

LAW

AMENDING AIR TRANSPORT LAW

Article 1

In the Air Transport Law ("Official Gazette of RS", no. 73/10, 57/11, 93/12, 45/15, 66/15 - other law and 83/18), in Article 3, after point 3c), the point 3g) is added to read as follows:

3g) *background check* is a verification of the identity of a person and their previous experience, including any criminal records and any other security information relevant to the assessment of the person's suitability;".

After point 32a), point 32b) shall be added to read as follows:

32b) *random security measures* means aviation security measures that are implemented using a random sampling method;".

After point 33), points. 33a) and 33b), which read as follows:

"33a) *unaccompanied checked baggage* means registered checked baggage for carriage in the luggage compartment of an aircraft which does not carry the person who handed over the baggage for carriage;

33b) *unpredictability in the implementation of the security measures* means to take security measures in aviation at irregular intervals, at different locations and/or by different means, within a defined framework, in order to increase the effectiveness of measures and for deterring the acts of unlawful interference;".

In item 70), the word: "port" is replaced by the word: "personal".

Article 2

In Article 35, paragraph 1, the words: "civil military coordination" are replaced by the words: "airspace management".

Article 3

Article 37 is amended to read as follows:

"Airspace classes Article 37

The airspace classes and the conditions under which they are used in the airspace of the Republic of Serbia shall be prescribed by the Directorate with the consent of the ministry in charge of defence."

Article 4

Article 49 is amended to read as follows:

"The notion of in-flight aircraft information services Article

49

Flight information services are the provision of advice and information useful for the safe and efficient conduct of flights.

The service referred to in paragraph 1 of this Article shall also include in-flight aerodrome information (*AFIS*).

The conditions under which flight information services are provided shall be prescribed by the Directorate.”

Article 5

Article 50 is deleted.

Article 6

Article 66 is amended to read as follows:

"Issuance of certificates for the provision of air navigation services

Article 66

The certificate for the provision of air navigation services shall be issued by the Directorate, for an indefinite period of time.

The certificate is issued to a service provider that has been determined to meet the prescribed requirements for the provision of one or more air navigation services, as well as for the provision of airspace management and air traffic flow management services and functions.

The conditions under which the certificate referred to in paragraph 2 of this Article shall be issued, amended, suspended and repealed and the form of the certificate shall be determined in more detail by the regulation of the Directorate.

For acting upon the request for issuing and amending the certificate referred to in paragraph 2 of this Article, a fee shall be paid to the Directorate.”

Article 7

In Article 90, after paragraph 4, new paragraphs 5-7, which reads:

"In the case referred to in paragraph 4 of this Article, the operation of air services on a route in the public interest shall be allowed only to the air carrier selected in the public procurement procedure for the selection of the air carrier that will perform regular air services on the route declared to be a route in the public interest.

The decision to declare a line in the public interest may refer to a line with several stops, whereby the appropriateness of declaring a line in the public interest is assessed for each part of the line separately.

An air carrier selected in a public procurement procedure to select an air carrier to operate a scheduled air service on a route declared to be in the public interest may enter into commercial arrangements with other air carriers in connection with the operation of the route in the public interest.”

Previous paras. 5-7 shall become paragraphs 8-10

Article 8

The name of the Article and Article 125 are amended to read as follows:

"Medical security at the airport Article 125

An aerodrome operator holding an aerodrome certificate or operating licence shall organise medical security at the aerodrome.

Medical security shall also be organized by the airport operator who has the consent for use, if the airport is open to public use.

Medical security at the airports referred to in paragraphs 1 and 2 of this Article shall be further detailed in the appropriate regulation of the Directorate.

The airport operator may contractually entrust the performance of medical security activities to a health institution, whereby that institution must meet the requirements set out in the regulation referred to in paragraph 3 of this Article."

Article 9

In Article 132, paragraph 1, the words: "holding an airport certificate" are replaced by the words: "on which regular air services are performed by at least two air carriers".

In paragraph 3, the words: "prescribed by the Directorate" are replaced by the words: "determined by the airport operator with the consent of the Directorate".

Article 10

In Article 137, after paragraph 2, paragraph 3 is added, which reads as follows:

"The records of state aircraft referred to in Article 5, paragraph 2 of this Law, which the Aviation Service of the Government exclusively uses for the transport of heads of state or government and high state delegations, shall be kept by that service in accordance with the regulation of the Government."

Article 11

In Article 141, paragraph 2 is amended to read
as follows:

"Temporary enrolment may last up to 24 months, except in the case of justified circumstances when this period may be extended while these circumstances last, and for a maximum period of 12 months."

Article 12

In Article 146, paragraph 2 is deleted.

Article 13

In Article 174, the words: "airport security screening staff" are replaced by the words: "security staff".

Article 14

The name of Article 175 is amended to read: "Certificate of Training. Security personnel certificate".

In Article 175, paragraph 1, after the words: "to which" a comma and the words: "except in the case of security personnel,".

Paragraph 3 is amended to read as follows:

"In addition to the certificate of training referred to in paragraph 2 of this Article, security personnel must also possess a certificate with appropriate authorizations issued by the Directorate."

Article 15

In the name of Article 179, after the words: "staff", the words: "and declared organizations" are added.

In Article 179, after paragraph 3, a new paragraph 4 is added, which reads as follows:

"By way of derogation from paragraph 3 of this Article, for certain types of training, the capacity of a training centre may also be acquired by organisations that have submitted a declaration of competence to the Directorate (declared organisations)."

The previous paragraph 4, which becomes paragraph 5, is amended to read as follows:

"The conditions under which the certificate of the right to training of aviation personnel is issued, amended, suspended and repealed, the period of time for which the certificate and the form of the certificate are issued, the conditions to be met by the declared organization and the types of training it can perform, the content of the statement of the declared organization, as well as the conditions under which the right of the declared organization to perform training ceases shall be prescribed by the Directorate."

The previous paragraph 5 becomes paragraph 6.

Article 16

In Article 188 (1), the words: "student air traffic controllers and cabin crew" shall be replaced by the words: "student air traffic controllers, cabin crew and security staff".

Article 17

In Article 19, paragraph 3 is amended to read as follows:

Exceptional from st. 1 and 2 of this Article, the medical fitness of parachutists and paraglider pilots may also be determined by medical examinations prescribed for motor vehicle drivers, and the medical fitness of security personnel may be determined by medical examinations in health institutions performing activities in the field of occupational medicine, or medical examinations performed for the purpose of issuing a private security license to a natural person."

Article 18

After Article 196, the name of the member and a new Article 196a are added, which read as follows:

"Notice

period

Article 196a

The air carrier, in its capacity as an employer, may, by an employment contract or a general act, within the meaning of the law governing employment relations, provide that in the event that the pilot of the aircraft cancels the employment contract, the termination of the employment contract shall be submitted to the employer within the period that, according to the employer's assessment, is necessary to ensure the continuous provision of services, which may not exceed 90 days (notice period)."

Article 19

In Article 203, paragraph 2, the words: "ministry in charge of transport" are replaced by the words: "Directorate".

In paragraph 3, the word: "Government" is replaced by the words: "Ministry responsible for labour affairs".

Article 20

In Article 221, paragraph 1, the word: "International" is replaced by the word: "European".

In paragraph 2, the words: "conditions to be met by all persons performing security checks;" shall be replaced by the words: "conditions to be met by security personnel;".

Article 21

In Article 223, paragraph 1, the words: "holding an airport certificate" shall be deleted

Article 22

In Article 223, paragraph 1, the words: "holding an airport certificate" shall be deleted

Paragraph 5 is deleted.

The former paragraph 6 becomes paragraph 5.

Article 23

In Article 224a, paragraph 1, after the words: "non-discriminatory", a comma and words: "random, unpredictable in implementation".

Paragraph 3 is amended to read as follows:

"The safety risk assessment shall be carried out by the Civil Aviation Risk Assessment Team, established by the Government, as a coordinating body in accordance with the law governing the state administration."

Article 24

In Article 225, paragraph 1 is amended to read as follows:

"In accordance with the security risk assessment and after obtaining the consent of the ministry responsible for internal affairs, the Security Information Agency, and in the case of mixed airports and military security services, the airport operator is obliged to designate and demarcate the public, controlled and secured restrictive zone and the marked area at the airport, to designate official passages and passages for passengers and to obtain the consent of the Directorate."

Article 25

Article 226 is amended to read as follows:

"Access control, monitoring and patrolling. Security screening

Article 226

In accordance with the security risk assessment, the airport operator is obliged to ensure that the access of persons and vehicles to the controlled and secured restricted zone of the airport is controlled, monitored and patrolled.

In addition to access control, at the entrance to the secured restricted zone of the airport or within this zone, the airport operator must, in accordance with the security risk assessment, also ensure the inspection of the security of all passengers and their hand luggage, persons other than passengers and things they carry with them, checked baggage, goods and mail, supplies intended for consumption at the airport, supplies intended for consumption during the flight, materials and mail of the air carrier, as well as the inspection of the vehicle.

By way of derogation from paragraph 2 of this Article, the security inspection shall not be obligatory:

1) for goods and mail for which the air carrier, regulated agent or known sender has confirmed that a security check has been carried out, i.e. that other security controls from the National Aviation Security Program have been carried out;

2) for supplies intended for consumption at the airport for which security controls from the National Aviation Security Program have been performed by a known supplier of those supplies;

3) for supplies intended for in-flight consumption for which the air carrier or regulated supplier of those supplies has performed security controls from the National Aviation Security Program;

4) for transfer checked baggage and for transfer goods and mail in the cases provided for in the National Aviation Security Program;

5) in other cases provided for in the National Aviation Security Program.

In case of need for an additional security check, this check is performed by police officers, provided that in order to perform an additional check of checked luggage, except for unaccompanied checked luggage, it is necessary to ensure the presence of the person who handed over the luggage.

Access control, monitoring, patrolling and security review are performed by the airport operator or a legal entity that concludes a contract with the airport operator for the performance of these tasks.

It is forbidden to enter the controlled and secured restricted zone, as well as the aircraft, to a person who verbally or physically attacks security personnel, threatens, misbehaves, disturbs public order or who refuses to inspect security, as well as to a person for whom security personnel have reasonable suspicion regarding his intentions, his luggage or the things he carries with him.

If the legal entity performing the security inspection uses technical equipment to perform the security inspection, it must meet the standards prescribed for that type of equipment and obtain the approval of the Directorate for its use.

A fee shall be paid to the Directorate for the issuance of the authorization for the use of technical equipment that performs the security inspection."

Article 26

In Article 227, paragraph 2, item 1), after the words: "regulated agent", the words: "or known consignor" are added.

In paragraph 5, after the words: "as well as for issuance", a comma and the words: "revalidation or modification".

Article 27

In Article 228, paragraph 1, the words: "holding an aerodrome certificate" are replaced by the words: "shall, in accordance with the safety risk assessment,".

Article 28

Article 231 and 231a are amended to read as follows:

"Identification mark

Article 231

Entry and movement of persons other than passengers and vehicles in the controlled and secured restricted zone of the airport, as well as in critical facilities, parts of the infrastructure and systems used for civil aviation purposes, without the appropriate identification sign, is prohibited, unless the person or vehicle is accompanied by an authorized escort.

By way of derogation from paragraph 1 of this Article, the identification mark is not required for:

- 1) the President of the Republic, the President of the National Assembly and the President and members of the Government;
- 2) aviation inspector and verifier who possess valid ID and wear it prominently.

The identification sign for entry and movement in the controlled and security-restricted area of the airport is issued by the airport operator, and the identification sign for entry and movement in critical facilities, parts of the infrastructure and systems outside the said zones and outside the airport is issued by their user.

The identification mark shall be issued to the person in respect of whom it has been established that there are no safety issues referred to in Article 231b of this Law and who has submitted proof that he has completed appropriate training in the field of aviation security.

The identification mark for persons and vehicles shall be issued if the airport operator determines that there is an operational need or other justified reason for entry and stay in a controlled and secured restricted zone of the airport, as well as critical facilities, parts of infrastructure and systems used for civil aviation purposes, and may only be used for the performance of tasks, authorizations or duties.

The issuer of the identification sign referred to in paragraph 3 of this Article shall process the following data on the person to whom the identification sign is issued: name and surname, unique personal identification number of citizens, date and place of birth, ID card number, or travel document number in the case of a foreign national, citizenship, residence and employment data.

The identification sign shall be issued with a validity period not exceeding five years.

The issuer of the identification sign is obliged to keep records of the issued identification signs and to keep them for at least five years after the termination of the validity of the identification sign, as well as to inform the ministry responsible for internal affairs and the Directorate on the issued identification signs and their validity periods on a monthly basis.

The person to whom the identification sign has been issued is obliged to return the identification sign to the issuer in the event of expiry of the identification sign, change of position, termination of employment or at the request of the issuer, or to immediately inform the issuer in the event of loss of the identification sign.

A legal entity using a vehicle for which an identification sign has been issued is obliged to return the identification sign to the issuer after the expiry of the identification sign, the termination of the use of that vehicle or at the request of the issuer, or to immediately inform the issuer thereof in the event of loss of the identification sign.

Background check

Article 231a

In order to determine the existence or non-existence of the security interference referred to in Article 231b of this Law, the ministry responsible for internal affairs, in cooperation with the competent security services, shall carry out a security check of all persons to whom the identification mark is issued.

In addition to the persons to whom the identification mark is issued, a security check is also performed for aviation inspectors and auditors, persons performing security controls, security instructors, responsible

aviation security managers, persons entrusted with the performance of certain tasks in the field of security in accordance with Article 248 of this Law (aviation security validators), air traffic controllers, aircraft crew members, as well as persons who have access to security sensitive information important for aviation security.

Background check from paragraphs 1 and 2 of this Article shall be carried out before the identification mark is issued, i.e. before the person begins to perform the assigned tasks or before the person is allowed access to safety sensitive information of importance for aviation security.

Background check from paragraphs 1 and 2 of this Article shall be carried out at least every fifth year or earlier in case of suspicion that there are security interruptions, and the request for its implementation must be submitted no later than 30 days before the planned engagement of the person, or before the expiry of the identification sign or before the expiry of the validity of the previously performed security check.

For persons to whom the identification mark is issued, the request for performing a security check shall be submitted by the issuer of the identification mark referred to in Article 231, paragraph 3 of this Law, for aviation inspectors and verifiers, security instructors and aviation security validators, the request shall be submitted by the Directorate, while for other persons referred to in paragraph 2 of this Article, the request shall be submitted by their employer.

In the manner of submitting a request for a security check, as well as in the manner of its execution, the provisions of the law governing the powers and work of the police shall apply.

In addition to the request to perform a security check, the applicant shall provide, if in his possession, proof that in the previous 12 months the person being checked has been subject to a security check carried out by the ministry responsible for internal affairs under another law.

Refusal of a person to give consent to the performance of a security check or the existence of a security interference results in the non-issuance of an identification sign or the immediate deprivation of an identification sign, or the immediate prohibition of access to security-sensitive information of importance for aviation security or the prohibition of the performance of entrusted tasks.

If a person refuses to sign the consent to undergo security check or if there is a security interference, these may constitute grounds for termination of employment or any other right.

Background checks shall not be carried out in the case of the following persons:

- 1) a police and customs officer and a member of the security services with identity card of an authorized official;
- 2) a foreign national who submits evidence issued by the competent authority of his/her country that there is no security interference or to whom an identification mark has been issued by an international or foreign organization in accordance with regulations in the field of aviation;
- 3) persons holding a valid certificate for access to classified information classified "STRICTLY confidential" and "STATE secret", issued in accordance with the law governing data confidentiality.

The employer shall inform the ministry responsible for internal affairs and the Security Information Agency of the engagement of the persons referred to in paragraph 10, item 2) of this Article.”

Article 29

After Article 231a, a new Article 231b is added, which reads as follows:

"Safety interference

Article 231b

Safety interference exists in the following cases:

- 1) if the person has been convicted of a criminal offense from the group of offenses against life and body, against the freedoms and rights of man and citizen, against sexual freedom, against marriage and family, against property, against human health, against the general safety of people and property, against the constitutional order and security of the Republic of Serbia, against state authorities, against public order and peace, against the safety of public transport, against humanity and other goods protected by international law;
- 2) if a person is subject to criminal proceedings for one of the criminal offences referred to in item 1 of this Article prosecuted ex officio or if the person has concluded an agreement on the recognition of the criminal offence with the competent authority for these offences;
- 3) if a person has been finalized in the last four years for a misdemeanor in the field of public order with elements of violence or for a misdemeanor under the law governing weapons and ammunition;
- 4) if the person is a member or participates in activities or in any way supports organizations whose activities or goals are prohibited;
- 5) if, on the basis of a security check at the place of residence, stay or place of work, it is determined that the person, by his behavior, habits and preferences, indicates that he will pose a danger to himself or others and to public order and peace;
- 6) if there is a negative opinion of the security services about the person.”

Article 30

After the previous Article 231b, which becomes Article 231c, the names of members and Art. 231g and 231d, which read as follows:

"Responsible aviation security managers Article 231g

The person whom the aviation entity, as an employer, intends to appoint as the responsible aviation security manager must possess an authorization issued by the Directorate, for a definite period of time.

The authorization to perform the duties of the responsible aviation security manager is issued to a person in respect of whom there is no safety interference, who meets the requirements regarding work experience in the application of security measures and who completes the appropriate training in an authorized training center.

The request for issuing authorizations to the person referred to in paragraph 1 of this Article, on behalf of that person, shall be submitted by the employer.

For the issuance of the authorization to perform the duties of the responsible aviation security manager, a fee shall be paid to the Directorate.

More detailed conditions for issuing, suspending and repealing the authorization to perform the duties of the responsible aviation security manager, as well as the validity period of the authorization shall be prescribed by the Directorate.

Training in the field of aviation security organized by aviation entities.
Instructors in the field of security

Article 231d

In addition to the security personnel and the responsible security manager, all other persons who, as employers, perform tasks that may have an impact on aviation security must also complete appropriate security training.

The training referred to in paragraph 1 of this Article shall be organized by the employer at regular intervals, and shall be appropriate to the type of work performed by the employee.

The training referred to in paragraph 1 of this Article, in addition to authorized training centers, may also be conducted by instructors in the field of aviation security who are authorized by the Directorate to perform such training.

The person who successfully completes the training referred to in paragraph 1 of this Article, the training centre or an authorized instructor shall issue an appropriate certificate of completion of the training.

The employer is obliged to keep records of the completed trainings of its employees.

The authorization of the instructor in the field of aviation security is issued to a person in respect of whom there is no safety problem, who meets the requirements regarding professional qualifications, work experience in the field for which he/she performs training and who successfully completes the appropriate training organized by the Directorate.

The authorization referred to in paragraph 6 of this Article shall be issued for a definite period of time.

For the issuance of the authorization referred to in paragraph 6 of this Article, a fee shall be paid to the Directorate.

This Regulation prescribes the types of personnel who must complete the appropriate training in the field of security, the time for which the training is conducted, the types and content of training in the field of security, the conditions for issuing, suspending and repealing the authorization of instructors in the field of aviation security, as well as the validity period of that authorization."

Article 31

In Article 258, paragraph 1, items 73) and 74) are amended to read as follows:

"73) as an airport operator does not organize medical security at the airport (Article 125, par. 1 and 2);

74) entrust the performance of medical security activities to a medical institution that does not meet the conditions set out in the regulation referred to in Article 125, paragraph 3 of this Law (Article 125, paragraph 4);".

After item 97), point 97a) is added, which reads as follows:

"97a) allow security personnel to perform the tasks of a person who does not possess a certificate with appropriate authorizations (Article 175, paragraph 3);".

Point 99) is replaced by the following:

"99) performs the training of aviation personnel without a certificate of the right to training (Article 179, paragraph 3);".

After item 99), a new item 99a) is added, which reads as follows:

"99a) performs training of aviation personnel without a given declaration of competence (Article 179, paragraph 4);".

Point 127) is replaced by the following:

"127) It is forbidden to enter the controlled and secured restricted zone, as well as the aircraft, to a person who verbally or physically attacks security personnel, threatens, misbehaves, disturbs public order or who refuses to inspect security, as well as to a person for whom security personnel have reasonable suspicion regarding his intentions, his luggage or the things he carries with him.

Point 129) is replaced by the following:

"129) does not prevent the entry and movement of persons other than passengers and vehicles in the controlled and secured restricted zone of the airport, as well as in critical facilities, parts of infrastructure and systems used for civil aviation purposes, without the appropriate identification sign (Article 231, paragraph 1);".

After item 129), new items are added. 129a), 129b), 129c), 129d), 129e), 129f), 129j) and 129h), which read as follows:

"129a) issue an identification mark to a person in respect of whom it has not been established that there are no safety issues referred to in Article 231b of this Law or who has not submitted proof that he has completed appropriate training in the field of aviation security (Article 231, paragraph 4);

129b) issues an identification mark for a person or a vehicle even though there is no operational need or other justified reason for entering and staying in the controlled and secured restricted zone of the airport, as well as critical facilities, parts of the infrastructure and systems used for civil aviation purposes (Article 231, paragraph 5);

129c) allow the person referred to in Article 231a, paragraph 1 and 2 of this Law to perform assigned tasks, i.e. allow him access to safety sensitive information of importance for aviation security before the security check of that person was performed (Article 231a, paragraph 3);

129d) as an employer, fails to inform the ministry responsible for internal affairs and the Security Information Agency about the engagement of persons referred to in Article 231a, paragraph 10, item 2) of this Law (Article 231a, paragraph 11);

129e) in the capacity of an employer, appoints a person who does not have the appropriate authority of the Directorate as the responsible aviation security manager (Article 231g, paragraph 1);

129f) in the capacity of an employer, allow the tasks that may have an impact on aviation security to be performed by persons who have not completed appropriate training in the field of security (Article 231d, paragraph 1);

129g) as an employer, fails to organize appropriate training in the field of security, which must be completed by all persons performing tasks with that employer that may have an impact on aviation security (Article 231d, paragraph 2);

129h) as an employer does not keep records of completed trainings of its employees (Article 231d, paragraph 5);".

In paragraph 4, item 4) is deleted.

Point 12) and 13) are amended to read as follows:

"12) as the issuer of the identification mark, fails to keep records of the issued identification marks or fails to keep them within the prescribed period or fails to inform the ministry responsible for internal affairs and the Directorate of the issued identification marks and their validity periods (Article 231, paragraph 8);

13) upon the expiration of the vehicle identification sign, termination of use of that vehicle or at the request of the issuer, fails to return the identification sign to the issuer, or in the event of loss of the identification sign, fails to immediately inform the issuer thereof (Article 231, paragraph 10)."

Article 32

In Article 260, paragraph 1, item 61) is amended to read as follows:

"61) performs the duties of security personnel even if they do not hold a certificate or appropriate authorizations (Article 175, paragraph 3);".

After item 83), new items are added. 83a) and 83b), which read as follows:

"83a) performs the duties of the responsible aviation security manager without the appropriate authorization of the Directorate (Article 231g, paragraph 1);

83b) perform the training referred to in Article 231d, paragraph 1 of this Law in the capacity of a training instructor in the field of security without the authorisation of the Directorate (Article 231d, paragraph 3);".

In paragraph 2, item 5) is amended to read:

"5) without the appropriate identification sign, enters and moves in a controlled and secured restricted zone of the airport, as well as in critical facilities, parts of the infrastructure and systems used for civil aviation purposes, and is not accompanied by an authorized escort (Article 231, paragraph 1);".

In item 6), the words: "paragraph 4" are replaced by the words: "paragraph 9".

Article 33

Regulations for the enforcement of this Law shall be adopted within 18 months from the date of entry into force of this Law.

Article 34

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