may range from 500.000 up to 2.000.000 RSD if it:

1) operates the services contrary to international acts, this Law and other regulations (Article 4, paragraph 2);

2) fails to comply with the rules of the air (Article 4a paragraph 1);

3) operates the services over the populated areas, and industrial facilities below the altitude laid down by the rules on airspace classes referred to in Article 37 of this Law (Article 8, paragraph 1);

4) operates the services over urban and other populated areas, populated areas and industrial facilities below the laid down altitude without the approval of the Directorate (Article 8, paragraph 2);

5) drops items and liquids from an aircraft in flight contrary to Article 9 of this Law;

6) uses unmanned aircraft, aircraft models, missiles or other flying objects in such a way as to endanger the aviation safety (Article 10 paragraph 1) or contrary to the requirements laid down in the regulation referred to in Article 10, paragraph 3 of this Law;

7) launches a missile or other flying object without obtaining prior approval from the air navigation service provider (Article 10, paragraph 2);

8) operate an aircraft in a restricted area or contrary to the conditions for conducting flying in a restricted area (Article 13.1);

9) operates an aircraft in a restricted area without the approval of the Directorate (Article 13. 3);

10) fails to inform the Directorate of any occurrence, despite its obligation to do so under the regulations referred to in Article 17(4) of this Law (Article 17.1);

11) fails to inform the Directorate on the intended introduction of change to the functional system, or fails to provide the safety argument or to obtain the approval from the Directorate on the intended change (Article 18.1);

12) continually and systematically fails to perceive danger, assess or mitigate risks in the course of performing the duties (Article 19.1);

13) fails to comply with the issued safety directive (Article 19a, paragraph 1);

14) infringes the airspace of the Republic of Serbia as an operator of a national or a foreign aircraft (Article 23, paragraph 1);

15) infringes the airspace of the Republic of Serbia as an operator of a foreign unmanned aircraft or a flying object (Article 23.2);

16) operates a flight within the airspace of the Republic of Serbia as an air operator without filing the flight plan on an earlier date (Article 24, paragraph 1);

17) develops instrument flight procedures without obtaining proper authorisation from the Directorate (Article 41, paragraph 1);

18) fails to plan for, coordinate or perform the activities in the specified manner as a participant in the air traffic management flow and capacity management (Article 43, paragraph 3);

19) fails to ensure the regularity and reliability of services as a provider of communication, navigation and surveillance services (Article 53, paragraph 1);

20) fails to use systems, devices, equipment and facilities according to technical documentation, operating instructions and maintenance program, or fails to keep and update technical documentation, user manual and maintenance program (Article 53, paragraph 2);

21) fails to plan or design, acquire, use, maintain or conduct technical surveillance of the operation and correctness of communication, navigation and surveillance systems, devices, equipment and facilities, characteristics and manner of application and maintenance of which comply with the international regulations and standards, provisions specified in ratified international agreement and the conditions specified by the Directorate (Article 54, paragraph 1);

22) fails to check on a regular basis and carry out in-flight calibration of communication, navigation and surveillance systems, devices and equipment (Article 54, paragraph 2);

23) fails to make the observed meteorological data available or fails to make them available to the service users (Article 57, paragraph 1);

24) provides the air navigation services without the certificate for the provision of those services or has not been designated by the Government to provide such services (Article 64, paragraph 2);

25) as an air navigation service provider, fails to record electronically or in any other way fails to store all data on the services provided (Article 71, paragraph 1);

26) performs commercial air transport without a valid operating licence (Article 77, paragraph 1);

27) operates the services by an unpowered aircraft or a powered ultra-light aircraft or operates a local flight without an air operator certificate (Article 79 paragraphs 3 and 4);

28) at the request of the Directorate, fails to provide information on the fulfilment of the requirements necessary for the issuance of an operating license (Article 80, paragraph 2);

29) as the holder of an operating license, fails to submit to the Directorate annual financial statements within six months from the end of the financial year (Article 80, paragraph 3);

30) fails to perform its tasks in compliance with the requirements specified in the AOC (Article 84, paragraph 2);

31) prior to aircraft leasing, fails to seek approval from the Directorate regarding the lease out of the aircraft (Article 87, paragraph 2);

32) without prior approval of the Directorate dry-leases an aircraft to a foreign state air carrier or wet-leases an aircraft without prior notice to the Directorate thereof (Article 87, paragraph 3);

33) fails to perform international air services under the provisions of the ratified international agreement (Article 89, paragraph 2);

34) as a foreign air carrier, performs international commercial air transport with the Republic of Serbia without the appropriate approval (Article 91, paragraph 1);

35) fails to publish the total cost of air carriage or fails to clearly specify constituents of the total price (Article 92, paragraph 2);

36) as an air fare seller fails to provide access to air fares for carriage to and from the aerodromes in the territory of the Republic of Serbia without discrimination on grounds of citizenship or residence of the purchaser or on the seating arrangement basis (Article 92, paragraph 4);

37) fails to publish flight schedule not later than 15 days prior to the commencement of its application, and fails to publish timetable changes not later than 10 days prior to the application of the changed timetable (Article 94, paragraph 2);

38) fails to perform operations in accordance with the published flight schedule as long as it is in force (Article 94, paragraph 3);

39) fails to immediately inform the public about the suspension of a flight or amendment to the flight schedule (Article 94, paragraph 4);

40) performs specialized operations for remuneration without a declaration of its capabilities for their operation or performs a high risk specialized operations without holding the authorisation for performing these operations (Article 95, paragraph 1);

41) performs non-commercial complex engine operations without submitting to the Directorate the declaration certifying that it is duly competent and has secured sufficient financial resources in order to perform the non-commercial operations (Article 97, paragraph 1);

42) performs non-commercial operations contrary to the requirements under the regulation referred to in Article 97, paragraph 2 of this Law;

43) holds a flying display event without the permission from the Directorate, or without the airspace management unit having allocated the airspace to that end (Article 98, paragraph 1);

44) fails to use aerodrome for take-off, landing and movement of aircraft (Article 99, paragraph 1);

45) uses areas located outside an aerodrome for take-off and landing contrary to the requirements specified by the Directorate (Article 99, paragraph 3);

46) as a public use aerodrome operator fails to ensure that the airport is open to air traffic (Article 103, paragraph 3);

47) take-off and landing from an aerodrome outside its working hours, within a period not specified by the aerodrome operator (Article 103, paragraph 4);

48) uses an aerodrome without holding the aerodrome certificate, approval to operate an aerodrome or an agreement to operate an aerodrome or when at the moment of operating an aerodrome it does not comply with all the requirements to ensure safe air transport operations, as well as all requirements related to aviation security (Article 104);

49) uses the aerodrome in air transport contrary to the conditions under the Directorate in the specification of the license for use or the specification of the aerodrome use permit (Article 108, paragraph 1);

50) fails to inform the Directorate and the competent air traffic control unit of planned work of a larger scale that may lead to the closure of the aerodrome or restrictions on its use, as well as any other changes that relate to the conditions under which the permit was issued, or the approval for the use of the aerodrome (Article 110, paragraph 1);

51) fails to limit or permanently or temporarily suspend the use of an aerodrome that has ceased to meet some of the requirements regarding air transport safety or aviation security or if it fails to inform the Directorate and the competent air traffic control unit (Article 110, paragraph 2);

52) make changes at the aerodrome which may influence the specification of the permit or the approval for aerodrome use, and fails to submit to the Directorate application for aerodrome use permit or approval alteration (Article 111, paragraph 1);

53) fails to submit to the Directorate an opinion on the draft planning document for an aerodrome complex and the area adjacent to aerodrome complex prior to an expert inspection (Article 115, paragraph 3);

54) prior to undertaking professional or technical inspection, or prior to submitting an application for issuing the construction certificate, fails to submit to the Directorate for approval the technical documentation related to aerodrome construction, upgrade and reconstruction (Article 116, paragraph 1);

55) fails to notify the Directorate of works that are not subject to granting of construction certificate, which may endanger aviation safety and security, or fails to submit the relevant documentation at the request of the Directorate (Article 116, paragraph 2);

56) as an investor or an aerodrome operator, notifies the Directorate of the completion of works referred to in Article 116, paragraph 1 and 2 of this Law (Article 116, paragraph 3);

57) as an investor or an aerodrome operator, fails to obtain a new opinion or certificate if there has been a change subsequent to the opinion issue referred to in Article 115, or subsequent to the issuance of the certificate referred to in Article 116, paragraph 1 or 2 of this Law (Article 116, paragraph 4);

58) fails to mark obstacles that may endanger air traffic safety (Article 117, paragraph 1);

59) without the approval of the Directorate, builds or installs facilities, installations or devices in the aerodrome area or outside of it, which, as an obstacle, may endanger air traffic safety (Article 117, paragraph 2);

60) without the approval from the Directorate, builds or installs facilities, installations or devices in the aerodrome area or outside of it, which may affect the operation of air navigation radio equipment (Article 119, paragraph 1);

61) fails to take all measures necessary to ensure safety at take-off, landing, movement and parking of aircraft at an aerodrome, as well as the supply of ground handling services at an aerodrome (Article 120, paragraph 1);

62) fails to determine the requirements for use of the aerodrome, in Directive to ensure usage of manoeuvring areas and platforms, facilities, devices and equipment according to the purposes, technical characteristics and capacity of an aerodrome (Article 120, paragraph 2);

63) fails to provide regular inspection and maintenance of runway, taxiways and other areas, apron, facilities, installations, devices and equipment to ensure safety at take-off, landing, movement of aircraft or fails to inform the responsible air traffic control unit on the conditions thereof (Article 120 paragraph 3);

64) fails to establish management of services and control of movements of aircraft and vehicles on apron (Article 121, paragraph 1);

65) fails to submit to the Directorate a statement of competence for the provision of management services at apron (Article 121, paragraph 3);

66) fails to ensure the measures to remove or prevent the formation of wild dumps or other contents capable of attracting birds and wildlife to aerodromes or their surroundings or, in cases where the removal of such contents is impossible, fails to assess and mitigate to the lowest level possible the potential risks to aircraft (Article 122, paragraph 1);

67) fails to provide bird movement monitoring and bird strike and animal control at aerodromes and their vicinity, or fails to collect information on birds or other wildlife present at aerodromes and their vicinity from aircraft operators, aerodrome personnel and from other sources, fails to analyse collected information, and fails to undertake other

measures to mitigate the risk of birds and other animal strike keeping it at lowest level possible (Article 122, paragraph 3);

68) fails to place aerodrome fence or other appropriate obstacle to prevent the entry of wildlife of such size that may endanger aircraft, and accidental or deliberate access of unauthorised persons to a part of the aerodrome other than public area (Article 123 1);

69) fails to place aerodrome fence or other appropriate obstacle or fails to undertake another appropriate protection measure if the Directorate, when checking the requirements for the issuance of the permit or approval, assessed that this installation is necessary for the purposes of safety and security (Article 123. paragraph 2);

70) fails to ensure that in the area of at least three meters from the aerodrome perimeter there are no plants or facilities preventing aerodrome fence from being monitored or which may be used for unauthorised access to aerodrome (Article 123, paragraph 3);

71) fails to organize, depending on the aerodrome firefighting category, rescue and firefighting department or fire rescue and protection at an aerodrome (Article 124, paragraphs 2 and 3)

72) delegates rescue and firefighting services and rescue and fire protection to an organisation that fails to comply with the requirements under this Law and the regulations adopted thereon in respect of personnel, vehicles, equipment, firefighting and rescue devices (Article 124, paragraph 4);

73) fails to provide emergency medical service at an aerodrome or fails to organize medical care (Article 125 para.2 and 3)

74) delegates the performance of the work of the emergency medical service or medical care to a health institution that fails to comply with the requirements under this Law and regulations adopted thereon (Article 125, paragraph 5);

75) provides groundhandling services without the permission from the Directorate for the provision of such services (Article 127, paragraph 1);

76) performs self-handling as an air operator without the permission from the Directorate (Article 128 para.2 and 3)

77) fails to publish the list of aerodrome infrastructure or to set charges for access to such infrastructure, fails to allow ground service providers to access the aerodrome infrastructure under objective, transparent and non-discriminatory conditions, or does not conclude the agreement on use of aerodrome infrastructure with ground handling service suppliers (Article 130 4);

78) as a holder of an authorisation for the provision of ground handling services or a self-service authorisation fails to provide continuity in the provision of ground handling services or self-service, or if the services, for which it is authorised, are not provided in a fair and non-discriminatory manner (Article 131, paragraph 1);

79) fails to separate the activities of providing ground handling services from the other activities (Article 131, paragraph 2);

80) delegates the provision of particular ground handling services to another legal entity or entrepreneur (subcontractor) does not hold a valid license for the provision of the ground handling services (Article 131, paragraph 3);

81) fails to establish the airport users committee (Article 132, paragraph 1);

82) sets airport charges in such a way so as to discriminate between particular airport users (Article 133, paragraph 4);

83) fails to notify all airport users regarding the justification to increase the level of particular charges, at least 60 days prior to the planned commencement of the application of the increased charges (Article 133, paragraph 5);

84) as aerodrome operator fails to conduct consultations with airport users prior to deciding on making the modification to the charging system or the level of airport charges (Article 133, paragraph 6);

85) uses an aircraft not registered in Aircraft registry of the Republic of Serbia, Aircraft Records of the Republic of Serbia or Registry of Military Aircraft of the Republic of Serbia or operates an aircraft not safe for air traffic (Article 135, paragraph 1);

86) uses an aircraft contrary to its category, type or purpose (Article 135, paragraph 3);

87) as the owner or user of an aircraft registered in the Aircraft registry fails to notify the Directorate of any change in the data entered in that Registry (Article 144, paragraph 4);

88) uses an aircraft that has a nationality marks of the Republic of Serbia and does not bear the nationality, registration or common marks (Article 145, paragraph 2);

89) uses an aircraft that is registered on aircraft registry, and there is no certificate of aircraft registration or airworthiness certificate or airworthiness test certificate or permit for the operation of embedded equipment emitting radio signals or other documents and books in flight (Article 147, paragraph 1);

90) performs aircraft maintenance without the maintenance licence (Article 149, paragraph 2);

91) designs or produces aeronautical products, parts, appliances and equipment contrary to the requirements specified by the Directorate (Article 152, paragraph 5);

92) fails to act as a user of the aviation product under the airworthiness directives issued by the Directorate (Article 156, paragraph 1);

93) for the performance of commercial air transport uses an aircraft that fails to meet the additional requirements for the establishment and maintenance of continuous airworthiness (Article 163, paragraph 1);

94) applies the aircraft maintenance program not approved by the Directorate (Article 164, paragraph 2);

95) performs the flight by an aircraft contrary to the requirements and limitations established by the Directorate in the flight permit (Article 165, paragraph 2);

96) allows personnel to perform operations that directly affect the safety of air traffic without the appropriate license (Article 172, paragraph 1);

97) causes the performance of tasks that indirectly endanger the safety of air traffic for personnel not holding the training certificate (Article 175, paragraph 1);

98) trains personnel according to curricula not approved by the Directorate (Article 179, paragraph 1);

99) trains personnel without the training certificate (Article 179, paragraph 3);

100) trains personnel on a flight simulation device or on another type of STD for which the license of the Directorate has not been obtained (Article 180 paragraph 1);

101) performs medical examinations of personnel without the certificate of the right to examine the medical fitness (Article 189, paragraph 1);

102) performs medical examinations, health assessments or issues medical certificates contrary to the requirements specified by the Directorate (Article 189, paragraph 2);

103) fails to provide for the verification of the psycho-physical condition of the aviation personnel, before the aviation personnel begins to perform tasks as well as during the performance of their duties in a way that fails to interfere with their work (Article 193, paragraph 2);

104) fails to provide the number of members and the composition of aircraft crew in accordance with the type certificate or aircraft operating manual, or operating manual of the aircraft user or regulation of the Directorate (Article 194, paragraph 2);

105) causes a person exceeding the specified age limit under Article 196 of this Law to act as a pilot of an aircraft in commercial air transport;

106) fails to appoint a pilot for each flight or part thereof (Article 197, paragraph 3);

107) fails to ensure compliance with the provisions on working hours, flight time, flight duty, holiday and free days of crew members, or keeps records of it (Article 199, paragraph 6);

108) fails to ensure compliance with the provisions on working hours, duration of shifts during the working day, duration of uninterrupted work and daily flight time of the flight controller (Article 199a, paragraph 4);

109) fails to undertake environmental protection measures against aircraft noise and other external factors affecting noise, resulting in the performance of activities or the provision of aviation services (Article 200, paragraph 1);

110) fails to ensure that, when using the aerodrome, environmental protection measures are applied under this Law and regulations on environmental protection (Article 201);

111) fails to provide continuous measurement of noise generated at aerodromes and the vicinity during landing and take-off of aircraft (Article 203, paragraph 1);

112) carries out the transport of dangerous goods by air in domestic or international air transport contrary to the provisions of this Law or international standards and recommended practices contained in Annex 18 of the Convention on International Civil Aviation or the provisions of the Technical Instructions (Article 204, paragraph 1);

113) transports by air articles and substances contrary to Article 205 of this Law;

114) as a foreign operator transports dangerous goods to and from the territory of the Republic of Serbia without the approval issued by the Directorate (Article 206, paragraph 1);

115) fails to ensure that dangerous goods are packed in accordance with Article 208 or Article 209 of this Law;

116) fails to ensure that dangerous goods are marked and labelled in accordance with Article 210 of this Law;

117) acts as a dangerous goods consignor contrary to Article 211 of this Law;

118) acts as an aircraft operator contrary to Article 212 of this Law;

119) as an operator, shipper or other organisation involved in the transport of dangerous goods by air, fails to provide the employees with information ensuring the performance of their duties related to the transport of dangerous goods and instructions on measures to be taken in the event of emergencies arising from the transport of dangerous goods (Article 214);

120) fails to establish or implement training program for persons performing the tasks in the transport of dangerous goods by air (Article 215, paragraph 2);

121) as participants in the transport of dangerous goods referred to in Article 215, paragraph 2 of this Law, fails to appoint employees who possess a valid certificate of professional competence for carrying out activities in the transport of dangerous goods (Article 217, paragraph 3);

122) as participants in the transport of dangerous goods referred to in Article 215, paragraph 2 of this Law, fails to keep data on the employees training who perform tasks in the transport of dangerous goods by air or fails to submit them to the Directorate upon the request (Article 217, paragraph 4 );

123) fails to establish the airport aviation safety committee (Article 223, paragraph 1);

124) fails to develop or implement aviation security program based on the national aviation security program (Article 224, paragraph 1);

125) fails to establish and delineate landside, airside and security restricted areas or demarcated area at airports, or official and passenger gates, or fails to obtain the approval from the Directorate (Article 225, paragraph 1);

126) fails to provide access to or within the security restricted area screening referred to in Article 226, paragraph 2 of this Law;

127) permit entry into a security restricted area persons who verbally abuse or physically assault the personnel conducting the security measures, as well as to persons making threats, displaying disruptive behaviour, disturbing public peace and order, or refusing to be background checked, as well as to persons reasonably suspected by the security personnel in terms of their intentions, baggage or items carried on their person (Article 226, paragraph 6);

128) performs access control, screening, surveillance or patrol without the appropriate permit normally granted by the Directorate (Article 227, paragraph 1);

129) fails to prevent access and movement of persons other than passengers and vehicles to airside and security restricted area of an airport, as well as to the critical facilities, parts of infrastructure and systems used for civil aviation outside the airport without the appropriate identification card (Article 231, paragraph 1);

130) fails to take measures to eliminate the deficiencies as specified in the record or ordered in the decision of the aviation inspector (Article 252, paragraph 2).

For an infringement referred to in paragraph 1 of this Article, a responsible person of legal entity shall also be penalised with penalties ranging from 50,000 to 150,000 RSD.

For an infringement referred to in paragraph 1 of this Article, an entrepreneur shall also be penalised with penalties ranging from 100,000 to 500,000 RSD.

Penalties in the fixed amount of RSD 100,000 shall be imposed on a legal entity for an infringement if it:

1) fails to provide to air navigation service provider timely information relevant to the flight of the aircraft for publication in the Integrated Aviation Information Package (Article 60, paragraph 2);

2) provides for the provision of Background checks at the aerodrome to personnel without a certificate (Article 175, paragraph 3);

3) applies its own aviation security program without the approval of the Directorate (Article 224, paragraph 2);

4) fails to draft, update or apply procedures for the application of security measures (Article 224, paragraph 5);

5) fails to apply the air security measures specified by the National Aviation Security Program (Article 224a, paragraph 1);

6) fails to apply enhanced aviation security measures in the event that a security risk assessment indicates that there is a vulnerability to a part of the aviation security system (Article 224a, paragraph 4);

7) fails to mark official passes and passes for passengers or fails to set appropriate signs of notification, warning or ban of unauthorised access in a controlled and security restricted areas (Article 225, paragraph 2);

8) fails to provide access control of persons and vehicles into the controlled zone of the aerodrome and in the security-restrictive zone of the aerodrome or monitoring and patrol (Article 226, paragraph 1);

9) fails to obtain the approval of the Directorate (Article 226, paragraph 7) for carrying out the screening, using technical equipment that fails to meet the standards specified for this type of equipment or for its use;

10) performs duties of regulated agent, known consignor or regulated supplier of in-flight supplies without the approval of the Directorate (Article 227, paragraph 3);

11) fails to inspect and protect facilities, installations, devices and equipment at the aerodrome or provide: a space for the inspection of an aircraft that is subject to unlawful interference; requirements for control and prevention of unauthorised access in the controlled and security restricted areas of the aerodrome; appropriate premises and technical equipment for carrying out background checks, as well as adequate space for the destruction of detected explosive devices or equipment for the safe transport of explosive devices (Article 228, paragraph 1);

12) upon the expiration of the validity of the vehicle identification card, the termination of the use of that vehicle or upon the request of the issuer fails to return the identification card to the issuer, or in case of loss of the identification card, fails to immediately notify the issuing authority (Article 231, paragraph 5);

13) as the issuing authority of the identification card fails to keep record of the issued identification cards or fails to keep it within the specified time limit (Article 231, paragraph 7).

For an infringement referred to in paragraph 4 of this Article, a responsible person of legal entity shall also be penalised with a penalty of 10,000 RSD.

#### **Article 259**

*Deleted*

#### **Article 260**

##### **Natural persons subject to penalties**

Penalties of 50,000 to 150,000 RSD shall be imposed on a natural person for an infringement if it:

1) operates the air services contrary to the international acts, this Law and other regulations (Article 4, paragraph 2);

2) fails to comply with the rules of the air (Article 4a, paragraph 1);

3) operates air services over the populated areas, and industrial facilities below the altitude specified in the rules on airspace classes referred to in Article 37 of this Law (Article 8, paragraph 1);

4) flies over urban and other populated areas, populated areas and industrial facilities below the specified altitude without the approval from the Directorate (Article 8, paragraph 2);

5) drops items and liquids from an aircraft in flight contrary to Article 9 of this Law;

6) operates an unmanned aircraft, aircraft model, missile or another flying object in such a way as to endanger the safety of air transport (Article 10 paragraph 1) or contrary to the conditions specified in the regulation referred to in Article 10, paragraph 3 of this Law;

7) launches missiles or another flying objects without obtaining prior approval from the air navigation service provider (Article 10, paragraph 2);

8) operates an aircraft within a restricted area or contrary to the conditions for conducting flying within a restricted area (Article 13.1);

9) operates an aircraft within a restricted area without the approval issued by the Directorate (Article 13. 3);

10) fails to inform the Directorate of any occurrence, despite its obligation to do so under the regulations referred to in Article 17(4) of this Law (Article 17.1);

11) fails to comply with the issued safety directive (Article 19a, paragraph 1);

12) as a pilot-in-command infringes the airspace of the Republic of Serbia (Article 23, paragraph 1);

13) as a person operating a foreign unmanned aircraft or a flying object, infringes the airspace of the Republic of Serbia (Article 23, paragraph 2);

14) acts as a pilot-in-command flying in the airspace of the Republic of Serbia without a previously submitted flight plan (Article 24, paragraph 1);

15) as a participant in the air traffic management process and capacity planning, coordinates or performs activities contrary to the regulation referred to in Article 43, paragraph 4 of this Law;

16) as the flight schedule coordinator makes changes to flight or allocates slots in a manner contrary to the regulation referred to in Article 94, paragraph 7 of this Law;

17) operates non-commercial complex motor aircraft without submitting to the Directorate a statement certifying that it is adequately trained and has the means to related to operation of aircraft (Article 97, paragraph 1);

18) performs non-commercial complex-engine operations contrary to the requirements specified in the regulation referred to in Article 97, paragraph 2 of this Law;

19) holds an air display without the approval issued by the Directorate, or if the airspace management cell has not allocated the airspace for that purpose (Article 98, paragraph 1);

20) fails to use the aerodrome for take-off, landing and manoeuvring of aircraft (Article 99, paragraph 1);

21) for take-off and landing uses areas located outside an airport, contrary to the requirements specified by the Directorate (Article 99, paragraph 3);

22) operates an aircraft out of the airport opening hours, performing take-off and landing within the period not specified by the aerodrome operator (Article 103, paragraph 4);

23) operates an aerodrome without the appropriate aerodrome certificate, approval or agreement or, if at the moment of operating an aerodrome, the aerodrome fails to meet all the requirements to ensure aviation safety and security (Article 104);

24) operates an aerodrome contrary to the requirements prescribed and contained in the approval or agreement specification (Article 108, paragraph 1);

25) fails to notify the Directorate and the responsible air traffic control unit of planned large-scale works that may lead to the closure of an aerodrome or the restriction in its use, as well as of any changes related to the requirements under which the certificate was issued, or the approval for the aerodrome use (Article 110, paragraph 1);

26) fails to restrict or permanently or temporarily terminate aerodrome operation, in the case of an aerodrome that does not meet some of the requirements regarding safety and security or if it fails to inform the Directorate and the competent air traffic control unit (Article 110, paragraph 2);

27) makes such changes at the aerodrome that may influence the aerodrome operator approval or agreement specification, and fails to submit to the Directorate an application for modification of the aerodrome operator approval or agreement (Article 111, paragraph 1);

28) fails to submit to the Directorate prior to professional or technical inspection an opinion on the draft planning document for the aerodrome complex and the area adjacent to the aerodrome complex (Article 115, paragraph 3);

29) fails to submit to the Directorate technical documentation relating to the construction, extension and reconstruction of an aerodrome prior to performing professional or technical inspection, or prior to replying for issuing the construction certificate (Article 116, paragraph 1);

30) fails to notify the Directorate of works that are not subject to the granting of a construction certificate, which may endanger aviation safety and security, or fails to submit the relevant documentation at the request of the Directorate to be granted the certificate (Article 116, paragraph 2);

31) fails to notify the Directorate the completion of works referred to in Article 116, paragraph 1 and 2 of this Law (Article 116, paragraph 3);

32) as an investor or an aerodrome operator, fails to obtain a new opinion or certificate if there has been a change after the issuing of the opinion referred to in Article

115 or subsequent to the issuance of the certificate referred to in Article 116, paragraph 1 or paragraph 2 of this Law (Article 116, paragraph 4);

33) without the approval issued by the Directorate, builds or installs facilities, installations or devices within the airport area or outside, which, as an obstacle, may endanger air traffic safety (Article 117, paragraph 2);

34) without the approval issued by the Directorate, builds or installs facilities, installations or devices within the airport area or outside, which may affect the operation of radio equipment used in air navigation (Article 119, paragraph 1);

35) fails to take all measures necessary for the safe take-off, landing, movement and parking of aircraft, as well as the provision of ground services (Article 120, paragraph 1);

36) fails to determine the requirements for the use of the aerodrome, in Directive to enable the unhindered use of manoeuvring surfaces and platforms, facilities, devices and equipment according to the aerodrome use, technical characteristics and capacity (Article 120, paragraph 2);

37) fails to provide regular inspection and maintenance of the runway, taxiways and other lanes, apron, facilities, installations, devices and equipment ensuring safe take-off, landing and movement of aircraft or fails to inform the competent air traffic control unit of the condition thereof (Article 120, paragraph 3);

38) fails to establish the management of activities and control of the movement of aircraft and vehicles on the aerodrome platform (Article 121, paragraph 1);

39) fails to submit to the Directorate a statement of competence for the provision of management services to the platform (Article 121, paragraph 3);

40) fails to take measures to remove or prevent the formation of wild dumps or other contents that may attract birds and wildlife to the aerodrome or its environment or, in cases where the removal of the contents is not possible, ensure that any risk to the aircraft is assessed and reduced to the smallest possible measure (Article 122, paragraph 1);

41) fails to provide bird movement monitoring, bird and wildlife control at aerodromes and their vicinity, or fails to collect information on birds or wildlife present at aerodromes and their vicinity from aircraft operators, aerodrome personnel and other sources, fails to analyse the collected information, and fails to undertake other measures in order to mitigate the risk of birds and wildlife strikes keeping them at lowest level possible (Article 122, paragraph 2);

42) fails to position a barrier or other appropriate obstacle for preventing entry of wildlife of such size that may endanger aircraft safety, and to prevent occasional or intentional access of unauthorised persons at the portion of an aerodrome other than landside (Article 123, paragraph 1);

43) fails to position a barrier or other appropriate obstacle or undertake other appropriate measures for safeguarding the aerodrome, once the Directorate establishes during the verification of compliance with the requirements for issuing an approval or an

agreement that such barriers and/or obstacles are necessary for the safety and security of air traffic (Article 123, paragraph 2);

44) fails to ensure that within at least three meters from the aerodrome perimeter there are no plants or facilities preventing the aerodrome perimeter from being supervised or prevent unauthorised access (Article 123, paragraph 3);

45) fails to organise, depending on the firefighting category of an aerodrome, rescue and fire department, or rescue and fire protection at an aerodrome (Article 124, paragraphs 2 and 3)

46) delegates the rescue and firefighting services, and rescue and fire protection to an organisation that does not comply with the requirements under this Law and the regulations adopted thereon in respect of personnel, vehicles, equipment, firefighting and rescue devices (Article 124, paragraph 4);

47) fails to provide an emergency medical service at an aerodrome or fails to organise medical protection (Article 125, paragraphs 2 and 3);

48) delegates the tasks of the emergency medical service or medical protection to a medical institution that does not comply with the requirements under this Law and regulations adopted thereon (Article 125, paragraph 5);

49) operates an aircraft not registered in the aircraft registry of the Republic of Serbia, aircraft records of the Republic of Serbia or the registry of military aircraft of the Republic of Serbia or who is not capable of safely participating in air transport (Article 135, paragraph 1);

50) operates an aircraft contrary to its category, type or purpose (Article 135, paragraph 3);

51) as the owner or user of an aircraft registered on the Aircraft Registry fails to notify the Directorate of any change in the data entered on that Registry (Article 144, paragraph 4);

52) operates an aircraft bearing the nationality marks of the Republic of Serbia without the nationality, registration or common marks (Article 145, paragraph 2);

53) operates an aircraft registered on aircraft registry, and there is no certificate of aircraft registration or airworthiness certificate or airworthiness test certificate or permit for the operation of embedded equipment emitting radio signals or other in-flight documentation and books (Article 147, paragraph 1);

54) designs or produces aeronautical products, parts, appliances and equipment contrary to the requirements specified by the Directorate (Article 152, paragraph 5);

55) fails to act as a user of the aviation product under the airworthiness directives issued by the Directorate (Article 156, paragraph 1);

56) operates an aircraft in commercial air transport that does not meet the additional requirements for the establishment and maintenance of continuing airworthiness (Article 163, paragraph 1);

57) applies the aircraft maintenance program not approved by the Directorate (Article 164, paragraph 2);

58) operates an aircraft contrary to the requirements and limitations established endorsed by the Directorate in the flight permit (Article 165, paragraph 2);

59) allows the personnel to perform their duties that directly affect the safety of air traffic without the appropriate license (Article 172, paragraph 1);

60) allows the performance of tasks that indirectly affect the safety of air traffic to the personnel not holding the training certificate (Article 175, paragraph 1);

61) performs security screening at airports without obtaining the appropriate certificate (Article 175, paragraph 3);

62) during practical training it has been established there is no document proving that the person is participating in the practical training (Article 187, paragraph 2);

63) performs tasks for which they are authorised without demonstrating their medical fitness with the appropriate medical certificate (Article 188, paragraph 1);

64) performs medical examinations of the aviation personnel without the appropriate medical certificate (Article 189, paragraph 1);

65) performs medical examinations, assessments or issues medical certificates contrary to the requirements specified by the Directorate (Article 189, paragraph 2);

66) performs the duties under the influence of alcoholic beverages or psychoactive substances, or in such a mental and physical state that is preventing the proper exercise of duties (Article 193, paragraph 1);

67) acts as a pilot-in-command in commercial air transport, and exceeds the age limit established under Article 196 of this Law;

68) prior to a flight, fails to ensure whether: the aircraft and crew are ready for flight, the aircraft contains all the necessary documents and log books; or fails to take measures specified in the operating manual of aircraft users (Article 198, paragraph 1);

69) fails to comply with the instructions of the pilot-in-command (Article 198, paragraph 2);

70) fails to take all measures necessary to prevent an act endangering the safety of the aircraft or persons on board, or to mitigate the consequences thereof (Article 198, paragraph 5);

71) fails to comply with Article 198 paragraph 7 or paragraph 8 of this Law;

72) fails to comply with the regulation referred to in Article 199, paragraph 5 of this Law;

73) carries out the transport of dangerous goods in domestic or international air operations contrary to the provisions of this Law or international standards and recommended practices contained in Annex 18 of the Convention on International Civil Aviation or contrary to the provisions of the Technical Instructions (Article 204, paragraph 1);

74) carries out the transport of articles and substances contrary to Article 205 of this Law;

75) fails to ensure that dangerous goods are packed under 208 or Article 209 of this Law;

76) fails to ensure that dangerous goods are marked and labelled under 210 of this Law;

77) acts as a shipper of dangerous goods contrary to Article 211 of this Law;

78) acts as an aircraft operator contrary to Article 212 of this Law;

79) acts as a pilot-in-command, contrary to Article 213 of this Law;

80) performs tasks in the transport of dangerous goods by air, and is not trained under 215, paragraph 1 of this Law;

81) carries out the training of persons carrying out tasks in the transport of dangerous goods by air, and fails to obtain them from the Directorate for performing the duties of the transport of dangerous goods (Article 216, paragraph 1);

82) as an instructor for the transport of dangerous goods, fails to keep records of the issued certificates on professional competence or fails to submit the certificate to the Directorate (Article 217, paragraph 2);

83) introduces into the passenger cabin and in a security restricted area bladed weapons, firearms, ammunition or explosives, inflammable or dangerous substances, as well as tools or items contained in the list of prohibited articles specified by the Directorate (Article 230, paragraph 1);

84) fails to comply with the instruction of an aviation inspector (Article 251, paragraph 4);

85) fails to take measures to eliminate the deficiencies as specified in the record, or the decision of an aviation inspector (Article 252, paragraph 2).

Penalties in a fixed amount of RSD 10,000 shall be imposed on a natural person for an infringement if it:

1) fails to use the expressions of standard phraseology in English during the provision of air traffic control services (Article 48, paragraph 1);

2) does not hold on its person a licence, certificate or credential of competence, while the flight crew members, air traffic controllers and cabin crew members do not carry on their person the medical certificate (Article 187, paragraph 1);

- 3) acts contrary to Article 226, paragraph 6 of this Law;
- 4) fails to report and hand over at the check-in point the bladed weapons, firearms or ammunition to an authorised member of the ministry of interior (Article 230, paragraph 3);
- 5) without the appropriate identification card access the airside and security restricted area and moves within them or the critical facilities, parts of the infrastructure and systems used for civil aviation outside the airport (Article 231, paragraph 1);
- 6) fails to return the identification card to the issuer in the event of its expiration, change of employment, termination of employment or at the request of the issuer or does not immediately inform the issuer in case of loss of the identification card (Article 231, paragraph 4);
- 7) within 48 hours from the expiration of the time frame within which the entity inspected fails to take the corrective action and communicate in writing to the aviation inspector if the corrective action has been made (Article 252, paragraph 3).

## **Section sixteen**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 261**

#### **Status of Serbia and Montenegro Air Traffic Services Agency Ltd. (SMATSA)**

By virtue of the Agreement between the Government of the Republic of Serbia and the Government of Montenegro concluded on 31 October 2003 whereby SMATSA was established, it is deemed that the Government has authorised SMATSA to be responsible for the provision of air navigation services in the territory of the Republic of Serbia unless the Government decides otherwise.

#### **Article 262**

#### **Term for enactment of regulations for the enforcement of this law**

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.

#### **Article 263**

#### **Enactment of government and establishment of committees**

The Government enacts the National Civil Aviation Safety Programme, National Policy for Airspace Management, and 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 establishes the National Aviation Committee for Airspace Management, 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.

#### **Article 264**

#### **Taking over of the authorisations in the field of investigation of accidents and serious incidents**

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.

#### **Article 265**

#### **Enactment of regulations under ECAA Agreement**

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.

#### **Article 266**

#### **Management Board and the Director General of the Directorate**

The Council of the Civil Aviation Directorate of the Republic of Serbia shall from the date of entry into force of this Law continue to act as the Management Board of the Directorate, composed as provided for in this Law.

The Director General and Deputy Director General of the Civil Aviation Directorate of the Republic of Serbia shall continue, from the date of its entry into force of this Law, to work as the Director General and the Deputy Director, as a public agency, with the authorisations provided for in this Law and the Law on Public Agencies.

### **Article 267**

#### **Validity of individual legal acts passed under regulations in force**

Licences and other individual legal acts passed under regulations in force on the day of entry into force of this Law, certifying 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 issue of appropriate individual legal acts passed under this Law and regulations adopted on the basis, 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 requirements 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 requirements specified in this Law within 24 months from its entry into force.

### **Article 268**

#### **Application of this Law in respect of the proceedings commenced**

The provisions of this Law shall apply to all proceedings commenced prior to entry into force of this Law if, by the time of its entry into force, they were not resolved by rendering of a final decision.

Notwithstanding the above, 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 by the day of entry into force of this Law, if they are less stringent for the offender.

### **Article 269**

#### **Repealing of the Air Transport Law and other regulations**

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 be repealed.

### **Article 270**

#### **Entry into force**

This Law shall enter into force on the eight day from the day of its publication in the

“Official Gazette of the Republic of Serbia”.