

**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

Group on Road Transport

Report by MONTENEGRO on implementation of the QUALITY CHARTER

The application of Montenegro was approved by the Group on Road Transport under Agenda item 5 of the meeting held on 22-23 March 2018 in Paris, France.

The report is complemented with appendix ITF/TMB/TR(2016)3/ADD38/APP1/REV2: Checklist on Implementation of CPC Manager and CPC Driver (initial and periodic training).

The document was revised in November 2022.

JT03518791



Government of Montenegro
Ministry of Transport and Maritime Affairs

Ref.: 340/18 - 01-1462/1
Podgorica, 28 February 2018

INTERNATIONAL TRANSPORT FORUM
For the attention of the Secretary General, Mr. Young Tae Kim

2 rue Andre Pascal,
75775 Paris,
France

Subject: Montenegro – Formal Application for the Quality Charter Compliance

Dear Secretary General,

We are pleased to inform You that Montenegro is compliant with the provision of the Quality Charter for the International Road Haulage under ECMT Multilateral Quota.

Montenegro 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.

The Montenegrin legal framework is structured in coherence with the European framework in domestic legal acts and therefore all of the provisions of the Quality Charter are fully implemented in the road transport sector.

Yours sincerely,

 **MINISTER**
Osman Nurković


Rimski trg 46, »Vektra building« 81000 Podgorica
TEL: (+382) 20 482 182; FAX: (+382) 20 234 342
Web: www.msp.gov.me

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

COUNTRY: MONTENEGRO

NATIONAL AUTHORITY: MINISTRY OF CAPITAL INVESTMENTS

Summary of the main points on compliance of national regulations/laws of the Montenegro with the provisions of the Quality Charter

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

- Fully harmonized through Law on Carriage in Road Transport (“Official Gazette of Montenegro” No 71/2017 and 67/2019). Law was published on 11 December 2019 and came into force on 19 December 2019.

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

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

Montenegro is a party 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.

2) Driver training (Chapter III, 2)

- Fully harmonized through Law on Carriage in Road Transport (“Official Gazette of Montenegro” No 71/2017 and 67/2019). Law was published on 11 December 2019 and came into force on 19 December 2019.

3) Conditions of employment (Chapter III, 3)

- Fully harmonized through Law on Carriage in Road Transport (“Official Gazette of Montenegro” No 71/2017 and 67/2019). Law was published on 11 December 2019 and came into force on 19 December 2019.

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

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

- Fully harmonized through Law on Carriage in Road Transport (“Official Gazette of Montenegro” No 71/2017 and 67/2019). Law was published on 11 December 2019 and came into force on 19 December 2019.

2) Checks (Chapter IV, 2)

- Fully harmonized through Law on Carriage in Road Transport (“Official Gazette of Montenegro” No 71/2017 and 67/2019). Law was published on 11 December 2019 and came into force on 19 December 2019.

3) Classification of Infringements (Chapter IV, 3)

- Fully harmonized through Law on Carriage in Road Transport (“Official Gazette of Montenegro” No 71/2017 and 67/2019). Law was published on 11 December 2019 and came into force on 19 December 2019.

4) Penalties (Chapter IV, 4)

- Fully harmonized through Law on Carriage in Road Transport (“Official Gazette of Montenegro” No 71/2017 and 67/2019). Law was published on 11 December 2019 and came into force on 19 December 2019.

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

A) Conditions of establishment (Chapter II, 2)

Implemented

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| Article 2.2.a) | <p style="text-align: center;"><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Requirements for Obtaining the Licence for Public Transport of Passengers or Freight Article 19 paragraph 1 (1) and 5</p> <p>A carrier may be granted a licence for road public transport of passengers and freight provided that such carrier meets the following requirements:</p> <p style="padding-left: 40px;">1) has the actual registered office or residence on the territory of Montenegro;</p> <p style="text-align: center;">....</p> <p>Such actual registered office shall include premises (either owned or leased) where the carrier keeps business documents, accounting documents, human resources documents, documents with data on driving and rest time, journey forms and other appropriate technical equipment and documents relevant for performing public transport operations.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| Article 2.2.b) | <p style="text-align: center;"><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Owned, Rented or Leased Vehicles Article 23 paragraph 1 (1 line 2)</p> <p>For obtaining a licence for performing operations of road public transport a carrier must own, rent or lease:</p> <p style="padding-left: 40px;">1) For international road transport:</p> <p style="padding-left: 80px;">- at least one freight vehicles for transport of freight.</p> |

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| | <input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi |
| Article 2.2.c) | <p> <input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented </p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p>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.</p> <p> <input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi </p> |

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

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| Provision of the Charter: [Chapter, article] | Not applicable as Montenegro complies with the Charter. |
| Any other comments: | - |

B) Good Repute (Chapter II, 3)**Implemented**

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| Article 3.1. | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Good Legal Standing Article 20</p> <p>Good legal standing has a legal person, or a responsible person in the legal person or an entrepreneur and the employed person responsible for transport provided that:</p> <ol style="list-style-type: none"> 1) such person was not convicted for a criminal act against property, line of duty, general safety of people and property, life and authority, health of people, freedom of gender, labour rights, payment transactions and commercial operations, safety of public transport, environment; 2) such person was not ruled with endorsement to perform activities of road public transport of passengers or freight; 3) such person was not convicted for other criminal acts for a sentence of imprisonment longer than one year. <p>Good legal standing shall not be enjoyed by a legal or responsible person in the legal person or an entrepreneur and the employed person responsible for transport who was sentenced over the previous two years for more than twice with the final ruling for a serious offence in regard to performing operations of road public transport of passengers or freight in line with this Law or the law governing transport safety, carriage of hazardous substances by public roads, law on working hours and devices for recordkeeping in road transport, breach of rights on the grounds of labour and illegal employment, unfair competition, corruption or if such person performed transport operations without an adequate licence, i.e. contrary to provisions of international agreements.</p> <p>A serious offence referred to in paragraph 2 of this Article shall mean an offence for which a fine has been prescribed in the amount of EUR 1,500 or more, or for a natural person in the amount of EUR 1,500 or more.</p> <p>A person referred to in paragraph 1 of this Article who was convicted and whose legal consequences have come to an end meets the requirement in terms of a good legal standing.</p> |
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| | <input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi |
| <p>Article 3.2., incl:</p> <p>- points a) to e);</p> <p>- list of most serious infringements: point d), items i - vii;</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Good Legal Standing Article 20</p> <p>Good legal standing has a legal person, or a responsible person in the legal person or an entrepreneur and the employed person responsible for transport provided that:</p> <ol style="list-style-type: none"> 1) such person was not convicted for a criminal act against property, line of duty, general safety of people and property, life and authority, health of people, freedom of gender, labour rights, payment transactions and commercial operations, safety of public transport, environment; 2) such person was not ruled with endorsement to perform activities of road public transport of passengers or freight; 3) such person was not convicted for other criminal acts for a sentence of imprisonment longer than one year. <p>Good legal standing shall not be enjoyed by a legal or responsible person in the legal person or an entrepreneur and the employed person responsible for transport who was sentenced over the previous two years for more than twice with the final ruling for a serious offence in regard to performing operations of road public transport of passengers or freight in line with this Law or the law governing transport safety, carriage of hazardous substances by public roads, law on working hours and devices for recordkeeping in road transport, breach of rights on the grounds of labour and illegal employment, unfair competition, corruption or if such person performed transport operations without an adequate licence, i.e. contrary to provisions of international agreements.</p> <p>A serious offence referred to in paragraph 2 of this Article shall mean an offence for which a fine has been prescribed in the amount of EUR 1,500 or more, or for a natural person in the amount of EUR 1,500 or more.</p> <p>A person referred to in paragraph 1 of this Article who was convicted and whose legal consequences have come to an end meets the requirement in terms of a good legal standing.</p> <p style="text-align: center;">Suspension of Licence Article 30 paragraph 1, 2 and 3</p> |

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| | <p>The competent authority that issued the licence may suspend such licence by decision if the carrier over the previous two years was sentenced for more than two times by a final ruling of the misdemeanour body for a serious offence referred to in Article 20 paragraphs 2 and 3 of the Law.</p> <p>The licence shall be suspended to the carrier for up to six months.</p> <p>The carrier shall within eight days from receiving the decision on suspension of licence return such licence to the authority which granted the licence together with certified true copies thereof.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Article 3.3.</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Definitions Article 6</p> <p>When used in this Law, the following words have the following meaning:</p> <p>1) Person Responsible For Carriage means a person who is responsible for managing of transport operations and holds certificate of professional competence;</p> <p style="text-align: center;">Requirements for Obtaining the Licence for Public Transport of Passengers or Freight Article 19, paragraph 1 (4)</p> <p>A carrier may be granted a licence for road public transport of passengers and freight provided that such carrier meets the following requirements:</p> <p>4) has an employed person responsible for transport who is professionally qualified;</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |

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

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| <p>Provision of the Charter: [Chapter, article]</p> | <p>Not applicable as Montenegro complies with the Charter.</p> |
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| Any other comments: | - |
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| <p>- Examination required: oral; written; exempted (cf. 4.2.c))</p> | <p>- Rulebook on training programs and how to pass an exam for obtaining a professional driver license and a certificate of professional competence (“Official Gazette of Montenegro” No 87/2017)</p> <p>- Rulebook on training programs and how to pass an exam for obtaining a professional driver license and a certificate of professional competence (“Official Gazette of Montenegro” No 87/2017)</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Article 4.3., incl.:</p> <p>- Examinations procedure (4.3.a); cf. annex 2)</p> <p>- approval of examination bodies (4.3.b))</p> <p>- pre-training (4.3.c))</p> | <p><input checked="" type="checkbox"/> Fully Implemented <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p>Professional Qualification of a Person Responsible for Transport Article 22 paragraph 1, 2 and 8</p> <p>Professional qualification of a person responsible for transport shall be acquired by taking the professional training and qualification test.</p> <p>Professional training and qualification testing referred to in paragraph 1 of this Article shall be conducted in accordance with the Professional Qualification Programme for management of road transport.</p> <p>Vocational training and the professional competence examination referred to in paragraph 1 of this Article shall be carried out by the Chamber of Commerce and issued a certificate of professional competence for the management of transport in international or internal road transport.</p> <p>- Rulebook on training programs and how to pass an exam for obtaining a professional driver license and a certificate of professional competence (“Official Gazette of Montenegro” No 87/2017, 70/2018, 5/2020 and 117/2020)</p> <p>- Chamber of Economy of Montenegro</p> <p>- Chamber of Economy of Montenegro</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Article 4.4. CPC, incl.:</p> | <p><input checked="" type="checkbox"/> Fully Implemented <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> |

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| <p>- National certificate (4.4.a); cf. Annex 3)</p> <p>- IRU Academy CPC (4.4.b))</p> | <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p>Professional Qualification of a Person Responsible for Transport Article 22 paragraph 7</p> <p>Vocational training and the professional competence examination referred to in paragraph 1 of this Article shall be carried out by the Chamber of Commerce and issued a Certificate of professional competence for manager in international or national road transport.</p> <p>- Chamber of Economy of Montenegro have IRU Academy accreditation¹</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
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Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

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| <p>Provision of the Charter: [Chapter, article]</p> | <p>Not applicable as Montenegro complies with the Charter.</p> |
| <p>Any other comments:</p> | <p>-</p> |

¹ The model of certificate of professional competence is stated in ANNEX 1

D) Financial standing (Chapter II, 5)**Implemented**

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| <p>Article 5.2., including Capital required for:</p> <p>- first vehicle - each additional vehicle</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Good Financial Standing Article 21 paragraph 1</p> <p>A legal person or an entrepreneur in good financial standing possesses a property in the amount of EUR 9,000 for the first vehicle, or EUR 5,000 for each following vehicle.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Article 5.3 & 5.4</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Article 21 paragraph 2</p> <p>Good financial standing referred to in paragraph 1 of this Article shall be proved by one of the following instruments:</p> <ol style="list-style-type: none"> 1) excerpt from the registration act in the Central Registry of Commercial Entities (hereinafter referred to as the CRPS) on the height of the initial capital; 2) copy of the balance sheet for the previous year that was submitted to the tax authority; 3) inventory of fixed assets, including costs of procurement or payment for vehicles, business premises, devices and equipment; 4) title deed of unencumbered properties by means the carrier is held liable for their operations; 5) guarantee of bank or other financial institution; 6) professional liability insurance. <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Article 5.5.</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> |

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| | <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Definitions Article 6 paragraph 1 (9)</p> <p>When used in this Law, the following words have the following meaning:</p> <p>8) domestic carrier is a carrier with a seat, or residence in the territory of Montenegro, which has a license for performing public transport of passengers or cargo in road traffic;</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
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Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

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| Provision of the Charter: [Chapter, article] | Not applicable as Montenegro complies with the Charter. |
| Any other comments: | - |

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 (Chapter III, 2)

Implemented

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| Article 2.1: | <p><input checked="" type="checkbox"/> Fully Implemented <input type="checkbox"/> Partially <input type="checkbox"/> not</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Professional Driver’s Licence Article 11 paragraph 1</p> <p>Driver of a motor vehicle or group of vehicles, citizen of Montenegro or citizen of a different country, being employed in the road transport operator or legal entity or entrepreneur who performs transport for his own needs, that has its registered office and/or domicile in Montenegro, operating public road transport of passengers and goods, provided that driving of the vehicle is driver’s principal activity, shall hold a professional driver’s licence.</p> <p style="text-align: center;">Acquisition of initial and accelerated initial qualification certificates Article 12 paragraph 1 and 2</p> <p>The initial qualification certificate is obtained after the completion of the initial training and passed the examination of the knowledge acquired at the initial training.</p> <p>The certificate of accelerated initial qualification is obtained after the completion of the accelerated initial training and the passed examination of the knowledge acquired on the accelerated initial training.</p> |
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| - exemptions | <p>-course + test, Article 12 paragraph 1</p> <p style="text-align: center;">Article 12 paragraph 4</p> <p>Exceptionally from paragraphs 1 and 2 of this Article, a driver who completes the third level of the national occupational qualification framework for a driver's occupation shall be issued a certificate of initial qualification or accelerated initial qualification, provided that the driver's education or training program is in conformity with the initial training program established by this Law.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| Article 2.2.b) - Periodic training, incl: | <p><input checked="" type="checkbox"/> Fully Implemented <input type="checkbox"/> Partially <input type="checkbox"/> not</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Professional Driver’s Licence Article 11 paragraph 5</p> <p>The licence referred to in paragraph 1 of this Article shall be issued to a driver who holds:</p> <ul style="list-style-type: none"> - driving licence for operating vehicles of one of categories C1, C1+E, C, C+E, D1, D1+E, D or D+E; - Certificate of professional competence for initial qualification or Certificate of professional competence for accelerated initial qualification. <p style="text-align: center;">Certificate of professional competence for initial qualification and accelerated initial qualification Article 12 paragraph 11</p> <p>A program of initial, accelerated initial, reduced initial and periodic professional training for the issuance or renewal of a professional driver's license, the manner and implementation of the examination of the examinations of knowledge acquired at initial, accelerated initial, reduced initial and periodic professional training, professional driver license forms and certificate forms st. 1, 2 and 3 of this Article shall be prescribed by the Ministry.</p> <p style="text-align: center;">Acquisition of Driving Skills Article 13 paragraph 12</p> |

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| <p>- List of knowledge (cf.annex4)</p> <p>- Number of hours (35)</p> <p>- Periodicity (every 5 years)</p> <p>- first periodic training to be completed by [31 Dec 2019]</p> | <p>Certificates of professional competence for initial, accelerated initial and periodic qualifications that are issued in a different country shall be recognized in Montenegro on the basis of the international agreement.</p> <p>- Rulebook on training programs and how to pass an exam for obtaining a professional driver license and a certificate of professional competence (“Official Gazette of Montenegro” No 87/2017, 70/2018, 5/2020 and 117/2020)</p> <p>- 35 hours every five years</p> <p>- 7 hours every year (totally in five years 35 hours)</p> <p>- Montenegro implements the provisions that drivers completed their first periodic training by 31 December 2019.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Articles 2.3; 2.4 - approval of training centres</p> | <p><input checked="" type="checkbox"/> Fully Implemented <input type="checkbox"/> Partially <input type="checkbox"/> not</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p>Certificate of professional competence for initial qualification and accelerated initial qualification Article 12 paragraph 5</p> <p>The initial, accelerated initial, reduced initial training referred to in Article 148 paragraph 2 of this Law and periodic training and passing the exam for examining the knowledge acquired at initial, accelerated initial and periodic training shall be carried out by the Chamber of Economy of Montenegro.</p> <p>Requirements for Authorization of a Legal Person to Carry Out Initial Qualifications, Accelerated Initial Qualifications and Periodic Training Article 14</p> <p>The Chamber of Economy for conducting business organizing training, taking exams and issuing certificates from Article 12 of this Law must:</p> <ul style="list-style-type: none"> - has an accreditation for carrying out training in the field of road transport, issued by an internationally recognized institution; - has a plan on the implementation of the initial, accelerated and periodic training program referred to in Article 12 of this Law; - Has engaged instructors of appropriate qualifications, accredited for carrying out training in the field of road transport, issued by an internationally recognized institution; |

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| - IRU Academy CPC ⁴ | - Chamber of Economy of Montenegro issues the certificate with the IRU Academy logo <input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi |
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Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

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| Provision of the Charter: [Chapter, article] | Not applicable as Montenegro complies with the Charter. |
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| Any other comments: | - |
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⁴ The model of Certificate of professional competence is stated in ANNEX 3

C) Conditions of employment (Chapter III, 3)**Implemented**

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| Article 3.1 | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Requirements for Drivers Article 10</p> <p>The driver of a vehicle in public transport of passengers and cargo must have: at least III level of the national qualifications framework, passed a driving test for the management of motor vehicles of a particular category in accordance with the law governing road safety and professional driver license in accordance with this Law and the most 67 years of age.</p> <p>The domestic carrier must not entrust the management of a vehicle to a driver who does not meet the requirements of paragraph 1 of this Article.</p> <p>The domestic carrier must not entrust the management of a vehicle to a driver who has not ceased the legal consequences of a conviction for one of the crimes against: life and body, human health, sexual freedom, public order and peace, and the safety of public transport.</p> <p style="text-align: center;">Article 23 paragraph 6 and 7</p> <p>A carrier may entrust driving of the owned, rented or leased vehicle only to a driver who is employed at the carrier on the basis of the employment agreement.</p> <p>The employment agreement for the persons performing the transport shall be kept in the vehicle referred to in paragraph 6 of this Article.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| Any other comments: | - |

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| <p>- training/examinations</p> <p>- CPC</p> | <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">IX. SUPERVISION</p> <p style="text-align: center;">Article 132</p> <p>The Ministry shall carry out supervision of the implementation of regulation in the field of road transport in terms of public transport of passengers and freight and own account transport and shuttle transport in internal road transport and international road transport.</p> <p style="text-align: center;">Article 134</p> <p>In addition to authorities defined by the Law on inspection supervision, inspector i.e. utility inspector shall be authorized to:</p> <p>3) review: motor vehicles as well as their internal part; bus stations, bus stops, freight stations, actual seat of carrier, contracts, transport documents, licences, extracts of licences, permits, approvals, decisions, timetables, business books and other documentation which enable insight in carrier’s operation, person who operates a bus station or freight station, as well as to determine identity of such persons or persons found in motor vehicle;</p> <p>4) order removal of deficiencies in terms of: fulfilment of defined conditions for public transport of passengers and freight, own account transport, conditions for operation of bus stations and freight stations; in terms of fulfilment of conditions for legal persons, the authorization by the Ministry, proper control of technical roadworthiness of vehicle, adherence to the timetable, execution of duties and activities of professional and bus driver staff.</p> <p>- Ministry of capital Investments, Chamber of Economy of Montenegro.</p> <p>- Chamber of Economy of Montenegro</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Articles 1.2.3- 1.2.4.</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Exchange of Information</p> <p style="text-align: center;">Article 130</p> <p>The Ministry shall exchange information on licence for transport, certificates of competency, certificates for drivers, notification on executed misdemeanour and undertaken administrative measures with competent authorities of other states, on the basis of reciprocity.</p> |

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| | <p style="text-align: center;">Exchange of Information between Administrative Authorities and Competent Authorities of Other State Article 131</p> <p>Administrative authority shall inform competent authorities of state on whose territory a foreign operator has headquarters of domicile, i.e. on whose territory a vehicle is registered, on violations of law and agreement on regulation of transport in international road transport, and on undertaken measures.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| Article 1.2.5 | <p>X Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Permit for International Carriage of Freight Article 109 paragraph 5</p> <p>The carrier is obliged to carry out international cargo transportation on the basis of a license for international freight transport in accordance with this Law and a confirmed international agreement.</p> <p style="text-align: center;">Distribution of Permits for International Freight Transport Article 110 paragraph 5 and 6</p> <p>The carrier in carrying out the international carriage of cargo in a vehicle must have a properly filled license for international freight, travel log and certificate of compliance with the technical noise and exhaust emission regulations and with the vehicle safety requirements in accordance with the ECMT / CEMT multilateral quota license.</p> <p>Permits referred to in paragraph 1 of this Article shall be certified by stamp in accordance with international agreement.</p> <p style="text-align: center;">Use of Foreign Permits Article 111</p> <p>The carrier must use the license for the international transport of cargo for a vehicle for which a copy of the license has been issued, or an approval for the carriage of cargo for his own needs.</p> <p>During the performance of the international freight transport, as well as the empty drive within that transport, the carrier is obliged to have a foreign license for the international freight transport in the vehicle for which the transport is performed.</p> <p>The carrier, that is, the crew in performing the international cargo transportation, is obliged to correctly and accurately fill in the permit, or the travel journal.</p> <p>The carrier or rolling stock must not change the data entered in the permit or travel log in carrying out the international cargo transport.</p> <p>The carrier is obliged to use the license in accordance with the purpose for which it was issued.</p> |

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| | <p>The carrier is prohibited from transferring the licenses referred to in Article 110 of this Law to another carrier</p> <p>- Decree on detailed criteria, the procedure, the distribution and use of external permits to domestic transporters for international transport (“Official Gazette Montenegro 81/2008 and 6/2015)</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| Article 1.3. | <p>X Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p>Distribution of Permits for International Freight Transport Article 110 paragraph 1, 6 and 10</p> <p>The distribution of licenses to domestic carriers for international cargo transport (critical and non-critical), obtained by exchange in accordance with Article 109 paragraph 2 of this Law, shall be carried out on the basis of an annual plan established by the Administration Authority.</p> <p>Register of Carriers Article 29</p> <p>Carriers granted with a licence shall be enlisted in the register of carriers.</p> <p>The register of carriers constitutes a single national register of carriers that is managed by the Administrative authority.</p> <p>The register of carriers shall record the following data:</p> <ul style="list-style-type: none"> - name and registered office or name and residence of a carrier; - name and surname of a person responsible for transport; - type of public transport for which the licence has been issued; - number and date of issuance of licence or certified true copy thereof; - expiration date of licence or certified true copy thereof; - date of final ruling on penalty for a serious offence referred to in Article 20 paragraphs 2 and 3 of this Law; - date of licence revocation; - date of licence or certified true copy suspension; - expiration date of licence or certified true copy suspension; - date of issuance of licence, vehicle registration plates, load capacity, date of manufacture, kind, brand and type of vehicle, number of chassis with VIN designation, engine type, emission of noise and exhaust gases –Euro/Eco, and certified true copy expiration date. <p>Register of carriers shall be kept in electronic form in a manner that enables linking and exchange of data with national registers of carriers of the EU member states.</p> <p>Register of carriers shall be uploaded on the website of the Ministry.</p> |

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| | <p>More detailed contents and the manner of keeping the registrar of carriers shall be prescribed by the Ministry.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
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Any other comments in relation to one or more provisions listed above:

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| Provision of the Charter: | - |
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B) Checks (Chapter IV, 2)

Implemented

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| <p>Article 2.1. - checks re. Drivers , incl:</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provisions:</p> <ul style="list-style-type: none"> • Law on Working Hours, Mandatory Rest Periods of Mobile Workers and Recording Equipment in Road Transport (“Official Gazette of Montenegro“ No 75/2010, 40/2011 and 17/2019) <p style="text-align: center;">Competence and Authorizations related to Supervision Article 49 paragraphs 1, 2, 3,4 and 5</p> <p>Supervision of the implementation of AETR agreement and this Law shall be performed by:</p> <ol style="list-style-type: none"> 1) Road Transport Inspectorate; 2) Police officers within their supervision activities related to road traffic safety; 3) Labour Inspectorate related to working hours and rest times during working hours of mobile workers in companies. <p>The scope and structure of supervision referred to in paragraph 1 of this Article, manner of preparation and contents of supervision programme, manner of execution of supervising powers and elements of supervision on road and premises of the operator shall be prescribed by the Government of Montenegro.</p> <p>The coordination and annual plan of permanent supervision, based on programme, shall be prepared by the Road Transport Inspectorate, taking into account the number of vehicles, drivers and drivers’ working days.</p> <p>Authorized persons shall periodically execute coordinated actions together with the competent control authorities of two or more states signatories to the AETR agreement.</p> <p>Authorized persons shall have the following powers:</p> <ol style="list-style-type: none"> 1) to prohibit the use of vehicles in which the damage of malfunctioning of the tachograph is not eliminated within seven days from the day such break occurred or failure in operation was detected, and the driver did not write on the tachograph sheet or temporary sheet attached to the record sheet or driver card, on which they enter data enabling identification (number of driver card and/or name and/or number of |
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| | <p>driving licence), including his signature, all data for different periods which are not recorded or not correctly recorded by tachograph;</p> <ol style="list-style-type: none"> 2) in the event of doubt that the tachograph or speed limiter is not working correctly, to refer the vehicle to extraordinary check. If it is determined that the devices is not working properly, the costs of such check shall be borne by the owner of the vehicle in which the device was installed; 3) to request from the driver to enable tachograph control and submit for inspection or allow the inspection of tachograph sheets, or driver's cards; 4) to temporary remove the list with recorded data or printout from tachograph or make a copy of data from the card as evidence in the offence procedure; 5) to temporary withdraw the driver's card, provided that it was found that the card has been falsified, that the driver is using someone else's card, or that the card was obtained on the basis of false statements and/or forged documents, and submit it to the competent issuer state signatory to the AETK indicating the reasons for temporary withdrawal of the card; 6) to exclude the vehicle from traffic until the cause of offence is corrected, i.e. force the driver to use daily rest period; 7) to propose to the relevant authorities withdrawal, suspension or limitations to licences for pursuing activity or driving licence; 8) to temporary withdraw vehicle registration certificate and registration plates if during inspection it is determined that the tachograph was not checked or calibrated within required period and instruct that the vehicle is sent to the nearest workshop referred to in Article 22 of this Law. Documents and registration plates shall be returned to the driver under the receipt of the workshop about removed irregularities. <p style="text-align: center;">Reporting obligation Article 46</p> <p>The Ministry shall submit reports to the European Commission about the implementation of provisions of this Law governing working hours and rest times during working hours of mobile workers, as well as driving times, breaks and rest times of drivers.</p> <p>The reports referred to in paragraph 1 of this Article shall be submitted not later than 30 September of the current year for the previous two years.</p> <p>The report referred to in paragraph 1 of this Article shall also include the data about vehicles referred to in Article 2 paragraph 4, Article 16 and Article 17 paragraph 2 of this Law, which are not required to have installed tachograph.</p> <p>The Ministry shall submit to the European Commission every six months a report about performed inspection supervision, i.e. checks, carried out by the relevant inspectorates and administrative authority.</p> <p>Contents and form of the report referred to in paragraph 4 of this Article shall be specified by regulation of the Ministry.</p> |
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| <p>- 2.1.1. Driving times and rest periods (cf. also. Annex 6):</p> | <p>Decree on scope and the structure of supervision of the driver, preparation and content of supervision programme, the method of performing of supervisory authority and control elements on the road and premises of the operator (Official Gazette of Montenegro 50/2011)</p> <p style="text-align: center;">Article 2</p> <p>The inspection authority responsible for road transport operations and administrative authority in charge of police checks in road transport (hereinafter referred to as relevant inspection authority), shall organize and implement appropriate and regular inspections on road and on the premises of the operator, for all types of carriage.</p> <p>The inspection referred to in paragraph 1 of this Article shall be performed every year and include a large and representative number of drivers, operators and vehicles for all types of carriage.</p> <p>The annual inspection referred to in paragraph 2 of this Article shall be organized in such manner so as to include 3% of drivers' working days.</p> <p>The relevant inspection authority shall inspect minimum 30% of the total number of inspected working days referred to in paragraph 3 of this Article, on road and minimum 50% on the operator's premises.</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Article 2.2. - Checks re. Undertakings, incl:</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Procedure for Obtaining Licence Article 25 paragraph 1, 2, 3 and 8</p> <p>Licence shall be issued based on the application submitted by a carrier.</p> <p>Application referred to in paragraph 1 of this Article shall be filed to the Administrative authority, or to the competent authority of the local government for licences referred to in Article 18 paragraph 3 item 2 of this Law.</p> <p>Document on compliance with the requirements referred to in Article 19 of this Law and evidence on paid fines recorded in the misdemeanour files of the Ministry or the competent authority of local government shall be submitted together with the application referred to in paragraph 1 of this Article.</p> <p>The licence shall be issued in the name of the carrier for a period of five years and such licence shall be non-transferable</p> |

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| | <input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi |
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Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

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| Provision of the Charter: [Chapter, article] | Not applicable as Montenegro complies with the Charter. |
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| Any other comments: | - |
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C) Classification of Infringements (Chapter IV, 3)

Implemented

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| Article 3.1. re. driving times and rest periods (cf. also. Annex 7) | <input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented Corresponding National Provisions: <ul style="list-style-type: none"> • Law on working hours, mandatory rest periods of mobile workers and recording equipment in road transport („Official Gazette Montenegro 75/2010, 40/2011 and 17/2019“) <p style="text-align: center;">Articles 50-55 are on Penalty provisions</p> Penalty provisions are in line with directive 2006/22/EC. All infringements are classified in three categories according to level of seriousness: Very serious-Serious-Minor. <input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi |
| Article 3.2. re. undertakings, incl: | <input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Good Legal Standing Article 20 paragraph 2 and 3</p> Good legal standing shall not be enjoyed by a legal or responsible person in the legal person or an entrepreneur and the employed person responsible for transport who was sentenced over the previous two years for more than twice with the final ruling for a serious offence in regard to performing operations of road public transport of passengers or freight in line with this Law or the law governing transport safety, carriage of hazardous substances by public roads, law on working hours and devices for recordkeeping in road transport, breach of rights on the grounds of labour and illegal employment, unfair competition, corruption or if such person performed transport operations |

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| | <p>without an adequate licence, i.e. contrary to provisions of international agreements.</p> <p>A serious offence referred to in paragraph 2 of this Article shall mean an offence for which a fine has been prescribed in the amount of EUR 1,500 or more, or for a natural person in the amount of EUR 1500 or more.</p> <p style="text-align: center;">Revocation of a Licence Article 31 paragraph 1 (1)</p> <p>Licence shall be revoked by decision of the authority that granted such the licence if:</p> <p>1) the licence holder breaks any of the conditions upon which their licence was issued;</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
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Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

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| Provision of the Charter: [Chapter, article] | Not applicable as Montenegro complies with the Charter. |
| Any other comments: | - |

D) Penalties (Chapter IV, 4)

Implemented

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| Article 4.1. | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <p>Corresponding National Provision:</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro“ No 71/2017 and 67/2019) <p style="text-align: center;">Permit for International Carriage of Freight Article 109 paragraph 5</p> <p>The carrier is obliged to carry out international cargo transportation on the basis of a license for international freight transport in accordance with this Law and a confirmed international agreement</p> <p style="text-align: center;">Penalty provisions, Article 139</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
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| | <p>fulfilment of conditions for legal persons, the authorization by the Ministry, proper control of technical roadworthiness of vehicle, adherence to the timetable, execution of duties and activities of professional and bus driver staff</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |
| <p>Article 4.3. on undertakings:</p> <p>- 4.3.1.</p> <p>- 4.3 2.</p> | <p><input checked="" type="checkbox"/> Fully <input type="checkbox"/> Partially <input type="checkbox"/> not Implemented</p> <ul style="list-style-type: none"> • Law on Carriage in Road Transport (“Official Gazette of Montenegro” No 71/2017 and 67/2019) <p style="text-align: center;">Permit for International Carriage of Freight</p> <p style="text-align: center;">Article 109 paragraph 5</p> <p>The carrier is obliged to carry out international cargo transportation on the basis of a license for international freight transport in accordance with this Law and a confirmed international agreement</p> <p style="text-align: center;">Penalty provisions, Article 139</p> <p><input type="checkbox"/> Useful Links: https://www.gov.me/mki/saobracaj/drumski-saobracaj/propisi</p> |

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

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| Provision of the Charter: | - |
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ANNEX 1: The model of certificate of professional competence issued in Montenegro

Obrazac 3



CPC MANAGER DIPLOMA

Awarded on 12 October 2012 to

Name and Surname

Born in Podgorica, Montenegro, on 21 February 1980, certifying qualification in the

Certificate of Professional Competence (CPC)
for the Road Transport Manager

National and/or International Haulage of Goods and/or Passengers

This course is delivered by _____ Accredited Training Institute Chamber of Economy of Montenegro (PKCG) in accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and the strict criteria fixed by _____ endorsed by its high level Advisory Committee, regarding instructor qualification, training and examination to provide and ensure the highest professional skills and quality in road transport.

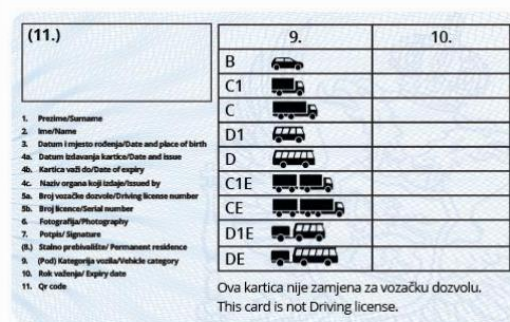
Internacional accreditation body
Signature

Chamber of Economy
Signature

Center for education
in road transport
Signature

ANNEX 2: The model of driver qualification card issued in Montenegro

Obrazac 2



- ¹ Fizičke karakteristike kartice:
 Dimenzije 86 x 54 mm
 ISO standard 7810 i 7816-1 (ISO 10373)
 Referentna boja plava (Pantone Reflex)

ANNEX 3: The model of Certificate of professional competence issued in Montenegro

Obrazac 1



Crna Gora
Ministry of transport
and maritime affairs

Logo
Chamber of Economy
of Montenegro

Logo
Internacional accreditation body



CPC DRIVER CERTIFICATE

Awarded on 12 October 2018 to

Name and Surname

Born in Podgorica, Montenegro, on 21 February 1980, certifying qualification in the

**Certificate of Professional Competence (CPC)
for Driver**

Initial/Initial Accelerated/Periodic Qualification, Category C1,C1+E,C,C+E, D1, D1+E, D or D+E

This certificate is valid until (Code 95) 21 October 2023

This course is delivered by _____ Accredited Training Institute Chamber of Economy of Montenegro on the basis of EU Directive 2003/59/EC, on subjects referred in section 1 of Annex A and the strict criteria fixed by _____, endorsed by its high level Advisory Committee, regarding instructor qualification, training and examination to provide and ensure the highest professional skills and quality in road transport.

Internacional accreditation body
Signature

Chamber of Economy
Signature

Center for education
in road transport
Signature