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Forum International des Transports International Transport Forum

Group on Road Transport

Report by SERBIA on implementation of the QUALITY CHARTER

ITF/TMB/TR(2016)3/ADD13/FINAL

02-Aug-2018

English - Or. English

INTERNATIONAL TRANSPORT FORUM TRANSPORT MANAGEMENT BOARD

ITF/TMB/TR(2016)3/ADD13/FINAL For Official Use

The application of Republic of Serbia was approved by the Group on Road Transport under Agenda Item 5 of the meeting held on 22 and 23 March 2018 in Paris, France.

This report is supplemented by Appendix ITF/TMB/TR(2016)/ADD13/APP1/FINAL on Implementation of CPC Manager and CPC Driver (initial and periodic training).

JT03434888

This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

Република Србија Потпредседница Владе Министарство грађевинарства, саобраћаја и инфраструктуре Немањина 22-26 11000 Београд



Republic of Serbia Deputy Prime Minister Ministry of construction, transport and infrastructure 22-26, Nemanjina Str. 11000 Belgrade Serbia

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Београд, 29. март 2018.

Поштовани господине Ким,

Имамо задовољство да вас обавестимо да је Република Србија усклађена са одредбама Повеље о квалитету за међународни превоз терета у оквиру ЦЕМТ мултилатералне квоте.

Република Србија примењује све релевантне прописе и директиве обухваћене Повељом, а посебно Уредбу 1071/2009 ЕК, Уредбу 1072/2009 ЕК, Уредбу 561/2006 ЕК и Директиву 2003/59 ЕК.

Правни акти Републике Србије су усаглашени са европским правним оквиром и стога су све одредбе Повеље о квалитету у потпуности имплементиране у области друмског превоза.

С поштовањем,

др Ворана З. Михајловић

Господин Јанг Те Ким генерални секретар Међународни транспортни форум ОЕЦД/ИТФ улица Андре Паскал 2, 75775 Париз Француска

Република Србија Потпредседница Владе Министарство грађевинарства, саобраћаја и инфраструктуре Немањина 22-26 11000 Београд



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Courtesy translation Belgrade, 29 March 2018

Dear Mr. Kim,

We are pleased to inform you that the Republic of Serbia is compliant with the provisions of the Quality Charter for the International Road Haulage under ECMT Multilateral Quota.

The Republic of Serbia implements all relevant regulations and directives provided, in particular the Regulation CE 1071/2009, Regulation CE 1072/2009, Regulation CE 561/2006, Directive 2003/59/EC.

Legal acts of the Republic of Serbia are in coherence with the European framework and therefore all the provisions of the Quality Charter are fully implemented in the road transport sector.

With best regards,

Professor Zorana Z. Mihajlović, PhD

Mr. Young Tae Kim Secretary-General International Transport Forum OECD/ITF, 2 Rue André Pascal, 75775 Paris Cedex 16 France

REPORT ON IMPLEMENTATION OF QUALITY CHARTER FOR INTERNATIONAL ROAD HAULAGE OPERATIONS UNDER THE ECMT MULTILATERAL QUOTA

COUNTRY: REPUBLIC OF SERBIA

NATIONAL AUTHORITY: MINISTRY OF CONSTRUCTION, TRANSPORT AND INFRASTRUCTURE

SUMMARY OF THE MAIN POINTS

on compliance of national regulations/laws of the Republic of Serbia with the provisions of the Quality Charter

SECTION 1. PROVISIONS REGARDING TRANSPORT UNDERTAKINGS (Chapter II of the Charter) – They have been fully implemented from 12 February 2017.

SECTION 2. PROVISIONS REGARDING THE DRIVERS (Chapter III of the Charter)

- A) Driving times and rest periods (Chapter III, 1): All 43 Member Countries participating in the ECMT Multilateral Quota are parties to the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) dated 1 July 1970.
- B) Driver training (Chapter III, 2)
 - Article 2.1. has been fully implemented from 12 February 2017.
 - Article 2.2.-2.6. have been fully implemented from 22 March 2018.
- *C) Conditions of employment (Chapter III, 3)* has been fully implemented from 12 February 2017.

SECTION 3. PROVISIONS REGARDING CHECKS AND PENALTIES (Chapter IV of the Charter)

A) Competent authorities and mutual assistance (Chapter IV, 1)

- Articles 1.2.1 and 1.2.2. have been fully implemented from 12 February 2017.
- Articles 1.2.3. and 1.2.4. have been fully implemented from 12 February 2017.
- Article 1.2.5. has been fully implemented.
- Article 1.3. has been fully implemented from 12 February 2017.

B) Checks (Chapter IV, 2)

- Article 2.1.1. has been fully implemented.
- Article 2.2. has been fully implemented from 12 February 2017.

C) Classification of Infringements (Chapter IV, 3)

- Article 3.1. has been fully implemented
- Article 3.2. has been fully implemented from 12 February 2017.

D) Penalties (Chapter IV, 4)

- Articles 4.1 and 4.3 have been fully implemented from 12 February 2017.
- Article 4.2 has been fully implemented from 22 March 2018.

SECTION 1. PROVISIONS REGARDING TRANSPORT UNDERTAKINGS (Chapter II of the Charter)

A) Conditions of establishment (Chapter II, 2)

Implemented

Article 2.2.a)	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 12. The requirement of real permanent headquarters is met by a company, other legal entity or entrepreneur whose seat is located on the territory of the Republic of Serbia and that has premises for keeping the basic business documents (its accounting documents, personnel management documents, documents containing data relating to driving time and rest, etc.) and other documents essential to perform the activities.
	Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u</u> <u>%20drumskom%20saobracaju.pdf</u>
Article 2.2.b)	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 13.1 The requirement of appropriate fleet is met by a company, other legal entity or entrepreneur who has at least one freight vehicle or group of vehicles, registered in the Republic of Serbia that is owned or used on the basis of financial lease contract or lease agreement.
	□ Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u</u> <u>%20drumskom%20saobracaju.pdf</u>
Article 2.2.c)	✓ Fully
	Requirement is met based on articles 12 and 13.1 mentioned above, as well mandatory vehicle technical inspection (twice a year for commercial vehicles). Possession of necessary administrative and appropriate technical equipment and devices is related to the transport operator's operational centre, i.e. the road transport operator's premises. The Law on Road Freight Transport regulates the business premises in which the basic business documents are kept without listing the additional equipment.
	□Useful Links:
	http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u %20drumskom%20saobracaju.pdf

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

	Corresponding National Provision: Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>)
Any other comments:	-

B) Good Repute (Chapter II, 3)

Article 3.1.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 8.1. The requirement relating to business reputation is met by a company, other legal entity or entrepreneur if:1. A person responsible for transport:
	1) Has not been served final court measure of prohibition of performance of certain activities in economic and financial operations;
	2) Has not been served law binding power of the judgment for criminal offences against property, economy, the safety of public transport, labour rights, legal procedures, or against the general safety of people, property and environment;
	3) Has not been served law binding power of the judgment for other criminal offences, and has not been sentenced to prison to a term longer than one year (which means that, a contrario, a person having been sentenced to a one-year jail sentence keeps his good reputation. This may be seen as disproportionate), and
	4) Has not been served, for the past two years, and for three times or more, a law binding power of the judgment by the Commercial Court, whereof has been convicted of serious economic offence in the area of public road freight transport and road traffic safety for which a fine in amount exceeding 100,000 dinars is prescribed.
	2. A company or other legal entity:
	1) Has not been served final court measure of prohibition of conducting of public transport in road traffic;
	2) has not been served, for the past two years, and for three times of more, a law binding power of the judgment by the Commercial Court whereof has been punished for serious economic offence in the area of public road freight transport and road traffic safety for which a fine in amount exceeding 750,000 dinars is prescribed.
	3. An entrepreneur:
	1) Has not been served final court measure of prohibition of conducting of public freight transport in road traffic,
	2) Has not been served, for the past two years, and for three times or more, a law binding power of the judgment by the Magistrates Court whereof has been punished for serious offence in the area of public transport in road traffic and road traffic safety for which a fine in amount exceeding 300,000 dinars is prescribed.
	Useful Links:
	http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u %20drumskom%20saobracaju.pdf
Article 3.2., incl:	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 8. The requirement relating to business reputation is met by a
- points a) to e);	company, other legal entity or entrepreneur if:
- list of most serious	 A person responsible for transport: Has not been served final court measure of prohibition of performance of

infringements:	certain activities in economic and financial operations;
point d), items i -	2) Has not been served law binding power of the judgment for criminal
vii;	offences against property, economy, the safety of public transport, labour rights,
	legal procedures, or against the general safety of people, property and environment;
	3) Has not been served law binding power of the judgment for other
	criminal offences, and has not been sentenced to prison to a term longer than one
	year, and
	4) Has not been served, for the past two years, and for three times or more,
	a law binding power of the judgment by the Commercial Court, whereof has been
	convicted of serious economic offence in the area of public road freight transport
	and road traffic safety for which a fine in amount exceeding 100,000 dinars is
	prescribed.
	2. A company or other legal entity:
	1) Has not been served final court measure of prohibition of conducting of public transport in road traffic;
	2) has not been served, for the past two years, and for three times of more, a
	law binding power of the judgment by the Commercial Court whereof has been
	punished for serious economic offence in the area of public road freight transport and road traffic safety for which a fine in amount exceeding 750,000 dinars is
	prescribed.
	3. An entrepreneur:
	1) Has not been served final court measure of prohibition of conducting of
	public freight transport in road traffic,
	2) Has not been served, for the past two years, and for three times or more,
	a law binding power of the judgment by the Magistrates Court whereof has been
	punished for serious offence in the area of public transport in road traffic and road
	traffic safety for which a fine in amount exceeding 300,000 dinars is prescribed.
	The Ministry shall keep the Registry of persons responsible for transport.
	The Minister shall prescribe the content and the manner of keeping of the
	Registry of persons responsible for transport. The content of the Registry of persons
	responsible for transport shall contain in particular the name, surname, place and
	date of birth of a person responsible for transport as personal data.
	Company, other legal entity or entrepreneur shall regain business reputation
	when the legal consequences of final court measure prohibition have ceased or
	when the legal consequences of the judgment for the convicted person from the
	paragraph 1 of this Article have ceased.
	The Ministry shall conduct the checks of fulfilment of the requirements for the
	issuance of transport licence, provided that the period between the two checks shall not be longer than five years.
	Article 17.1 - 17.3.
	If the checks set out in the paragraph 1 of this Article ascertain that the transport
	operator has ceased to meet the requirement of business reputation or professional
	competence due to a person responsible for transport not meeting the requirements
	from Article 8, paragraph 1, subparagraph 1) of this Law or the requirement from
	Article 10, paragraph 1 of this Law, the conducting of transport in accordance with
	the issued transport licence may be approved if the activities of transport
	management are performed by a person who fulfils the requirements from Article 8,
	paragraph 1, subparagraph 1) of this Law, provided that the evidence in support of
	the fulfilment of requirements is submitted to the Ministry within the period of 6
	months.
	If the checks set out in the paragraph 1 of this Article ascertain that

	transport operator has ceased to meet the requirement of business reputation or professional competence in the event of death or a temporary incapacity for work of a person responsible for transport, the conducting of transport in accordance with the issued transport licence may be approved provided that the evidence in support of the fulfilment of requirements is submitted to the Ministry within the period of 9 months. Useful Links: http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u%20drumskom%20saobracaju.pdf
Article 3.3.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 2.1.12)For certain terms, in accordance with this Law, the following meanings shall apply: 12) Person responsible for transport shall mean a person who is responsible for real and continuous management of transport activities and who is employed or has work engagement in the company, other legal entity or entrepreneur who is conducting the transport; Article 11.8-9. The Ministry shall revoke the certificate of professional competence to a person who owns the certificate of professional competence by a decision if the requirement of business reputation has been lost due to the lack of fulfilment of the requirements stipulated in Article 8, paragraph 1, subparagraph 1) of this Law. The decision referred to in paragraphs 7 and 8 hereof shall be final in the administrative procedure. A proceeding may be initiated against the same before the Administrative Court.
	Gazette Republic of Serbia 68/15) which was enacted on 12 August 2015 and which shall be fully implemented from 12 February 2017 (18 months after its enactment) Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%200%20prevozu%20tereta%20u</u> %20drumskom%20saobracaju.pdf

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	Corresponding National Provision:
[Chapter, article]	Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>)

Any other comments:	-
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C) Professional competence (Chapter II, 4)

Article 4.2.	✓ Fully
	Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>)
 List of knowledge (4.2.a); b); cf.annex1) Examination 	Article 10.1-2. The requirement of professional competence is met by a company, other legal person or entrepreneur if a person responsible for transport possesses the certificate of professional competence and meets the requirements set out in Article 8, paragraph 1 of this Law.
required: oral; written; exempted	The Certificate of Professional Competence shall be acquired by undergoing the exam of professional competence.
(cf. 4.2.c))	Article 11.1. Professional Competence Exam shall be conducted by the Ministry and according to the program referred to in paragraph 12 of this Article.
	Article 11.12. The Minister shall determine the costs of taking the professional competence exam with the consent of the minister in charge for finance issues, and shall prescribe the mode, program and procedure of conducting of the professional competence exam, as well as the form of the certificate of professional competence and the manner of record keeping on held exams, and on the issued and revoked certificates of professional competence. Correct transposition of these points can only be checked once the implementing ministerial decrees are adopted. Article 10.3. The exam of professional competence shall not be undergone by a person who: 1) Has at least ten years of work experience in management in the area of
	 road freight transport; 2) Has acquired higher education at second-degree studies (master degree academic studies, professional master, specialist applied studies and specialist academic studies), i.e. the undergraduate studies with a minimum four-year term at a faculty from the area of transport and traffic engineering, mechanical engineering, law, or economics;
	3) Has acquired higher education of the second degree studies (master degree academic studies, professional master, specialist applied studies and specialist academic studies), i.e. the undergraduate studies with a minimum four-year term and at least one year of work experience in management in the area of road freight transport;
	 4) Has acquired higher education of the first degree studies and has at least two years of work experience in management in the area of road freight transport; 5) Has acquired secondary education and has at least three years of work experience in management in the area of road freight transport.
	Article 10.4. The person referred to in paragraph 1 of this Article may perform management work in public freight transport in domestic or international road traffic for the maximum of four domestic transport operators who conduct public freight transport with total maximum of 50 freight vehicles or groups of vehicles.
	Useful Links:
	http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u %20drumskom%20saobracaju.pdf

Article 4.3.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
- Examinations procedure (4.3.a); cf. annex 2)	Article 11. 1-3. Professional Competence Exam shall be conducted by the Ministry and according to the program referred to in paragraph 12 of this Article. The exam from paragraph 1 of this Article shall be undergone before commission formed by the Minister.
- approval of examination bodies (4.3.b))	The commission referred to in paragraph 2 of this Article shall consist of at least three members where one third of the number shall be persons employed with the Ministry, while other members shall be appointed from the list of examiners established by the Minister.
- pre-training (4.3.c))	- Pre-training not required.
	□ Useful Links: http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u %20drumskom%20saobracaju.pdf
Article 4.4.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 11.79. The Ministry shall adopt a decision on issuance of the certificate of professional competence to a person who submits the request for issuance of the certificate of professional competence, as well as to a person who submits the request for issuance of the certificate of professional competence from paragraph 6 of this Article, upon their successful passing of the professional competence exam. The Ministry shall revoke the certificate of professional competence to a person who owns the certificate of professional competence by a decision if the requirement of business reputation has been lost due to the lack of fulfilment of the requirements stipulated in Article 8, paragraph 1, subparagraph 1) of this Law. The decision referred to in paragraphs 7 and 8 hereof shall be final in the
	administrative procedure. A proceeding may be initiated against the same before the Administrative Court.
	Article 11.12. The Minister shall determine the costs of taking the professional competence exam with the consent of the minister in charge for finance issues, and shall prescribe the mode, program and procedure of conducting of the professional competence exam, as well as the form of the certificate of professional competence and the manner of record keeping on held exams, and on the issued and revoked certificates of professional competence.
- National certificate (4.4.a); cf. Annex 3)	Rulebook on method, programme, and procedure of passing exam to obtain certificate of professional competence of a responsible person for road transport operations, as well as on model of CPC for of a responsible person for road transport operations (managers), the procedure of issuance of CPC and a method on keeping records regarding the CPC (Official Gazette Republic of Serbia 17/17)
	- Ministry of Construction, Transport and Infrastructure [the model is attached- Annex 1]
- IRU Academy CPC (4.4.b))	- CCIS-ATT Training Centre and RICO

□ Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u</u> <u>%20drumskom%20saobracaju.pdf</u>
http://www.mgsi.gov.rs/sites/default/files/Pravilnik%200%20nacinu%2C%20progr amu%20i%20postupku%20sprovodjenja%20ispita%20o%20profesionalnoj%20osp osobljenosti.pdf

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>)

Any other comments: -	
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D) Financial standing (Chapter II, 5)

Article 5.2., 5.2.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	 Article 9.1.2) The requirement of financial standing is met by a company, other legal entity or entrepreneur that pay their tax and business liabilities and have the capital and capital reserves in the amount of: EUR 9 000 for the first freight vehicle or a group of vehicles and EUR 5 000 for each additional freight vehicle or a group of vehicles in dinar equivalent at the official middle dinar exchange rate established by the National Bank of Serbia and formed on the day of submission of the request for issuance of transport licence for public freight transport in domestic and international road traffic.
	□ Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u%</u> <u>20drumskom%20saobracaju.pdf</u>
Article 5.3 & 5.4	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 9.1. The requirement of financial standing is met by a company, other legal entity or entrepreneur that pay their tax and business liabilities and have the capital and capital reserves in the amount specified by the Law.
	The specific financial prof for fulfilling the obligation is specified by the By-Law on licencing procedure.
	Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u%</u> <u>20drumskom%20saobracaju.pdf</u>

	http://www.mgsi.gov.rs/sites/default/files/Pravilnik%200%20izgledu%20i%20sadrzi ni%20obrasca%20zahteva%20za%20izdavanje%20i%20produzenje%20roka%20vaz enja%20licence%20za%20prevoz%2C%20obrascima%20licence%20za%20prevoz% 20i%20izvoda%20licence%20za%20prevoz_0.pdf
Article 5.5.	 ✓ Fully Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>) Article 2.1. 7) <i>Transport operator</i> shall mean a company, other legal entity, entrepreneur or natural person granted permission to conduct freight transport according to the national legislation of the country where its headquarters, or domicile, is located. □ Useful Links: http://www.mgsi.gov.rs/sites/default/files/Zakon% 200% 20prevozu% 20tereta% 20u% 20drumskom% 20saobracaju.pdf

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>)

Any other comments: -	
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SECTION 2. PROVISIONS REGARDING THE DRIVERS (Chapter III of the Charter)

A) Driving times and rest periods (Chapter III, 1):

All 43 Member Countries participating in the ECMT Multilateral Quota are parties to the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) dated 1 July 1970. In the course of any international road haulage operation carried out under an ECMT licence, the undertaking and members of the crew must comply with the provisions laid down by the AETR with regard to the duration of driving and rest times and crew composition [*It is understood that compliance with these provisions are monitored through National procedures, established for the purpose of implementing the AETR or equivalent regulations*].

Any Comments: --

B) Driver training	g (Chapter III, 2)
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Article 2.1.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 37. A goods vehicle or a combination vehicle of a domestic transport operator must carry the original transport license extract, if so prescribed by this Act, as well as the appropriate documents against which the driver's identity can be established (identity card, passport and such) and the driver's license (CPC).
	□ Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%200%20prevozu%20tereta%20u%</u> <u>20drumskom%20saobracaju.pdf</u>
Article 2.2.a)	✓ Fully
	Law on Road Traffic Safety (Official Gazette Republic of Serbia 41/09, 53/10, 101/11, 32/13-CC, 55/14, 96/15, 9/16-CC and 24/18)
- List of knowledge	Article 203
- Course + test, or, a test only	A driver of a motor vehicle, that is, a set of vehicles for which a vehicle is a principal occupation, when operating a vehicle, or a vehicle set of categories C, C1, D, D1, CE, C1E, DE or D1E, must have acquired an initial qualification, or periodic training, unless it manages:
- exemptions	1) military vehicles, firefighters or police vehicles,
	2) vehicles whose design speed does not exceed 45 km / h,
	3) vehicles used in emergency situations or rescue operations,
	4) vehicles whose characteristics are tested on the road for the purpose of technical development, repair or maintenance, as well as new or refurbished vehicles that have not yet been released for traffic,
	5) vehicles used to train candidates for drivers or for training in obtaining initial qualification, or periodic training,
	6) vehicles with a maximum permissible mass not exceeding 7,5 t, or which, apart

	 from the driver's seat, have more than 8 seats and a maximum of 16 seats and whose maximum length does not exceed 8 m when performing transport for their own needs, 7) vehicles transporting material or equipment used by a driver for the purpose of performing his / her basic occupation, provided that the vehicle is not a driver's primary occupation.
	The driver who obtains the initial qualification must meet the following requirements:
	1) to have a driving license for driving vehicles of some of the categories referred to in paragraph 1 of this Article,
	2) that he has completed the prescribed training,
	3) have passed a professional examination.
	Except as provided for in paragraph 2, 2) and 3) of this Article, the initial qualification shall be recognized:
	1) to the driver who has acquired the right to drive vehicles of some of the categories referred to in paragraph 1 of this Article, before the date of entry into force of the regulations referred to in paragraph 10 of this Article,
	2) a driver who, within one year from the day of entry into force of the regulations referred to in paragraph 10 of this Article, acquires the right to drive vehicles of some of the categories referred to in paragraph 1 of this Article and
	3) the person holding the diploma for the educational profile of the driver of motor vehicles and who during the course of education attended the curriculum content and passed the final exam for the educational profile of the driver of motor vehicles.
	The professional examination for obtaining the initial qualification is carried out by the Agency (Road Traffic Safety Agency of the Republic of Serbia).
	A driver who fulfils the requirements of paragraph 2 and 3 of this Article, a certificate of professional competence shall be issued confirming the initial qualification (hereinafter: initial CPC).
	The list of knowledge is prescribed Annex 1 of the Rulebook which prescribes more detailed information on the method of obtaining and issuing the initial and periodic CPC, Card, program and method of conducting training for obtaining initial qualification and periodical training, the manner of passing the professional exam, the conditions that must be fulfilled by the examination committee for passing the professional exam, the appearance and contents of the CPC form and Cards, keeping, deadlines and manner of keeping records.
	Useful Links:
	http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/8b57d1e9- 9b34-4fa0-9693-7ceb6da65486
Article 2.2.b) -	✓ Fully
Periodic training, incl:	Law on Road Traffic Safety (Official Gazette Republic of Serbia 41/09, 53/10, 101/11, 32/13-CC, 55/14, 96/15, 9/16-CC and 24/18)
	Article 203
- List of knowledge	Periodic training consists of obligatory knowledge improvement seminars lasting at

(cf.annex4)	least 35 hours, over a period of five years.
- Number of hours (35) - Periodicity (every 5 years)	To a driver who completes the periodic training shall be issued a certificate of professional competence certifying periodic training (hereinafter: periodic CPC). At the request of the driver, the competent authorities shall issue a driver's license card (hereinafter: Card) and enter the international code «95» in the driver's license, based on the initial or periodic CPC. The card and international code «95» entered in the driver's license have a validity period of five years.
- first periodic training to be completed by [31 Dec 2019]	The list of knowledge is prescribed Annex 1 of the Rulebook which prescribes more detailed information on the method of obtaining and issuing the initial and periodic CPC, Card, program and method of conducting training for obtaining initial qualification and periodical training, the manner of passing the professional exam, the conditions that must be fulfilled by the examination committee for passing the professional exam, the appearance and contents of the CPC form and Cards, keeping, deadlines and manner of keeping records.
	□Useful Links
	http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/8b57d1e9- 9b34-4fa0-9693-7ceb6da65486
Article 2.3.	✓ Fully
Article 2.4.	Law on Road Traffic Safety (Official Gazette Republic of Serbia 41/09, 53/10, 101/11, 32/13-CC, 55/14, 96/15, 9/16-CC and 24/18)
	Article 204.
	Training for obtaining the initial qualification and periodic training of drivers is carried out by a legal entity that fulfils the prescribed conditions and for which it receives a license from the Agency.
	The license referred to in paragraph 1 of this Article shall be a public document (decision) issued by the Agency with a validity period of five years.
	The legal entity referred to in paragraph 1 of this Article shall conduct training for obtaining the initial qualification and periodic training in the prescribed manner and in accordance with the prescribed program referred to in Article 203 paragraph 10 of this Law.
	The legal entity referred to in paragraph 1 of this Article must fulfil the following general requirements:
	 that the Agency has consent on the content of the curriculum for the implementation of training, have appropriate professional staff certified by the Agency, space, equipment and teaching materials, to have IT equipment that enables efficient connection of a legal entity or its branch with the Agency, for the purpose of delivering the prescribed data.
	The Agency may, by decision, temporarily revoke the license to a legal entity referred to in paragraph 1 of this Article for a period not exceeding three months if, when checking compliance with the conditions referred to in paragraph 4 of this Article, it establishes that the legal entity has ceased to meet these conditions.
	The legal entity referred to in paragraph 1 of this Article, to which the license has been temporarily seized, may continue to work only when the defects are remedied and the Agency agrees with it.
	The legal entity referred to in paragraph 1 of this Article, to whom the license has

	been temporarily seized and which has not remedied the defects determined during the check of fulfilment of the conditions within a period of up to three months, shall revoke the license.
	To the legal entity referred to in paragraph 1 of this Article, the Agency may revoke the license on a personal request. If the license is seized more than twice for the last 10 years, the license will not be issued to a legal entity until the date of submission of the application for the license referred to in paragraph 1 of this Article.
	After conducting the training for obtaining the initial CPC or conducted periodical training at compulsory seminars for improving the knowledge for acquiring the periodic CPC, the legal entity referred to in paragraph 1 of this Article issues a Certificate of completed training for obtaining the initial qualification or a Certificate of completed periodical training at compulsory seminars for knowledge improvement.
	□Useful Links:
	http://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/reg/viewAct/8b57d1e9- 9b34-4fa0-9693-7ceb6da65486
Article 2.6 CPC	✓ Fully
proof, incl.:	Law on Road Traffic Safety (Official Gazette Republic of Serbia 41/09, 53/10, 101/11, 32/13-CC, 55/14, 96/15, 9/16-CC and 24/18)
- Sign affixed on driver licence (permit)	- Article 203
- Driver Qualification card (cf. annex 5)	Card is issued by Road Traffic Safety Agency and kept by the driver's register in electronic form. CPC is issued on a protected form and contains data: name, surname, date and place of birth, date of issue and validity period, number / serial CPC [Model attached -see annexes 2 &3]
	The Driver qualification card is issued on a protected form and contains data: name, surname, date and place of birth, card issuance date, card validity, card issuer, card number / serial number, personal signature, residence, vehicle category, photograph. [Model attached -see annex 4]
- IRU Academy CPC	- CCIS-ATT Training Centre and RICO
	Useful Links: <u>http://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/reg/viewAct/8b57d1e9-</u> <u>9b34-4fa0-9693-7ceb6da65486</u>

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]Corresponding National Provision: Law on Road Traffic Safety (Official Gazette Republic of Serbia 41/09, 53/10, 101/11, 32/13-CC, 55/14, 96/15, 9/16-CC and 24/18)
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Any other comments:	-
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C) Conditions of employment (Chapter III, 3)

Article 3.1.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 14 The requirement of an appropriate number of employed drivers is met by a company, other legal entity or entrepreneur if there is at least one employed driver per freight vehicle or a group of vehicles.
	The driver referred to in paragraph 1 of this Article shall possess the driver's licence and cannot be a person for whom the legal consequences of judgment for criminal offences and misdemeanours within the area of road traffic safety have not ceased yet.
	□ Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20</u> <u>u%20drumskom%20saobracaju.pdf</u>
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Any other comments:	-

SECTION 3.**PROVISIONS REGARDING CHECKS AND PENALTIES** (Chapter IV of the Charter)

A) Competent authorities and mutual assistance (Chapter IV, 1)

1.2.1.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	- Ministry of Construction, Transport and Infrastructure
	Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u%2</u> <u>Odrumskom%20saobracaju.pdf</u>
1.2.2.	✓ Fully
	Law on working time of vehicle crew in road transport and tachograph (<i>Official Gazette Republic of Serbia no. 96/15</i>)
	Article 43. Carrying out checks at both the roadside and the premises of undertakings is in competence of Ministry in charge of transport (Ministry of Construction, Transport and Infrastructure -Road Inspectors) and Traffic Police. Coordination of actions concerning the enforcement shall be performed by the Ministry in charge of transport.
	Law on Road Traffic Safety (Official Gazette Republic of Serbia 41/09, 53/10, 101/11, 32/13-CC, 55/14, 96/15, 9/16-CC and 24/18)
	Article 204.
	Training for obtaining the initial qualification and periodic training of drivers is carried out by a legal entity that fulfils the prescribed conditions and for which it receives a license from the Agency.
	Article 203.
	National Authority for issuing the permits to legal entity is Road Safety Agency.
	□Useful Links:
	http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2015/2965- 15%20lat.pdf
	http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/8b57d1e9- 9b34-4fa0-9693-7ceb6da65486
Article 1.2.3.	✓ Fully
Article 1.2.4.	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 55. The Ministry shall exchange with the transport authorities of other states, on the reciprocal basis, the information on transport licenses, certificates of professional competence, driver's certificates, and notices on committed offences and

	taken administrative measures.
	The Ministry shall, on mutual basis, cooperate with the authorities from paragraph 1 of this Article, in order to ensure the application of the regulations governing freight transport in international road transport to the maximum possible extent.
	Article 56. The Ministry shall, in accordance with the international agreement, inform the competent authority of the state on whose territory the seat or residence of a foreign transport operator is located, i.e. on whose territory the vehicle is registered, about violations of this Law and the measures from Article 46, Paragraph 1, Items 5) and 6) and Article 54 hereof which have been taken.
	Useful Links:
	http://www.mgsi.gov.rs/sites/default/files/Zakon%200%20prevozu%20tereta%20u%20 drumskom%20saobracaju.pdf
Article 1.2.5.	✓ Fully
	Bylaw on distribution of the foreign permits for the international transport of goods to domestic hauliers (Official Gazette Republic of Serbia 113/2015)
	Article 10. If the haulier return the time permit or ECMT permit that is found to be a forgery or if a competent authority of another country delivers the time permit, or ECMT license for which is found to be forgery, time permit or ECMT permit for the current and next year shall not be issued to the haulier, and he will lose the right to participate in the distribution of CEMT licenses in the next two years.
	□Useful Links:
	http://www.paragraf.rs/propisi/uredba_o_raspodeli_stranih_dozvola_za_medjunarodni _javni_prevoz_stvari_domacim_prevoznicima.html
Article 1.3.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 35. The Ministry shall keep records of the allocated and returned individual, time and multilateral permits; the sheets from time and multilateral permit logs (record sheets); the conducted trips recorded in the sheets from time and multilateral permit logs (record sheets), as well as records of the travel tickets based on which the combined transport has been conducted.
	Useful Links:
	http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u%20 drumskom%20saobracaju.pdf

Any other comments in relation to one or more provisions listed above:

Provision of the Charter: [article]	-
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B) Checks (Chapter IV, 2)

Article 2.	✓ Fully
2.1.1. Driving and rest times	Law on working time of vehicle crew in road transport and tachograph (<i>Official Gazette Republic of Serbia no. 96/15</i>), date of enforcement is 4 December 2015.
2.1.1.1.	Article 43. Carrying out checks at both the roadside and the premises of undertakings is in competence of Ministry in charge of transport (Road Inspectors) and Traffic Police. Coordination of actions concerning the enforcement shall be performed by the Ministry in charge of transport.
	Article 44 of Law prescribes fallowing: The enforcement of the crew of the vehicle and the transport undertakings shall be organised at the roadside and at the premises of transport undertakings and shall include at least 3% of the total number of drivers' working days falling within the scope of this Law, concerning passenger and cargo transport and out of which at least 30% shall be checked at the roadside and at least 50% at the premises of transport undertakings. An annual report on conducted enforcement shall be submitted to the Agency not later than 15th March of the current year for past year, and the Agency shall prepare the report on conducted enforcement and shall submit it to the Ministry. The Ministry shall exchange the data collected from the enforcement with competent authorities of other countries.
	□Useful Links:
	http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2015/2965- 15%20lat.pdf
Article 2.2.	✓ Fully
	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Article 17. The Ministry shall conduct the checks of fulfilment of the requirements for the issuance of transport licence, provided that the period between the two checks shall not be longer than five years.
	If the checks set out in the paragraph 1 of this Article ascertain that the transport operator has ceased to meet the requirement of business reputation or professional competence due to a person responsible for transport not meeting the requirements from Article 8, paragraph 1, subparagraph 1) of this Law or the requirement from Article 10, paragraph 1 of this Law, the conducting of transport in accordance with the issued transport licence may be approved if the activities of transport management are performed by a person who fulfils the requirements from Article 8, paragraph 1) of this Law, provided that the evidence in support of the fulfilment of requirements is submitted to the Ministry within the period of 6 months. If the checks set out in the paragraph 1 of this Article ascertain that transport operator has ceased to meet the requirement of business reputation or professional competence in the event of death or a temporary incapacity for work of a person responsible for transport, the conducting of transport in accordance with the issued transport licence may be approved provided that the evidence in support licence may be approved provided that the evidence in support of the fulfilment of the conducting of transport in accordance with the issued transport licence may be approved provided that the evidence in support of the fulfilment of requirements is submitted to the Ministry within the person responsible for transport, the conducting of transport in accordance with the issued transport licence may be approved provided that the evidence in support of the fulfilment of requirements is submitted to the Ministry within the period of 9 months.

conducting of transport in compliance with the issued transport licence may be approved, provided that the Ministry previously assesses, on the basis of the transport operator's financial plan, that the requirement shall be met within the time period no longer than 6 months. If the checks set out in the paragraph 1 of this Article ascertain that the transport operator has ceased to fulfil the requirement of real permanent headquarters, the conducting of transport in compliance with the issued transport licence may be approved provided that the evidence in support of the fulfilment of requirement is submitted to the Ministry within the period of 6 months. If transport operator does not submit the evidence in support of the fulfilment of requirements for licence issuance within the given deadline, the Ministry shall issue
the decision to revoke the licence and the licence extract. In cases referred to in the paragraphs 2, 3, 4 and 5 of this Article, the Ministry cannot issue the decision for more than three times within the period of ten years from the date of the issuance of the first decision.
The decision from the paragraph 7 of this Article shall be final.
http://www.mgsi.gov.rs/sites/default/files/Zakon%200%20prevozu%20tereta%20u%2 0drumskom%20saobracaju.pdf

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>)
Any other comments:	-

C) Classification of Infringements (Chapter IV, 3)

Article 3.1.	✓ Fully
3.1.1. 3.1.2.	Law on working time of vehicle crew in road transport and tachograph (<i>Official Gazette Republic of Serbia no. 96/15</i>), date of enforcement is 4 December 2015.
5.1.2.	Articles 54-67 are on Penalty provisions.
	Penalty provisions are in line with directive 2006/22/EC. All infringements are classified in three categories according to level of serious: Very serious-Serious-Minor.
	Useful Links: <u>http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2015/2965-</u> <u>15%20lat.pdf</u>

Article 3.2.	✓ Fully
	- Ministry of Construction, Transport and Infrastructure
	a. Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	b. There is no List of infringements:
	Article 58 of the Draft specifies economic offenses as socially detrimental violation of regulations on economic and financial business which has caused or could have caused more serious consequences. Articles 59-63 of the Draft specify offenses as unlawful acts and specify fines in different amount ranges for those offenses. Each of these articles specifies fines in a different amount range depending on the severity of the consequences caused and the level of guilt of the offender, with the aim of establishing general prevention not only for the offender for committing an offense, but also in order to influence him and all other persons not to commit offenses. Exceptionally, in Article 63, a fixed fine is specified (and in that case an offense warrant is issued). The offense warrant consists of an original and two copies, the original being handed to the person being issued with the warrant, and the copies being retained by the organ issuing the warrant. The offense warrant is delivered to the present person believed to have committed an offense at the moment of discovering the offense. The person being issued with a warrant confirms its delivery by putting their signature in the appropriate place on the warrant. For all other offenses, for which a range of fine amounts is prescribed, the issuing of which requires individualisation of the issued fine along with an evaluation of all mitigating and aggravating circumstances and facts, administrative bodies shall be obliged to submit a petition before the competent Magistrates Court to initiate an infringement procedure.
	drumbkom/s205000rdeuju.pur

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Corresponding National Provision: Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>)

Any other comments:	-
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D) Penalties (Chapter IV, 4)

Implemented

Article4.1. General	✓ Fully
4.1.1.	- Ministry of Construction, Transport and Infrastructure
4.1.2.	Law on Road Freight Transport (Official Gazette Republic of Serbia 68/15)
	Useful Links: <u>http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u</u> <u>%20drumskom%20saobracaju.pdf</u>
Article 4.2.	✓ Fully
4.2.1. 4.2.2.	Law on working time of vehicle crew in road transport and tachograph (<i>Official Gazette Republic of Serbia no. 96/15</i>), date of enforcement is 4 December 2015,
4.2.2.1.	According to Law, article 44.3 prescribes that enforcement authorities are
4.2.2.2.	authorised to impose a penalty on a driver and a transport undertaking for an infringement of the provisions of this Law, i.e. the AETR agreement, detected on the territory of the Republic of Serbia, regardless of the country where that infringement has been committed, if a driver or a transport undertaking has not already been imposed a penalty for that infringement.
	Law on Road Traffic Safety (Official Gazette Republic of Serbia 41/09, 53/10, 101/11, 32/13-CC, 55/14, 96/15, 9/16-CC and 24/18) prescribes penalties for infringements of rules on driver training.
	Article 9.
	The Agency shall check the fulfilment of the conditions that must be met by the legal entity referred to in paragraph 4 of this Article.
	□Useful Links: <u>http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2015/2965-</u> <u>15%20lat.pdf</u> <u>http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/8b57d1e9-</u> <u>0h24_4fr0_0602_7ach6da65486</u>
	<u>9b34-4fa0-9693-7ceb6da65486</u>
Article 4.3. 4.3.1.	✓ Fully □ Partially □ not Implemented
	- Ministry of Construction, Transport and Infrastructure Law on Road Freight Transport (<i>Official Gazette Republic of Serbia 68/15</i>)
	□ Useful Links: http://www.mgsi.gov.rs/sites/default/files/Zakon%20o%20prevozu%20tereta%20u %20drumskom%20saobracaju.pdf

Any other comments in relation to one or more provisions listed above:

Provision of the Charter:	-
[article]	

Annex 1. Model of the national CPC Manager



SRB

Република Србија

СЕРТИФИКАТ

1

О ПРОФЕСИОНАЛНОЈ ОСПОСОБЉЕНОСТИ ЛИЦА ОДГОВОРНОГ ЗА ПРЕВОЗ ТЕРЕТА У ДРУМСКОМ САОБРАЋАЈУ

Број _____

Овај сертификат потврђује да је 2

оспособљен за обављање послова управљања превозом терета у друмском саобраћају.

Издато у

Дана

М.П.

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Република Србија Republic of Serbia ПРИЛОГ 4: Агенција за безбедност саобраћаја Road Traffic Safety Agency СЕРТИФИКАТ О СТРУЧНОЈ КОМПЕТЕНТНОСТИ CERTIFICATE OF PROFESSIONAL COMPETENCE Број (No.): СПО/Т 000 000 којим се потврђује периодична обука професионалног возача certifying periodic training of driver Издат/Issued on године/year, и важи/is velid 5 година/years. narvas' date Име ПРЕЗИМЕ Рођен у/Born in године/year Mecto/ place gpisaga/ country narvas' dat Превоз терета у националном и међународном друмском саобраћају National and International Road Haulage Овај Сертификат је издат у складу са Директивом 2003/59/ЕЗ Европског парламента и Савета од 15. јула 2003. године о почетној квалификацији и периодичној обуци возача одређених друмских возила за превоз терета или путнока. This Certificate is issued in accordance with the procedures that comply with Directive 2003/59/ЕС of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.

ITF/TMB/TR(2016)3/ADD13/FINAL Annex 3. Model of the national CPC Driver certifying periodic training of driver

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ДИРЕКТОР

Annex 4. Model of the national Driver Qualification Card

КВАЛИФИКАЦИОНА КАРТИЦА ВОЗАЧА



Лице квалификационе картице возача

Наличје квалификационе картице возача

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