

Disclaimer:

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AIR TRANSPORT LAW

Chapter One

BASIC PROVISIONS

Scope

Article 1

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

Aircraft to Which this Law Shall Apply

Article 2

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

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

Definitions

Article 3

Certain terms in this Law shall have the following meaning:

- 1) *Aerodrome infrastructure* shall mean the basic physical, logistic, technological and information and communication structure covering manoeuvring areas, platforms, roads, facilities, installations, systems and equipment;
- 2) *Aircraft* shall mean any vehicle with crew, flying or deriving support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;
- 3) *Aeronautical product* shall mean aircraft, engine and propeller;
- 4) *Parts and appliances* shall mean any instrument, equipment, mechanism, part, apparatus, appurtenance, software or accessory, including communications

- equipment, that is used or intended to be used in operating or controlling an aircraft in flight or is installed in or attached to the aircraft, including parts of an airframe, engine or propeller, or equipment used to manoeuvre the aircraft from the ground;
- 5) *Occurrence* means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident;
 - 6) *Prohibited area* shall mean a defined portion of the airspace above particular territory in which air operations are prohibited;
 - 7) *Military operating area* shall mean the particular portion of air space used for the navigation of military aircraft (piloting area, instrumental navigation area, group flight area, low level flight area and the like);
 - 8) *Interoperability* shall mean a range of functional, technical and operational characteristics of systems and the constituents of the technical systems of air navigation, as well as of their operating procedures, aimed at ensuring safe, seamless and efficient performance;
 - 9) *Calibration from air* shall mean the control from air of ground-based navigation and surveillance systems, air navigation communications and aerodrome lighting systems, to ensure that the parameters of the mentioned systems meet the operational requirements, and which may be periodical or conducted immediately before release to service;
 - 10) *Airspace user* shall mean civil or state aircraft flying within the air space, as well as other users requiring the use of air space;
 - 11) *Manoeuvring area* shall mean a part of aerodrome or air field designated to be used for the take-off, landing and taxiing of aircraft, excluding aprons;
 - 12) *International recommended practices* shall mean any specification dealing with physical features, configuration, equipment, performance, staff or procedures the uniform application of which has been accepted as desirable in view of safety, regularity or efficiency of air transport and which the State strives to meet, in accordance with the Convention on International Civil Aviation, Chicago, 1944;
 - 13) *International standard* shall mean any specification dealing with physical features, configuration, equipment, performances, staff or procedures the uniform application of which has been accepted as desirable in view of safety, regularity or efficiency of air transport and which the State must meet, in accordance with the Convention on International Civil Aviation, Chicago, 1944;
 - 14) *Meteorological analysis* shall mean the information obtained through a detailed study of the conditions in the atmosphere above a designated area, based on actual monitoring;
 - 15) *Meteorological forecast* shall mean information on expected meteorological conditions for a specific time or period of time and for a particular area or a portion of airspace;
 - 16) *Meteorological report* shall mean the information on observed meteorological conditions related to particular time and location;
 - 17) *Aircraft incident* shall mean an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

- 18) *Flight information region* shall mean an airspace of defined dimensions within which flight information service and alerting service are provided;
- 19) *Danger area* shall mean the portion of airspace within which the flight of aircraft is limited because activities dangerous to the flight of aircraft may exist at specified times;
- 20) *Operational air traffic* shall mean flights of state aircraft which are not operated according to the rules and procedures of International Civil Aviation Organization but are operated in accordance with the rules and procedures laid down by competent authorities;
- 21) *General air traffic* shall mean all flights of aircraft, including flights of state aircraft, conducted in accordance with rules and procedures of the International Civil Aviation Organization;
- 22) *Aircraft stand* shall mean the part of an apron or a special area of the aerodrome designated for parking an aircraft;
- 23) *Apron* shall mean the part of aerodrome designated for the ground handling of aircraft, passengers and goods, supply of aircraft with fuel and lubricants and parking, sojourn and maintenance of aircraft;
- 24) *Runway* shall mean the surface on ground, water or facility designated for taking off and landing of aircraft;
- 25) *Cross-border area* shall mean the structure of airspace stretching over the state borders and/or borders of flight information regions;
- 26) *Temporary segregated area* shall mean the portion of airspace that has been temporarily segregated at the request of a particular user, to enable its exclusive use by that user;
- 27) *Temporary reserved area* shall mean the portion of airspace temporarily reserved for a particular user, which however, may be available to other users, upon obtaining an approval from the air traffic control unit;
- 28) *Risk* shall mean the combination of probability or frequency of a repeated danger and severity of possible consequences arising from such a danger;
- 29) *Taxiway* shall mean the aerodrome space established for moving of aircraft between the aircraft stand and runway;
- 30) *ATS route* shall mean airspace route, advisory route, controlled or uncontrolled air traffic route, arrival or departure route to and from aerodrome, established primarily to direct the flow of traffic for the purpose of providing air traffic services, which is defined by route criteria including markings, direction related to the waypoint, distance between two waypoints, reporting requirements and the lowest safe altitude;
- 31) *Technical air navigation systems* shall mean the set of integral elements in an aircraft and on the ground, including satellite devices, enabling provision of services during all phases of an aircraft operations;
- 32) *Transfer passenger* shall mean the passenger who arrived to an aerodrome on board an aircraft and who continues the journey within 24 hours from the same aerodrome, on board an aircraft of the same or different carrier, where the flight number is changed;

- 33) *Conditional route* shall mean the route of air traffic, or a part of such route, which does not have permanent characteristics and may be planned and used under prescribed conditions;
- 34) *Restricted area* shall mean the part of airspace within which the operations of aircraft are limited and conducted in accordance with certain predefined conditions, for a specific period;
- 35) *Functional system* is a combination of equipment, procedures and human resources organized in an entirety to perform a function;
- 36) *Heliport* shall mean an aerodrome or a defined area on the ground or a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters.

Airspace of the Republic of Serbia

Article 4

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

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

Civil and State Aircraft

Article 5

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

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

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

Military Aircraft Operations

Article 6

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

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

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

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

Special Purpose Flights

Article 7

Special purpose flights shall be the flights of military aircraft intended for the protection of the sovereignty over the airspace, military aircraft test flights upon major

repairs and flights conducted for the purpose of operational needs of the ministry in charge of defence.

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

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

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

Airspace Use Restrictions

Article 8

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

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

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

Dropping or Spraying

Article 9

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

Rockets and Other Flying Objects

Article 10

Rockets and other flying objects may be launched for economic, scientific, sporting and other purposes but so as not to compromise air transport safety.

Prior approval granted by air navigation service provider shall be required for launching rockets and other flying objects.

The person who launched a rocket or other flying object shall be liable for any damages inflicted by such a launching.

Conditions for launching rockets and other flying objects shall be prescribed in detail by the Government, on the proposal of the minister in charge of transport.

Parachute Descents

Article 11

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

Restrictions on Carrying Armament and Active Recording Equipment

Article 12

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

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

Danger and Prohibited Areas

Article 13

The operations of an aircraft shall be prohibited in a prohibited area.

The minister in charge of transport shall define a prohibited and restricted area, as well as the conditions for operations of aircraft in a restricted area, on the proposal of the minister in charge of defence, minister in charge of interior and the competent state hydro meteorological service.

The minister in charge of defence shall define a danger area.

The operations of aircraft in a danger area may be temporally limited.

Data on areas shall be published in the Integrated Aeronautical Information Package, and the times of the activation of danger and restricted areas shall be published in Notice to Airmen, constituting the part of the package.

Chapter Two

SAFETY

Definition of Safety

Article 14

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

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

National Civil Aviation Safety Programme

Article 15

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

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

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

Safety Management System

Article 16

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

An aviation entity shall establish safety management system on the basis of the national civil aviation safety programme, the mandatory part of which is the safety management manual, and obtain an approval from the Directorate for the system itself, its changes and amendments.

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

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

Reporting on Occurrence to Directorate

Article 17

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

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

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

Introduction of Changes to the Functional System

Article 18

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

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

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

Risk Assessment and Mitigation

Article 19

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

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

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

Chapter Three

PROTECTION OF AIRSPACE

Airspace Protection System

Article 20

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

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

Airspace Surveillance

Article 21

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

Identification in Airspace

Article 22

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

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

Airspace Violation

Article 23

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

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

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

Flight Plan

Article 24

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

The flight plan shall mean the set of data and information about an intended flight or portion of a flight of an aircraft.

The procedure for submission of the flight plan and issuing approvals preceding the submission shall be prescribed by the Directorate

The flight plan of military aircraft shall be defined by the regulation passed by the minister in charge of defence.

Flight Plan of a Foreign Aircraft

Article 25

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

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

Terrorist Threats from Airspace

Article 26

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

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

Civil-Military Coordination

Article 27

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

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

Chapter Four

AIR NAVIGATION

I AIR NAVIGATION BASICS

Article 28

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

II AIR TRAFFIC MANAGEMENT

1. Definition of Air Traffic Management

Article 29

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

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

2. Airspace Management

Definition and Contents of Airspace Management

Article 30

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

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

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

Flexible Use of Airspace

Article 31

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

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

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

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

Strategic Airspace Management

Article 32

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

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

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

National Aviation Committee

Article 33

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

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

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

Pre-tactical Airspace Management

Article 34

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

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

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

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

Tactical Airspace Management

Article 35

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

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

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

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

Definition of Airspace Organization

Article 36

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

Airspace Classification

Article 37

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

Air Traffic Route Network

Article 38

An air traffic route network shall be established at regional level, in line with the flows of air traffic and the requirements of the participants in air traffic, and it shall be approved for the Republic of Serbia by the ministry in charge of transport, with the assent of the ministry in charge of defence.

The air traffic route network in the Republic of Serbia shall be coordinated by the air navigation service provider designated by the Government.

Functional Airspace Block

Article 39

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

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

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

Article 40

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

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

Article 41

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

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

Airspace Structure Development and Design

Article 42

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

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

3. Air Traffic Flow Management

Article 43

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

air traffic flow and volume have been adjusted to meet the capacities declared by the air traffic service provider.

III AIR NAVIGATION SERVICES

1. Purpose of Air Navigation Services Provision

Article 44

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

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

2. Types of Air Navigation Services

Article 45

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

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

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

3. Air Traffic Services

a) Air Traffic Control Services

Definition of Air Traffic Control

Article 46

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

The procedure for rendering the air traffic control services shall be prescribed by the minister in charge of transport.

Air Traffic Control Units

Article 47

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

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

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

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

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

The Use of Phraseology while Providing Air Traffic Control Services

Article 48

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

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

b) Flight Information Services

Definition of Flight Information Services

Article 49

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

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

The Use of Phraseology while Providing Flight Information Services

Article 50

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

c) Alerting

Article 51

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

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

The procedure for the provision of alerting services shall be prescribed by the minister in charge of transport.

4. Communication, Navigation and Surveillance Services

Definition of Communication, Navigation and Surveillance Services

Article 52

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

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

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

Obligations of Communication, Navigation and Surveillance Services Provider

Article 53

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

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

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

Article 54

An air navigation service provider shall plan, design, procure and utilize communication, navigation and surveillance systems, devices, equipment and facilities, the technical properties, operating and maintenance procedures of which shall meet the international standards, commitments assumed by a ratified international agreement, and conditions prescribed by the Government, on the proposal of the minister in charge of transport.

The communication, navigation and surveillance systems, devices and equipment shall be regularly checked and calibrated from air.

5. Aeronautical Meteorological Services

Definition of Aeronautical Meteorological Services

Article 55

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

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

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

Organizations Providing Aeronautical Meteorological Services

Article 56

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

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

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

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

Availability of Information Observed

Article 57

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

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

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

Communication of Required Meteorological Services

Article 58

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

The procedure for such an informing shall be prescribed by the ministry in charge of transport.

6. Aeronautical Information Services

Definition of Aeronautical Information Services

Article 59

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

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

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

Integrated Aeronautical Information Package

Article 60

The provisions of this Law and other regulations governing national and international air transport, information related to the safety, timeliness and efficiency of air navigation, differences from standards prescribed by the International Civil Aviation

Organization and other data significant for the operation of aircraft shall be published in the Integrated Aeronautical Information Package.

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

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

7. Search and Rescue Service

Definition of Search and Rescue Service

Article 61

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

Search and rescue system shall be organized and managed by the Directorate, via a rescue coordination centre, in accordance with the regulation on providing search and rescue services passed by the minister in charge of transport.

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

Participants in Search and Rescue

Article 62

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

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

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

Reimbursement of Search and Rescue Expenses

Article 63

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

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

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

IV. AIR NAVIGATION SERVICE PROVIDERS

Definition of Air Navigation Service Providers

Article 64

An air navigation service provider shall be an undertaking, a legal person, a state administration authority competent for hydro meteorological services or an entrepreneur holding a certificate to provide air navigation services and designated by the Government to provide services in the airspace or a part of the airspace.

Neither the certificate nor the designation of the Government shall be prerequisite for the provision of search and rescue services while for the provision of communications, navigation and surveillance services and aeronautical information services only the designation of the Government shall not be prerequisite.

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

Article 65

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

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

Issuance of the Certificate for Air Navigation Service Provision

Article 66

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

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

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

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

Provision of Air Navigation Services in the Airspace of Other States

Article 67

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

Coordination of Air Navigation Services Provision

Article 68

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

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

Provision of Services to the Serbian Armed Forces

Article 69

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

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

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

Article 70

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

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

Records and Documentation Keeping

Article 71

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

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

Recognition of a Foreign Document

Article 72

The Directorate may recognize a foreign document issued by the National Supervisory Authority of the State in which a foreign organization has its principal place of business, if the requirements under which it was issued are as stringent as the requirements under which the certificate for air navigation services provision is issued by the Directorate.

A document issued or rendered valid by the competent body of the European Union shall be recognized without instituting the procedure for recognition.

An appropriate charge shall be payable to the Directorate for acting upon an application for the recognition of a foreign document.

Charges for Air Navigation Services Provision

Article 73

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

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

Chapter Five

AIR TRANSPORT OPERATIONS

1. Categories of Air Transport Operations

Article 74

The air transport operations shall comprise commercial air services, aerial work, flights for private purposes and other aircraft operations including state aircraft operations.

Commercial air services and aerial work are commercial activities in air transport operations.

2. Commercial Air Transport Operations

Definition and Categories of Commercial Air Transport Operations

Article 75

Commercial air transport operations shall mean an aircraft operation or a series of aircraft operations involving transport of passengers, baggage, mail and cargo for remuneration or hire, open to use by members of public under equivalent conditions.

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

Scheduled Air Services

Article 76

Scheduled air services shall mean a series of flights operated on routes defined in advance, according to a published timetable or a series of flights recognizable by a regular frequency, in which the contract for transport of passengers, baggage, mail or cargo is concluded directly between the air carrier or its representative and the passenger, or the party ordering the transport of baggage, mail or cargo.

A route shall mean a one direction flight between the airport of the first departure and the airport of final destination.

Non-scheduled Air Services

Article 77

Non-scheduled air services shall mean any commercial air transport operation which is not scheduled air services and which shall include charter, air taxi, sightseeing flight and ambulance flight.

Charter shall mean the carriage of passengers, baggage, mail and cargo operated under specifically agreed conditions, as an individual flight or a series of flights.

Air taxi shall mean the carriage of passengers, baggage, mail and cargo usually operated by a low capacity aircraft as an individual flight.

Sightseeing flight shall mean the carriage operated within 50 km diameter from the take-off aerodrome reference point and performed for the purpose of sightseeing, and shall imply take-off from and landing to the same aerodrome, except in case of balloons.

Ambulance flight shall mean the carriage of sick, injured or disabled persons by an aircraft adequately equipped for ambulance flight.

2. Operation of Commercial Air Transport

Operating Licence

Article 78

Commercial air transport shall be operated only by an undertaking or a legal person holding an operating licence (air carrier).

An operating licence shall be issued to an undertaking or a legal person having the principal place of business in the Republic of Serbia, registered to operate commercial air transport and being in sole or majority ownership of Republic of Serbia or its nationals and under their effective control, unless otherwise provided by a ratified international agreement, as well as on condition that:

1) for a period of 24 months from date of commencement of commercial air transport operations, it can meet its actual and potential obligations established under realistic assumptions;

2) for a period of three months from the date of commencement of air transport operations, it has provided funds sufficient for coverage of fixed and operational costs incurred by operations according to its business plan;

3) it has at its disposal, through ownership, lease or other legal basis, at least one aircraft which is entered on the Aircraft Register and which can operate commercial air transport;

4) it holds an air operator certificate;

5) it has provided legal liability insurance requirements in respect of passengers, baggage, cargo and third parties.

An undertaking or a legal person intending to operate scheduled air services must have registered and invested minimum basic capital in funds in the amount of 400 000 Euros in the equivalent amount of Serbian Dinars (RSD), or 200 000 Euros in the equivalent amount of Serbian Dinars (RSD) if it intends to operate charter air services.

Exceptionally, an undertaking or a legal person intending to operate non-scheduled air services exclusively by means of using aircraft with the maximum take-off mass of ten tones or aircraft with less than 20 passenger seats and whose turnover does not exceed 3 000 000 Euros per year in the equivalent amount of Serbian Dinar (RSD) shall not be bound to demonstrate that it is able to meet its actual and potential obligations under realistic assumptions for a period of 24 months from the start of operations (paragraph 2, point 1 of this Article), nor shall it be bound to demonstrate that it has enough funding to cover fixed and operational costs (paragraph 2, point 2 of this Article), but shall demonstrate that it has at its disposal net capital of at least 100 000 Euros in the equivalent amount of Serbian Dinar (RSD).

Issuance of an Operating Licence

Article 79

An Operating Licence shall be granted by the Directorate for an unlimited period of time.

Sightseeing flights and the carriage operated by non-power-driven aircraft or ultralight power-driven aircraft shall not be subject to the issuance of an operating licence but only to the issuance of an air operator certificate.

Assessment of the Fulfilment of the Conditions Foreseen for the Issuance of an Operating Licence

Article 80

The Directorate shall assess whether an air carrier still meets the conditions for the issuance of an operating licence upon the period of 24 months from the date of the issuance of an operating licence.

The Directorate may at any time assess the financial performance of the holder of an operating licence and shall do so in any case at least once in a 12-month period.

The holder of an operating licence shall submit to the Directorate, upon request, all data related to the fulfilment of the conditions prescribed for issuance of an operating licence.

Suspension, Revocation and Variation of an Operating Licence

Article 81

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

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

Specific Case of the Revocation of an Operating Licence

Article 82

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

Bylaw

Article 83

The conditions and procedure under which an operating licence shall be issued, varied, suspended or revoked, the form of an operating licence and the manner in which an air carrier shall submit financial statements to the Directorate shall be prescribed by the regulations of the Directorate .

The decision of the Directorate to grant, alter, suspend or revoke an operating licence shall be published in the “Official Gazette of the Republic of Serbia”.

A charge shall be payable to the Directorate for acting upon an application for the issuance or alternation of an operating licence.

Air Operator Certificate

Article 84

An air operator certificate shall be granted to an undertaking, a legal person or a state administration body which holds equipment, staff and organization to ensure the safety of commercial air transport it intends to operate.

An air operator certificate shall be issued by the Directorate for a period of 12 months.

The Directorate may, upon the request of the holder of the certificate, revalidate the certificate for the period of one to three years.

The Directorate shall vary, suspend or revoke an air operator certificate if an air carrier fails to meet any of the conditions necessary for the issuance of the certificate.

Relation between the Air Operator Certificate and the Operating Licence

Article 85

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

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

Bylaw

Article 86

The conditions under which an air operator certificate shall be issued, varied, suspended or revoked, criteria for its revalidation period and the form of the certificate shall be defined by the regulation passed by the Directorate.

A charge shall be payable to the Directorate for acting upon an application for the issuance, revalidation or variation of the certificate.

Aircraft Lease

Article 87

An aircraft may be leased with or without crew.

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

A national air carrier leasing out an aircraft to any foreign air carrier shall obtain the prior approval only if the aircraft is leased out without crew.

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

The conditions under which an approval for an aircraft lease agreement shall be granted will be prescribed in detail by the regulation passed by the Directorate, noting that the decision procedure in respect of such an approval shall be carried out as urgent.

Delegation of Supervisory Functions and Duties

Article 88

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

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

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

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

The Right of a National Air Carrier to Select a Route

Article 89

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

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

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

Public Service Obligation

Article 90

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

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

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

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

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

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

International Commercial Air Transport Operations with the Republic of Serbia

Article 91

A foreign air carrier may operate international commercial air transport with the Republic of Serbia if holding a permit, unless it is otherwise foreseen in a ratified international agreement.

The permit shall be granted by the Directorate, after obtaining the opinion of the ministry in charge of transport.

The conditions under which a permit stated in paragraph 1 of this Article shall be granted shall be prescribed by the Directorate.

Air Fares and Air Rates for Scheduled Air Services

Article 92

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

An air carrier shall publish a total amount of air fares and air rates for scheduled air services, including the fare for the carriage of passengers, baggage, mail and cargo, augmented by fees and taxes charged alongside with the transport fare.

Limiting or Refusing Traffic Rights

Article 93

The ministry in charge of environmental protection may, upon the proposal of the Directorate, limit or suspend the operation of commercial air transport on a particular route if the threshold values of the emissions of contaminating material or environmental noise are exceeded, in particular when other modes of transport provide appropriate level of service.

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

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

Flight schedule of an Air Carrier

Article 94

A flight schedule shall mean the established time of aircraft take-off and landing in scheduled air services and shall be determined separately for summer and winter seasons, upon coordination of the air carrier and the aerodrome operator.

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

An air carrier shall conduct operations in accordance with the published flight schedule and, while it is in force, an air carrier may interrupt air services or change the timetable on any routes only in case of *force majeure* or other emergency situation.

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

4. Aerial Work

Definition of Aerial Work

Article 95

Aerial work shall comprise provision of services to agriculture and forestry, aerial photography (geological photography, filming, etc.), calibration from air, aerial advertising (banner towing, air writing, dropping advertisement material), surveillance and reporting from the air, towing glides, parachuting, external cargo carriage and other type of aerial work.

Aerial work services may be provided by an undertaking, a legal person or a state administration body holding a valid aerial work certificate issued by the Directorate.

The types of aerial work, the detailed conditions for and the manner of their provision, the conditions under which an aerial work certificate shall be issued, varied, suspended or revoked, the criteria for the determination of the period of its revalidation and the form of the certificate shall be prescribed in detail in the regulation passed by the Directorate.

A charge shall be payable to the Directorate for acting upon an application for issuance, revalidation or variance of an aerial work certificate.

5. Flights for Private Purposes

Article 96

Flights for private purposes shall encompass aircraft operations by means of which a citizen performs carriage for private purposes as well as the operation or use of aircraft by a state authority, legal person or undertaking, acting as the aircraft operator, for carriage of its goods or employees and business associates and their baggage without remuneration.

The conditions and modality of operating flights for private purposes shall be prescribed by the Directorate.

6. Other Aircraft Operations
Sporting and Recreational Aviation
 Article 97

Sporting and recreational aviation shall encompass aircraft operations performed with the aim to promote and foster aviation sports, popularization and aviation development, as well as competitions in aviation disciplines.

The conditions and modality of operating flights for sporting and recreational purposes shall be prescribed by the Directorate.

Aeronautical Events

Article 98

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

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

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

Chapter Six

AERODROMES

I. Basic Provisions on Aerodrome Operations

1. Aerodromes, Airfields and Terrains

Definition of an Aerodrome, Airfield and Terrain

Article 99

Aircraft are designed to take off, land and sojourn at aerodromes, airfields and terrains.

An aerodrome shall mean any 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.

An airfield shall mean a defined area on land or water, which fulfils conditions required for safe departure and arrival of aircraft used in agriculture, forestry, sporting activities, etc.

A terrain shall mean a defined area on land which fulfils conditions required for occasional sporting activities involving non-power-driven hang gliders, paragliders, parachutes and balloons, as well as for departure and arrival of aircraft for emergency purposes and assistance rendering.

Aerodromes Classification

Article 100

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

Civil aerodromes are used for civil air transport operations and, according to their use, are classified as:

- 1) aerodromes intended for national or national and international commercial air transport operations;
- 2) aerodromes intended for departure and arrival of aircraft in operating commercial air transport with maximum take-off mass of not more than 5.700 kg (hereafter referred to as: general purpose aerodromes);
- 3) aerodromes intended for sporting and recreational aviation (hereafter referred to as: special purpose aerodromes);
- 4) aerodromes used for the flights for private purposes.

Military and Joint Civil/Military Aerodromes

Article 101

A military aerodrome shall be an aerodrome intended for military operations and is managed by the ministry in charge of defence.

A military aerodrome or a part of a military aerodrome may also be used for civil purposes, as a joint civil/military aerodrome.

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

2. Conditions for the Use of Aerodromes, Airfields and Terrains in Air Transport

Article 102

An aerodrome may be used in transport on condition that the aerodrome operator holds an aerodrome certificate, the aerodrome is registered in the Aerodromes Register of the Republic of Serbia (hereafter referred to as: Aerodromes Register), and if, at the time of operations, the aerodrome complies with the standards required for safe and secure conduct of air transport.

An airfield and a terrain may be used in air transport on condition that the operator holds a permit to use an airfield or a terrain, if the airfield is registered in the Airfields Register, and the terrain in the Terrains Register, and if, at the time of operations, they comply with the standards required for safe and secure conduct of air transport.

The conditions under which airfields and terrains may be used in air transport shall be prescribed in detail by the regulation passed by the Directorate.

3. Aerodrome Operator

Article 103

An aerodrome operator shall be an undertaking, a legal person or an entrepreneur operating an aerodrome, registered to provide aerodrome services and holding an aerodrome certificate for the operation of an aerodrome entered on Aerodromes Register.

An aerodrome operator shall restrict or permanently or temporary cease to operate an aerodrome if the aerodrome fails to comply with any of the conditions required for safe and secure conduct of air transport.

4. Aerodrome Certificate and Entry on the Aerodromes Register

Article 104

An undertaking, a legal person or an entrepreneur registered to provide aerodrome services may submit to the Directorate an application for an aerodrome certificate upon the construction of an aerodrome.

An aerodrome certificate shall be issued by the Directorate for an unlimited period.

Conditions for Granting an Aerodrome Certificate

Article 105

An aerodrome certificate shall be granted on condition that an aerodrome fulfils safety, security and other requirements related to its purpose, reference code, category, capacity, infrastructure and other conditions prescribed by the Directorate.

Prior to assessing an application for granting an aerodrome certificate, the Directorate shall conduct an aerodrome audit the participants of which shall also be the representatives of the ministries in charge of defence, interior and customs, if an aerodrome bears significance in respect of the activities within their competences.

Entry on the Aerodromes Register

Article 106

The application for entering an aerodrome on the Aerodromes Register shall be submitted to the Directorate by the aerodrome certificate holder.

The Aerodromes Register shall be a public book managed by the Directorate and containing data on aerodrome purpose, reference code and category, title and principle place of business of an aerodrome owner and operator, as well as other data prescribed by the Directorate.

The Directorate shall de-register an aerodrome upon an application of the aerodrome owner or the operator of the aerodrome and upon the authorization of the aerodrome's owner, or *ex officio*, if the aerodrome certificate is revoked.

The contents and the method of maintaining the Aerodromes Register shall be prescribed by the Directorate.

Aerodrome Operation for the Purpose of International Commercial Air Transport

Article 107

An aerodrome may be used for international commercial air transport if the aerodrome operator can provide permanent conditions for the state border crossing prescribed by the minister in charge of transport and with the assent of the minister in charge of interior.

The minister in charge of transport shall determine which aerodromes shall be used for international commercial air transport operations.

Obligation to File an Application for Certificate Variation

Article 108

An aerodrome operator shall file an application for the variation of an aerodrome certificate in case of the modification of aerodrome purpose, reference code, category and

technical characteristics, as well as other conditions of aerodrome operations prescribed by the Directorate.

Bylaw

Article 109

The categorization of aerodromes and conditions under which an aerodrome certificate may be granted, varied, suspended or revoked shall be defined in detail by the regulation passed by the Directorate.

A charge shall be payable to the Directorate for acting upon an application for issuance or variance of the certificate or permit for an aerodrome, airfield and terrain.

5. Aerodrome Construction

Specific Conditions for Aerodrome Construction

Article 110

When developing the aerodrome planning and technical documentation, an aerodrome investor shall ensure that all the regulations governing facilities construction, as well as the particular conditions prescribed by the Directorate, which provide for the safe and secure air transport operations at an aerodrome are observed.

Planning and Technical Documentation Approval

Article 111

An aerodrome investor shall submit to the Directorate the planning and technical documentation in respect of the construction of an aerodrome in order to obtain an approval ensuring the establishment and maintenance of the acceptable level of air transport safety.

The approval shall be granted by the Directorate, with the assent of the ministries in charge of defence, interior and customs, if an aerodrome bears significance in respect of the activities within their competences.

A charge shall be payable to the Directorate for acting upon an application for the issuance of the approval for planning and technical documentation.

6. Obstacles

Definition of an Obstacle

Article 112

Obstacle shall mean any fixed, whether temporary or permanent, and mobile object, or part thereof, that is located on an area intended for the surface movement of aircraft or that extends above a defined surface intended to protect aircraft in flight, defined in international standards and recommended practices, which affects or might affect the safety of air transport operations.

Permission for Positioning Facilities, Installations or Devices Which May Act as Obstacles

Article 113

Facilities, installations and devices intended to be built within or outside an aerodrome perimeter, which might as an obstacle affect the safety of air transport

operations, may be positioned only upon obtaining a certificate from the Directorate that they do not affect the maintenance of an acceptable safety level.

The Directorate may order in the certificate the marking of such an obstacle, at the expense of the facility user.

A charge shall be payable to the Directorate for acting upon an application for the issuance of the certificate.

Removal, Demolition and Marking of Obstacles

Article 114

The obstacles which directly affect safety shall be removed or demolished, while the obstacles which might affect safety shall be marked to be visible by day, by night, and in low visibility conditions.

Prior to granting an approval by the Directorate for the planning and design documentation, a facility representing an obstacle may be removed only with the consent of the facility owner, at the expense of the aerodrome investor.

If an obstacle is subject to marking, an obligation of marking an obstacle shall be entered on the Directorate's approval for planning and technical documentation, and the aerodrome investor shall bear the expenses of marking the facility which represents an obstacle.

If an obstacle appears after submitting an application for the commencement of aerodrome infrastructure construction works, during the construction works or after construction works, it shall be removed, demolished or marked, based on the decision of the Directorate, and at the expense of the owner of the facility which represents an obstacle.

Permission for Positioning Facilities, Installations and Devices Emitting or Reflecting Radio Waves

Article 115

Facilities, installations and devices within or outside an aerodrome perimeter, which can affect safety due to the emission or reflection of radio waves, may be positioned only upon obtaining the certificate from the Directorate that they do not affect the maintenance of an acceptable level of safety.

Conditions under which facilities, installations and devices may be positioned shall be prescribed by the Directorate.

A charge shall be payable to the Directorate for acting upon an application to grant the certificate.

Ban to Use and Cultivate Land

Article 116

It shall be prohibited to use and cultivate land, form dumps, grow cereals and perform other activities in the vicinity of the manoeuvring areas, aprons and facilities within the aerodrome perimeter which affect the safe departure, arrival and accommodation of an aircraft at an aerodrome.

An aerodrome operator shall ensure observation of the bird movements in the vicinity of an aerodrome and their dispersion away from an aerodrome.

II. Aerodrome Maintenance and Operations

Definition of the Conditions for Aerodrome Operations

Article 117

Operators of the aerodromes intended for commercial air transport and operators of the aerodromes for general purposes shall define conditions for the use of the aerodrome in order to ensure undisturbed use of manoeuvring areas and aprons, buildings, facilities and devices, according to their purpose, class, category, technical characteristics and capacity, and to ensure necessary measures for safe departure, arrival, movement and stay of an aircraft on the aerodrome, and ground handling services.

Inspection and Maintenance of Aerodrome Facilities

Article 118

The operator of an aerodrome intended for commercial air transport and the operator of a general purpose aerodrome shall be responsible to provide inspection of manoeuvring areas, aprons, installations, devices and equipment at the aerodrome before the aerodrome opening hours, before the interval with highest traffic density and immediately before night, and even more frequently if unfavourable meteorological conditions occur during the aerodrome working hours.

The operator of an aerodrome intended for commercial air transport and the operator of a general purpose aerodrome shall provide regular maintenance of the manoeuvring areas and the aprons, and notify a competent air traffic control unit on their state.

The maintenance, inspection and marking procedures of aerodrome facilities shall be prescribed by the Directorate.

Use of Military Aerodromes for Civil Air Transport

Article 119

A military aerodrome or part of a military aerodrome may be used for civil purposes, as a civil/military aerodrome, if an appropriate contract has been concluded between the ministry in charge of defence and the civil operator on the military aerodrome.

The contract shall define runways, taxiways, aircraft stands, devices which can be used for civil air transport, mode of exploitation and maintenance conditions of the aerodrome or parts thereof, devices and installations of the aerodrome, as well as the mutual rights and obligations of the contracting parties.

A military aerodrome or a part of a military aerodrome may be used for some civil flights upon approval of the ministry in charge of defence.

Use of Civil Aerodromes for Military Flights

Article 120

A civil aerodrome or a part of a civil aerodrome may be used for military flights, if an appropriate contract has been concluded between the ministry in charge of defence and a civil aerodrome operator, with an opinion of the Directorate obtained in advance and dealing with the technical conditions enabling the use of that aerodrome for air transport operations. .

The contract for the use of a civil aerodrome or a part of a civil aerodrome for military purposes shall define the same areas as the contract for the use of a military aerodrome for civil air transport.

Taking off and Landing of Aircraft Operating Commercial Air Transport

Article 121

An aircraft operating commercial air transport shall use for taking off and landing an aerodrome intended for commercial air transport or a general purpose aerodrome.

Exceptionally, an aircraft performing a sightseeing flight or ambulance flight may also use a special purpose aerodrome or an airfield, taking due care of the conditions defined in the aerodrome certificate or airfield permit.

Taking off and Landing of Aircraft Operating International Commercial Air Transport

Article 122

Exceptionally and in emergency situations, an aircraft operating international commercial air transport may also use for taking off and landing an aerodrome intended for domestic commercial air transport, a general purpose aerodrome or a special purpose aerodrome, if the aerodrome operator ensures conditions required for the state border crossing.

First Landing and Taking off of a Foreign and National Aircraft

Article 123

The first landing or the first taking off of a foreign aircraft shall take place from an aerodrome intended for international commercial air transport.

For taking off and landing on an aerodrome which is not intended for international commercial air transport, a foreign aircraft must hold an approval issued by the ministry in charge of transport, with the assent of the ministry in charge of interior and the ministry in charge of customs and, in case of a military aerodrome, the ministry in charge of defence.

Under identical conditions may a national aircraft resign from the obligation to perform the first taking-off to a point abroad and the first landing from a point abroad to an aerodrome intended for international commercial air transport.

Taking off and Landing of an Aircraft Outside an Aerodrome

Article 124

The conditions under which an aircraft may take off and land outside an aerodrome shall be prescribed by the Directorate.

The conditions under which a military aircraft may take off and land outside an aerodrome shall be prescribed by the ministry in charge of defence.

Aerodrome Opening Hours

Article 125

Opening hours of an aerodrome shall mean a period during which an aerodrome intended for commercial air transport must be opened for commercial air transport operations and shall be defined by the Directorate, on the proposal of an aerodrome operator.

Outside the opening hours of an aerodrome, an aircraft can use the aerodrome for taking off and landing in the period determined by the aerodrome operator.

III. AERODROME SERVICES AND CHARGES

1. Aerodrome Services

Article 126

An aerodrome operator shall provide rescue and fire fighting services and emergency medical service (aerodrome services) or fire fighting and medical protection, in accordance with the regulation passed by the Directorate.

At the aerodromes intended for commercial air transport and at general purpose aerodromes, the aerodrome operator shall ensure a service to control the aircraft movement areas, as well as the conduct of security controls.

2. Ground handling Services

Categories of Ground handling Services

Article 127

At an aerodrome intended for commercial air transport, whose traffic has not been less than 2 million passenger movements or 50 000 tonnes of freight, there shall be provided ground handling services.

Ground handling services shall encompass:

- 1) passengers embarkation and disembarkation;
- 2) baggage loading and unloading;
- 3) freight and mail handling;
- 4) aircraft ramp handling;
- 5) aircraft handling;
- 6) aircraft fuel and oil handling;
- 7) aircraft pre-flight maintenance (line aircraft maintenance);
- 8) ground transport of passengers and crew from and to the aircraft;
- 9) catering services;
- 10) flight preparation and crew administration;
- 11) aerodrome management and surveillance.

Passenger embarkation and disembarkation service provider shall provide these services to the disabled passengers and passengers with reduced mobility in the manner that enables these persons to travel by air under equal conditions and without discrimination.

The Directorate shall pass a regulation describing in detail particular services within ground handling services and define ground handling categories that shall be provided on a general purpose aerodrome.

Ground handling Services Provision

Article 128

Ground handling services may be provided by an aerodrome operator, an undertaking, a legal person or an entrepreneur who holds an authorization for the provision of ground handling services.

In order to have the authorization for the provision of embarkation and disembarkation services, an aerodrome operator, an undertaking, a legal person or an entrepreneur shall prove that it can provide these services to the disabled passengers and passengers with reduced mobility in the manner that enables these persons to travel by air under equal conditions and without discrimination.

The authorization for the provision of ground handling services shall be issued by the Directorate for a limited period.

An air carrier shall independently decide with whom it shall conclude an agreement for the provision of ground handling services.

Bylaw

Article 129

Organizational, financial, technical, technological and personnel requirements to be fulfilled for granting an authorization for providing ground handling services shall be prescribed by the Directorate.

The conditions under which the authorization may be varied, suspended or revoked, the period of its validity and the form of the authorization shall be prescribed in detail in the regulation passed by the Directorate.

A charge shall be payable to the Directorate for acting upon an application for the issuance, revalidation or variance of the authorization for providing ground handling services.

Self-handling

Article 130

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

The self-handling services that are subject to an authorization are prescribed by the Directorate.

The authorization for the provision of self-handling services is granted by the Directorate for a limited period.

The conditions under which the authorization for providing self-handling services may be varied, suspended or revoked, the period of its validity and the form of the authorization shall be prescribed in detail in the regulation passed by the Directorate.

A charge shall be payable to the Directorate for acting upon an application for the issuance, revalidation or variance of the authorization for providing self-handling services.

Charges for the Aerodrome Operator

Article 131

A ground handling services provider or a self-handling services provider shall conclude a contract on compensation for the aerodrome infrastructure usage with the aerodrome operator.

Limitations on Ground Handling

Article 132

The categories of ground handling services which could have a limited number of authorized suppliers, conditions for the exemptions of some of the categories of self-handling services, conditions to limit the number of suppliers authorized to provide ground handling services the procedure and criteria for selection of ground handling suppliers shall be defined by the Regulation passed by the Directorate.

The Directorate may prescribe the conditions under which the number of air carriers authorized to provide self-handling services is to be limited.

3. Committee of Air Carriers Using Aerodrome Services

Article 133

The operator of an aerodrome intended for commercial air transport shall set up a committee of air carriers using aerodrome services.

The committee of air carriers using aerodrome services shall represent the interests of the aerodrome users, propose improvements in the use of aerodrome and the operation of air transport, consider the extension of the aerodrome capacity, give opinions when selecting suppliers of ground-handling and self-handling services and give opinions on slot allocation, taking into consideration the principle of non-discrimination among air carriers using aerodrome services.

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

4. Aerodrome Charges

Article 134

The operator of an aerodrome intended for commercial air transport and the operator of a general purpose aerodrome shall be entitled to aerodrome infrastructure usage charge, landing charge, aircraft parking charge, charge for the usage of aerobridges, charge from every departing and transferring passenger, charge for using the check-in counter for the registration of passengers and their baggage, charge for providing aircraft handling services, passenger embarkation and disembarking service, baggage loading and unloading service, freight and mail handling services, and services of illumination of manoeuvring areas in low visibility conditions.

The Directorate shall pass regulation defining in detail services for which the charges shall be paid to the aerodrome operator.

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

The amount of charges for every service shall be defined by the aerodrome operator, with the prior consent of the aerodrome owner.

The aerodrome operator shall notify all aerodrome services users of reasons to increase a particular charge and its precise amount - not later than 60 days before the planned date of the introduction of the charge increased.

Chapter Seven
AERONAUTICAL PRODUCTS, PARTS AND APPLIANCES
I. AIRCRAFT USE AND CLASSIFICATION
Use of Aircraft in Air Transport Operations

Article 135

An aircraft entered on the Aircraft Register of the Republic of Serbia, the Aircraft Records of the Republic of Serbia and the Military Aircraft Register of the Republic of Serbia, which is continuously airworthy, shall be allowed to be used in air transport operations.

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

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

Classification of Aircraft

Article 136

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

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

II. CIVIL AIRCRAFT REGISTERS
1. Aircraft Register and Aircraft Records
Article 137

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

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

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

Article 138

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

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

Requirements for Entering an Aircraft on the Aircraft Register

Article 139

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

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

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

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

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

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

Aircraft Registration Certificate

Article 140

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

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

Temporary Entering on the Aircraft Register

Article 141

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

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

Temporary registration may be valid up to 12 months.

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

De-registration from the Aircraft Register

Article 142

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

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

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

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

If an aircraft is to be de-registered from the Aircraft Register for the purpose of being entered on a foreign register, the Directorate shall issue an the aircraft export certificate of airworthiness.

Contents of the Aircraft Register

Article 143

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

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

One aircraft may have one file only.

The file consists of:

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

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

Basis for Entering Proprietary and Right of pledge

Article 144

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

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

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

3. Aircraft Nationality and Registration Marks

Article 145

An aircraft entered on the Aircraft Register or the Aircraft Records shall have the nationality marks of the Republic of Serbia.

An aircraft having the nationality marks of the Republic of Serbia shall bear the nationality, common and registration marks.

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

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

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

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

Article 146

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

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

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

Article 147

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

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

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

6. Military Aircraft Documents and Logbooks

Article 148

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

III. AERONAUTICAL-TECHNICAL ORGANIZATIONS

1. Aeronautical-Technical Activities and Organizations

Definition of Aeronautical-Technical Activities and Organization

Article 149

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

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

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

Approval for Aeronautical-Technical Activities

Article 150

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

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

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

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

Recognition of a Foreign Document

Article 151

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

The document issued or recognized by the competent body of the European Union shall be accepted, without instituting recognition procedure.

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

Design and Production of Aeronautical Products, Parts and Appliances

Article 152

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

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

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

Amateur production refers to production of an aeronautical product which, as a rule, shall not be subject to type certification and is not supported by complete design and production documentation.

The requirements under which aeronautical products, parts and appliances shall be designed and produced shall be prescribed by the Directorate.

2. Aeronautical Product Type Certification

Aeronautical Product Type Tests

Article 153

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

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

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

Technical regulations on airworthiness shall be passed by the Directorate.

Identification of the Type and Type Certificate

Article 154

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

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

A type certificate shall be issued to an aeronautical product with the certified type as well as the certificate of aircraft generated noise and the certificate of aircraft engine emissions.

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

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

Recognition of a Foreign Type Certificate

Article 155

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

The type certificate issued or recognized by the competent body of the European Union shall be recognized, without instituting recognition procedure.

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

3. Defect in Design

Article 156

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

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

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

IV. CONTINUING AIRWORTHINESS

1. Continuing Airworthiness and Airworthiness

Definition of Continuing Airworthiness

Article 157

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

The Directorate shall issue airworthiness review certificate to the operator of a continuously airworthy aircraft, upon request.

Apart from the airworthiness review certificate, continuing airworthiness shall be evidenced by the certificate of airworthiness.

Certificate of Airworthiness

Article 158

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

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

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

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

Initial Aircraft Inspection

Article 159

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

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

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

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

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

Revalidation of Airworthiness Review Certificate

Article 160

An aircraft owner or aircraft operator, who intends to maintain an aircraft continuing airworthiness, shall apply to the Directorate for the revalidation of the airworthiness review certificate every 12 months from the date of the issuance of the airworthiness review certificate.

The airworthiness review certificate shall be revalidated every 12 months.

The Directorate shall decide whether it shall revalidate an airworthiness review certificate upon periodical aircraft inspection.

A charge shall be payable to the Directorate for acting upon a request for the revalidation of an airworthiness review certificate.

Periodical Aircraft Inspections

Article 161

Periodical aircraft inspections shall be conducted by an aeronautical technical organization approved for such activities and chosen by an aircraft operator.

Upon completed periodical aircraft inspection, the aeronautical technical organization shall recommend to the Directorate either to revalidate or not to revalidate an aircraft review certificate.

The Directorate shall conduct, on its own, every third periodical aircraft inspection.

Checks

Article 162

Aircraft checks shall be conducted during the period of the validity of the airworthiness review certificate.

Aircraft checks shall be conducted by an aircraft operator or by an aeronautical technical organization to which aircraft maintenance has been delegated by the aircraft operator.

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

Article 163

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

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

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

2. Interruption of Continuing Airworthiness.

Aircraft Maintenance Program

Article 164

If continuing airworthiness is interrupted, an aircraft operator shall carry out aircraft maintenance foreseen by the aircraft maintenance programme.

An aircraft maintenance programme shall mean a series of measures and procedures undertaken to maintain an aircraft continuing airworthiness and shall be implemented once it has been approved by the Directorate.

3. Ferry Flight

Article 165

Where a failure, defect or other reasons cause an interruption in aircraft continuing airworthiness, and the aircraft remains in condition to safely operate a ferry flight, the Directorate may grant the ferry flight permit to the aircraft operator to operate the ferry flight from an aerodrome on which an aircraft is located to an aerodrome on which maintenance shall be conducted.

Where needed, the Directorate may pose restrictions under which the ferry flight shall be operated.

Test Flight

Article 166

Test flight shall mean an aircraft in flight check by means of which the technical requirements for the airworthiness of aircraft, engine, propeller, parts and appliances with the aim of type identification are being assessed or the assessment of technical airworthiness requirements defined in type documentation is being conducted.

The conditions and manner of the operation of a test flight shall be prescribed by the Directorate.

A fee shall be payable to the Directorate and air navigation service provider for the approval and the conduct of a test flight.

4. Bylaw

Article 167

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

5. Airworthiness of Other Aeronautical Products

Article 168

Airworthiness of other aeronautical products shall be prescribed in detail by the regulation passed by the Directorate.

V. INSPECTION OF A FOREIGN AIRCRAFT

Article 169

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

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

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

Chapter Eight

AVIATION PERSONNEL

1. Definition of Aviation Personnel

Article 170

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

2. Categories of Aviation Personnel

Aviation Personnel Whose Activities Directly Affect Air Transport Safety

Article 171

Aviation personnel whose activities directly affect air transport safety shall be composed of flight crew, auxiliary flight crew and non-flight personnel.

Flight crew members are pilot, flight engineer and flight navigator.

Auxiliary flight crew members (cabin crew) perform, on the basis of a licence, certain duties related to the safety of persons on board an aircraft.

Non-flight personnel are air traffic controller, student air traffic controller, personnel in charge of aircraft maintenance and flight dispatcher.

Licence

Article 172

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

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

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

The licence shall be also issued to a parachutist.

Qualification Assessment

Article 173

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

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

Aviation Personnel Whose Activities Indirectly Affect Air Transport Safety

Article 174

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

Certificate of Competence

Article 175

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

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

Detailed classification of personnel whose activities indirectly affect air transport safety and the requirements for issuance, variation, suspension or revocation of the certificate of competence and the form of the certificate of competence shall be prescribed by the Directorate.

Authorization

Article 176

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

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

Bylaw

Article 177

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

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

Aviation Personnel Register and Records

Article 178

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

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

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

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

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

Aviation Personnel Training Centres

Article 179

Aviation personnel shall be trained in aviation personnel training centres.

The attributes of an aviation personnel training centre shall be designated to a national organization entitled by appropriate Directorate's certificate issued for a limited time period authorizing it for aviation personnel training.

The conditions under which the certificate of competence for aviation personnel training may be issued, varied, suspended and revoked, the validity period of the certificate and the form of the certificate shall be prescribed by the Directorate.

A charge shall be payable to the Directorate for processing of an application to issue, revalidate or vary the certificate of competence for aviation personnel training.

Training Programmes of Aviation Personnel Training Centres

Article 180

Aviation personnel shall be trained in training centres on the basis of the training programmes harmonized with the international standards and recommended practice and approved by the Directorate.

If an aviation personnel training requires the use of corresponding flight simulator training aids, the permit for its use shall be obtained from the Directorate.

Records of Aviation Personnel Training Centres

Article 181

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

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

Recognition of Training and Ratings Acquired in Military Service

Article 182

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

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

Article 183

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

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

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

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

4. Suspension of Licence

Conditions for Suspension of Licence

Article 184

Where inspection supervision establishes that a licence holder fails to comply with the prescribed rules or procedures or directly endangers the air transport safety, the

aviation inspector shall immediately prevent, in writing, the licence holder to exercise the rights from his licence, and shall submit within the following seventy two hours to the Directorate the explanatory written proposal for a full or partial suspension of the licence.

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

Contents and Duration of Licence Suspension

Article 185

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

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

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

Orders in the Decision on Licence Suspension;

Revocation of Licence or Rating

Article 186

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

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

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

5. Obligations of Aviation Personnel to Carry Required Documents

Article 187

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

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

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

Proving Medical Fitness

Article 188

The flight crew, air traffic controllers, student air traffic controllers and auxiliary flight crew (cabin crew) shall perform their duties authorized for only if holding a medical certificate of corresponding class proving their medical fitness.

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

Medical Examinations and the Issuance of Medical Certificates

Article 189

The first medical examination for the assessment of medical fitness shall be conducted by an aeronautical medical centre approved by the Directorate.

The first medical certificates shall always be issued by the Directorate.

Medical fitness may be checked, and subsequent medical certificates issued by doctors of medicine entitled to undertake the examination of medical fitness based on the authorization issued by the Directorate for a limited time period.

When issuing an authorization to a medical institution, the Directorate shall also issue authorizations to a number of doctors of medicine employed therein, selected and appointed by the Directorate.

A charge shall be paid to the medical institution for the assessment of medical fitness and the issuance of the medical certificate and to the Directorate for the issuance of the first medical certificates.

Records of Medical Institutions and Doctors of Medicine

Article 190

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

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

Bylaw

Article 191

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

A charge shall be paid to the Directorate for the processing of an application for issuing, revalidation or variance of the certificate of competence to conduct medical examination.

Additional Evaluation of Medical Fitness

Article 192

The person dissatisfied by the medical certificate issued may file a complaint with the medical committee established by the Director of the Directorate from the list of expert medical practitioners holding medical examiner authorization, and the medical practitioners who issued the certificate shall not take part in the work of the committee.

The complaint may be filed within the period of fifteen days from the date of receipt of medical certificate.

7. Examination of Psychological and Physical Fitness of Aviation Personnel

Article 193

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

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

8. Aircraft Crew

Composition and Number of Aircraft Crew Members

Article 194

Aircraft crew shall be composed of flight crew and auxiliary flight crew (cabin crew) exercising some of the functions related to aircraft operations.

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

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

Aircraft Pilot

Article 195

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

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

Age Limit for Pilot's Exercising Functions in Commercial Air Transport

Article 196

A person who attained 65 years of age shall not act as a pilot of an aircraft operating commercial air transport.

The pilot with more than 60 years of age may act as a pilot of an aircraft operating commercial air transport provided that he is the only pilot of a multi-member crew over 60 years of age.

A multi-member crew of an aircraft operating commercial air transport may have only one pilot who is over 60 years of age.

Pilot-In-Command

Article 197

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

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

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

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

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

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

Article 198

The pilot-in-command shall, prior to a flight, verify that the aircraft and the aircraft crew are ready for the flight, that all needed documents and logbooks are on board the aircraft, and shall be responsible to undertake the measures laid down by the operations manual of the aircraft operator.

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

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

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

Working Time of Crew Members in Commercial Operations and of Flight Controllers

Article 199

The working time of the crew members in scheduled air services and other commercial air transport operations, duration of the flying time, time for which a crew member is to be released of all functions and on-duty activities, rest periods for crew members in scheduled air services and other commercial air transport operations, and paid leaves of flight personnel for the purpose of maintaining their psychological and physical shape shall be prescribed in detail by the regulation passed by the minister in charge of transport.

By the regulation passed by the minister in charge of transport, the working time of an air traffic controller at an operational post and the right of an air traffic controller to

have a paid leave for maintaining his psychological and physical shape shall be also prescribed.

Chapter Nine
PROTECTION AGAINST AIRCRAFT NOISE AND AIRCRAFT ENGINE
EMISSIONS

Environmental Protection

Article 200

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

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

Obligations of an Aerodrome Operator

Article 201

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

Acceptable Level of Noise and Engine Emissions at Aerodromes

Article 202

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

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

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

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

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

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

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

Measurement of Noise and Noise Protected Areas

Article 203

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

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

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

Chapter Ten

ACCIDENTS AND SERIOUS INCIDENTS OF AIRCRAFT

Definition of an Accident and Serious Incident

Article 204

An accident shall mean an occurrence associated with the operation of an aircraft which takes place between the time any person embarks the aircraft until the time such persons have disembarked, in which time any of the below consequences has occurred:

1) a person is fatally or seriously injured as a result of being in the aircraft, or direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or direct exposure to jet blast, except where fatal or serious injury is the consequence of natural causes, self-infliction, or caused by other persons, or when fatal or serious injury occurred or is inflicted to stowaways hiding outside the areas normally available to the passengers and crew;

2) the aircraft sustains damage, structural failure which has an adverse effect on structural strength or flight characteristics or would require major repair or replacement of the damaged component, except for engine failure or damage (when damage is limited to the engine, cowlings or accessories) or damage to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin;

3) the aircraft is missing or is completely inaccessible.

A serious incident shall mean an occurrence involving circumstances which indicate that an accident nearly occurred and which had for its result the damage of parts of aircraft or its propulsion system, minor injury to persons on board an aircraft or outside an aircraft or minor damage of the property of third parties.

Investigations and Analysis of Aircraft Accident and Serious Incident

Article 205

Every aircraft accident or serious incident shall be comprehensively investigated and analyzed in order to identify the facts under which they occurred and, if possible, detect their causes and finally undertake measures for the prevention of future accidents and serious incidents.

Investigation and the analysis of accidents and serious incidents shall not have for its aim establishing criminal, administrative, tortious, disciplinary, civil or any other liability for the accident and serious incident.

Commission for the Investigation of Aircraft Accidents and Serious Incidents

Article 206

The Directorate shall establish the commission for the investigation of aircraft accidents and serious incidents (hereinafter referred to as: the commission) which shall investigate every aircraft accident and serious incident.

The commission shall be technically supported by the competent service of the Civil Aviation Directorate of the Republic of Serbia.

Independence of the Commission

Article 207

The commission shall be independent in its work and functionally independent of anyone whose interests might be in conflict with the tasks and obligations of the commission.

No person shall in any way limit the content and scope of the investigation, or influence the content or scope of previous, interim or final report of the investigation of an aircraft accident or serious incident or the content and scope of measures proposed by the commission.

Chairman and the Members of the Commission

Article 208

The chairman and the members of the commission shall be nominated from the list of experts established by the Director of the Directorate for each calendar year and comprising pilots, aeronautical engineers, air traffic controllers, meteorologists, medical practitioners, lawyers and other persons with experience in aviation, bearing in mind their professional, moral and psychological capabilities for conducting aircraft accidents and serious incidents investigations and taking into account their experience in accidents and serious incidents investigations.

The number of members and the composition of the commission shall depend upon gravity, type and scope of an aircraft accident or serious incident

Responsibility of the Chairman of the Commission

Article 209

The chairman of the commission shall be responsible for the organization, conduct and monitoring of aircraft accidents and serious incidents investigation.

Accident and Serious Incident of a Foreign Aircraft

Article 210

If a foreign aircraft is involved in an accident or serious incident in the territory of the Republic of Serbia, the chairman of the commission shall notify the competent authorities of the State of Registry, the State of Design, the State of Manufacture and the State of the Operator and the States whose citizens were on board the affected aircraft.

The accredited representatives of the competent authorities of the States notified may participate in the work of the commission.

Relationship with Investigation Authorities

Article 211

Investigation authorities shall not be permitted to hinder the activities of the commission investigating an accident or serious incident.

The commission shall render all required technical assistance to the investigation authorities, upon request.

Entitlements in an Accident and Serious Incident Investigation

Article 212

While conducting accident or serious incident investigation, the chairman and the members of the commission shall be entitled to:

- 1) have unrestricted access to the site of the accident or serious incident as well as to the aircraft, its contents or its wreckage;
- 2) ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis purposes;
- 3) have immediate access to the flight recorders and use contents thereof, as well as the contents of any other recordings;
- 4) have immediate access to the results of examination of the bodies of the victims or of tests made on samples taken from the bodies of the victims;
- 5) have immediate access to the results of medical examinations of the persons involved in the operation of the aircraft or of tests made on samples taken from such persons;
- 6) examine witnesses of the accident or serious incident;
- 7) have free access to any relevant information or records held by the aircraft owner, aircraft operator, aircraft manufacturer and the Directorate.

Protection of the Scene of an Accident or Serious Incident

Article 213

The aircraft or its contents must not be removed from the scene of accident or serious incident prior the preservation of relevant evidence of the accident or serious incident and the approval obtained from the chairman of the commission, as well as the approval obtained from the appropriate judicial authority - in case it is suspected that an act of unlawful interference has been involved.

The aircraft may be moved from the site of accident or serious incident only if it is necessary to extricate persons, animals, baggage and cargo, to prevent destruction by fire or any other causes, or if the aircraft obstructs safety of air navigation.

Upon the completion of the accident or serious incident investigation, the aircraft operator shall remove damaged aircraft or its wreckage, its parts and contents.

Final Report on Aircraft Accident or Serious Incident

Article 214

The commission shall investigate the accident or serious incident, determine the causes and the effects of the accident or serious incident and identify all the facts related to the accident or serious incident.

The commission shall make the final report on the investigation findings and submit it to the Government, addressing, where appropriate, measures to prevent future accidents and serious incidents and shall communicate the measures to the Directorate.

The commission shall also communicate the final report and the measures proposed to the persons and organizations concerned, and they shall consider the measures proposed and notify the commission and the Directorate of the preventive actions taken.

The commission's final report shall be available to public, except the identity of persons involved in the accident or serious incident.

Joint Civil-Military Commission

Article 215

In case of an accident or serious incident involving civil and national or foreign military aircraft, a joint civil-military commission shall investigate such accident or serious incident.

One half of the members of the joint civil-military commission shall be appointed by the minister in charge of transport and the other half shall be appointed by the minister in charge of defence.

The joint civil-military commission shall be chaired by a chairman.

Special Commission

Article 216

The special commission shall investigate an accident or serious incident involving national or foreign military aircraft.

The chairman and the members of such commission shall be appointed by the minister in charge of defence.

Bylaws

Article 217

The conditions for the establishment of the commission, the mode of its work and the mode of investigating accidents and serious incidents shall be laid down in detail by the regulation passed by the Government, upon the proposal of the minister in charge of transport.

The conditions for the establishment of the joint civil-military commission, the mode of its work and the mode of investigating accidents and serious incidents shall be laid down in detail by the regulation passed by the Government, upon the proposal of the minister in charge of transport and with the assent of the minister in charge of defence.

The establishment of the special commission and the mode of its work shall be laid down in detail by the regulation passed by the minister in charge of defence.

Chapter Eleven **FACILITATIONS**

National Programme for Facilitations in Air Transport

Article 218

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

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

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

National Committee for Facilitations in Air Transport

Article 219

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

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

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

Chapter Twelve **AVIATION SECURITY**

Definition of Aviation Security and an Act of Unlawful Interference

Article 220

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

The following shall be understood in particular as acts of unlawful interference: violence against the persons on board the aircraft in flight, if it may jeopardize the aircraft safety; demolition of an aircraft engaged in air traffic, or such inflicting of damage to an aircraft which might incapacitate that aircraft for flight or endanger flight safety; putting any device or substance on an aircraft in use by means of which such aircraft might be destroyed or so damaged that it is incapacitated to operate or the flight safety might be

jeopardized; destruction of or damage inflicted to technical systems of air traffic or obstructing their operations if these may endanger aircraft safety in flight; issuing false information by which the safety of an aircraft in flight is imperilled; unlawful and deliberate use of any device, substance or weapons for committing an act of violence against persons at an aerodrome which may result or might result in severe body injury or death of persons, or may result in demolition or serious damage to the buildings, equipment and facilities at an aerodrome or to an aircraft out of use landed therein if these may or might jeopardize the aerodrome safety.

National Aviation Security Programme

Article 221

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

The national aviation security programme shall lay down the measures and procedures which enable aviation security, and in particular the prevention of various forms of acts of unlawful interference, obligations of the state administration authorities and other entities in connection with the enforcement of security measures, actions in emergency situations, identification of security restricted areas at aerodromes and the conditions for access and movement control within such areas, control of the mode of undertaking security measures, control of the efficiency of security measures, training of personnel to implement security measures and conditions which must be met by all persons who perform security control.

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

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

National Aviation Security Committee

Article 222

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

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

Aerodrome Aviation Security Committee

Article 223

The operator of an aerodrome intended for commercial air transport and the operator of general purpose aerodrome are obliged to establish an Aerodrome Aviation Security Committee for the purpose of implementing and coordinating the aviation security measures for which they are authorized by the national aviation security programme and by the aviation security programme developed by aerodrome operator.

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

Aviation Security Programs

Article 224

The aerodrome operator, ground handling service providers, national and foreign air carriers, air navigation service providers, as well as other entities determined by the national aviation security programme, shall develop and implement, in accordance with the programme, their own aviation security programmes.

An aviation security programme shall be implemented once it has been approved by the Directorate.

An appropriate charge shall be payable to the Directorate in respect of processing an application to grant the approval of aviation security programme and the amendments thereof.

Aerodrome Security Restricted Areas

Article 225

The operator of an aerodrome engaged in commercial air transport and the operator of general purpose aerodrome shall define aerodrome security restricted area, controlled access points, passenger departure areas and to obtain for them a prior approval from the Directorate.

Security restricted area shall mean the aerodrome area to which access of unauthorized persons, vehicles and equipment is controlled to ensure aviation security.

Security Screening

Article 226

Mandatory security screening of passengers, hand luggage, hold baggage, cargo and mail shall be carried out at the aerodromes engaged in commercial air transport and at general purpose aerodromes, as well as the control of access of persons and vehicles to the security restricted area (hereinafter referred to as: security screening).

Security screening shall be conducted by an aerodrome operator or a legal entity that has concluded a contract with an aerodrome operator for security screening, under the direct supervision of the ministry in charge of interior.

For the purpose of performing security screening, a permit issued by the Directorate and valid for a limited period of time shall be prerequisite.

Bylaw

Article 227

Aviation security measures, the manner of conducting security screening, conditions under which the permit shall be granted, varied, suspended or revoked, the validity period of the permit and the form of the permit shall be defined in detail by the regulation passed by the Directorate.

An appropriate charge shall be payable to the Directorate in respect of processing an application to grant, vary, suspend or revoke permit to conduct security screening.

Obligations of the Operator of an Aerodrome Intended for Commercial Air Transport and the Operator of a General Purpose Aerodrome

Article 228

The operator of the aerodrome used for commercial air transport and the operator of a general purpose aerodrome shall ensure an area for the inspection of the aircraft which is the subject of an act of unlawful interference; conditions for the control and prevention of unauthorized access to the security restricted area; a suitable place for carrying out security screening and technical equipment for the performing of such screening.

The security control of objects, installations, devices and equipment at an aerodrome shall be performed by the aerodrome operator, and the aircraft security check shall be performed by the ministry in charge of interior.

Security Charge

Article 229

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

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

Introduction of Weapons and Prohibited Items

Article 230

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

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

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

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

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

Prohibition of Entering into a Security Restricted Area

Article 231

A person who refuses to be screened shall not be allowed to enter a security restricted area.

Persons and vehicles shall have appropriate permits to enter a security restricted area and to move within this area for the purpose of exercising their functions, and they shall be provided with corresponding sign of identification defined by the national aviation security programme.

Chapter Thirteen

COMPETENT ADMINISTRATIVE BODY AND ORGANISATION IN CHARGE OF AIR TRANSPORT MINISTRY IN CHARGE OF TRANSPORT

Article 232

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

II CIVIL AVIATION DIRECTORATE OF THE REPUBLIC OF SERBIA Establishment and Legal Status

Article 233

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

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

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

The Directorate's headquarters shall be in Belgrade.

Functions of the Directorate

Article 234

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

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

The Directorate shall be the National Supervisory Authority of the Republic of Serbia in air navigation, in accordance with the regulations of the European Union, and

therefore, it shall issue the certificate of competence for air navigation services provision and shall assess whether the providers of air navigation services fulfil the requirements for services provision.

Regulations of the Directorate

Article 235

Regulations passed by the Directorate must correspond by nature and by title to legislation passed by state administration authorities.

The Directorate's Regulations shall be published in "Official Gazette of the Republic of Serbia", free of any charge for their publication.

The regulations passed by the Directorate may make references to international acts and regulations, international standards and recommended practice, which, in such case, shall be directly applicable. In that case, the regulation of the Directorate shall contain as well the information on availability of the acts and regulations, international standards and recommended practice referred to (the Internet or some other appropriate form).

An appeal against an administrative act in the first instance enacted by the Directorate in administrative procedure may be filed with the minister in charge of transport.

Bodies of the Directorate

Article 236

The Management Board and the Director shall be the bodies of the Directorate.

Scope of the Management Board

Article 237

The Management Board shall:

- 1) adopt the Directorate's annual business plan;
- 2) adopt the Directorate's financial plan and reports which the Directorate submits to the Government;
- 3) pass the regulations;
- 4) pass general acts which are not in the scope of authority of the Director
- 5) guide the work of the Director and issue working instructions;
- 6) supervise the Directorate's business operations;
- 7) exercise other functions laid down by the law governing public agencies.

Composition of the Management Board

Article 238

The Management Board shall have five members and shall be composed of the minister in charge of transport, the minister in charge of interior affairs, the minister in charge of defence, the minister in charge of finance and the minister in charge of environmental protection.

The minister in charge of transport shall be the chairman of the Management Board.

The members of the Management Board shall be entitled to attendance allowance the net amount of which cannot be higher than uniform total average earning per an employee, before taxes and contributions, paid in the Republic of Serbia in the month of October of the year preceding the year when payment of the allowance takes place, as per the data of the competent state authority in charge of statistics.

Director

Article 239

The Director shall act as agent and represent the Directorate, manage the Directorate's work and its registered activities, enact individual legal acts of the Directorate, enact the Directorate's rules of procedure, rules relating to internal organization and job classification in the Directorate, render decisions regarding the rights, obligations and responsibilities of the employees in the Directorate, issue the directives regulating the mode of operation, acts and behaviour of the employees in the Directorate, prepare and implement the Management Board decisions and exercise other functions laid down by the law governing public agencies and other regulations and general acts.

Deputy Director

Article 240

The Director shall have the Deputy who shall be replacing him/her when absent or prevented from exercising his/her duties. The Deputy shall be nominated in the same way as the Director.

Funding of the Directorate

Article 241

The Directorate shall provide the funds to exercise the duties from its scope of activities encompassing:

- 1) fees and charges prescribed by this Law payable to the Directorate;
- 2) portion of charges paid in accordance with the Multilateral Agreement on Route Charges or other ratified international agreements and the portion of terminal charges set up by annual cost base for the performance of regulatory and oversight functions;
- 3) charges for the promotion of air transport paid, through aerodrome operator, by the departing passengers in commercial air transport;
- 4) charges for the promotion of air transport paid, through aerodrome operator, by the aircraft operators per departing tonne of mail and cargo in air transport;
- 5) other sources, in accordance with this Law.

The regulation of the Directorate on the amount of charges to be paid on the basis of this Law, the amount of charge to be paid by all departing passengers in commercial air transport and the amount of charge paid by the aircraft operators per departing tonne of mail and cargo in air transport shall enter into force upon obtaining Government approval.

Other Regulations Applicable to the Directorate

Article 242

The law governing on public agencies shall apply to all issues which concern the position of the Directorate and which are not foreseen by this Law.

The general regulations on labour shall apply to the rights, obligations and responsibilities of the Director, the Deputy and of all employees of the Directorate.

Chapter Fourteen

AUDIT AND INSPECTION

I. COMPETENCES AND THE APLICABILITY OF REGULATIONS

Article 243

Audit shall be carried out by the Directorate and inspection shall be conducted by the ministry in charge of transport.

The law governing on general administrative procedure shall apply to all issues relating to inspection and auditing and not foreseen by this Law and the inspection shall be also regulated by the law governing inspection.

II. AUDIT

Subjects of Audit, Definition and Types of Audit

Article 244

Subject to audit shall be an undertaking, other legal persons and entrepreneurs performing operations or providing services in aviation (hereinafter referred to as “subjects of audit”).

Audit shall establish whether the subject of audit fulfils the requirements for exercising functions or providing services in aviation.

An initial audit shall verify whether the subject of audit meets the requirements for acquiring the certificates or other individual legal acts.

The periodical audit shall be conducted while the certificate or other individual legal act is in force.

A fee shall be payable to the Directorate for conducting audits at the request of a subject of audit.

Audit shall be performed as an entrusted state administration function.

Program of Periodical Audit

Article 245

The Directorate shall draw up the program of periodical audits for each year, and notify the time of audit to the accountable person of the subject of audit.

The Directorate shall also notify the accountable person of the subject of audit on the scope, plan and the mode of auditing.

Auditors

Article 246

Audit shall be conducted by the authorized persons of the Directorate (auditors).

An auditor shall be entitled and authorized to assess facilities, equipment, devices, designs, documentation, and public documents of the subject of audit; to make an insight into the work process and quality of services rendered by the subject of audit and to take the statements needed to establish factual findings.

When conducting an audit, an auditor shall have an auditor's identity card in possession evidencing that he is an auditor.

Auditor's Report, Corrective Measures and the Procedure of the Directorate

Article 247

Auditors shall draw up written report on their assessment containing the factual findings and established, described and documented irregularities.

The written report shall be forwarded to the Directorate and to the subject of audit.

Depending on the contents of the report, the Directorate may order to the subject of audit to propose corrective measures for the rectification of irregularities and the terms for their undertaking.

The Directorate shall evaluate corrective measures proposed by the subject of audit and accept them if convenient for the rectification of irregularities, and the subject of audit shall apply the corrective measures adopted by the Directorate.

The Directorate and the subject of audit shall jointly agree upon the timeframe for the corrective measures to be applied by the subject of audit.

Upon completion of auditors' work, the final decision on the audit results shall be brought by the Director of the Directorate.

Delegation of Particular Audit Activities

Recognition of Foreign Documents

Article 248

The Directorate may delegate particular activities within audit either to a natural or legal person, on condition that such person is licensed for the conduct of particular activities within audit.

A licence for conducting particular activities within audit shall be issued by the Directorate for a limited period of time.

The Directorate may recognize a document for conducting audits issued by a foreign State or an international organization if the conditions under which it has been issued are as stringent as the conditions prescribed for conducting audits in the Republic of Serbia.

A 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.

Bylaw

Article 249

The mode of implementing audit procedure, the conditions for acquiring the status of an auditor, the rights and obligations of auditors and the form of their official identity card, the rights and obligations of the subjects of audit and the contents of the audit report shall be detailed and defined in the regulation passed by the Directorate.

The Directorate shall also prescribe activities within the audit, which may be entrusted either to natural or legal persons, the requirements that natural or legal persons shall meet in order to be issued with a licence, the validity period of such a licence, the conditions under which it shall be varied, suspended or revoked as well as the form of the licence.

III. INSPECTION

1. Definition of Inspection. Aviation Inspector

Article 250

Inspection oversight in respect of the implementation of this Law, regulations adopted on the basis of this Law, international documents and accepted national and international standards and recommended practice shall be performed by the ministry in charge of transport - by virtue of an aviation inspector.

Inspection shall be conducted in respect of air navigation service provider, air carrier, aircraft owner and operator, operator of aerodrome, airfield or terrain, aerodrome investor, aeronautical-technical organization, aviation personnel, as well as other undertakings, legal persons, entrepreneurs and natural persons performing operations, duties or providing services (hereinafter referred to as “subjects of inspection”)

When conducting the inspection, the aviation inspector shall wear official uniform and have his official identity card in his possession-

The requirements to be met for acquiring the status of an aviation inspector, the official uniform and the form of an official identity card of aviation inspector shall be prescribed by the minister in charge of transport.

Aviation inspector shall neither develop nor take part in the development of planning or technical documentation and the technical control of technical documentation of a subject of inspection, nor conduct expert oversight in respect of production, construction or building activities of the subject of inspection.

2. Rights and Duties of an Aviation Inspector

Article 251

Aviation inspector shall conduct the procedure, grant decisions and take measures within the rights and duties laid down in this Law.

While performing inspection, the aviation inspector shall be entitled and authorized to:

1) inspect all aeronautical documentation of the subject of inspection defined in this Law;

1) inspect:

1) airports, airfields and terrains,

- 2) aircraft and aeronautical products,
 - 3) communications, navigation and surveillance systems, appliances, equipment and facilities,
 - 4) premises, facilities, installations, operating means and products,
 - 5) other objects, devices and items of the subject of inspection;
- 2) take statements from authorized persons of the subject of inspection and from other persons;
 - 3) demand the reports and data on the business operations of the subject of inspection;
 - 4) make direct insight into the work of personnel of the subject of inspection;
 - 5) take other measures and actions within his/her competence;

Aviation inspector shall inform the accountable person of the subject of inspection of his/her presence.

The accountable person of the subject of inspection shall act upon the orders of the aviation inspector.

3. Aviation Inspector Authorizations **Authorization to Order Rectification of Irregularities**

Article 252

In case of observing the work irregularities of the subject of inspection, the aviation inspector shall be authorized to make a decision ordering the subject of inspection to rectify observed irregularities and to determine the term the subject of inspection shall be bound to rectify the irregularities.

The subject of inspection shall be bound to act upon the decision granted by the aviation inspector.

The accountable person of the subject of inspection shall be obligated to notify in writing the aviation inspector, within 48 hours from the expiry time of the term scheduled for the rectification of irregularities, whether irregularities have been rectified.

Authorization for Temporary Restriction and Limitation

Article 253

Depending on the inspection results and the severity of direct jeopardizing safety and security, the aviation inspector shall be authorized to make an immediate decision to:

- 1) prohibit temporarily an undertaking, other legal entity or an entrepreneur to exercise activities or render services;
- 2) prohibit an undertaking, other legal entity, entrepreneur or a natural person to undertake activities which may be dangerous for aviation safety and security, life and health of people, environment and property;
- 3) restrict temporarily or prohibit temporarily a company, other legal entity or an entrepreneur to use aircraft, aerodrome, facilities, premises, working means, equipment, systems or devices that do not meet the requirements prescribed for their utilization.

The aviation inspector shall be authorized to prohibit temporarily the exercise of duties to a person from among the aviation personnel whose activities directly affect air transport safety under the requirements laid down in Article 184 of this Law.

Authorization to Submit Proposals to the Director of the Directorate

Article 254

An aviation inspector may, in writing, propose to the Director of the Directorate the following:

- 1) variation, suspension or revocation of the certificate or other individual legal act which is to confirm that an undertaking, other legal person or an entrepreneur meets the requirements to exercise activities or render services in aviation;
- 2) variation, suspension or revocation of the certificate of competence granted to a person from among the aviation personnel whose activities indirectly have an impact to the safety of air traffic;
- 3) additional assessment of the competence or medical fitness of a person from among the aviation personnel whose activities indirectly affect the safety of air traffic.

4. Inspection Records

Article 255

The aviation inspector shall, immediately upon completion of inspection and *in situ*, draw up the inspection records which shall also contain the measures ordered to the subject of inspection.

Exceptionally, an aviation inspector who prohibits in writing the exercising of duties to a person from among aviation personnel whose activities directly affect air transport safety shall draw up the inspection records within 24 hours upon completion of inspection as per Article 184 of this Law.

The inspection records shall be forwarded to the subject of inspection.

5. Other Provisions on Inspection

Air Carrier's Obligation to Provide a Seat for Aviation Inspector

Article 256

An air carrier is obliged to, upon notification, provide a seat on board the aircraft for the aviation inspector who shall oversee the work of aircraft crew or check airworthiness of the aircraft in flight.

Right to Institute an Administrative Dispute against the Decision of an Aviation Inspector

Article 257

An appeal to the decision of an aviation inspector shall not be permitted.

An administrative dispute against the decision of an aviation inspector may be initiated.

Exceptionally, the minister in charge of transport may, at the plaintiff's proposal, postpone the enforcement of a decision, if that does not jeopardize aviation safety and security.

Chapter fifteen
PENALTY PROVISIONS

Violations
Article 258

A legal person shall be liable to a fine for violation which may range from 300 000 to 1 000 000 RSD if it:

- 1) launches rockets or other flying objects in a manner that jeopardizes air transport safety, contrary to Article 10, paragraph 1 of this Law;
- 2) launches rockets and other flying objects without prior approval granted by the air navigation service provider (Article 10, paragraph 2);
- 3) allows parachute descents contrary to Article 11 of this Law;
- 4) fails to establish the safety management system or to obtain an approval from the Directorate for the system and its changes and amendments (Article 16, paragraph 2);
- 5) fails to report any occurrences the Directorate in accordance with its safety management manual (Article 17, paragraph 1);
- 6) fails to notify the Directorate of its intention to introduce a change into the functional system, or fails to present to it the relevant safety argumentation and obtain its approval for the change planned (Article 18, paragraph 1);
- 7) fails to continuously and systematically identify hazards, assess and mitigate risks in performing its activities (Article 19, paragraph 1);
- 8) does not use systems, devices, equipment and facilities according to the technical documentation, user manuals and maintenance programs or if such technical documentation, user manuals and maintenance programs are not properly kept and updated (Article 53, paragraph 2);
- 9) does not plan, design, procure or use communication, navigation and surveillance systems, devices, equipment and facilities, the technical properties and operating and maintenance procedures of which meet the international standards, commitments assumed by a ratified international agreement, and conditions prescribed by the Government (Article 54, paragraph 1);
- 10) does not regularly check and calibrate from air communication, navigation and surveillance systems, devices and equipment (Article 54, paragraph 2);
- 11) fails to make available observed meteorological data or place such data at the disposal of service users (Article 57, paragraph 1);

- 12) fails to publish in the 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 prescribed by the International Civil Aviation Organization and other data significant for the operation of aircraft (Article 60, paragraph 1);
- 13) fails to provide aeronautical information service provider with the information relevant for the safety, regularity and efficiency of air navigation for the purpose of publishing in the Integrated Aeronautical Information Package (Article 60, paragraph 2);
- 14) provides air navigation services and does not hold a certificate to provide air navigation services, or has not been designated by the Government to provide such services (Article 64, paragraph 1);
- 15) does not record data in electronic or some other form and does not keep all data of the services provided (Article 71, paragraph 1);
- 16) provides aerial work without holding an aerial work certificate (Article 95, paragraph 2).
- 17) organizes an aeronautical event without the approval of the Directorate (Article 98, paragraph 1);
- 18) in the capacity of an aerodrome operator, permits the use of an aerodrome without previously obtained certificate or without previous registration in the Aerodromes Register of the Republic of Serbia or if, at the time of operations, the aerodrome does not comply with the standards required for safe and secure conduct of air transport (Article 102, paragraph 1);
- 19) in the capacity of an airfield or terrain operator, permits the use of an airfield and a terrain without previously obtained permit or without previous registration of the airfield in the Airfields Register, and the terrain in the Terrains Register, and if, at the time of operations, the airfield and terrain do not comply with the standards required for safe and secure conduct of air transport (Article 102, paragraph 2);
- 20) fails to restrict or permanently or temporary cease to operate an aerodrome if the aerodrome fails to comply with any of the conditions required for safe and secure conduct of air transport (Article 103, paragraph 2).
- 21) fails to file an application for the variation of an aerodrome certificate in case of the modification of aerodrome purpose, reference code, category and technical characteristics, as well as other conditions of aerodrome operations prescribed by the Directorate (Article 108);

22) fails to ensure that, in the course of developing the aerodrome planning and construction documentation, all the regulations governing facilities construction, as well as the particular conditions prescribed by the Directorate, are observed (Article 110);

23) fails to submit to the Directorate the planning and technical documentation in respect of the construction of an aerodrome in order to obtain an approval ensuring the maintenance of the acceptable level of air transport safety (Article 111, paragraph 1);

24) fails to remove or demolish obstacles which directly affect safety or fails to mark the obstacles which might affect safety so as to be visible by day, by night, and in low visibility conditions (Article 114, paragraph 1);

25) positions facilities, installations and devices within or outside the aerodrome perimeter, which might as an obstacle affect the safety of air transport operations, without previously obtained certificate from the Directorate that they do not affect the maintenance of an acceptable safety level (Article 113, paragraph 1);

26) positions facilities, installations and devices within or outside the aerodrome perimeter, which can affect safety due to the emission or reflection of radio waves, without previously obtained certificate from the Directorate that they do not affect the maintenance of an acceptable level of air traffic safety (Article 115, paragraph 1);

27) uses and cultivates land, forms dumps, grows cereals and performs other activities in the vicinity of the manoeuvring areas, aprons and facilities within the aerodrome perimeter which affect the safe departure, arrival and accommodation of an aircraft at an aerodrome (Article 116, paragraph 1);

28) fails to ensure observation of the bird movements in the vicinity of an aerodrome and their dispersion away from an aerodrome (Article 116, paragraph 2);

29) fails to define conditions for the use of the aerodrome or fails to undertake all necessary measures in accordance with Article 117 of this Law;

30) fails to provide inspection of manoeuvring areas, aprons, installations, devices and equipment at an aerodrome, in accordance with paragraph 1, Article 118 of this Law.

31) fails provide regular maintenance of the manoeuvring areas and the aprons, and notify a competent air traffic control unit on their state (Article 118, paragraph 2);

32) in the capacity of the operator of an aerodrome intended for commercial air transport, fails to ensure that this aerodrome is used during its operating hours (Article 125, paragraph 1);

33) fails to provide rescue and fire fighting services and emergency medical service (aerodrome services) or fire fighting and medical protection, in accordance with the regulation passed by the Directorate (Article 126, paragraph 1);

34) fails to ensure a service unit to control the aircraft movement areas, as well as the conduct of security controls at aerodromes intended for commercial air services as well as at the general purpose aerodromes (Article 126, paragraph 2);

35) fails to provide passenger embarkation and disembarkation services to the disabled passengers and passengers with reduced mobility in the manner that enables these persons to travel by air under equal conditions and without discrimination (Article 127, paragraph 3);

36) provides ground handling services without a previously obtained authorization for the provision of ground handling services (Article 128, paragraph 1);

37) fails to set up a committee of air carriers using aerodrome services at an aerodrome intended for commercial air transport (Article 133, paragraph 1);

38) enables aviation personnel whose activities directly affect air transport safety to perform their duties without being appropriately licensed (Article 172, paragraph 1);

39) enables aviation personnel whose activities indirectly affect air transport safety to perform their duties without holding an appropriate certificate of competence (Article 174);

40) trains aviation personnel on the basis of the training programmes that are not harmonized with the international standards and recommended practice and approved by the Directorate (Article 180, paragraph 1);

41) trains aviation personnel on the flight simulator training aids for the use of which the permit has not been obtained from the Directorate (Article 180, paragraph 2),

42) fails to assess psychological and physical condition of aviation personnel before aviation personnel undertake exercising their functions, as well as during exercising their functions, in the manner which shall not prevent their work (Article 193, paragraph 2);

43) fails to act in compliance with Article 199, paragraph 2 of this Law.

44) fails to undertake the measures for protection of environment against aircraft noise and other noise related external factors, which result from the operations and service provision in aviation (Article 200, paragraph 1);

45) fails to ensure that, in the course of the use of an aerodrome, the environmental protection measures are applied, in accordance with this Law and the regulations governing environmental protection (Article 201);

46) fails to provide permanent measuring of noise at the aerodrome and in its vicinity generated during take-offs and landings of aircraft (Article 203, paragraph 1);

47) removes aircraft or its contents from the scene of accident or serious incident prior the preservation of relevant evidence of the accident or serious incident and the approval obtained from the chairman of the commission, as well as the approval obtained from the appropriate judicial authority (Article 213, paragraph 1);

48) fails to establish an Aerodrome Aviation Security Committee at an aerodrome engaged in commercial air transport and the general purpose aerodrome (Article 223, paragraph 1);

49) fails to develop and implement its own aviation security programme in accordance with the national aviation security programme (Article 224, paragraph 1);

50) implements its own aviation security program without the Directorate's approval (Article 224, paragraph 2);

51) fails to define aerodrome security restricted area, controlled access points, passenger departure areas and to obtain for them a prior approval from the Directorate (Article 225, paragraph 1);

52) in the capacity of the operator of an aerodrome engaged in commercial air transport or a general purpose aerodrome, fails to ensure the security screening of passengers, hand luggage, hold baggage, cargo and mail, as well as the control of access of persons and vehicles to the security restricted area (Article 226, paragraph 1);

53) fails to obtain the Directorate's permit for the purpose of security screening activities (Article 226, paragraph 3);

54) fails to ensure an area for the inspection of the aircraft which is the subject of an act of unlawful interference or the conditions for the control and prevention of unauthorized access to the security restricted area or a suitable place for carrying out security screening and technical equipment for the performing of such screening (Article 228, paragraph 1).

55) fails to act upon the decision granted by the aviation inspector (Article 252, paragraph 2)

The accountable person within the legal entity shall be liable to a fine of 25.000 to 50.000 RSD for the violations under paragraph 1 hereof.

The entrepreneur shall also be liable to a fine of 100 000 to 300 000 RSD for the violation under paragraph 1 hereof.

Violations subject to Penalty and Committed by the Aircraft Operator **Article 259**

A person which is the aircraft operator shall be liable to a fine of 400 000 to 1 000 000 RSD if it:

- 1) operates air transport and other operations of aircraft over cities and towns, populated areas and industrial facilities below the altitude prescribed by the rules on classes of airspace referred to in Article 37 of this Law (Article 8, paragraph 1);
- 2) performs dropping and spraying from an aircraft in flight contrary to Article 9 of this Law;
- 3) operates an aircraft in a prohibited area (Article 13, paragraph 1);
- 4) operates an aircraft in a danger area taking no account of temporal limitations (Article 13, paragraph 4);
- 5) the aircraft is operated in the airspace of the Republic of Serbia without the flight plan filed in advance to the air navigation service provider (Article 24, paragraph 1),
- 6) operates commercial air transport without an operating licence (Article 78, paragraph 1);
- 7) operates sightseeing flights and the carriage by non-power-driven aircraft or ultralight power-driven aircraft without an air operator certificate (Article 79, paragraph 2);
- 8) at the request of the Directorate, fails to submit data related to the fulfilment of the conditions foreseen for the issuance of an operating licence (Article 80, paragraph 3);
- 9) prior to leasing an aircraft, fails to obtain an approval from the Directorate to conclude a leasing agreement (Article 87, paragraph 2);
- 10) leases an aircraft without crew to any foreign air carrier without prior approval of the Directorate (Article 87, paragraph 3).
- 11) fails to operate scheduled international air services on a route in accordance with conditions laid down in ratified international agreements (Article 89, paragraph 2);
- 12) fails to set air fares and rates for the carriage of passengers, baggage, mail and cargo in commercial air transport, in accordance with a ratified international agreement (Article 92, paragraph 1);
- 13) fails to publish a total amount of air fares and air rates for scheduled air services in compliance with Article 92, paragraph 2 of this Law;
- 14) fails to publish the timetable not later than 15 days prior to the beginning of its application, and the changes to the timetable – not later than ten days prior to the application of the changed the timetable (Article 94, paragraph 2);

15) fails to conduct operations in accordance with the published timetable and, while it is in force, changes the timetable or interrupt air services contrary to the provisions set forth in Article 94, paragraph 3 of this Law.

16) fails to notify the public immediately on the disruption of air services or the timetable changes (Article 94, paragraph 4).

17) in operating commercial air transport, fails to use for taking-off and landing an aerodrome intended for commercial air transport or a general purpose aerodrome (Article 121, paragraph 1);

18) operates an aircraft not entered on the Aircraft Register of the Republic of Serbia or on the Aircraft Records of the Republic of Serbia or if such an aircraft is not continuously airworthy (Article 135, paragraph 1);

19) fails to use an aircraft in accordance with its category, type and purpose (Article 135, paragraph 2);

20) uses an aircraft having the nationality marks of the Republic of Serbia but bearing not the nationality, common and registration marks (Article 145, paragraph 2);

21) uses an aircraft entered on the Aircraft Register not carrying on board, while in flight, the aircraft registration certificate, certificate of airworthiness, airworthiness review certificate, aircraft radio station licence and other records and logbooks as prescribed by the Directorate (Article 147, paragraph 1);

22) carries out an aeronautical-technical activity without an approval for carrying out such an activity (Article 149, paragraph 2);

23) fails to ensure number and composition of the aircraft crew members in accordance with aircraft type certificate, aircraft operations manual, operations manual of the aircraft operator and the Directorate's regulation (Article 194, paragraph 2);

24) enables a person that has attained 65 years of age to act as a pilot of an aircraft operating commercial air transport (Article 196, paragraph 1);

25) enables that, in a multi-member crew of an aircraft operating commercial air transport, there is more than one pilot who is over 60 years of age (Article 196, paragraph 3);

26) fails to designate pilot-in-command for each flight or a part thereof (Article 197, paragraph 3);

27) fails to act in accordance with the regulation mentioned in Article 198, paragraph 1 of this Law;

28) upon the completion of the accident or serious incident investigation, fails to remove damaged aircraft or its wreckage, its parts and contents (Article 213, paragraph 3);

29) fails to act upon the decision granted by the aviation inspector (Article 252, paragraph 2);

30) fails to provide, upon notification, a seat on board the aircraft for the aviation inspector who monitors the work of aircraft crew or checks airworthiness of the aircraft in flight (Article 256);

The accountable person within the legal entity shall also be liable to a fine of 30 000 to 50 000 RSD for the violations under paragraph 1 hereof.

The entrepreneur shall also be liable to a fine of 250 000 to 500 000 RSD for the violation under paragraph 1 hereof.

Violations subject to Penalty and Committed by Natural Persons

Article 260

The natural person shall be liable to a fine of 10 000 to 50 000 RSD if he/she:

1) operates air transport and other operations of aircraft over cities and towns, populated areas and industrial facilities below the altitude prescribed by the rules on classes of airspace referred to in Article 37 of this Law (Article 8, paragraph 1);

2) performs dropping and spraying from an aircraft in flight contrary to Article 9 of this Law;

3) launches rockets or other flying objects in a manner that compromises air transport safety, contrary to Article 10, paragraph 1 of this Law;

4) launches rockets and other flying objects without prior approval granted by the air navigation service provider (Article 10, paragraph 2);

5) performs parachute descents or allows parachute descents contrary to Article 11 of this Law;

6) operates an aircraft in a prohibited area (Article 13, paragraph 1);

7) operates an aircraft in a danger area taking no account of temporal limitations (Article 13, paragraph 4);

8) in the capacity of a pilot-in-command, violates the airspace of the Republic of Serbia (Article 23, paragraph 1);

- 9) while providing air traffic control services, does not use the standard phraseology in English language (Article 48, paragraph 1);
- 10) operates sightseeing flights and the carriage by non-power-driven aircraft or ultra light power-driven aircraft without an air operator certificate (Article 79, paragraph 2);
- 11) fails to remove or demolish obstacles endangering air traffic safety or those that might endanger air traffic safety or fails to mark them so as to be visible in the daylight, by night, and in low visibility conditions (Article 114, paragraph 1);
- 12) positions facilities, installations and devices within or outside the aerodrome perimeter, which might as an obstacle affect the safety of air transport operations, without previously obtained certificate from the Directorate that they do not affect the maintenance of an acceptable safety level (Article 113, paragraph 1);
- 13) positions facilities, installations and devices within or outside the aerodrome perimeter, which can affect safety due to the emission or reflection of radio waves, without previously obtained certificate from the Directorate that they do not affect the maintenance of an acceptable level of air traffic safety (Article 115, paragraph 1);
- 14) uses and cultivates land, forms dumps, grows cereals and performs other activities in the vicinity of the manoeuvring areas, aprons and facilities within the aerodrome perimeter which affect the safe departure, arrival and accommodation of an aircraft at an aerodrome (Article 116, paragraph 1);
- 15) performs activities which directly affect air transport safety being not properly licensed with corresponding ratings of the licence holders (Article 172, paragraph 1);
- 16) performs activities which indirectly affect air transport safety being not properly licensed with corresponding certificate of competence, which includes the ratings of the certificate holder (Article 175, paragraph 1);
- 17) while exercising assigned functions, does not have the licence or certificate of competence in his/her possession, and the flight crew, air traffic controllers and cabin crew – the medical certificate as well (Article 187, paragraph 1);
- 18) while attending the practical training does not have in his/her possession a document proving that he/she is undergoing the practical training (Article 187, paragraph 2);
- 19) while exercising their functions, is under the effects of alcohol or any psychoactive substances or in psychological and physical conditions that incapacitate proper exercising of his/her functions (Article 193, paragraph 1);
- 20) acts as a pilot of an aircraft operating commercial air transport having attained 65 years of age (Article 196, paragraph 1);

- 21) prior to a flight, fails to verify that the aircraft and the aircraft crew are ready for the flight, that all needed documents and logbooks are on board the aircraft, and shall be responsible to undertake the measures laid down by the operations manual of the aircraft operator (Article 198, paragraph 1);
- 22) such person fails to observe the orders given by the pilot-in-command (Article 198, paragraph 2);
- 23) fails to undertake all measures needed to maintain the flight safety and aircraft security (Article 198, paragraph 4);
- 24) fails to act in compliance with the regulation mentioned in Article 199, paragraph 1 of this Law;
- 25) fails to act in compliance with the regulation mentioned in Article 199, paragraph 2 of this Law;
- 26) removes aircraft or its contents from the scene of accident or serious incident prior the preservation of relevant evidence of the accident or serious incident and the approval obtained from the chairman of the commission, as well as the approval obtained from the appropriate judicial authority (Article 213, paragraph 1);
- 27) introduces weapons or firearms, ammunition, explosive, flammable or hazardous substances into the cabin compartment of an aircraft and into the security restricted area as well as the articles specified on the list of forbidden items prescribed by the Directorate (Article 230, paragraph 1);
- 28) prior to embarkation, fails to hand over weapon or firearm or ammunition on the check-in to an officer of the ministry in charge of interior at the aerodrome (Article 230, paragraph 3);
- 29) for the purpose of entering the security restricted area and moving within this area for the purpose of exercising his/her functions, does not have corresponding sign of identification defined by the national aviation security programme (Article 231, paragraph 2);
- 30) fails to act upon the order of the aviation inspector (Article 251, paragraph 4);
- 31) fails to act upon the decision granted by the aviation inspector (Article 252, paragraph 2);
- 32) fails to notify in writing the aviation inspector, within 48 hours from the expiry time of the term scheduled for the rectification of irregularities, whether irregularities have been rectified (Article 252, paragraph 3).

Chapter sixteen

TRANSITIONAL AND FINAL PROVISIONS

Status of the Serbia and Montenegro Air Traffic Services Agency Ltd.

Article 261

By virtue of the Agreement between the Government of the Republic of Serbia and the Government of Montenegro concluded on 31st October 2003 whereby the Serbia and Montenegro Air Traffic Services Agency Ltd. was established, it is deemed that the Government has authorised the Serbia and Montenegro Air Traffic Services Agency Ltd. to render all services in air navigation in the territory of the Republic of Serbia until the Government decides otherwise.

Term for Enactment of Regulations for the Enforcement of this Law

Article 262

Regulations for the enforcement of this Law shall be enacted within the term of 24 months from the date of entry into force of this Law.

Enactment of Government Acts and the Establishment of the Committees

Article 263

The Government shall enact the national civil aviation safety programme, the national policy for airspace management and the national program for facilitation in air transport within the period of 18 months from the date of entry into force of this Law.

The Government shall establish the National Aviation Committee for Airspace Management, the National Committee for Facilitation in Air Transport and National Aviation Security Committee within the period of 18 months from the date of entry into force of this Law.

Taking over the Authorizations in the Domain of Inspection Oversight in Aviation

Article 264

The Ministry of Infrastructure shall take over from the Directorate the employees and the rights, obligations, case files, equipment, working means and archives needed for exercising the competence in the domain of inspection in aviation.

Enactment of the Regulations Stemming from the ECAA Agreement

Article 265

Notwithstanding the regulations for the enactment of which the Directorate is empowered, the Directorate shall adopt the regulations in the domain of aviation contained in Annex I to the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (pursuant to UN Security Council Resolution 1244 of 10 June 1999) on the Establishment of a European Common Aviation Area (the ECAA Agreement). The multilateral

agreement has been ratified by means of the law published in “Official Gazette of the Republic of Serbia – International Treaties” No 38/09.

Management Board and the Director of the Directorate

Article 266

The Council of the Civil Aviation Directorate of the Republic of Serbia shall continue, from the date of entry into force of this Law, to act as the Management Board of the Directorate, composed as foreseen by this Law.

The Director General and the Deputy Director General of the Civil Aviation Directorate of the Republic of Serbia shall continue, from the date of entry into force of this Law, to work as the Director of the Directorate and the Deputy Director of the Directorate, as a public agency, with the authorizations foreseen by this Law and the law governing public agencies.

Validity of Individual Legal Acts Passed on the Basis of Regulations in Force

Article 267

Licences and other individual legal acts passed on the basis of regulations in force on the day of entry into force of this Law, which certified that their holders are qualified to perform functions or duties or provide services in aviation, shall remain in force up to the term of the expiry of validity indicated therein, or until the issuance of appropriate individual legal acts passed on the basis of this Law and regulations adopted on the basis thereof, and not later than 24 months from the day of entry into force of this Law.

All entities bound by the provisions of this Law to obtain an individual legal act certifying they fulfil the conditions necessary to perform functions, duties or provide services in aviation, and being not bound in this respect by the Air Transport Law (“Official Gazette of FRY” No 12/98, 5/99, 44/99, 73/00 and 70/01 and “Official Gazette of RS” No 101/05), shall fulfil all the conditions laid down in this Law within 24 months from its entry into force.

Application of this Law in respect of proceedings commenced

Article 268

The provisions of this Law shall be applicable to all proceedings commenced prior to entry into force of this Law if, until its entry into force, they were not resolved by rendering of a final decision.

Exceptionally, violation procedures commenced prior to the entry into force of this Law shall be concluded in accordance with the regulations that have been in force until the day of entry into force of this Law, if they are less severe for the offender.

Abrogation of the Air Transport Law and other regulations

Article 269

On the day of entry into force of this Law, the Air Transport Law (“Official Gazette of FRY” No 12/98, 5/99, 44/99, 73/00 and 70/01 and “Official Gazette of RS” No 101/05), the Decision on the Establishment of the Civil Aviation Directorate of the State of Serbia and the State of Montenegro (“Official Gazette of RS” No 102/03), the Decision on the Exercise of Founding Rights in the Civil Aviation Directorate of the

State of Serbia and the State of Montenegro (“Official Gazette of RS” No 53/06) and the Conclusion on the Change of the Name of the Civil Aviation Directorate of Serbia and Montenegro (“Official Gazette of RS” No 12/07) shall cease to be in force.

Entry into Force of this Law

Article 270

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