

## LAW

### On the Interoperability of the Railway System

“Official Gazette of the Republic of Serbia”, No. 62 of 27 July 2023

*PUBLISHER'S NOTE : The law entered into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia", i.e., on 4 August 2023, with the exception of the provisions of Article 11, paragraph 3 and 4, Article 15, paragraph 2, Article 19, paragraph 13 and 31, item 1), Article 22, Article 23, paragraph 2 and 3, Article 26, paragraph 16, Article 34, paragraph 4, 11 and 13, Article 36, paragraph 5, Article 37, paragraph 6 and 7, Article 44, para. 2 and 5, Article 45, paragraph 1, Article 48 and Article 49, which shall apply from the date of accession of the Republic of Serbia to the European Union (see Article 67 of the Law).*

#### I. INTRODUCTORY PROVISIONS

##### Scope of the Law

###### Article 1

This Law establishes the conditions to be met by the railway system in the Republic of Serbia to achieve its interoperability, which concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of the railway system, as well as the professional qualifications of, and health and safety conditions applying to, the staff who contribute to its operation and maintenance.

The provisions of this Law shall not apply to metros, trams and light rail vehicles and infrastructure used exclusively by those vehicles.

The provisions of this Law that refer to the technical conditions to be met by infrastructure and vehicles shall not apply to touristic-museum railways and to museum vehicles that operate on public railway infrastructure.

##### Meaning of Individual Terms

###### Article 2

Individual terms used in this Law shall have the following meanings:

*1) A vehicle type variant means an option for the configuration of a vehicle type that is established during a first authorisation of the vehicle type or changes within an existing vehicle type during its life cycle that require a new authorisation of the vehicle type;*

- 2) *A vehicle type version* means an option for the configuration of a vehicle type or type variants or changes within an existing type or type variant during its life cycle, created to reflect changes to the basic design characteristics that do not require a new authorisation of the vehicle type;
- 3) *Authorisation for placing in service* means the document authorising placing in service of a subsystem;
- 4) *Authorisation of vehicle type* means the document verifying that the type of a railway vehicle is in conformity with the prescribed technical specifications or national rules;
- 5) *Maintenance file* means the documentation which shall be maintained for each vehicle by the entity in charge of maintenance and which shall comprise of the general technical documentation, documentation for maintenance and data on use of the railway vehicle and all the inspection and maintenance activities thereof;
- 6) *European specification* means a common technical specification, a European technical approval or a national standard transposing a European standard;
- 7) *Substitution in the framework of maintenance* means any replacement of components by parts of identical functions and performance in the framework of preventive or corrective maintenance;
- 8) *Railway network* means the railway lines, stations, terminals and all kinds of fixed railway installations needed to ensure safe and continuous operation of the railway system;
- 9) *Railway undertaking* means a company or other legal entity, the principal business activity of which is to provide services for the transport of goods and/or passengers by rail and to which a license has been issued on the basis that the undertaking is to ensure traction, or which provides traction only. A company or other legal entity that carries out transport by rail for its own needs and has been issued a license for transport for its own needs shall also be considered a railway undertaking;
- 10) *Railway system* means an integrity composed of railway network and railway vehicles;
- 11) *Railway vehicle* means a vehicle with or without traction that runs on its own wheels on railway lines, which is composed of one or more structural and functional subsystems;
- 12) *Keeper* means the natural or legal person that, being the owner or user of a railway vehicle, exploits the vehicle as a means of transport and is registered as such in the National Railway Vehicle Register;
- 13) *Designated body* means the body responsible for assessing conformity and suitability for use of the structural subsystem elements and for verification of structural subsystems in compliance with the national rules, designated in compliance with the law regulating technical requirements for products and conformity assessment;
- 14) *Railway interoperability* means the ability of a rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of performance;

- 15) *Entity in charge of maintenance* means an entity in charge of maintenance of a railway vehicle, which is registered as such in the National Railway Vehicle Register
- 16) *Entity managing a change* means a holder of the vehicle type authorisation, a keeper or a person designated by them;
- 17) *Mobile subsystem* means the rolling stock subsystem and the on-board control-command and signalling subsystem;
- 18) *Contracting entity* means an entity which orders the design, construction, renewal or upgrading of a subsystem;
- 19) *National rules* means all rules adopted in the Republic of Serbia which contain railway safety or technical requirements applicable to railway undertakings, infrastructure managers or third parties; national rules do not include technical specifications for interoperability;
- 20) *Holder of the vehicle type authorisation* means a natural or legal person that has applied for and received vehicle type authorization or its legal successor;
- 21) *Renewal of the subsystem* means any major substitution on a subsystem or a part of it which does not change its basic characteristics;
- 22) *Authorized representative* means any natural or legal person established within the Republic of Serbia who has received a written mandate from a manufacturer or a contracting entity to act on his behalf in relation to specified tasks;
- 23) *Essential requirements* means all the conditions which must be met by the railway system, the subsystems, the interoperability constituents and the structural subsystem elements, including interfaces;
- 24) *Basic parameters* means any regulatory, technical or operational condition which is critical to interoperability and is, as such, specified in the relevant technical specifications of interoperability;
- 25) *Person with disabilities and person with reduced mobility* shall include any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder the full and effective use by that person of transport on an equal basis with other passengers or whose mobility when using transport is reduced due to age;
- 26) *Open points* means the technical aspects relating to the essential requirements that are not explicitly covered by the technical specifications of interoperability;
- 27) *Conformity assessment* means the process demonstrating whether the requirements relating to a product, process, service, subsystem, person or a body have been fulfilled;
- 28) *Suitability for use* means the ability of a product to achieve and maintain the required performances during its period of use;

- 29) *Applicant* means a natural or legal person requesting an authorisation, be it a railway undertaking, an infrastructure manager or any other person or legal entity, such as a manufacturer, contracting entity, their authorized representative, owner or keeper;
- 30) *Area of use of a vehicle* means a railway network or networks within one or more states in which a vehicle is intended to be used;
- 31) *Subsystems* means the structural or functional parts of the railway system;
- 32) *Existing railway system* means the infrastructure composed of railway lines and fixed installations of the existing railway network, as well as of the vehicles of all categories and origins travelling on that infrastructure;
- 33) *Notified body* means a body in charge of assessing the conformity and suitability for use of interoperability constituents and of the EC verification procedure for the subsystems in accordance with the technical specifications of interoperability and which has been notified to the Secretary General of the Intergovernmental Organisation for International Carriage by Rail (hereinafter: OTIF) or to the European Commission in compliance with the law regulating technical requirements for products and conformity assessment;
- 34) *Acceptable national means of compliance* means non-binding opinions issued by the responsible authority to define ways of establishing compliance with national rules;
- 35) *Product* means a product obtained through a manufacturing process, including interoperability constituents, structural subsystem elements and subsystems;
- 36) *Manufacturer* means any natural or legal person who manufactures a product in the form of interoperability constituents, subsystem elements, subsystems or vehicles or has it designed or manufactured, and markets it under his name or trademark;
- 37) *Project at an advanced stage of development* means any project the planning or construction stage of which has reached a point where a change in the technical specifications may compromise the viability of the project as planned;
- 38) *Design operating state* means the normal operating mode and the foreseeable degraded conditions (including wear) within the range and the conditions of use specified in the technical and maintenance files;
- 39) *Placing in service* means all the operations by which a subsystem is put into its operational service;
- 40) *Series of railway vehicles* means a certain number of identical railway vehicles of one design type;
- 41) *Specific cases* means any part of the railway system which needs special provisions in the technical specifications of interoperability, either temporary or permanent, because of geographical, topographical or urban environment constraints or constraints affecting compatibility with the existing system (railway lines and railway networks that are isolated from the remaining part of the railway network, the loading gauge, the track gauge, distance

between centres of lines, railway vehicles that are strictly intended for the local, regional or historical use, etc.);

42) *Fixed subsystems* means infrastructure subsystem, energy subsystem and control, command and signalling subsystem - track-side part;

43) *Placing on the market* means the first making available on the market of an interoperability constituent, subsystem or a vehicle ready to function in its design operating state;

44) *Conformity assessment body* means a body that has been notified or designated to be responsible for conformity assessment activities, including calibration, testing, certification and inspection;

45) *Technical file* means the documentation comprising all the necessary documents relating to the characteristics of the subsystem and, where appropriate, all the documents certifying conformity of the interoperability constituents; technical file should also include all the conditions and constraints for placing in service and all the instructions concerning servicing, constant or routine monitoring, adjustment and maintenance;

46) *Technical specification* means a document that prescribes technical requirements to be fulfilled by a product, subsystem, process or service;

47) *Vehicle type* means a vehicle type defining the basic design characteristics of the railway vehicle as approved by a type or design examination certificate described in the relevant verification module;

48) *Upgrading* means any major modification work on a subsystem or part of it which results in a change in the technical file accompanying the declaration of verification, and which improves the overall performance of the subsystem;

49) *Configuration management* means a systematic organizational, technical and administrative process put in place throughout the lifecycle of a vehicle and/or vehicle type to ensure that the consistency of the documentation and the traceability of the changes are established and maintained so that:

- (1) the requirements defined in the applicable rules are met,
- (2) changes are controlled and documented either in the technical files or in the file accompanying the issued authorization,
- (3) information and data are kept current and accurate,
- (4) relevant parties are informed of changes, as required.

50) *Infrastructure manager* means a capital company (limited liability company or joint-stock company) or a sole trader responsible for establishing, managing and maintaining public railway infrastructure or industrial railway infrastructure, including operation and traffic management and the control, command and signalling subsystem;

51) *Harmonised standard* means the standard, and/or technical specification adopted by the European Committee for Standardization (CEN) or European Committee for Electrotechnical

Standardization (CENELEC) as recognized relevant bodies, which has been developed at the request and/or based on the mandate of the European Commission, and which is published as national standard (without any modification) by national organizations for standardization;

52) *Interoperability constituent* means any component, group of components, subassembly or complete assembly of equipment, as well as software, incorporated or intended to be incorporated into a subsystem, upon which the interoperability of the railway system depends directly or indirectly; the term ‘constituent’ shall include both the tangible objects and intangible objects such as software.

The terms used in this Law, which are not provided for in paragraph 1 of this Article, shall have the meaning determined by the law regulating railway and by the law regulating safety of the rail traffic

## II. INTEROPERABILITY

### 1. Railway System

#### Article 3

Railway system can be:

- 1) conventional railway system, designed for speeds up to 200 km/h;
- 2) high-speed railway system, designed for speeds greater than 200 km/h.

Railway system shall comprise of:

- 1) railway network;
- 2) railway vehicles.

#### *Railway network*

#### Article 4

Railway network shall comprise of:

- 1) specially built railway lines equipped for speeds equal to or greater than 250 km/h;
- 2) specially upgraded railway lines equipped for speeds of the order of approximately 200 km/h;
- 3) specially upgraded high-speed railway lines which have special technical characteristics, on which speed must be adapted because of the topographical, relief or town-planning constraints. This category additionally includes interconnecting railway lines between the high-speed railway system networks and conventional networks, railway lines in the railway stations areas (hereinafter: a station), terminating lines for terminals, depots, etc. on which high-speed trains travel at speeds of conventional trains;
- 4) conventional railway lines intended for passenger transport;
- 5) conventional railway lines intended for mixed traffic (passengers and freight);
- 6) conventional railway lines intended for freight transport;

- 7) Passenger hubs;
- 8) Freight hubs, including intermodal terminals;
- 9) Railway lines connecting the elements referred to in points 1) through 8) of this paragraph.

The railway network shall include the traffic management, tracking and navigation systems, technical installations for data processing and telecommunications intended for long-distance passenger and freight transport on the network in order to guarantee safe and harmonious operation of the railway network and efficient traffic management.

### *Railway vehicles*

#### Article 5

Railway vehicles shall comprise all vehicles likely to travel on all or part of the railway network:

- 1) locomotives and passenger rolling stock, including diesel and electric locomotives, self-propelling diesel and electric trains and passenger coaches;
- 2) freight wagons, including low-deck vehicles designed for the entire network and vehicles designed to carry lorries;
- 3) special railway vehicles, such as on-track machines, etc.

Railway vehicles shall also include vehicles specially designed to operate on the different types of high-speed railway lines described in Article 4 of this Law.

### *Subsystems*

#### Article 6

Railway systems shall comprise the structural and functional subsystems.

Structural subsystems are:

- 1) Infrastructure – tracks, points, engineering structures (bridges, tunnels, etc.) and associated infrastructure in stations (platforms, zones of access, including the parts intended for persons with reduced mobility, etc.), safety and protective equipment;
- 2) Energy – devices intended for electrification, including overhead lines and the trackside electricity consumption measuring system;
- 3) Trackside control-command and signalling – all the trackside equipment required to ensure safety and to control and command movements of trains authorised to travel on the network
- 4) On-board control, command and signalling – all the on-board equipment required to ensure safety and to control and command movements of trains authorised to travel on the network;
- 5) Rolling stock – structural body, command and control systems for all train equipment, current collectors, traction and energy conversion units, on-board equipment for electricity consumption measuring, braking, coupling, running gear (bogies, axles, etc.) and suspension,

doors, man/machine interface (driver, on-board staff and passengers, including accessibility features for persons with reduced mobility), passive and active safety devices and requisites for the health of passengers and on-board staff.

Functional subsystems are:

1) Operation and traffic management – the procedures and related equipment that enables coherent operation of various structural subsystems during both normal and degraded operation, including in particular train composition and train driving, traffic planning and management, as well as the professional qualifications that may be required for carrying out services in cross-border traffic;

2) Maintenance – the procedures, associated equipment, logistics centres for maintenance works and reserves of spare parts allowing the mandatory corrective and preventive maintenance to ensure the interoperability of the railway system and to guarantee the performance required;

3) Telematics applications for passenger and freight transport:

(1) Applications for passenger transport, including systems which provide passengers with information before and during the journey, reservation and payment systems, luggage management and management of connections between trains and other modes of transport;

(2) Applications for freight transport, including information systems (real-time monitoring of freight and trains), marshalling and allocation systems, reservation, payment and invoicing systems, management of connections with other modes of transport and production of electronic accompanying documents.

## **2. Requirements for Enabling Interoperability**

### *Article 7*

The railway system, subsystems, interoperability constituents and structural subsystem elements must meet the essential requirements

### *Essential Requirements*

### *Article 8*

Essential requirements for ensuring interoperability shall include general and specific requirements.

General requirements that the railway system must fulfil shall be:

1) safety:

(1) the design, construction or assembly, maintenance and monitoring of safety-critical components, and in particular of the components involved in train movements must be such as

to guarantee safety at the level corresponding to the aims laid down for the network, including those for specific degraded conditions,

(2) the parameters involved in the wheel/rail contact must meet the stability requirements needed in order to guarantee safe movement at the maximum authorized speed, and the parameters of brake equipment must guarantee that it is possible to stop within a given braking distance at the maximum authorized speed,

(3) the components used must withstand any normal or exceptional stresses during their period in service; the safety repercussions of any accidental failures must be limited by appropriate means,

(4) the design of fixed installations and rolling stock and the choice of materials used must be such to limit the generation, propagation and effects of fire and smoke in the event of a fire,

(5) any devices intended to be handled by users must be designed in such a way as not to impair the safe operation of the devices or the health and safety of users if used in a foreseeable manner, albeit not in accordance with the posted instructions;

2) reliability and availability – the monitoring and maintenance of fixed or movable components that are involved in train movements must be organised, carried out and quantified in such a manner as to maintain their operation under the intended conditions;

3) health – materials likely, by virtue of the way they are used, to constitute health hazard to those having access to them must not be used in trains and railway infrastructures (hereinafter: the infrastructure) and must be selected, deployed and used in such a way as to restrict the emission of harmful and dangerous fumes or gases, particularly in the event of fire;

4) environmental protection:

(1) the environmental impact of establishment and operation of the railway system must be assessed and taken into account at the design stage of system, in accordance with the regulations governing environmental impact assessment,

(2) the materials used in trains and infrastructure must prevent the emission of fumes or gases which are harmful and dangerous to the environment, particularly in the event of fire,

(3) the rolling stock and energy-supply systems must be designed and manufactured in such a way as to be electromagnetically compatibility with the installations, equipment and public or private networks with which they might interfere;

(4) the design and operation of the railway system must not lead to an inadmissible level of noise generated by it in areas close to the railway infrastructure or in the driver's cab of a traction unit,

(5) operation of the railway system must not give rise to an inadmissible level of ground vibrations for the activities and areas close to the infrastructure that is maintained in compliance with the regulations,

5) technical compatibility – the technical characteristics of the infrastructure and fixed installations must be compatible with each other and with those of the trains to be used on the railway system, which includes the safe integration of the vehicle's subsystem with the infrastructure. If compliance of the infrastructure and fixed installations with these characteristics proves difficult on certain sections of the network, temporary solutions which ensure such compatibility in the future, may be implemented;

6) accessibility – the infrastructure and rolling stock subsystems must be accessible to persons with disabilities and persons with reduced mobility in order to ensure access on an equal basis with others, by way of the prevention or removal of barriers, and by way of other appropriate measures. This shall include design, construction, renewal, upgrade, maintenance and operation of the relevant parts of the subsystem to which the public has access. The operation and traffic management subsystem and the telematics applications for passenger subsystem must provide for the necessary functionality thereof required to facilitate access for persons with disabilities and persons with reduced mobility on an equal basis with others by way of the prevention or removal of barriers, and by way of other appropriate measures.

Requirements specific to each subsystem shall be:

1) infrastructure:

(1) safety:

– appropriate steps must be taken to prevent unauthorized access to or undesirable intrusions into installations,

– steps must be taken to limit the dangers to which persons are exposed, particularly when trains pass through stations,

– infrastructure to which the public has access must be designed and made in such a way as to limit any human safety hazards (stability, fire, access, evacuation, platforms, etc.),

– appropriate provisions must be adopted to take account of the particular safety conditions in long tunnels and viaducts;

(2) accessibility –infrastructure subsystems to which the public has access must be accessible for persons with disabilities and persons with reduced mobility;

2) energy:

(1) safety – operation of the energy-supply system must not impair the safety of trains or of persons (passengers, operating staff, trackside dwellers and third parties),

(2) environmental protection – the functioning of the electrical or thermal energy-supply systems must not interfere with the environment beyond the specified limits;

(3) technical compatibility – the electrical/thermal energy-supply systems must be such to enable trains to achieve the specified performance levels and the electricity energy-supply systems must be compatible with energy collection devices fitted to the trains;

3) control-command and signalling:

(1) safety:

- the control-command and signalling installations and procedures must enable trains to travel with a level of safety which corresponds to the objectives set for the network,
- the control-command and signalling systems must continue to provide for safe passage of trains permitted to run under degraded conditions as well;

(2) technical compatibility:

- all new infrastructure and all new rolling stock manufactured or developed after the adoption of compatible control-command and signalling systems must be tailored to the use of those systems,
- the control-command and signalling equipment installed in the train drivers' cabs must permit normal operation, under the specified conditions, throughout the railway system;

4) rolling stock:

(1) safety:

- the rolling stock structures and structures of the links between vehicles must be designed in such a way as to protect the passenger compartments and driver's cabs in the event of collision or derailment,
- the electrical equipment must not impair the safety and functioning of the control-command and signalling installations,
- the braking techniques and the stresses exerted must be compatible with the design of the railway tracks, engineering structures on the line and signalling systems,
- steps must be taken to prevent access to electrically-live devices,
- in the event of danger, certain devices must enable passengers to inform the driver and accompanying staff to contact him,
- the safety of passengers boarding and alighting from trains must be ensured. The access doors must incorporate an opening and closing system which guarantees passenger safety.
- emergency exits must be provided and indicated,
- appropriate provisions must be laid down to take account of the particular safety conditions in very long tunnels,
- an emergency lighting system having a sufficient intensity and duration must be installed,
- trains must be equipped with a public address system which provides a means of communication to the public from on-board staff,
- Passengers must be given easily understandable and comprehensive information about rules applicable to them both in railway stations and in trains;

(2) reliability and availability – the design of the vital equipment and the running, traction and braking equipment as well as the control- command system must, in a specific degraded situation, be such as to enable the train to continue without adverse consequences for the equipment remaining in service ;

(3) technical compatibility:

- the electrical equipment must be compatible with the operation of the control-command and signalling installations,
- in the case of electric traction, the characteristics of the current-collection devices must be such as to enable trains to travel under the energy-supply systems for the railway system,
- the characteristics of the rolling stock must be such to allow it to travel on any line on which it is expected to operate, taking account of relevant climatic conditions;

(4) controls – trains must be equipped with a recording device. The data collected by that device and the processing of the information must be harmonized;

(5) accessibility –rolling stock subsystems to which the public has access must be accessible for persons with disabilities and to persons with reduced mobility;

5) maintenance:

(1) health and safety – the operation of the technical installations and the procedures used in the maintenance centres must ensure the safe operation of the subsystem and must not constitute a danger to health and safety,

(2) environmental protection – the operation of technical installations and the procedures used in the maintenance centres must not exceed the permissible levels of nuisance with regard to the surrounding environment,

(3) technical compatibility – the maintenance installations for rolling stock must be such to enable safety, health and comfort operations to be carried out on all rolling stock for which they have been designed;

6) Operation and traffic management:

(1) safety:

- alignment of the network operating rules and the qualifications of train drivers, on-board staff and of the staff in the control centres must be such as to ensure safe operation, bearing in mind the different requirements of cross-border transport services and transport services in the Republic of Serbia,
- the maintenance operations and maintenance intervals, the training and qualifications of the maintenance and control centres' staff, as well as the quality assurance system set up in the control and maintenance centres must be such as to ensure a high level of safety,

(2) reliability and availability – the maintenance operations, maintenance intervals, training and qualifications of staff in the maintenance and control centres, as well as the quality

assurance system set up in the maintenance and control centres must be such as to ensure a high level of system reliability and availability,

(3) technical compatibility – alignment of network operating rules and the qualifications of train drivers, on-board staff and traffic managing staff must be such as to ensure operating efficiency on the railway system, bearing in mind the different requirements of cross-border transport services and transport services in the Republic of Serbia,

(4) accessibility – Appropriate steps must be taken to ensure that operating rules provide for the necessary functionality required to ensure accessibility for persons with disabilities and persons with reduced mobility;

7) telematic applications for passenger and freight services:

(1) technical compatibility – the essential requirements for telematics applications guarantee a minimum quality of service for passengers and carriers of goods, particularly in terms of technical compatibility. With regard to such applications, steps must be taken to ensure:

– that the databases, software and data communication protocols are developed in a manner allowing maximum data interchange between different applications and operators, excluding confidential commercial data,

– easy access to information for users,

(2) reliability and availability – the methods of use, management, updating and maintenance of these databases, software and data communication protocols must guarantee the efficiency of these systems and the quality of the service,

(3) health – the interfaces between the users and the systems must comply with the minimum rules on ergonomics and health protection,

(4) safety – suitable levels of integrity and dependability must be provided for the storage or transmission of safety-related information,

(5) accessibility – appropriate steps must be taken to ensure that telematics applications for passenger subsystems provide for the necessary functionality required to ensure accessibility for persons with disabilities and persons with reduced mobility.

### **3. Technical Specifications for Interoperability**

#### *The Concept*

##### Article 9

Technical specifications for interoperability (hereinafter: TSI) shall be technical specifications by which each subsystem or part of the subsystem of the railway system is covered in order to meet the essential requirements and ensure the interoperability of the railway system.

One TSI shall be drawn up for each subsystem. Where necessary, one subsystem may be covered by several TSIs and one TSI may cover several subsystems.

Subsystems shall comply with the TSIs and national regulations in force at the time of their placing in service, upgrading or renewal, in accordance with this Law. This compliance shall be permanently maintained as long as the subsystems are in use.

The Directorate for Railways (hereinafter: Directorate) shall publish TSIs in the “Official Gazette of the Republic of Serbia”.

### *Scope of Application*

#### Article 10

TSIs shall apply to the newly built, upgraded or renewed vehicles intended for transport on public railway infrastructure in the Republic of Serbia and for international railway transport, as well as to the newly built, upgraded or renewed railway lines of public railway infrastructure in the Republic of Serbia.

TSIs may also apply to industrial tracks and industrial railways and to vehicles used on them.

The minister responsible for transport, in cooperation with the Directorate, shall adopt the TSI implementation plan for the Republic of Serbia.

By way of derogation from paragraph 1 of this Article, TSIs do not have to be applied if the project is implemented in phases, i.e., by sections, but they must be applied upon the completion of all works on the entire railway line from the starting to the final station, in accordance with the regulation governing the categorization of railway lines that belong to the public railway infrastructure.

### *Non-application of TSIs*

#### Article 11

Non-application of TSIs or parts of them may be allowed in the following cases:

- 1) for a proposed new subsystem or a part of it, for the upgrading or renewal of an existing subsystem or a part of it, or for any element referred to in Article 1, paragraph 1 of this Law which is at an advanced stage of project development or which is the subject of a contract in the course of performance on the date of application of the TSI concerned;
- 2) where, following an accident or a natural disaster, the conditions for the rapid restoration of the railway network do not economically or technically allow for partial or total application of the relevant TSIs, in which case, the non-application of the TSIs shall be limited to the period before the restoration of the network;
- 3) for any proposed renewal, extension or upgrading of an existing subsystem or part of it, when the application of the TSI(s) concerned would compromise the economic viability of the project and/or the compatibility with the existing railway system in the Republic of Serbia (for example loading gauge, track gauge, space between tracks or electric power supply system).

In cases of non-application of the TSIs referred to in paragraph 1 of this Article, the national rules shall apply.

In the case of non-application referred to in paragraph 1, point 1) of this Article, the contracting entity shall deliver to the ministry in charge of transport (hereinafter: Ministry), within ten months of entry into force of each TSI, a list of projects that are in advanced stage of development, and the Ministry shall communicate to the European Commission, within one year of entry into force of each TSI, a list of projects that are taking place in the Republic of Serbia, and which, in the view of the Ministry, are in an advanced stage of development.

In the cases referred to in points 1) and 2) of paragraph 1 of this Article, the Ministry shall communicate to the European Commission its decision not to apply one or more TSIs or parts of them.

In the cases referred to in point 1) and 3) of paragraph 1 of this Article, the contracting entity or its authorised representative shall submit to the Ministry the request for non-application, of the TSIs or parts of them, accompanied by a file containing the justification for the request, and specifying the provisions of the national regulation that shall be applied instead of the TSIs.

The Ministry shall establish the information to be included in the request for non-application of the TSIs referred to in paragraph 5 of this Article, the required format and the method of transmission of that request and the form for the presentation of a project in an advanced stage of development.

#### **4. Interoperability Constituents**

##### *Placing on the Market*

##### Article 12

Interoperability constituents shall be placed on the market only if:

(1) they enable interoperability to be achieved within the railway system and meet the requirements referred to in Article 8 of this Law;

(2) they are used in their area for use as intended and are suitably installed and maintained.

The provision of paragraph 1 of this Article shall not hinder placing on the market of interoperability constituents for other applications.

Placing on the market of interoperability constituents which are manufactured in compliance with this Law may not be prohibited, restricted or hindered, and in particular, repeated checks that have already been conducted cannot be required as a part of the procedure for issuing of the declaration of conformity and declaration of suitability for use.

##### *Conformity and Suitability for Use*

## Article 13

An interoperability constituent shall be considered to meet the essential requirements if it complies with the conditions laid down in the corresponding TSI or the corresponding European specifications developed to comply with those conditions.

The declaration of conformity or the declaration of suitability for use shall attest that the interoperability constituents have been subject to the procedures laid down in the corresponding TSI for assessing conformity or suitability for use.

Where the TSI so requires, the declaration of conformity shall be accompanied by a certificate, issued by a notified body or bodies, of the intrinsic conformity of an interoperability constituent considered in isolation, to the technical specifications to be met.

Where the TSI so requires, the declaration of suitability for use shall be accompanied by a certificate, issued by a notified body or bodies, of the suitability for use of an interoperability constituent considered within its railway environment, particularly in the case of functional requirements concerned.

Declarations referred to in paragraph 2 of this Article shall be signed and dated by the manufacturer or its authorized representative.

Spare parts for subsystems that are placed in service prior to entry into force of the relevant TSIs may be installed in those subsystems without being subject to the procedures referred to in paragraph 2 of this Article.

TSIs may provide for a period of transition for rail products identified therein as interoperability constituents which have already been placed on the market prior to entry into force of the TSIs. Such interoperability constituents shall comply with the requirements laid down in Article 12, paragraph 1 of this Law.

### *Assessment of Conformity and Suitability for Use of the Interoperability Constituents*

## Article 14

In order to establish a declaration of conformity or suitability for use of interoperability constituents, the manufacturer or his authorised representative in the Republic of Serbia shall apply the provisions laid down in this Law, bylaws and relevant TSIs.

Where the corresponding TSI so requires, assessment of the conformity or suitability for use of an interoperability constituent shall be carried out by the notified body with which the manufacturer or his authorised representative has lodged the application.

The application for assessment of suitability for use may be lodged after the issuing of the certificate of conformity and declaration of conformity.

Basis for assessing suitability for use of interoperability constituents shall be in-service testing.

In order to assess suitability for use of interoperability constituents, the notified body shall have to be able to monitor the sub-system in which interoperability constituent is incorporated. Assessing suitability for use of interoperability constituents shall be mandatory if it is laid down in relevant TSIs.

Where assessment of suitability for use of interoperability constituents has not been laid down in relevant TSIs, such assessment can be conducted at the request of the manufacturer.

The applicant shall pay the cost of services to the infrastructure manager, i.e., railway undertaking for conducting in-service tests.

The costs referred to in paragraph 8 of this Article shall depend on the type, scope and duration of in-service testing, it shall correspond to the real expenses of infrastructure manager, i.e., railway undertaking and cannot be determined with the aim of making profit.

The notified body shall verify conformity and suitability for use of interoperability constituents by issuing certificate of conformity and certificate of suitability for use, following which the manufacturer or his authorised representative shall draw up the declaration of conformity and declaration of suitability for use.

Where regulations regarding conformity and suitability for use of interoperability constituents apply thereto, the declaration of conformity and declaration of suitability for use shall comprise a statement that interoperability constituents satisfy the requirements of these regulations as well.

Declarations of conformity issued in other countries in accordance with the International Treaty applicable to the Republic of Serbia and issued by the bodies notified to the Secretary General of the OTIF, shall be valid in the Republic of Serbia.

Declarations of conformity issued in other countries in accordance with the International Treaty applicable to the Republic of Serbia and issued by the bodies notified to the European Commission, shall be valid in the Republic of Serbia.

Where the manufacturer or his authorised representative fails to act in compliance with the provisions of paragraphs 1 and 10 of this Article, those obligations shall be incumbent on the person placing interoperability constituents on the market.

The provision of paragraph 14 of this Article shall additionally apply to the person assembling interoperability constituents or parts of interoperability constituents having diverse origins or manufacturing interoperability constituents for his own use.

Where it finds that the declarations have been drawn up improperly, the Directorate shall take measures to prevent the placing on the market of the interoperability constituent and request the manufacturer or his authorised representative in the Republic of Serbia to restore the interoperability constituent to the state of conformity in the manner laid down by this Law.

The Directorate shall prescribe the manner and modules for assessment of conformity and suitability for use of interoperability constituents that are subject to assessment of conformity and suitability for use, the technical file enclosed to the declaration of conformity and

declaration of suitability for use, the contents and form of the certificate of conformity and certificate of suitability for use, and the contents and form of the declaration of conformity and declaration of suitability for use.

### ***Non-Compliance with Essential Requirements***

#### Article 15

Where it finds that an interoperability constituent covered by the declaration of conformity or the declaration of suitability for use and placed on the market is, when used as intended, unlikely to meet the essential requirements, the Directorate shall issue a decision by which it shall restrict its field of application, prohibit its use, withdraw it from the market or recall it.

The Directorate shall forthwith inform the European Commission, European Union Agency for Railways (hereinafter: Agency) and EU member states of the measures taken and give reasons for its decision, stating in particular whether failure to conform is due to:

- 1) failure to meet the essential requirements;
- 2) incorrect application of European specifications in case where they are applied;
- 3) inadequacy of European specifications.

The Directorate shall forthwith inform the OTIF contracting states about the measures taken referred to paragraph 1 of this Article.

Where an interoperability constituent for which a declaration of conformity was issued fails to comply with the essential requirements, the provisions of this Law on misdemeanours and liability for misdemeanours shall be applied against the notified body which has issued the certificate of conformity and against the person which has drawn up the declaration.

Decision on measures taken referred to in paragraph 1 of this Article shall be delivered to person which has drawn up the declaration of conformity and to the notified body which has issued the certificate of conformity.

The decision on measures taken shall be final in administrative proceedings and the proceedings in the Administrative Court can be instituted against it.

## **5. Structural Subsystem Elements to which National Rules Apply**

### *Conformity and Suitability for Use*

#### Article 16

The Directorate shall prescribe the structural subsystem elements that are subject to assessment of conformity and suitability for use, the manner and modules for assessment of conformity and suitability for use, the technical file enclosed to the declaration of conformity and declaration of suitability for use, the contents and form of the certificate of conformity and certificate of suitability for use, and the contents and form of the declaration of conformity and declaration of suitability for use.

The application for assessment of suitability for use may be filed after the issuing of the certificate of conformity and declaration of conformity.

The assessment of suitability for use of structural subsystem elements shall be mandatory if prescribed by the relevant national regulations.

Where assessment of suitability for use of structural subsystem elements has not been laid down in relevant national regulations, such assessment can be conducted at the request of the manufacturer.

Basis for assessing suitability for use of structural subsystem elements shall be in-service testing.

The applicant shall pay the cost of services to the infrastructure manager, i.e., railway undertaking for conducting in-service tests.

The costs referred to in paragraph 6 of this Article shall depend on the type, scope and duration of in-service testing, it shall correspond to the real expenses of infrastructure manager, i.e., railway undertaking and cannot be determined with the aim of making profit.

The provisions of Article 12 of this Law shall apply accordingly to the placing on the market of structural subsystem elements.

#### *Assessment of conformity and suitability for use of structural subsystem elements*

#### Article 17

Assessment of conformity and suitability for use of structural subsystem elements shall be carried out by designated body, with which the manufacturer or his authorized representative has filed the application.

The designated body shall verify conformity and suitability for use of structural subsystem elements by issuing certificate of conformity and certificate of suitability for use. Following the issuance of these certificates, the manufacturer or his authorised representative shall draw up the declaration of conformity and declaration of suitability for use.

Where regulations regarding conformity and suitability for use of structural subsystem elements apply thereto, the declaration of conformity and declaration of suitability for use shall comprise a statement that structural subsystem elements satisfy requirements of these regulations as well.

The designated body shall keep records of issued certificates of conformity and certificates of suitability for use that shall include:

- 1) number of issued certificate;
- 2) name of legal entity the certificate has been issued to;
- 3) name of the structural subsystem element the certificate is issued for;
- 4) date of the certificate issue;
- 5) date of expiry of the certificate.

A fee is payable for issuing of the certificate of conformity and certificate of suitability for use. The fee for the issue of the certificate referred to in paragraph 5 of this Article is determined by the law governing the Republic administrative fees.

The decision on the issue or refusal to issue the certificate of conformity and the certificate of suitability for use shall be final in the administrative proceedings and dispute may be instituted against it before the Administrative Court.

Where established that an element of structural subsystem covered by the declaration of conformity or the declaration of suitability for use and placed on the market is, when used as intended, unlikely to meet the essential requirements, the Directorate shall issue a decision by which it shall restrict its field of application, prohibit its use, withdraw it from the market or recall it.

Decision on measures taken shall be delivered to person which has drawn up the declaration of conformity and to the designated body which has issued the certificate of conformity.

## **6. Subsystems**

### *Free movement of subsystems*

#### Article 18

The construction, placing in service and operation of the structural subsystems constituting the rail system which meet the essential requirements cannot be prohibited, restricted or hindered and, in particular, repeated checks which have already been carried out cannot be requested:

- 1) as part of the procedure leading to the declaration of verification;
- 2) in the European Union Member States or in the OTIF contracting states, with a view to verifying compliance with identical requirements under identical operational conditions

Additional checks may be requested only where the Directorate, upon examination of documentation in the procedure for granting the authorisation for placing in service, has found that the structural subsystem does not fully comply with the provisions of this Law and the law regulating safety of railway traffic, and does not meet all the essential requirements.

### *Verification Procedure and Declaration of Verification of a Subsystem*

#### Article 19

Subsystem verification shall be the procedure where the notified body checks and verifies by the issue of a certificate that a subsystem meets the essential requirements and that it is in compliance with the TSIs.

The certificate of verification shall comprise a reference to the TSI against which the conformity has been assessed.

The provision of paragraph 1 of this Article shall be without prejudice to the applicant's obligation to meet requirements prescribed by other rules and carry out verifications required by other rules.

Where a subsystem has not been assessed for its conformity with all relevant TSI(s) (e.g., in the case of a derogation, partial application of TSIs for upgrade or renewal, transitional period in a TSI or specific case), the certificate of verification shall give the precise reference to the TSI(s) or their parts whose conformity has not been examined by the notified body during the verification procedure.

With the aim of issuing the declaration of verification of a subsystem that is required for placing a subsystem in service, the applicant shall select the body to which he shall lodge the application for subsystem verification. The applicant may be the contracting entity or the manufacturer or his authorized representative.

The notified body shall check the subsystem, or certain parts of the subsystem, in each of the following stages:

- 1) design;
- 2) construction of the subsystem, including, in particular, civil-engineering activities, manufacturing, constituent assembly, and overall adjustment;
- 3) final testing of the subsystem and its acceptance before placing in service.

The notified body shall, on the basis of information available in the relevant TSIs and registers referred to in Articles 47- 49 of this Law, additionally carry out verification of interfaces, i.e. check and assess the design and manufacturing procedure of that subsystem, as well as compatibility of the subsystem in question with the system into which it is incorporated.

Each notified body involved in the verification of a subsystem shall draw up a file covering the scope of its activities.

The applicant shall draw up the declaration of verification of the subsystem once the notified body has issued the certificate of verification.

The applicant shall be obliged to compile the technical file that is to be enclosed with the declaration of verification of the subsystem.

The technical file referred to in paragraph 10 of this Article shall include data relating to the characteristics of the subsystem, to the conditions and limits of use and to the instructions concerning servicing, monitoring, adjustment and maintenance and, where necessary, all the documents certifying conformity of interoperability constituents.

In the declaration of verification of the subsystem the applicant declares under his sole responsibility that the subsystem satisfies the requirements of this Law, TSI and applicable national rules. The applicant shall sign and date the declaration of verification.

A copy of the technical file accompanying the declaration of verification must be kept by the applicant throughout the service life of the subsystem and it must be sent to the competent bodies of the European Union Member States and the Agency, upon request.

The applicant must also send a copy of the technical file referred to in paragraph 13 of this Article to the competent bodies of the OTIF contracting states.

In the case of a modification to a subsystem already covered by a certificate of verification, the notified body shall perform only those examinations and tests that are relevant and necessary, i.e., assessment shall relate only to the parts of the subsystem that are changed and their interfaces to the unchanged parts of the subsystem.

In the event of renewal or upgrading of a subsystem resulting in an amendment to the technical file and affecting the validity of the verification procedures already carried out, the applicant shall assess the need for a new declaration of verification.

If the relevant TSIs allow, the notified body may issue certificates of verification for one or more subsystems or certain parts of those subsystems.

At the request of the applicant the verifications may be done for parts of a subsystem or may be limited to certain stages of the verification procedure (design, including type examinations, or construction or manufacturing) of the entire subsystem or any part of the subsystem, in which case the results of verification may be documented in an intermediate statement of verification (hereinafter: ISV).

The ISV must provide reference to the TSIs with which the conformity has been assessed

The applicant may apply for an ISV for any part into which he decides to split the subsystem. Each part shall be checked at each stage as set out in paragraph 6 of this Article.

In the cases referred to in paragraph 18 and 20 of this Article, the notified body shall issue an ISV, and the applicant shall draw up the ISV declaration.

When the ISV has been issued, the notified body responsible for the verification of the subsystem shall take into account the ISV and, before issuing the certificate of verification it shall:

Where ISV have been issued, the notified body responsible for the verification of the subsystem shall take these ISV into account, and, before issuing its certificate of verification, it shall

- 1) verifies that the ISV cover correctly the relevant requirements of the TSI(s);
- 2) check all aspects that are not covered by the ISV;
- 3) check the final testing of the subsystem as a whole.

Conformity documents issued in other states in accordance with the International Treaty applicable to the Republic of Serbia and issued by the bodies notified to the Secretary General of the OTIF shall be valid in the Republic of Serbia.

Conformity documents issued in other countries in accordance with the International Treaty applicable to the Republic of Serbia and issued by the bodies notified to the European Commission, shall be valid in the Republic of Serbia.

The notified body responsible for checking production must have permanent access to building sites, production workshops, storage areas and, where appropriate, prefabrication or testing facilities and, more generally, to all premises which it considers necessary for its task. The

notified body must receive from the applicant all the documents concerning the subsystem needed for that purpose.

The notified body responsible for checking implementation must periodically carry out audits in order to confirm subsystem compliance with the technical file referred to in paragraph 10 of this Article. The notified body must provide either the manufacturer or the contracting entity with an audit report. Its presence may be required at certain stages of the building operations.

The notified body may pay unexpected visits to the worksite or to the production workshops. At the time of such visits the notified body may conduct complete or partial audits. It must provide those responsible for implementation with an inspection report and, if appropriate, an audit report.

The Directorate shall prescribe the manner and modules for subsystem verification, the technical file that accompanies the declaration of verification of the subsystem, the manner of verification in case of a change in the subsystem, the manner of verification in case of a change in the subsystem placed into service without a declaration of verification, the content and form of the certificate of verification of the subsystem, the content and form of the declaration of verification of the subsystem, the content and form of the declaration of verification of a modified part of the subsystem placed into service without a declaration of verification, and the content and form of intermediate statement of verification.

The notified body must periodically publish relevant information concerning:

- 1) requests for verification of subsystems or their parts and ISV received;
- 2) request for assessment of conformity and/or suitability for use of interoperability constituents;
- 3) ISV issued or refused;
- 4) certificates of conformity or suitability for use issued or refused;
- 5) certificates of a verification of a subsystem issued or refused.

The Ministry shall designate the body for assessment of conformity and suitability for use of the interoperability constituents and for the procedure for verification of the subsystem from among the companies, institutions or other legal entities complying with the conditions prescribed by Art. 37-40 and Article 43 of this Law.

The Ministry in charge of adoption of technical regulations, standardization, accreditation and metrology shall at the proposal of the Ministry notify the bodies referred to in paragraph 30 of this Article to:

- 1) the European Commission and the Member States of the European Union;
- 2) the Secretary General of the OTIF.

Withdrawal of approval issued to the conformity assessment body that does not fulfil the conditions referred to in Art. 37-40 and Article 43 of this Law shall be conducted in the manner laid down in the law regulating technical regulations for products and conformity assessment.

The authorities and states referred to in Article 31 of this Law shall be notified of the revoked approvals.

*Verification Procedure and Declaration of Verification of Subsystems to which National Rules Apply*

Article 20

Designated body shall carry out verification of the subsystem or its part according to the procedure laid down in Article 19 of this Law, and issue certificate of verification of the subsystem or its part, which confirms that the subsystem or its part complies with national rules.

The certificate referred to in paragraph 1 of this Article shall comprise a precise reference to the national rules whose conformity has been examined by the designated body in the verification process.

In the case of application of national rules related to the subsystems comprising a vehicle, the designated body shall divide the certificate into two parts:

- 1) the part referring to national rules strictly related to the technical compatibility between the vehicle and the network;
- 2) the part relating to all other national rules.

The applicant shall draw up the declaration of verification of the subsystem once the notified body has issued the certificate of verification.

The file compiled by the designated body and accompanying the declaration of verification in the case of national rules must be included in the technical file accompanying the declaration of verification of the subsystem and shall contain the technical data relevant for the assessment of the conformity of the subsystem with those national rules.

The applicant shall be obliged to compile the technical file that is to be enclosed with the declaration of verification of the subsystem.

Designated body shall maintain records of issued certificates of verification that shall include:

- 1) number of issued certificate;
- 2) name of legal entity the certificate has been issued to;
- 3) name of the subsystem the certificate is issued for;
- 4) date of the certificate issue;
- 5) date of expiry of the certificate.

A fee is payable for issuing of the certificate of verification of the subsystem or its part.

The fee for the issue of the certificate referred to in paragraph 7 of this Article is determined by the law governing the Republic administrative fees.

The decision on refusal to issue the certificate of verification of the subsystem or its part shall be final in the administrative proceedings and dispute may be instituted against it before the Administrative Court.

### *Conformity with TSIs and National Rules*

#### Article 21

Structural subsystems covered by the declaration of verification shall be considered as meeting the essential requirements.

Declaration referred to in paragraph 1 of this Article may refer to:

- 1) TSIs;
- 2) national rules, or
- 3) TSIs and national rules.

National rules for implementing the essential requirements and, where relevant, acceptable national means of compliance, shall apply in the following cases:

- 1) where the TSIs do not cover, or do not fully cover, certain aspects corresponding to the essential requirements, including open points;
- 2) non-application of TSIs provided for in Article 11, paragraph 1 of this Law;
- 3) where a specific case requires the application of technical rules not included in the relevant TSI;
- 4) national rules used to specify existing systems, limited to the aim of assessing technical compatibility of the vehicle with the network;
- 5) networks and vehicles for which the application of TSIs is not mandatory;
- 6) as an urgent temporary preventive measure, in particular following an accident.

### *Notification of National Rules in the Sphere of Interoperability*

#### Article 22

The following national rules shall be notified to the European Commission and the Agency:

- 1) applicable national rules;
- 2) any changes to applicable national rules;
- 3) national rules that shall be applied when a new request has been submitted in accordance with Article 11 of this Law for non-application of the TSI;
- 4) national rules that become redundant after publication or revision of the TSI concerned

The full text of national rules referred to in paragraph 1 of this Article shall be notified.

The list of rules referred to in paragraph 1 of this Article shall be published by the Directorate on its webpage.

New national rules shall be adopted in the following cases

- 1) when a TSI does not fully meet the essential requirements;
- 2) as an urgent preventive measure, in particular following an accident.

The drafts of new national rules shall be submitted to the Agency and the European Commission for consideration timely, and at least two months before the expected introduction of the proposed new rule into the national legal system, and provide justification for the introduction of that new national rule.

A new national rule, after adoption, shall be notified to the Agency and the European Commission.

Notified national rules referred to in paragraph 1 of this Article, shall be accompanied with a justification of the need for that rule in order to fulfil an essential requirement not already covered by the relevant TSI.

The Directorate shall submit national rules referred to in paragraph 1 and 6 of this Article to the ministry in charge of technical regulations, standardization, accreditation and metrology in order to be notified to the European Commission.

Rules and restrictions which apply only at the local level shall not be notified to the Agency and the European Commission. Those rules and restrictions shall be set out in the Network Statement.

#### *Non-Compliance of a Subsystem with Essential Requirements*

#### Article 23

Where it finds that a structural subsystem for which a declaration of verification of the subsystem is issued does not fully comply with the provisions of this Law, and in particular where the subsystem does not meet the essential requirements referred to in Article 8 of this Law, the Directorate may request that the person that drew up the declaration of verification of the subsystem carry out additional checks and controls.

The European Commission shall be notified without delay of the duly substantiated request for additional checks and controls.

In the notification referred to in paragraph 2 of this Article it shall be stated whether the non-compliance is due to:

- 1) non-compliance with the essential requirements referred to in Article 8 of this Law or with a TSI;
- 2) inadequacy of a TSI.

Where the additional controls and checks show that the subsystem is non-compliant with the provisions of this Law, an authorisation for placing the subsystem in service shall not be granted, and in the case of already approved subsystems it shall be suspended or withdrawn.

Interoperability constituents, subsystem elements and subsystems which are in conformity with harmonized standards or parts thereof, shall be presumed to be in conformity with the essential requirements covered by those standards or parts thereof.

### III. AUTHORISATION FOR PLACING IN SERVICE

#### **1. Authorisation for the placing in service of fixed installations**

##### Article 24

Fixed subsystems shall be placed in service only if they are designed, constructed and installed in such a way as to meet the essential requirements, and the relevant authorisation for placing in service is granted by the Directorate on the form prescribed by the act referred to in paragraph 12 of this Article, as well as in the form of a decision.

The application for placing fixed subsystem in service shall be accompanied by a file which includes documentary evidence of:

- 1) the declarations of verification referred to in Article 19, and/or in Article 20 of this Law;
- 2) the technical compatibility of the subsystems within the vehicle, established on the basis of the relevant TSIs, national rules and registers;
- 3) the safe integration of the subsystems within the vehicles, established on the basis of the relevant TSIs, national rules and the common safety methods set out in the law governing safety in railway transport.

By way of derogation from paragraph 2 of this Article, if the project is implemented in phases, i.e., by sections, fixed subsystem may be placed in service based on the authorisation for placing in service with a validity of up to one year.

In the case referred to in paragraph 3 of this Article, complete file on compliance with the relevant TSI shall be submitted after the completion of all works on the entire line, and before the issuance of the authorisation for placing fixed subsystem in service.

The conditions for issuing authorization referred to in paragraph 3 of this Article shall be determined in more detail by the Directorate.

Within one month of receipt of the applicant's request referred to in paragraph 2 of this Article, the Directorate shall inform the applicant that the file is complete or ask for relevant supplementary information, setting a reasonable deadline for the provision thereof.

The Directorate shall verify the completeness, relevance and consistency of the file and issue the authorisation for placing in service of fixed installations, or inform the applicant of its negative decision no later than within four months of receipt of all relevant information.

Decision on refusal to grant the authorization for the placing in service of fixed subsystem shall be final in administrative proceedings, and a dispute may be instituted against it before the Administrative Court.

The authorisation for placing in service may include special conditions for use or other restrictions.

The application for the issuing of authorisation for placing in service may be filed by the manufacturer or by his authorised representative in the Republic of Serbia, the infrastructure manager, and the contracting entity.

The Directorate shall keep records of issued authorisations for placing fixed subsystems in service, that shall include:

- 1) number of authorisation;
- 2) name of legal entity the authorisation was issued to;
- 3) name of the subsystem the authorisation is issued for;
- 4) limitations for use;
- 5) date of the issuing of authorisation.

The Directorate shall prescribe the manner and conditions for issuing the authorisation referred to in paragraph 1 of this Article, the file accompanying the application for authorisation for placing in service, the content and form of the authorisation for placing in service, and the numbering of the authorisations for placing in service in compliance with the European identification number.

A fee is payable for the issuing of the authorisation referred to in paragraph 1 of this Article, the amount of which shall be determined by the law governing the Republic administrative fees

## **2. Authorisation for the placing in service of mobile subsystems**

### Article 25

Mobile subsystems shall be placed in service only if they are designed, constructed and installed in such a way as to meet the essential requirements and the authorisation for placing in service is granted.

The applicant shall provide the appropriate declaration of verification.

Authorisation for the placing in service of mobile subsystems shall be granted by the Directorate on the prescribed form, and by means of its decision.

The Directorate shall prescribe the form, manner and conditions for the issue of an authorization for the placing in service of mobile subsystems.

The Directorate shall issue authorization for the placing in service of mobile subsystems on the form referred to paragraph 3 of this Article, as well as in the form of a decision.

Decision on refusal to grant the authorization for the placing in service of mobile subsystems shall be final in administrative proceedings, and a dispute may be instituted against it before the Administrative Court.

A fee is payable for the issuing of the authorisation referred to in paragraph 1 of this Article, the amount of which shall be determined by the law governing the Republic administrative fees.

### *Authorisation of Vehicle Type*

#### Article 26

Types of all vehicles for which the Directorate issues authorisation for placing in service, irrespective of the manufacturer thereof, must be approved.

The authorisation for vehicle type shall be granted by the Directorate on the form prescribed by the act referred to in paragraph 12 of this Article, as well as in the form of a decision.

By way of derogation from paragraph 2 of this Article, authorisation for vehicle type that is fully compliant with the relevant TSI, issued by the competent authority of a Member State of the European Union, shall be valid in the Republic of Serbia.

By way of derogation from paragraph 2 of this Article, authorisation for vehicle type that is fully compliant with the relevant TSI, issued by the competent authority of OTIF contracting state, shall be valid in the Republic of Serbia

The decision on refusal to grant the authorisation for vehicle type shall be final in the administrative procedure, and a dispute may be instituted against it before the Administrative Court.

A fee is payable for the issuing of the authorisation referred to in paragraph 2 of this Article, the amount of which shall be determined by the law governing the Republic administrative fees.

The Directorate shall maintain records of the authorisations granted for the vehicle type, that shall include:

- 1) number of the authorisation;
- 2) name of the legal entity the authorisation was issued to;
- 3) name of vehicle type;
- 4) name of vehicle's manufacturer;
- 5) date of issue of the authorisation.

For the vehicles conforming to a type already authorised, individual authorisations for placing in service must be issued, that are granted on the basis of a procedure whereby conformity to the authorised type is verified and on the basis of the declaration of conformity with the authorised vehicle type.

In the event of changes to any relevant provisions in TSIs or national rules, on the basis of which an authorisation of a vehicle type has been issued, the Directorate shall decide whether the vehicle type authorisation already granted remains valid or needs to be renewed.

Authorisations for placing a vehicle in service issued on the basis of already authorised vehicle types shall remain valid also after the issuance of new authorisations for vehicle type.

Where the applicant requests authorisation for a vehicle type in other states as well, the Directorate shall cooperate with the bodies entrusted with the tasks relating to railway safety of these states with a view to simplifying the procedure and minimizing the administrative efforts.

The Directorate shall prescribe the manner and conditions that need to be fulfilled for the issuing of the authorisation for vehicle type, the contents of the application for the authorisation for vehicle type, the contents and the form of declaration on conformity with the vehicle type, the contents and the form of the authorisation of vehicle type.

The form of authorisation for vehicle type intended to be operated in international traffic shall also be issued in English, French or German.

Any changes to an authorised vehicle type shall be analysed and categorized as only one of the following changes and shall be subject to an authorisation as provided below:

- 1) a change that does not introduce a deviation from the technical files accompanying the declarations for verification for the subsystems. In this case there is no need for verification, and the initial declarations of verification for the subsystems and the vehicle type authorisation remain valid and unchanged;
- 2) a change that introduces a deviation from the technical files accompanying the declarations for verification for the subsystems which may require new checks and therefore require verification according to the applicable conformity assessment modules but which do not have any impact on the basic design characteristics of the vehicle type and do not require a new vehicle type authorisation;
- 3) a change in the basic design characteristics of the vehicle type that does not require a new authorization according to the criteria set out in Article 36, paragraph 3 of this Law;
- 4) a change that requires a new authorization according to the criteria set out in Article 36, paragraph 3 of this Law;

When a change falls under point 1) or 2) of paragraph 14 of this Article, the technical files accompanying the declaration of verification of the subsystem shall be updated, and the holder of the vehicle type authorization shall keep available the relevant information upon request of the Directorate.

When a change falls under point 3) of paragraph 14 of this Article, the holder of the vehicle type authorisation shall create a new vehicle type version or a new version of a vehicle type variant and provide the relevant information to the Directorate.

The Directorate shall notify to the Agency the new version of the vehicle type or the new version of the vehicle type variant in order to be registered in the European Register of Authorised Types of Vehicles.

If the entity managing the change is not the holder of the vehicle type authorisation, and the changes made to the existing vehicle type also include changes referred to in points 2)-4) of paragraph 14, of this Article, the following shall apply:

- 1) the entity managing the change shall create a new vehicle type and submit application for the authorisation of a new vehicle type;
- 2) the entity managing the change shall become the applicant; and
- 3) the application for authorisation of the new vehicle type may be based on the existing vehicle type, and the authorization for placing vehicle in service shall be issued based on the declaration of conformity with the approved new vehicle type.

Upon the applicant's request, a pre-engagement procedure shall be initiated before an application for vehicle type authorisation is submitted. The aim of the pre-engagement procedure is to explain in detail to the applicant the procedure for issuing a vehicle type authorisation, which rules apply and which file must be enclosed with the application for vehicle type authorisation, so that the applicant can timely meet all the requirements before submitting the application for vehicle type authorization.

The Directorate shall prescribe the file to be enclosed with the application for pre-engagement procedure.

The decision of the applicant for the pre-engagement procedure, on submitting a request for the pre-engagement procedure, shall be binding until, either:

- 1) the concerned application for vehicle type authorisation has been submitted by the applicant; or
- 2) the time frame from the issuing of the opinion referred to in paragraph 24 of this Article to the applicant's submission of the application for vehicle type authorisation as specified in paragraph 19 of this Article has expired;
- 3) the applicant has requested to end the pre-engagement.

The applicant may introduce an application for vehicle type authorisation at any time during the pre-engagement process. In this case, the pre-engagement phase is terminated.

Within one month from the date of receipt of the pre-engagement application the Directorate shall inform the applicant that the pre-engagement file is complete or ask for the relevant supplementary information, setting a reasonable deadline for the provision thereof.

Where the applicant is informed that their file is complete, the Directorate shall issue an opinion on the approach proposed by the applicant in the pre-engagement application no later than two months after the acknowledgement that the file is complete. That issued opinion establishes the

pre-engagement baseline, including a determination of the version of the TSIs and national rules that are to be applied for the subsequent application for authorisation.

The time frame from the issuing of the opinion referred to in paragraph 24 of this Article to the applicant's submission of the application for vehicle type authorisation shall not exceed 84 months.

In case of changes affecting the pre-engagement, file which are relevant for the pre-engagement baseline, the applicant shall send an amended and updated pre-engagement application only considering the changes and the interfaces with the unchanged parts. This may occur in the following situations:

- 1) changes to the design or to the assessment methodology resulting from major safety issues;
- 2) changes in legal requirements invalidating the pre-engagement baseline; or
- 3) any changes voluntarily introduced by the applicant.

For the issuance of an opinion on the approach proposed by the applicant in the pre-engagement application, a fee shall be paid in the amount determined by the law regulating Republic administrative fees.

### *Authorisation for Placing in Service of TSI Conform Vehicles*

#### Article 27

The Directorate shall issue authorisation for placing in service of TSI conform vehicles on the form prescribed by the act referred to in paragraph 5 of this Article, as well as in the form of a decision, without additional checks based on the declaration of conformity with the approved vehicle type.

The decision on the refusal to issue authorisation for placing in service of TSI conform vehicles shall be final in the administrative procedure and a dispute may be instituted against it before the Administrative Court.

The application for authorization referred to in paragraph 1 of this Article shall be accompanied by a file which includes documentary evidence of:

- 1) carried out verification of all subsystems within the vehicle, i.e., certificates of verification and declarations of verification referred to in Article 19 of this Law;
- 2) the technical compatibility of the subsystems within the vehicle, established on the basis of relevant TSIs and, as appropriate, national rules;
- 3) the safe integration of the subsystems within the vehicle, established on the basis of the relevant TSIs, national rules and the common safety methods set out in the law governing safety in railway transport;
- 4) the technical compatibility of the vehicle with the railway infrastructure of the Republic of Serbia;

5) applicant's declaration of conformity with the authorised vehicle type.

The authorization referred to in paragraph 1 of this Article shall state:

- 1) the area of use;
- 2) the values of the parameters set out in the TSIs and, where applicable, in the national rules, for checking the technical compatibility between the vehicle and the area of use;
- 3) the vehicle's compliance with the relevant TSIs and sets of national rules, relating to the parameters referred to in point 2) of this paragraph;
- 4) the conditions for use of the vehicle and other restrictions.

The Directorate shall prescribe the manner and conditions for issuing authorization referred to in paragraph 1 of this Article, the file to be enclosed with the application for the issuance of the authorization for placing in service, the content and the form of the authorization for placing in service.

For the issuance of authorization referred to in paragraph 1 of this Article a fee shall be paid in the amount determined by the law regulating Republic administrative fees.

#### *Additional Authorisation for Placing in Service of TSI Conform Vehicles*

#### Article 28

Vehicles that have been granted the authorisation for placing in service in other states, which are in full conformity with all the TSIs covering all the aspects of the subsystem and are not subject to any specific cases and open points or TSI derogations relating to the technical compatibility between the vehicles and the network, shall not be subject to any additional authorisation of placing in service, provided that they run on the TSI conform network or under the conditions specified in the relevant TSIs.

For the traction units referred to in paragraph 1 of this Article that have been granted authorisation for placing in service in other states, if they are not used on the TSI conform network or under the conditions specified in the relevant TSIs, the Directorate shall issue additional authorisations for placing in service of such vehicles in the Republic of Serbia, on a form prescribed, and as well in the form of a decision.

The decision on refusal to issue additional authorisations for placing in service of TSI conform vehicle shall be final in an administrative procedure, and a dispute may be instituted against it before the Administrative Court.

The applicant shall provide the Directorate with the technical file concerning the vehicle and its intended area of use on the network of the Republic of Serbia that shall include:

- 1) evidence that the vehicle has been granted authorisation for placing in service in another state;

- 2) a copy of the technical file concerning the vehicle that accompanies the declaration of verification, which shall include, in the case of vehicles equipped with data recorders, information on the data collection procedure, permitting read out and evaluation, as long as they are not harmonized with the corresponding TSIs;
- 3) records showing the vehicle's maintenance history and, where applicable, the technical modifications undertaken after obtaining the authorisation for placing in service;
- 4) evidence of technical and operational characteristics that shows that the vehicle is compatible with the infrastructures and fixed installations, including climate conditions, energy supply system, control, command and signalling system, track gauge and profiles, maximum permitted axle load and other constraints of the network.

When deciding on an application submitted, the Directorate shall check the technical compatibility between the vehicle and the network, including the national rules applicable to the open points with the aim of ensuring such compatibility.

The Directorate may request that supplementary information be supplied, risk analysis to be carried out or tests to be conducted on the network for the purpose of verification referred to in paragraph 5 of this Article.

The Directorate shall determine with the applicant the scope and content of supplementary information, risk analysis and the tests required on the network. Infrastructure manager shall have to ensure, following consultations with the applicant, that the tests take place within three months from the submission of application.

The report on the carrying out of tests on the network referred to in paragraph 7 of this Article shall be submitted to the Directorate by the infrastructure manager.

The Directorate shall decide on issuing the authorisation referred to in paragraph 2 of this Article:

- 1) within two months after submission of documents referred to in paragraph 4 of this Article;
- 2) within one month after submission of supplementary information or risk analysis or results of tests on the network, where applicable.

The authorization referred to in paragraph 1 of this Article shall include conditions for use and other restrictions, if any.

If the Directorate fails to decide on issuing of an authorisation for placing in service within the time limit set in paragraph 9 of this Article, it shall be deemed that the vehicle has been granted the authorisation for placing in service three months after the expiry of such time limit. This vehicle may be placed in service only on the network that is indicated in the application for authorisation.

The Directorate shall prescribe the manner and conditions for issuing the authorisation referred to in paragraph 2 of this Article, the file to be enclosed with the application for issuing the authorisation for placing in service, the content and form of the authorisation for placing in service.

Fee shall be paid for the issuing of the authorisation referred to in paragraph 2 of this Article, the amount of which shall be determined by the law governing the Republic administrative fees

*Authorisation for Placing in Service of non-TSI Conform Vehicles*

Article 29

The Directorate shall issue authorisation for placing in service of non-TSI conform vehicles on the form prescribed by the act referred to in paragraph 6 of this Article, as well as in the form of a decision.

The decision on the refusal to issue authorisation for placing in service of non-TSI conform vehicles shall be final in the administrative procedure and a dispute may be instituted against it before the Administrative Court.

The application for authorization referred to in paragraph 1 of this Article shall be accompanied by a file which includes documentary evidence of:

- 1) carried out verification of all subsystems within the vehicle, i.e., certificates of verification and declarations of verification referred to in Article 20 of this Law;
- 2) the technical compatibility of the subsystems within the vehicle, established on the basis of relevant national rules;
- 3) the safe integration of the subsystems within the vehicle, established on the basis of the relevant TSIs, national rules and the common safety methods set out in the law governing safety in railway transport;
- 4) the technical compatibility of the vehicle with the railway infrastructure of the Republic of Serbia;
- 5) applicant's declaration of conformity with the authorised vehicle type.

The authorization referred to in paragraph 1 of this Article shall state:

- 1) the area of use;
- 2) the values of the parameters set out in the national rules, for checking the technical compatibility between the vehicle and the area of use;
- 3) the vehicle's compliance with the relevant national rules, relating to the parameters referred to in point 2) of this paragraph;
- 4) the conditions for use of the vehicle and other restrictions.

By the way of derogation from paragraph 1 of this Article, for vehicles that were in use until 5 May 2005 and owned by a business entity registered in the Republic of Serbia, and for which the owner or keeper of the vehicle cannot obtain authorization for placing in service in order to register the vehicle in The National Railway Vehicle Register, the Directorate shall issue authorization for placing in service if the applicant has provided:

- 1) evidence of ownership;

2) technical file comprising:

- (1) technical description with vehicle layout,
- (2) basic technical and operational characteristics,
- (3) structural drawings required for maintenance,
- (4) instructions for use and maintenance,
- (5) spare parts catalogue;

3) evidence of vehicle maintenance:

- (1) the report from the last routine maintenance and the report from the periodic inspection of the highest rank, which is carried out every 12 months, carried out in accordance with the deadlines prescribed in the maintenance file,
- (2) if the maintenance file has not been created - the report from the last routine maintenance not older than five years and the report from the periodic inspection of the highest rank in keeping with the file referred to in subpoint (4) of point 2) of this paragraph, the validity of which has not expired;
- (3) if less time has passed since the last routine maintenance than the time required to perform the next periodic inspection of the highest rank - report from the last routine maintenance;
- 4) a report on the technical inspection that contains a positive opinion on the good working order and safe operation ability of the vehicle.

The Directorate shall prescribe the manner and conditions for the issuance of the authorization referred to in paragraph 1 of this Article, the file accompanying application for the authorization for placing in service, the content and the form of the authorization for placing in service.

For the issuance of the authorisation referred to in paragraph 1 of this Article, a fee shall be paid, in the amount determined by the law regulating Republic administrative fees.

*Additional Authorisation for Placing in Service of TSI Non-Conform Vehicles*

Article 30

Vehicles that have been granted the authorisation for placing in service in other states, which are not in conformity with TSIs, shall be subject to additional authorisation of placing in service in the Republic of Serbia, which is issued by the Directorate on the form prescribed by the act referred to in paragraph 13 of this Article 13, as well as in the form of a decision.

The decision on refusal to issue additional authorisations for placing in service of TSI non-conform vehicle shall be final in an administrative procedure, and a dispute may be instituted against it before the Administrative Court.

The applicant for authorisation referred to in paragraph 1 of this Article shall provide the Directorate with the technical file concerning the vehicle and data concerning its intended area of use on the network of the Republic of Serbia.

The file referred to in paragraph 3 of this Article shall include:

- 1) evidence that the placing in service of the vehicle is approved in another state together with the file used in the procedure to prove that the vehicle meets the applicable safety requirements, including, as appropriate, information on the used or approved derogations;
- 2) technical data, maintenance program and operational characteristics, which shall include, in the case of vehicles equipped with data recorders, information on the data collection procedure, permitting read out and evaluation;
- 3) records showing the vehicle's maintenance history and, where applicable, the technical modifications undertaken after obtaining the authorisation for placing in service;
- 4) evidence of technical and operational characteristics that shows that the vehicle is compatible with the infrastructures and fixed installations, including climate conditions, energy supply system, control, command and signalling system, track gauge and profiles, maximum permitted axle load and other constraints of the network.

The Directorate shall prescribe the basic parameters that need to be checked in connection with the issuance of an additional authorisation for placing in service of TSI non-conform vehicles.

The Directorate shall publish on its website a list of national rules related to the parameters referred to in paragraph 5 of this Article.

Evidence referred to in point 1) and 2) of paragraph 4 of this Article may be challenged only if the Directorate demonstrates the existence of a significant safety risk.

The Directorate may request that supplementary information be supplied, risk analysis to be carried out or tests to be conducted on the network for the purpose of verification whether the documentation referred to in point 3) and 4) of paragraph 4 of this Article in accordance with valid national railway technical rules.

The Directorate, after consultation with the applicant, will determine the scope and content of supplementary information, risk analysis and required tests. The infrastructure manager is obliged, after consultation with the applicant, to provide conditions for the carrying out of tests within three months from the date of submission of the application.

The Directorate shall submit the report on the carrying out of tests in the network referred to in paragraph 9 of this Article to the infrastructure manager.

The Directorate shall take decision on the issuance of authorization referred to in paragraph 1 of this Article:

- 1) within four months of submission of the file referred to in paragraph 3 of this Article;
- 2) within two months of submission of supplementary information or risk analysis or results of tests carried out in the network.

The authorization referred to in paragraph 1 of this Article shall include conditions for use and other restrictions, if any.

The Directorate shall prescribe the manner and conditions for issuing the authorisation referred to in paragraph 1 of this Article, the file to be enclosed with the application for issuing the authorisation for placing in service, the content and form of the authorisation for placing in service.

A fee is payable for the issuing of the authorisation referred to in paragraph 1 of this Article, the amount of which shall be determined by the law governing the Republic administrative fees.

### *Additional Authorisation for Placing in Service of Vehicles - Exemptions*

#### Article 31

Additional authorization for placing vehicles in service shall not be issued:

- 1) for vehicles approved in other states before coming in force of the relevant TSIs, used under RIC or RIV agreements;
- 2) for used vehicles referred to in point 1) of this Article which are imported.

### *Common Provisions on Authorisations for Placing in Service of Vehicles*

#### Article 32

Within one month of the receipt of the request for authorisation referred to in Article 27 to 30 of this Law, the Directorate shall inform the applicant that the file is complete or ask for relevant supplementary information, setting a reasonable deadline for the provision thereof.

The Directorate shall issue authorization referred to in paragraph 1 of this Article or reject request for authorization referred to in Article 27 and 29 of this Law no later than within four months of receiving all relevant information.

A fee is payable for the issue of authorization referred to in paragraph 1 of this Article, in the amount determined by the law governing the Republic administrative fees.

The decision on the refusal to issue authorisation referred to in paragraph 1 of this Article shall be final in the administrative procedure and a dispute may be instituted against it before the Administrative Court.

The Directorate shall prescribe the manner and conditions for issuing the authorisation referred to in paragraph 1 of this Article, the file accompanying the application for authorisation for placing in service, the manner of drawing up and the content of the report on the assessment of the received file, steps taken in the event of changes concerning a vehicle for which authorisation for placing in service has already been granted, the content and form of the authorisation for placing in service in international and domestic traffic, and the numbering of

the authorisations for placing in service in compliance with the European identification number.

The form of authorisation for vehicle type intended to be operated in international traffic shall also be issued in English, French or German.

The authorisation holder shall be responsible for marking the vehicle with the number assigned in the authorization for placing in service.

Provisions of paragraph 19 - 27 of Article 26 of this Law shall apply, *mutatis mutandis*, to the issuance of authorizations for placing in service of vehicles.

### *Checks before the use of authorised vehicles*

#### Article 33

Before a railway undertaking uses a vehicle, it shall check:

1) that the vehicle has been authorised for placing in service in accordance with Article 27-30 of this Law and is duly registered;

2) that the vehicle is compatible with the route on the basis of the infrastructure register, the relevant TSIs or any relevant information to be provided by the infrastructure manager free of charge and within a reasonable period of time, where such a register does not exist or is incomplete; and

3) that the vehicle is properly integrated in the composition of the train where it is intended to operate, taking into account:

(1) provisions of the law governing safety in railway traffic and regulations adopted based on that law,

(2) appropriate procedures from its safety management system set out in the law governing safety in railway traffic,

(3) TSIs on operation and traffic management.

For the purposes of checks referred to in point 2) of paragraph 1 of this Article, the railway undertaking may carry out tests in cooperation with the infrastructure manager.

The infrastructure manager, in consultation with the applicant, shall make every effort to ensure that any tests take place within three months of receipt of the applicant's request.

### *Non-compliance of vehicles or vehicle types with essential requirements*

#### Article 34

When a railway undertaking finds, during operation, that a vehicle it is using does not meet one of the applicable essential requirements, it shall take the necessary corrective measures in order to bring the vehicle into conformity. Furthermore, it may inform the Directorate of the measures taken.

If the railway undertaking has evidence that the non-compliance existed already at the time when the authorisation for placing on the market was issued, it shall inform the Directorate.

When the Directorate finds within the process of supervision provided for in the law governing safety in railway traffic, that a vehicle or a vehicle type to which it has granted authorisation for placing in service, when used as intended, does not meet one of the applicable essential requirements, it shall inform the railway undertaking using the vehicle or the vehicle type and ask it to take the necessary corrective measures in order to bring the vehicle(s) into conformity.

In the case set out in paragraph 3 of this Article, the Directorate shall inform the Agency and any other national safety authorities from European Union State Members concerned, including those in a territory where application for authorisation for placing on the market for a vehicle of the same type is ongoing.

In the case set out in paragraph 3 of this Article, the Directorate shall inform the national safety authorities from OTIF contracting states concerned, including those in a territory where application for authorisation for placing on the market for a vehicle of the same type is ongoing

When the corrective measures referred to in paragraph 1 and 3 of this Article applied by the railway undertaking do not ensure conformity with the applicable essential requirements and that non-conformity leads to a serious safety risk, the Directorate may apply temporary safety measures under its supervision tasks referred to in paragraph 3 of this Article, such as a suspension of type authorisation or a suspension of vehicle authorization for placing on the market.

Decision referred to in paragraph 6 of this Article shall be final in the administrative procedure and a dispute may be instituted against it before the Administrative Court.

In the cases referred to in paragraph 6 of this Article, the Directorate, following a review of the effectiveness of any measures taken to address the serious safety risk, may decide to revoke or amend the authorisation for placing on the market or the vehicle type authorisation when it is proven that an essential requirement was not met at the time of authorisation.

The Directorate shall notify its decision referred to in paragraph 8 of this Article to the holder of the authorisation for placing on the market or of the vehicle type authorization.

Decision referred to in paragraph 8 of this Article shall be final in the administrative procedure and a dispute may be instituted against it before the Administrative Court.

The Directorate shall forthwith inform the Agency about the revoked authorisations for placing on the market and give the reasons for its decision.

Decision of the Directorate to revoke authorisation for placing on the market shall be entered in the Vehicle Register referred to in Article 47 of this Law.

In the case of revoking an authorisation of a vehicle type, the Directorate shall submit application for registration in the European register of authorised vehicle types referred to in Article 48 of this Law.

The Directorate shall ensure that all railway undertakings using vehicles of the same type as the vehicle or type subject to the revocation are properly informed. Such railway undertakings shall check whether their vehicles have the same problem of non-compliance with the essential requirements. In that event, the procedure provided for in this Article shall apply.

When an authorisation for placing on the market is revoked, the vehicle concerned shall no longer be used.

When a vehicle type authorisation is revoked, vehicles built on the basis of it shall not be placed on the market or, if they had already been placed on the market, they shall be withdrawn.

A new authorisation may be requested in accordance with Article 27-30 of this Law in the case of individual vehicles or in accordance with Article 26 of this Law in the case of a vehicle type.

When, in the cases provided for in paragraphs 1 – 3 of this Article, the non-compliance with the essential requirements is limited to part of the area of use of the vehicle concerned and such non-compliance already existed at the time when the authorisation for placing on the market was issued, the latter shall be amended to exclude the parts of the area of use concerned.

#### *Revocation or suspension of Authorisation for Placing in Service*

#### Article 35

Save in the cases set out in Article 34 of this Law, the Directorate shall revoke the authorisation for placing in service if the supervision of safety management systems of a railway undertaking and infrastructure manager shows, or a report of the Republic inspector for railway traffic finds:

1) that a railway vehicle is no longer in compliance with:

- (1) the TSIs or the national railway technical rules,
- (2) approved derogations in compliance with Article 11 of this Law,
- (3) rules on design or equipment specified in the Convention concerning International Carriage by Rail (COTIF) – Appendix C – The Regulation concerning the International Carriage of Dangerous Goods by Rail (RID);

2) that the keeper has not fulfilled the requirements of the Directorate to eliminate the deficiencies within the prescribed time limit;

3) that the conditions or restrictions specified in the authorisation are not respected.

The Directorate shall suspend the authorisation for placing in service if:

1) the supervision of the safety management systems of the railway undertaking and infrastructure manager shows, or the received report of the Republic inspector for railway traffic establishes that maintenance of the railway vehicle is not carried out in compliance with the maintenance file, TSIs, national railway technical rules, rules on construction and equipment specified in the Convention concerning International Carriage by Rail (COTIF) – Appendix C – The Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) RID or if the prescribed time limits for maintenance are not respected;

2) in case of a substantial damage to the railway vehicle, the order of the Directorate for placing the vehicle for inspection is not respected.

The authorisation for placing in service shall be suspended until all requirements required for its issuing are fulfilled.

The decision on revocation, and/or suspension of an authorisation shall be final in administrative procedure, and dispute may be instituted against it before the Administrative Court.

The vehicle keeper shall notify the Directorate of any withdrawal from traffic (decommissioning of vehicles, etc.) without delay, and at latest eight days from the date of the withdrawal from traffic.

The authorisation for placing in service shall become invalid on the day of notification to the Directorate about the withdrawal of the railway vehicle from traffic, in accordance with paragraph 5 of this Article.

### *Renewal or Upgrading of Structural Subsystem*

#### Article 36

In the event of renewal or upgrading of structural subsystems, the contracting entity or the manufacturer shall submit a file describing the project to the Directorate. Within one month of its receipt, the Directorate shall inform the contracting entity or the manufacturer that the file is complete or ask for relevant supplementary information, setting a reasonable deadline for the provision thereof.

Taking into account the TSI implementation plan established by the Republic of Serbia, the Directorate shall decide whether the scope of works requires a new authorisation for placing in service a structural subsystem or a new authorization for placing in service a vehicle.

A new authorisation for placing in service a structural subsystem is needed when:

- 1) the overall safety level of the subsystem concerned may be adversely affected by the works envisaged;
- 2) it is required by the relevant TSIs;
- 3) changes are made to the values of the parameters defined in TSIs/national rules on the basis of which the authorisation for placing in service was already granted;
- 4) it is required by the TSI implementation plan established by the Republic of Serbia.

In case referred to in paragraph 2 of this Article, the Directorate shall take its decision no later than within four months of submission of requested file by the contracting entity or manufacturer.

If a new authorization for placing in service needs to be issued, where TSIs shall not be fully applied, the Directorate shall provide information to the European Commission about:

- 1) justification why TSIs are not fully applied;
- 2) technical characteristics applied instead of TSIs;
- 3) bodies responsible, in the case of those characteristics, for the verification of subsystems.

Any changes to an authorised vehicle that are related to a maintenance replacement shall not require a new authorization for placing in service.

All other vehicle changes shall be examined and categorized in accordance with Article 26, paragraph 14 of this law.

If the entity managing the change to an already authorised vehicle categorized in accordance with point 2) and 3) of paragraph 14 of Article 26 of this law is not the holder of vehicle type authorisation, it shall be obliged to:

- 1) assess derogation from the technical file accompanying the declaration of verification of the subsystem;
- 2) establish that none of the criteria set out in paragraph 3 of this Article is met;
- 3) update the technical file accompanying the declaration of verification of the subsystem;
- 4) notify the Directorate, as the issuer of the authorization for placement in use, about the changes.

The Directorate may, within four months of receipt of the notification referred to in paragraph 8 of this Article, issue a decision ordering the submission of a request for the issuance of authorization for placing in service in case of incorrect categorization or incomplete information.

Any change to the vehicle is subject to configuration management, which is the responsibility of the keeper or an entity appointed by it.

#### IV. CONFORMITY ASSESSMENT BODY

##### **Requirements that Must be Met by a Notified Conformity Assessment Body**

###### Article 37

A notified body shall have legal personality.

A notified body shall be capable of carrying out all the conformity assessment tasks assigned to it by the relevant TSI and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times and for each conformity assessment procedure and each kind or category of product in relation to which it has been notified, a notified body shall have at its disposal:

- 1) the necessary personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

2) the relevant descriptions of procedures in accordance with which conformity assessment is to be carried out, ensuring the transparency and the ability to apply those procedures. It shall have in place appropriate policies and procedures that distinguish between the tasks it carries out as a notified body and other activities;

3) the proper procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process;

4) the means necessary to perform in an appropriate manner the technical and administrative tasks connected with the conformity assessment activities and access to all necessary equipment or facilities.

A notified body shall take out liability insurance.

The personnel of a notified body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under the relevant TSI or legislation of the Republic of Serbia.

Notified bodies shall participate in, or ensure that their assessment personnel are informed of, the relevant standardisation activities and the activities of the European Union notified bodies' coordination group.

Bodies that are notified for trackside and/or on- control-command and signalling subsystems shall participate in, or shall ensure that their assessment personnel are informed of, the activities of the ERTMS (European Rail Traffic Management System) group.

Notified body shall meet the requirements laid down in paragraphs 1 to 5 of this Article and in Article 39 of this Law.

### **Impartiality of Notified Body**

#### Article 38

A notified body shall be a third-party body independent of the organisation or of the manufacturer of the product it assesses.

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered to be such a body.

A notified body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the products which it assesses, or the authorised representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the notified body or the use of such products for personal purposes.

A notified body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or

construction, marketing, installation, use or maintenance of the products which it assesses, or engage in those activities. It shall not engage in any activity that may conflict with their independence of judgment in relation to conformity assessment activities for which it is notified, particularly in the event of consultancy services.

A notified body shall ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of its conformity assessment activities

A notified body and its personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence its judgement or the results of its conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

### **Personnel of Notified Body**

#### Article 39

The personnel responsible for carrying out conformity assessment activities shall have the following skills:

- 1) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;
- 2) appropriate knowledge of the requirements related to the assessment they carry out and appropriate mandate to carry out those assessments,
- 3) appropriate knowledge and understanding of the essential requirements, of the applicable harmonised standards and of the relevant provisions of international law;
- 4) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

The remuneration of the management and assessment personnel shall not depend on the number of assessments carried out or on the results of those assessments.

### **Subcontractors and Subsidiaries of the Notified Body**

#### Article 40

Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Articles 37 to 39 of this Law and shall inform the notifying authority accordingly.

A notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.

Activities of a notified body may be subcontracted or carried out by a subsidiary only with the agreement of the client.

A notified body shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under the relevant TSI.

### **Accredited in-house bodies**

#### Article 41

Applicants may use an accredited in-house body to carry out conformity assessment activities for the purpose of implementing the procedures set out in modules SA1 and SA2 laid down in Uniform Technical Prescriptions – Assessment Procedures (modules) adopted by OTIF.

The in-house body shall constitute a separate and distinct part of the applicant concerned and shall not participate in the design, production, supply, installation, use or maintenance of the products it assesses.

An accredited in-house body shall meet the following requirements

- 1) it shall be accredited by the Accreditation Body of Serbia;
- 2) the body and its personnel shall, within the undertaking of which they form a part, be organisationally identifiable and have reporting methods which ensure their impartiality, and shall demonstrate it to the Accreditation Body of Serbia;
- 3) neither the body nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the products they assess, nor shall they engage in any activity that might conflict with their independence of judgement in relation to their assessment activities;
- 4) the body shall supply its services exclusively to the undertaking of which it forms a part.

An accredited in-house body shall not be notified. The information concerning its accreditation shall be given by the undertaking of which it forms a part or by the Accreditation Body of Serbia to the notifying authority at the request of that authority

### **Identification Numbers and List of Notified bodies**

#### Article 42

Identification numbers shall be assigned and the list of notified bodies shall be made publicly available in compliance with OTIF provisions.

### **Operational Obligations of the Notified Body**

#### Article 43

A notified body shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in the relevant TSI.

Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. A notified body, when performing its activities, shall take due account of the size of an undertaking, the sector in which it operates, its structure, the degree

of complexity of the product technology in question and the mass or serial nature of the production process.

Where a notified body finds that requirements laid down in the relevant TSI or corresponding harmonised standards or technical specifications have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a conformity certificate.

Where, in the course of the monitoring of conformity following the issue of a certificate, a notified body finds that a product no longer complies with the relevant TSI or corresponding harmonised standards or technical specifications, it shall require the manufacturer to take appropriate corrective measures and shall restrict, suspend or withdraw the certificate if necessary.

Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate.

### **Provision of Information**

#### Article 44

Notified bodies shall inform the notifying authority of the following:

- 1) any refusal, restriction, suspension or withdrawal of a certificate;
- 2) any circumstances affecting the scope of, and conditions for, notification;
- 3) any request for information received from market surveillance authorities;
- 4) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.

The competent national safety authorities of the European Union state members shall also be informed of any refusal, restriction, suspension or withdrawal of a certificate under point 1. paragraph 1) of this Article.

The competent national safety authorities of the OTIF member states shall also be informed of any refusal, restriction, suspension or withdrawal of a certificate under point 1. paragraph 1) of this Article

A notified body shall provide the other notified bodies carrying out similar conformity assessment activities covering the same type of product with relevant information on issues relating to negative and, on request, positive conformity assessment results.

A notified body shall provide the Agency with the certificates of verification of subsystems, certificates of conformity of interoperability constituents and certificates of suitability of use of interoperability constituents.

### **Exchanges of Best Practice and Coordination of Notified Bodies**

#### Article 45

The Ministry in charge of the technical regulations, standardization, accreditation and metrology affairs, which is responsible for the notification of conformity assessment bodies, shall cooperate with the European Union Member States' institutions in charge of technical regulations, standardization, accreditation and metrology affairs with the aim of exchanging best practices.

The Ministry in charge of the technical regulations, standardization, accreditation and metrology affairs, which is responsible for the notification of conformity assessment bodies, shall cooperate with the OTIF Member States' institutions in charge of technical regulations, standardization, accreditation and metrology affairs with the aim of exchanging best practices.

Notified bodies shall cooperate with each other to ensure appropriate coordination.

### **Designated bodies**

#### Article 46

Provisions of Articles 37 to 41 of this Law shall also apply to the designated body, except:

1) in the case of skills required by its personnel under point 3), paragraph 1 of Article 39 of this Law, where the designated body shall have appropriate knowledge and understanding of the law of the Republic of Serbia;

2) in the case of documents to be kept at the disposal of the notifying authority under Article 40(4) of this Law, where the designated body shall include documents relating to work carried out by subsidiaries or subcontractors under the relevant national rules.

The operational obligations laid down in Article 43 of this Law shall also apply to designated bodies, except that those obligations refer to national rules instead of TSIs.

The information obligation laid down in Article 44(1) shall also apply to designated bodies, which shall inform the Directorate accordingly.

## **V. RAILWAY VEHICLE AND INFRASTRUCTURE REGISTERS**

### **Railway Vehicle Register**

#### Article 47

The Directorate shall keep a National Railway Vehicle Register.

Keepers of any type of vehicle for which authorization for placing in service has been issued shall submit to the Directorate an application for the entry in the register referred to in paragraph 1 of this Article, before the first use of vehicle.

The number of the vehicle under which it shall be entered in the register referred to in paragraph 1 of this Article shall be assigned by the Directorate.

The keeper shall immediately declare to the Directorate any modification to the data entered in the National vehicle register, the destruction of a vehicle or its decision to no longer register a vehicle,.

Specification of the vehicle register is prescribed in accordance with the Convention concerning International Carriage by Rail (COTIF).

Entry in the register shall be carried out on the basis of a completed application, the form of which is set out in the specification referred to in paragraph 5 of this Article.

A fee is payable for entry in the vehicle register, the amount of which shall be determined by the law governing the Republic administrative.

### **Provision of Data for the European Register of Authorised Vehicle Types**

#### Article 48

The Directorate shall submit to the Agency data about all authorized vehicle types.

The Directorate shall also submit to the Agency data about all modified, suspended or withdrawn type authorisations.

### **Register of Infrastructure**

#### Article 49

The infrastructure manager shall provide to the Agency data on infrastructure, energy and control-command and signalling trackside subsystems for the Register of Infrastructure and shall be responsible for the accuracy, completeness, consistency and updating of such data and their timely provision.

The Directorate shall provide guidelines to the infrastructure manager concerning submission of data referred to in paragraph 1 of this Article.

## **VI. INSPECTION SUPERVISION**

#### Article 50

The inspection supervision of the implementation of this Law and the bylaws adopted on the basis of this Law shall be performed by the ministry in charge of transport through the Republic inspectorate for railway transport (hereinafter: the Inspector).

The Autonomous Province shall be entrusted to perform on its territory the inspection supervision over the implementation of this Law and the by-laws adopted on the basis of this Law.

The inspection supervision procedure shall be regulated by the law governing inspection supervision, unless otherwise prescribed by this Law.

#### Article 51

In carrying out inspection supervision activities, the inspector has the right and duty to check whether railway traffic is carried out in the manner and under the conditions set out by this Law, other rules and general acts regulating interoperability in railway traffic.

#### Article 52

In carrying out inspection supervision, the inspector shall have the mandate to:

- 1) prohibit the use of individual or multiple structural subsystems or their parts and order to eliminate non-compliances because of which he has imposed a prohibition of use;
- 2) prohibit the execution of orders that are contrary to the provisions of this Law, other rules and general acts regulating interoperability in railway traffic and order the elimination of deficiencies that have resulted from such orders.

#### Article 53

When carrying out inspection supervision activities, the inspector shall wear an official uniform with the official ID tag.

The minister responsible for transport shall prescribe the design and use of the inspector's official uniform and the content and form of the inspector's official identity tag.

#### Article 54

The undertaking or other legal entity over which inspection supervision is performed shall allow the inspector to carry out the inspection supervision smoothly and provide him without delay access to the required files and data, as well as unhindered access to facilities, assets or personnel.

The persons referred to in paragraph 1 of this Article shall be obliged to comply with the inspection measures imposed on the basis of the inspection supervision referred to in paragraph 1 of this Article.

#### Article 55

If the inspector, during the inspection supervision, has issued a verbal order or imposed a verbal prohibition, he shall provide a decision concerning such order or prohibition within three days of the day of issuing the order or imposing a prohibition verbally, to the infrastructure manager, railway undertaking, company or other legal entity to which the decision relates.

#### Article 56

Against inspector's decision an appeal may be filed with the minister responsible for transport, within 15 days from the date of delivery of the written decision.

The appeal shall stay enforcement of the decision.

By way of derogation from paragraph 2 of this Article, the appeal shall not stay enforcement of the decision when it is necessary to take urgent measures to prevent or eliminate threat to life or health of people, property, rights and interests of employees and persons engaged in work, the economy, the environment, plant or animal life, public revenues, smooth operation of bodies and organizations, and communal order or safety, which shall be justified separately in the decision.

## VII. PENAL PROVISIONS

### Article 57

A fine ranging from RSD 700,000 to RSD 2,000,000 shall be imposed for minor offence on the company or another legal entity if they:

- 1) fail to submit to the ministry in charge of transport the list of projects in an advanced stage of development (Article 11, paragraph 3);
- 2) prohibit, restrict or hinder placing on the market of interoperability constituents that are manufactured in compliance with this Law or request that checks already carried out be carried out anew as a part of the procedure for the issue of declaration of conformity and suitability for use (Article 12, paragraph 3);
- 3) prohibit, restrict or hinder construction, placing in service and operation of the structural subsystems that are comprising the railway system and which comply with the essential requirements, or request that the checks already carried out be carried out anew (Article 18, paragraph 1);
- 4) do not allow to the notified body responsible for the audit of the production the right of access to all building sites, storage areas, production workshops, assembly plants, prefabrication or testing facilities, or other similar facilities, or fail to provide insight in all required files related to the subsystem (Article 19, paragraph 25);
- 5) fail to conduct periodical audits in compliance with Article 19, paragraph 26 of this Law;
- 6) place in service on railway lines of the Republic of Serbia fixed subsystems without the authorisation for placing in service (Article 24 , paragraph 1);
- 7) use structural subsystems contrary to the conditions and limitations for use specified in the authorization for placing in service (Article 24, paragraph 1 and Article 25, paragraph 1);
- 8) use fixed subsystems contrary to the conditions and limitations for use specified in the authorization for placing stable systems in service (Article 24, paragraph 9);
- 9) use the vehicles without the individual authorisation for placing in service (Article 26, paragraph 8);
- 10) fail to create a new version of vehicle type or a new version of vehicle type variant (Article 26 paragraph 16);
- 11) fail to create a new vehicle type and fail to submit application for authorization of the new vehicle type (Article 26 paragraph 18);
- 12) use vehicles contrary to conditions of use and limitations specified in the authorization for placing TSI compliant vehicles in service (Article 27, paragraph 1);
- 13) use vehicles contrary to conditions of use and limitations specified in the additional authorization for placing TSI compliant vehicles in service (Article 28, paragraph 10);

14) use vehicles contrary to conditions of use and limitations specified in the authorization for placing TSI non-conform vehicles in service (Article 29, paragraph 1);

15) use the vehicle without the additional authorisation for placing in service in the Republic of Serbia (Article 30, paragraph 1);

16) use vehicles contrary to conditions of use and limitations specified in the additional authorization for placing TSI non-conform vehicles in service (Article 30, paragraph 12);

17) fail to notify the Directorate without delay, and no later than within eight days, of the withdrawal of vehicles from traffic (Article 35, paragraph 5);

18) renew or upgrade a structural subsystem without having previously submitted to the Directorate the file comprising the description of the project for the purpose of possibly obtaining a new authorisation for placing a structural subsystem in service or a new authorisation for placing a vehicle in service (Article 36, paragraph 1);

19) fail to submit to the Directorate the application for entry in the National Vehicle Register (Article 47, paragraph 2);

20) fail to comply with inspector's order (Article 52).

A fine ranging from RSD 5,000 to RSD 150,000 shall be imposed for the offences referred to in paragraph 1 of this Article on the natural person or responsible person in the legal entity.

A fine ranging from RSD 10,000 to RSD 500,000 shall be imposed for the offences referred to in paragraph 1 of this Article on a sole trader.

#### Article 58

A fine ranging from RSD 500,000 to RSD 1,500,000 shall be imposed for the minor offence on the company or another legal entity if they:

1) fail to submit to the Ministry the request for derogation or fail to enclose the documents referred to in Article 11, paragraph 5 of this Law;

2) fail to comply with measures imposed by the Directorate (Article 15, paragraph 1);

3) issue a certificate of conformity and draw a declaration of conformity for an interoperability constituent which does not meet essential requirements (Article 15, paragraph 4);

4) fail to keep records of issued certificates of conformity and certificates of suitability for use (Article 17, paragraph 4);

5) fail to comply with measures imposed by the Directorate (Article 17, paragraph 8);

6) fail to compile the technical file that is to be enclosed with the declaration of verification of the subsystem (Article 19, paragraph 10);

7) fail to provide for carrying out the tests in compliance with Article 28, paragraph 6 of this Law;

8) fail to provide for carrying out the tests in compliance with Article 30, paragraph 8 of this Law;

- 9) fail to mark the vehicles with the number assigned to it (Article 32, paragraph 7);
- 10) fail to carry out audits before the use of the vehicle (Article 33, paragraph 1);
- 11) fail to declare to the Directorate without delay any modification to data entered in the National vehicle register, the destruction of a vehicle or its decision to no longer register a vehicle (Article 47, paragraph 4)

A fine ranging from RSD 5,000 to RSD 150,000 shall be imposed for the offences referred to in paragraph 1 of this Article on the natural person or responsible person in the legal entity. A fine ranging from RSD 10,000 to RSD 500,000 shall be imposed for the offences referred to in paragraph 1 of this Article on a sole trader.

## VIII. TRANSITIONAL AND CONCLUDING PROVISIONS

### **Appointment of the Conformity Assessment Body**

#### Article 59

Until the appointment of the conformity assessment body, the tasks of the designated body referred to in Article 17 and 20 of this Law shall be performed by the Directorate.

### **Additional Authorisation for Placing Vehicles in Service**

#### Article 60

Additional authorisation for placing in service shall not be issued for vehicles that have been authorised and marked under the agreements between railway undertakings from the Republic of Serbia and railway undertakings from other states concluded before 5 December 2013.

### **By-Laws**

#### Article 61

Regulations for implementation of this Law shall be adopted within two years from the date of entry into force of this Law.

Pending adoption of the regulations referred to in paragraph 1 of this Article, regulations adopted on the basis of the Law on the Interoperability of the Railway System (“Official Gazette of the Republic of Serbia”, Nos. 41/18 and 16/22 – authentic interpretation) shall apply, unless contrary to this Law.

### **Technical Specifications of Interoperability**

#### Article 62

Pending publication of the TSI referred to in Article 9, paragraph 4 of this Law in the “Official Gazette of the Republic of Serbia”, the technical specifications of interoperability published by the Directorate on its internet webpage shall apply.

### **Authorisations for Placing in Service of Vehicles**

### Article 63

Authorisations for placing in service of vehicles, granted prior to the entry into force of this Law, shall remain to be valid

### **Initiated Proceedings**

#### Article 64

Proceedings initiated prior to entry into force of this Law shall be completed in accordance with the provisions of the regulations that were applicable until the date of entry into force of this Law.

### **Request for TSI Derogation**

#### Article 65

Until the date of accession of the Republic of Serbia to the European Union, the contracting entity or his authorized representative shall submit requests for derogation from Article 11. paragraph 5 of this Law, to the Ministry.

### **Cease of Law's Validity**

#### Article 66

On the day this Law enters into force, the Law on the Interoperability of the Railway System ("Official Gazette of RS", nos. 41/18 and 16/22 - authentic interpretation) shall cease to be valid.

### **Entry into Force**

#### Article 67

This Law shall enter into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia", except for the provisions of Article 11, paragraph 3 and 4, Article 15, paragraph 2, Article 19, paragraph 13 and 31, item 1), Article 22, Article 23, paragraph 2 and 3, Article 26, paragraph 16, Article 34, paragraph 4, 11 and 13, Article 36, paragraph 5, Article 37, paragraph 6 and 7, Article 44, paragraph 2 and 5 of Article 45, paragraph 1, Article 48 and Article 49, which shall apply from the date of accession of the Republic of Serbia to the European Union.