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## **LAW ON TRANSPORT OF DANGEROUS GOODS**

### **I INTRODUCTORY PROVISIONS**

#### **Article 1**

This Law shall regulate the powers of governmental bodies and specialized organizations in relation to transport of dangerous goods, specific conditions under which dangerous goods transport is performed, methods of dangerous goods transport, procedures in the event of emergency events related to dangerous goods transport and supervision over the implementation of this law in road, rail, air and water traffic.

The provisions of this Law shall not apply to:

- 1) the transport of dangerous goods that a company, other legal entity or entrepreneur performs for the purposes of its business activity in a technical and technological unit (factory grounds, etc.);
- 2) the transport of dangerous goods performed by vehicles of the ministry in charge of defence, the ministry in charge of internal affairs, vehicles of the Serbian Military Forces, as well as by vehicles of the military forces of other countries and organizations using the transport infrastructure of the Republic of Serbia in accordance with a specific agreement.

#### **Article 2**

The transport of dangerous goods shall be performed in accordance with provisions of ratified international agreements, provisions of this law and bylaws enacted pursuant to this Law.

Ratified international agreements shall include:

- 1) The European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR);
- 2) Agreement on the Acceptance of Uniform Terms for Homologation and Reciprocal Recognition of Equipment and Motor Vehicles Spare Parts ("Official Gazette of the FNRJ – International Agreements", Number 5/62);
- 3) Annex C to the Convention concerning International Transport by Rail (COTIF) – Rulebook on the international transport of dangerous goods by rail (RID);
- 4) Annex 18 to the Convention concerning International Civil Aviation – Safe Transport of Dangerous Goods by Air and ICAO Document 9284 AN/905 – Technical Instructions for the Safe Transport of Dangerous Goods by Air;
- 5) The European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN);
- 6) Convention on the Physical Protection of Nuclear Materials.

In accordance with the method under this law based on which conformity assessment bodies are appointed, and/or authorized, authorizations for conformity assessment are withdrawn

and fulfilment of the requirements for issuance of the designation, and/or authorization for conformity assessment is determined, regulations governing technical requirements for products and conformity assessment shall be applied.

The Minister in charge of defence affairs in cooperation with the Minister in charge of Transport (hereinafter referred to as: the Minister) shall enact a special regulation governing the transport of dangerous goods to be performed by vehicles of the Serbian Military Forces and the Ministry in charge of defence affairs, as well as by vehicles of the military forces of other countries and organizations using the transport infrastructure of the Republic of Serbia in accordance with a specific agreement.

The Minister in charge of internal affairs in cooperation with the Minister shall enact a special regulation governing the transport of dangerous goods to be performed by vehicles of the Ministry of Internal Affairs.

### **Article 3**

Participants in the transport of dangerous goods shall perform the obligations referred to in Chapter 1.4 of ADR/RID/ADN.

### **Article 4**

The ratified international agreements referred to in Article 2, Paragraph 2 hereof shall be applied to the transport of dangerous goods to be performed entirely in the territory of the Republic of Serbia.

### **Article 5**

The transport of dangerous goods which is not in accordance with the ratified international agreements referred to in Article 2, Paragraph 2 hereof, this Law and bylaws enacted pursuant to this Law shall be prohibited.

### **Article 6**

Hazard arising from the consequences of the transport of dangerous goods due to non-implementation of ratified international agreements referred to in Article 2, Paragraph 2 hereof, this Law and bylaws enacted pursuant to this Law is classified in three categories:

- 1) I risk category shall mean the hazard to human life or environmental pollution with consequences whose elimination would be long-lasting and expensive;
- 2) II risk category shall mean the hazard of causing severe bodily injuries to a person or considerable environmental pollution and the hazard of high-scale environmental pollution;
- 3) III risk category shall mean the hazard of causing light bodily injury to a person or insignificant environmental pollution.

The Minister shall prescribe the criteria to classify the violations of the ratified international agreements referred to in Article 2, Paragraph 2 hereof, this Law and bylaws enacted pursuant to this Law, in accordance with risk classification referred to in Paragraph 1 hereof.

## Article 7

Certain expressions used in this Law shall have the following meaning:

1) *Emergency event* shall mean the event in which the transport of dangerous goods has been terminated or suspended due to which dangerous goods has been released or due to possibility of dangerous goods release;

2) *Vehicles of the Ministry in charge of Defence Affairs*, Ministry in charge of Internal Affairs and of the Military Forces of the Republic of Serbia shall be the vehicles in their ownership or vehicles engaged by those ministries;

3) *Vehicle* shall mean any means of transport in accordance with regulations referred to in Article 2, Paragraph 2 hereof (motor vehicle or combined vehicle) designed for transport of dangerous goods, railway tank, ship or convoy or any other means of transport;

4) *Provider of Service of Dangerous Goods Transshipment when changing the method of transport* shall be an enterprise, other legal person or entrepreneur which in case of changing the method of dangerous goods transport performs transshipment or stores dangerous goods on temporary basis;

5) *Dangerous goods* shall mean the matter, object or waste which has been classified as dangerous goods in accordance with the requirements defined under regulations referred to in Article 2, Paragraph 2;

6) *Organizer of dangerous goods transport* (carrier) shall be an enterprise, other legal person or entrepreneur which organizes the transport of such goods or which performs other activities in relation to transport of dangerous goods;

7) *Economic activities* performed during dangerous goods transport shall include: packing, loading, organizing transport, transport, transshipment, temporary storage and unloading;

8) *Professional* shall be a person trained and authorized to inspect pressure receptacles and tank cars (portable tanks, container-tanks, tank cars, tank wagons, etc.) in accordance with regulations referred to in Article 2, Paragraph 2 hereof;

9) *Safety advisor for Dangerous Goods Transport* shall be a person in a public company, enterprise, other legal person or employed by the entrepreneur to perform the activities in order to ensure the application of regulations in dangerous goods transport, in possession of the certificate of professional competence and entrusted with the performance of such activities under the employer's decision;

10) *Dangerous goods transport* between a consignor and a consignee shall include: loading and transport from the place of dispatching to the place of referral, keeping of dangerous goods in a vehicle, tank or container caused by traffic conditions before, during and after transport, as well as transshipment in order to change the method of transport or means of transport and temporary storage and unloading of dangerous goods;

11) *Participant in dangerous goods transport* shall be an enterprise, other legal person or an entrepreneur in the capacity of: a consignor, forwarder, consignee, employee in charge of loading, employee in charge of packing, employee in charge of filling, user of container tank or portable tank, organizer of transport, transshipment service provider in case of changing the method of transport in dangerous goods transport.

Other expressions used in this Law shall have the meanings as defined under regulations referred to in Article 2, Paragraph 2 hereof and other regulations governing technical requirements for products and for conformity assessment.

## **Article 8**

A participant in dangerous goods transport shall provide insurance in case it causes damage to persons, property or environment during dangerous goods transport, in accordance with the Law.

## **I AUTHORITY FOR TRANSPORT OF DANGEROUS GOODS**

### **Article 9**

The Authority for Transport of Dangerous Goods (hereinafter referred to as: the Authority) shall be established for the purpose of conducting executive and related inspection and professional activities in the area of dangerous goods transport, as an administrative body in the composition of the Ministry in charge of traffic affairs (hereinafter referred to as: the Ministry) and its competence shall be established as well.

The seat of the Authority shall be in Belgrade.

The Authority shall have the capacity of a legal person.

### **Article 10**

The Authority shall perform the following activities:

- 1) Participate in the activities of international professional bodies for developing technical regulations under ratified international agreements referred to in Article 2, Paragraph 2 hereof, develop proposals for their amendment and consider the proposals put forward by representatives from other countries;
- 2) Participate in developing regulations in the area of dangerous goods transport;
- 3) Perform inspection supervision over the enforcement of regulations referred to in Article 2, Paragraph 2 hereof, this Law and regulations adopted pursuant to this Law;
- 4) Issue authorizations to expert staff members;
- 5) Issue approvals for the type of packaging materials, and/or pressure receptacles or tank for dangerous goods transport;
- 6) Issue authorizations to a body in charge of conformity assessment of the type of packaging material, and/or pressure receptacles or a tank used in dangerous goods transport;
- 7) Issue designation document to the body in charge of conformity assessment of the type of pressure receptacles or a tank ;
- 8) Revoke approval of the type of packaging material, and/or pressure receptacles or a tank used in dangerous goods transport, if the packaging material, and/or pressure receptacles or a tank used in dangerous goods transport does not meet the requirements under the approval;
- 9) Issue a decision on the recognition of the approval for the type of the packaging material, and/or pressure receptacles or a tank issued by the competent body of a foreign country;
- 10) Keep Registry of Expert staff members in charge of inspection of pressure receptacles and tank used in dangerous goods transport;
- 11) Appoint the committee in charge of verifying professional competence of candidates for the position of a safety advisor for dangerous goods transport;

- 12) Prepare tests for verifying professional competence of candidates for the position of a safety advisor for dangerous goods transport and publish them as prescribed;
- 13) Verify the fulfilment of requirements and issue the license to an enterprise or other legal person for training the candidate for the position of an safety advisor for dangerous goods transport;
- 14) Collect annual reports of the safety advisor for dangerous goods transport, analyse them and propose amendments to regulations;
- 15) Issue the certificate on professional competence for the position of a safety advisor for dangerous goods transport;
- 16) Supervise business operations of enterprises and other legal persons to which it has issued the license, authorization or another deed pursuant to this Law;
- 17) Supervise the development and implementation of the Safety Plan envisaged for the participants in the transport of dangerous goods with high hazard potential, as defined under regulations referred to in Article 2, Paragraph 2 hereof;
- 18) Issue the license for dangerous goods transport when this has been envisaged under regulations referred to in Article 2, Paragraph 2 hereof, except for the license for explosive goods transport;
- 19) Monitor transport and jeopardizing of safety of dangerous goods transport;
- 20) Analyse reports on issued, and/or revoked certificates of approval for a vehicle in relation to transport of specific dangerous goods;
- 21) Issue authorization to the body for conformity assessment of the type of vehicle for dangerous goods transport;
- 22) Issue designation document to the body for conformity assessment of the type of vehicle for dangerous goods transport;
- 23) Issue authorization to an enterprise, and/or other legal person for professional training of candidates for an operator of the vehicle for dangerous goods transport;
- 24) Appoint the committee in charge of verifying professional competence of candidates for the position of an operator of the vehicle for dangerous goods transport, prepare tests for verifying professional competence and publish them as prescribed;
- 25) Issue the certificate of professional competence for an operator of the vehicle for dangerous goods transport and keeps Registry of issued certificates;
- 26) Collect information on violation of regulations referred to in Article 2, Paragraph 2 hereof, this Law and regulations adopted pursuant to this Law, analyse them, propose amendments to such regulations, exchange information on violations of regulations with the competent body of a foreign country, and/or with the competent body of the EU and act in accordance with the request of the competent body of the foreign country which has established that the vehicle registered in the Republic of Serbia has violated the regulations;
- 27) Participate in the preparation of bilateral agreements in the area of dangerous goods transport;
- 28) Develop the annual report based on collected information on violation of regulations referred to in Article 2, Paragraph 2 hereof, this Law and regulations adopted pursuant to this Law based on risk category and submit it to competent international bodies;
- 29) Issue approval for the type of a ship used for dangerous goods transport;
- 30) Issue authorization to the body for the conformity assessment of the type of ship for dangerous goods transport;
- 31) Issue designation document to the body for conformity assessment of the type of ship for

- dangerous goods transport;
- 32) Issue authorization to an enterprise, and/or other legal person for professional training of candidates for obtaining the ADN Certificate;
  - 33) Appoint the committee to verify professional competence of candidates for obtaining the ADN Certificate;
  - 34) Issue the ADN Certificate and keep the Registry of Issued Certificates;
  - 35) Analyse reports on issued, and/or returned certificates of approval for the ship to be used for specific dangerous goods transport;
  - 36) Revoke a license, authorization or other deed issued based on this Law, if termination of fulfilment of a requirement based on which such deeds were issued has been identified.

### **Article 11**

The Authority shall be managed by the Director appointed by the Government for the term of office of five years, upon motion of the Minister, in accordance with the law governing the appointment of civil servants.

### **Article 12**

Funds for the operation of the Authority have been allocated within the budget of the Republic of Serbia.

## **I PACKAGING MATERIAL FOR DANGEROUS GOODS TRANSPORT**

### **Article 13**

A participant in dangerous goods transport is required to use the type of packaging material, and/or pressure receptacles or tank accompanied by a valid permit and report on testing of the packaging material, and/or pressure receptacles or tank for dangerous goods transport (hereinafter referred to as: Test Report), in accordance with the provisions of Article 2, Paragraph 2 of this Law and other regulations.

Pressure receptacles or tank referred to in Paragraph 1 hereof shall be inspected and designated by a stamp by the authorized professional, in accordance with the provisions of Article 2, Paragraph 2 of this Law and other regulations.

The Authority shall authorize an expert staff member if:

- 1) He/she meets the requirements under provisions referred to in Article 2, Paragraph 2 hereof and other regulations;
- 2) He/she has been employed by a legal person, and/or if he/she performs testing as an entrepreneur who has commissioned the job;
- 3) He/she meets more detailed requirements in relation to professional competence.

The authorization is a document with the validity term of five years.

The decision on the rejection of issuance of authorization for an expert staff member may be appealed to the Minister.

The Authority shall revoke the stamp and authorization to a expert staff member if he/she does not meet any of the requirements referred to in Paragraph 3 hereof.

The Minister shall prescribe more detailed requirements as regards professional

competence of the officer, as well as the form of the Registry of authorized expert staff members for inspecting the pressure receptacles and tank for dangerous goods transport, form of the Report on testing and the appearance of the stamp.

#### **Article 14**

An enterprise or other legal person engaged in the production of a packaging material, and/or pressure receptacles or tank for dangerous goods transport (hereinafter referred to as: the Producer) shall obtain the approval for the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport prior to start of serial production.

The code under the approval for the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport and information defined under provisions referred to in Article 2, Paragraph 2 hereof and other regulations shall be affixed to each and individual packaging material, and/or pressure receptacles or tank for dangerous goods transport which the Producer puts into circulation.

If it has been established subsequently that the packaging material, and/or pressure receptacles or tank for dangerous goods transport does not meet any of the requirements referred to in Paragraph 1 hereof, the Producer shall not continue to mark newly produced packaging material, and/or pressure receptacles or tank for dangerous goods transport in the manner as prescribed under Paragraph 2 hereof.

#### **Article 15**

The approval for the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport shall be a document issued by the Authority based on the Report on Testing and inform the public thereof in the prescribed manner.

The body authorized for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport shall prepare the Report on Testing in accordance with the regulations referred to in Article 2, Paragraph 2 hereof and other regulations.

The approval for the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport issued by the competent body of a foreign country may be recognized if the packaging material, and/or pressure receptacles or tank for dangerous goods transport has been inspected and approved in accordance with regulations referred to in Article 2, Paragraph 2 hereof. The decision on the rejection of issuance of authorization for an expert staff member may be appealed to the Minister.

The decision on the rejection of issuance of authorization for the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport may be appealed to the Minister.

The Minister shall prescribe more detailed requirements for the issuance of approval referred to in Paragraph 1 hereof.

#### **Article 16**

The authorization for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport shall be a document issued by the Authority to the body which meets the requirements under regulations referred to in Article 2, Paragraph 2 hereof and other regulations for the reference scope of testing, and/or conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous

goods transport.

The Authority shall revoke the authorization for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport to a body which ceases to fulfil any of the requirements prescribed under regulations referred to in Article 2, Paragraph 2 hereof and other regulations. The decision on the rejection of issuance of the authorization for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport may be appealed to the Minister by the body for conformity assessment.

The Minister shall prescribe more detailed requirements for the issuance and revocation of the authorization for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport.

The body authorized for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport shall prepare the Report on Testing in accordance with the regulations referred to in Article 2, Paragraph 2 hereof and other regulations.

The designation for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport shall be the document issued by the Authority to the body which meets the requirements defined under regulations referred to in Article 2, Paragraph 2 hereof and other regulations.

The Authority shall revoke the designation for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport to a body which ceases to fulfil any of the requirements prescribed under regulations referred to in Article 2, Paragraph 2 hereof and other regulations.

The decision on the rejection of issuance of the designation for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport may be appealed to the Minister by the body for conformity assessment.

The Minister shall prescribe more detailed requirements for the issuance and revocation of the designation for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport.

## **Article 17**

If the inspector of dangerous goods transport establishes that the packaging material, and/or pressure receptacles or tank for dangerous goods transport does not meet any of the requirements prescribed under regulations referred to in Article 2, Paragraph 2 hereof and other regulations, he/she shall prescribe their future use in dangerous goods transport and notify the Authority thereof.

The Authority shall issue the order for conformity assessment of the type of packaging material, and/or pressure receptacles or tank for dangerous goods transport in order to test the conformity of the sample of the batch of the packaging material, and/or pressure receptacles or tank car referred to in Paragraph 1 hereof and prepare the Report on Testing.

If it has been established under the Report on Testing that the batch of the packaging material, and/or pressure receptacles or tank referred to in Paragraph 2 hereof is not in accordance with the approval for the type of the packaging material, and/or pressure receptacles or tank to be used for dangerous goods transport, the Authority shall revoke the approval for the type of the packaging material, and/or pressure receptacles or tank to be used for dangerous goods transport and notify the public thereof in the prescribed manner.

# **I SAFETY ADVISOR FOR DANGEROUS GOODS TRANSPORT IN ROAD, RAILWAY AND WATER TRAFFIC**

## **Article 18**

A participant in dangerous goods transport in road, railway and water traffic with the seat in the Republic of Serbia shall engage at least one safety advisor for dangerous goods transport (hereinafter referred to as: the Advisor), except in cases determined by regulations referred to in Article 2, Paragraph 2 hereof.

The participant in dangerous goods transport referred to in Paragraph 1 hereof shall provide to the Authority the personal data of the Advisor with whom it has entered into agreement, no later than within seven days as of entering into agreement.

## **Article 19**

The participant in dangerous goods transport with the seat in the Republic of Serbia shall submit the Advisor's annual report to the Authority, no later than by 1 February of the current year for the previous year.

The Minister shall provide the form of the Advisor's annual report.

## **Article 20**

The candidates for the Advisor shall be professionally trained by an enterprise, and/or other legal person based on the license held by the Advisor (hereinafter referred to as: the License) issued by the Authority.

The license is a document issued to an enterprise, and/or other legal person which:

- 1) holds the approval issued by the competent authority in relation to the curriculum;
- 2) meets the requirements as regards training staff, space, equipment and tools to be used for professional training of candidates for the position of the Advisor.

The decision on the rejection of issuance of the License may be appealed to the Ministry.

The Authority shall revoke the License to an enterprise, and/or other legal person which terminates to fulfil any of the requirements referred to in Paragraph 2 hereof.

The Minister shall prescribe more detailed requirements which an enterprise, and/or other legal person to which the License is issued must meet, as well as the form in which the License is issued.

## **Article 21**

The Advisor shall perform the obligations referred to in Section 1.8.3 ADR/RID/ADN.

Except for obligations referred to in Paragraph 1 hereof, the Advisor shall:

- 1) monitor and control the method in which participants in dangerous goods transport handle dangerous goods in accordance with obligations defined under regulations referred to in Article 2, Paragraph 2 hereof and other regulations;
- 2) inform the management body of the participant in dangerous goods transport on the obligations determined under regulations on dangerous goods transport and method

- of their performance;
- 3) train employees handling dangerous goods, in accordance with regulations referred to in Article 2, Paragraph 2 hereof.

### **Article 22**

The Certificate of Professional competence of the Advisor (hereinafter referred to as: Advisor Certificate) shall be a document issued by the Authority.

The Minister shall prescribe the program, method and amount of costs for taking the exam for obtaining the Advisor Certificate, as well as the program, method and the amount of costs for taking the exam for extending the validity term of the Advisor Certificate.

The exam referred to in Article 1 hereof shall be taken in the presence of the committee appointed by the Authority in accordance with the regulations referred to in Article 2, Paragraph 2 hereof and other regulations.

The Minister shall prescribe the form of the Advisor Certificate, as well as the form of the certificate of completed professional training.

The Advisor Certificate issued by the competent authority of another state in accordance with regulations referred to in Article 2, Paragraph 2 hereof, shall be valid as if it were issued in the Republic of Serbia.

## **I OBLIGATIONS OF PARTICIPANTS IN DANGEROUS GOODS TRANSPORT**

### **Article 23**

The obligations of the participants in dangerous goods transport, except for obligations defined in Article 3 hereof shall be as follows:

- 1) for the consignor, to submit dangerous goods for transport if:
  - (1) the license for transport has been issued in accordance with Article 30 hereof,
  - (2) if a driver or a person performing transport has been provided with the prescribed transport documents;
- 2) for the filler to fill:
  - (1) a tank, tank container, tank wagon, tank-vehicle, a vessel, battery-vehicle, portable tank, wagon with separable tanks, portable tank and gas container with several elements (MEGC), after he has established that they have been cleaned,
  - (2) a tank in a designated and specially arranged space in accordance with the law;
- 3) for the employee in charge of loading dangerous in a designated and specially arranged space in accordance with the law.

### **Article 24**

Transport organizer shall perform all the obligations of the consignor in terms of this law.

### **Article 25**

The provider of service of dangerous goods transshipment in the event of changing the transport method shall perform all the obligations of a consignee and filler in terms of this law.

The provider of service of dangerous goods transshipment shall be responsible for the enforcement of regulations referred to in Article 3 hereof governing temporary storage of dangerous goods in case of changing the transport method.

### **Article 26**

The place in which dangerous goods is transhipped, discharged or loaded shall meet the requirements defined under requirements for loading/unloading place.

### **Article 27**

If dangerous goods disappear under any circumstances, the participant in dangerous goods transport shall immediately notify the Center for information and police on the type of goods and number used to designate such dangerous goods in the manner prescribed under regulations referred to in Article 2, Paragraph 2 hereof, as well as take required measures to find dangerous goods if there is a possibility to find such goods.

### **Article 28**

If the dangerous goods have dispersed or leaked, the participant in the transport of such goods shall:

- 1) immediately inform the the Center for information and police on the emergency event and measures taken referred to in Item 2) hereof;
- 2) immediately secure, collect, remove, and/or dispose dangerous goods in accordance with the law governing management of waste or to make it harmless in any other way, and/or take all measures for the purpose of preventing further extension of pollution;
- 3) reimburse full amount of damage caused as a consequence of an emergency event.

If the participant in the transport of dangerous goods which have dispersed or leaked is not in able to act in accordance with Paragraph 1, Item 2) hereof, he shall engage a legal person holding an adequate license, and/or authorization in accordance with a special regulation to act in accordance with Paragraph 1, Item 2) at his cost.

The participant in the transport of dangerous goods which have dispersed or leaked shall take care of dispersed or leaked dangerous goods, and/or contaminated objects in accordance with special regulations governing handling this type of dangerous goods.

The Minister in charge of internal affairs with the approval of the Minister shall prescribe the requirements for safe intervention in case of dispersal or leakage of dangerous goods.

### **Article 29**

The participation in dangerous goods transport transporting the goods which has been identified as dangerous goods with high potential hazard in accordance with regulations under Article 2, Item 2 hereof shall prepare and implement the Safety Plan.

The contents of the Safety Plan has been defined in accordance with regulations referred to

in Article 2, Paragraph 2 hereof and other regulations.

### **Article 30**

License for dangerous goods transport shall be a document issued for each and individual transport of goods in cases defined by regulations referred to in Article 2, Paragraph 2 hereof, as well as in case of transport of explosive and radioactive goods.

The license referred to in Paragraph 1 hereof, except for the license for explosive goods transport, shall be issued by the Authority.

The license for explosive goods which is entirely performed in the territory of the Republic of Serbia shall be issued by the territorial police department in charge of the area from which a consignment is dispatched.

The license for explosive goods transport in the international traffic (import, export, transit) shall be issued by the ministry in charge of internal affairs.

The license for radioactive goods transport which is valid up to six months may be issued for several cases of transport to an enterprise, other legal person or entrepreneur whose business activity is in relation with the use of radioactive material in the territory of the Republic of Serbia.

In the procedure of license issuance referred to in Paragraph 1 hereof for dangerous goods transport being armaments, military equipment or dual use goods at the same time, it shall be necessary to obtain the approval by the ministry in charge of defence affairs.

The decision on the rejection of issuance of the license for dangerous goods transport may be appealed to the Ministry.

### **Article 31**

A consignor, and/or consignee of dangerous goods shall file the application for the issuance of the license of dangerous goods, which shall include:

- 1) information about the Producer, consignor, carrier and consignee;
- 2) UN code and name determined in accordance with regulations referred to in Article 2, Paragraph 2 hereof, information on the quantity of dangerous goods and method of packaging;
- 3) Place of loading;
- 4) Route of movement;
- 5) Place of unloading;
- 6) Time of start and envisaged time of completion of transport;
- 7) Time and place envisaged for resting;
- 8) Information on the vehicle and operator of the vehicle used for dangerous goods transport by road, and/or commander of the ship for dangerous goods transport in water traffic;
- 9) Name of entry and exit border crossing.

The application shall be accompanied by a copy of insurance policy in case persons, property and environment incur damage in dangerous goods transport.

The application for issuance of the license for radioactive goods transport shall be accompanied by the license for use issued by the competent body.

It is not necessary to indicate the information referred to in Paragraph 1, Item 4), 5), 6), 7) and 9) hereof for the purpose of obtaining the license referred to in Article 30, Paragraph 5 hereof.

### **Article 32**

The consignor, and/or consignee of dangerous goods to which the license for dangerous goods transport referred to in Article 30 hereof has been issued shall notify the the Center for information, the Authority and police department in charge of the area from which transport is initiated about the initiation of transport at least 48 hours before the initiation of such transport.

The notification referred to in Paragraph 1 hereof, except for the notification sent to the consignor, and/or consignee of dangerous goods to whom the license for several cases of dangerous goods transport in the territory of the Republic of Serbia has been issued in accordance with Article 30, Paragraph 5 hereof, shall include: the UN code and name of goods, time of initiation of transport, route of movement, time and place designated for resting, time envisaged for completion of transport, place of unloading and the registration plates of the vehicle engaged in dangerous goods transport by road.

The consignor, and/or consignee of dangerous goods to which the license for several cases of radioactive goods transport in the territory of the Republic of Serbia has been issued pursuant to Article 30, Paragraph 5 hereof shall notify the Authority and the the Center for information if the contents of the application referred to in Article 31 hereof has been changed.

### **Article 33**

Along with the documentation referred to in Article 31, Paragraph 1 hereof, the body in charge of issuance of the license for dangerous goods transport may request the submission of the documentation for special conditions defined under regulations referred to in Article 2, Paragraph 2 hereof, as well as special safety measures for the purpose of ensuring the protection of people, property and environment against unauthorized persons acts.

The body referred to in Paragraph 1 hereof may prohibit the transport of dangerous goods if it establishes that such transport may pose risk to safety, public order and lives of persons or environment.

The minister in charge of internal affairs shall prescribe special safety measures in relation to dangerous goods transport with increased safety risks.

The costs of special safety measures shall be covered by the applicant referred to in Article 31 hereof.

### **Article 34**

If safety requirements have been met, the Minister in charge of internal affairs shall issue a special license for dangerous goods transport which has been prohibited in accordance with provisions of this law.

A special license is a document issued for the purposes of:

- 1) Testing a dangerous matter;
- 2) Safety interventions or protection and rescue.

Special license shall be issued for individual transport of dangerous goods.

The decision on the rejection of the issuance of a special license may be appealed to the Minister.

### **Article 35**

The Minister upon approval of the minister in charge of health issues, minister in charge of environmental issues and the minister in charge of water management shall prescribe the method of dangerous goods transport through protection zones (sanitary protection zones, potable water

springs, protected natural resources, etc.).

### **Article 36**

It is prohibited to mark a vehicle not used for dangerous goods transport, and/or pieces for dispatching on it which are not dangerous goods, with boards, lists and stickers whose use is mandatory in dangerous goods transport in accordance with regulations referred to in Article 2, Paragraph 2.

### **Article 37**

A participant in dangerous goods transport shall professionally train a person to be engaged in dangerous goods transport or establish whether a person to be engaged in dangerous goods transport has been professionally trained to perform dangerous goods transport in accordance with regulations referred to in Article 2, Paragraph 2 hereof and regulations adopted pursuant to this Law.

If the person referred to in Paragraph 1 hereof has not been professionally trained, he shall be professionally trained by the Advisor, and/or instructor for dangerous goods transport by air in accordance with regulations referred to in Article 2, Paragraph 2 hereof and regulations adopted pursuant to this Law.

The professionally trained employee shall renew knowledge within the period which may not exceed two years.

When the employee referred to in Paragraph 1 hereof has been professionally trained, and/or when he has renewed his knowledge, the Advisor, and/or instructor for dangerous goods transport by air shall issue him the certificate of professional competence.

The Minister shall prescribe the form and validity term for the certificate referred to in Paragraph 4 hereof.

## **I DANGEROUS GOODS TRANSPORT BY ROAD**

### **Article 38**

A participant in dangerous goods transport by road shall use the vehicle:

- 1) which has been produced and equipped in accordance with regulations referred to in Article 2, Paragraph 2, Item 2) hereof and other regulations;
- 2) which holds a valid certificate of approval for the vehicle designed for specific dangerous goods transport, if this has been established under regulations referred to in Article 2, Paragraph 2, Item 1) hereof;
- 3) which has been marked and designated in accordance with regulations referred to in Article 2, Paragraph 2, Item 1) hereof. The Minister shall prescribe the method of dangerous goods transport by road.

### **Article 39**

The approval for the type of vehicle for dangerous goods transport shall be a document issued by the Authority based on the report on testing the type of vehicle for dangerous goods transport.

The body authorized for conformity assessment of the type of vehicle for dangerous goods transport shall prepare the report on testing referred to in Paragraph 1 hereof in accordance with regulations referred to in Article 2, Paragraph 2, Item 1) and 2) hereof and other regulations. The decision on the rejection of the issuance of approval for the type of vehicle for dangerous goods transport may be appealed to the Minister.

The authorization for conformity assessment of the type of vehicle for dangerous goods transport shall be a document issued by the Authority to the body which meets the requirements under regulations referred to in Article 2, Paragraph 2, Item 1) hereof and other regulations.

The Authority shall revoke the authorization for conformity assessment of the type of vehicle for dangerous goods transport to a body which ceases to fulfil any of the requirements prescribed under regulations referred to in Article 2, Paragraph 2, Item 1) hereof and other regulations.

The decision on the rejection of issuance of the authorization for conformity assessment of the type of vehicle for dangerous goods transport may be appealed to the Minister by the body for conformity assessment.

The Minister shall prescribe more detailed requirements that a body authorized for conformity assessment of the type of vehicle referred to in Paragraph 2 hereof must meet.

#### **Article 40**

The body appointed for conformity assessment of the vehicle for dangerous goods transport shall issue the certificate of approval for the vehicle for dangerous goods transport (hereinafter referred to as: the Certificate of approval for the vehicle) in accordance with regulations referred to in Article 2, Paragraph 2 hereof and other regulations.

The designation for conformity assessment of the type of vehicle for dangerous goods transport shall be a document issued by the Authority to the body which meets the requirements under regulations referred to in Article 2, Paragraph 2, Item 1) hereof and other regulations.

The Authority shall revoke the designation for conformity assessment of the type of vehicle for dangerous goods transport to a body which ceases to fulfil any of the requirements prescribed under regulations referred to in Article 2, Paragraph 2, Item 1) hereof and other regulations.

The decision on the rejection of issuance of the designation for conformity assessment of the type of vehicle for dangerous goods transport may be appealed to the Minister by the body for conformity assessment.

The Minister shall prescribe more detailed requirements that a body appointed for conformity assessment of the type of vehicle referred to in Paragraph 2 hereof must meet.

#### **Article 41**

The body for conformity assessment of the type of vehicle designed for transport of specific dangerous goods shall inform the Authority on the issued, and/or withdrawn Certificate of the approval for the vehicle in accordance with regulations referred to in Article 2, Paragraph 2, Item 1) hereof and other regulations, within 15 days as of the date the certificate has been issued, and/or withdrawn.

The Minister shall prescribe the contents of the Certificate of approval for the vehicle and more detailed requirements under which such certificate is issued, and/or withdrawn.

## **Article 42**

A participant in dangerous goods transport shall entrust the transport of dangerous goods to a driver holding a valid certificate of professional competence for the operator of the vehicle for dangerous goods transport (hereinafter referred to as: Certificate for driver) in accordance with regulations referred to in Article 2, Paragraph 2, Item 1) hereof and other regulations.

The Certificate for driver shall be a document issued by the Authority.

The decision on the rejection of issuance of the Certificate for drivers may be appealed to the Minister.

The Minister shall prescribe the contents of the Certificate for driver, validity term and requirements for the extension of validity of the Certificate for driver and keeping of the Registry of issued Certificate for driver.

The Minister shall prescribe the program and method of taking professional exams for acquiring professional competence in performance of the activities of a driver of the vehicle for dangerous goods transport, composition of the committee and the amount of costs for taking the exam.

## **Article 43**

A candidate for a driver of the vehicle for dangerous goods transport shall be professionally trained by an enterprise, and/or other legal person based on the authorization issued by the Authority.

The authorization referred to in Paragraph 1 hereof shall be a document issued to an enterprise, and/or other legal person which meets the requirements in terms of training staff, space, equipment and tools to be used for professional training of candidates for performing the activities of a driver of the vehicle for dangerous goods transport.

The Authority shall revoke the authorization for professional training of candidates for a driver of the vehicle for dangerous goods transport to an enterprise, and/or other legal person if it ceases to fulfil any of the requirements prescribed under regulations referred to in Paragraph 2 hereof.

The decision on the rejection of authorization for professional training of candidates for a driver of the vehicle for dangerous goods transport may be appealed to the Minister by an enterprise, and/or other legal person.

The Minister shall prescribe more detailed requirements that an enterprise, and/or other legal person must meet to be issued, and/or withdrawn the authorization for professional training of candidates for a driver of the vehicle for dangerous goods transport.

## **Article 44**

The vehicle for dangerous goods transport may be operated by a driver if:

- 1) he has a driving license of an adequate category;
- 2) he holds a valid Certificate for drivers of vehicles;
- 3) he has been familiar with his obligations and special requirements in relation to transport of specific dangerous goods in accordance with regulations referred to in Article 2, Paragraph 2, Item 1) hereof and other regulations;
- 4) he has verified that pieces for dispatching labelled with appropriate indications, and/or hazard lists have been loaded onto the vehicle;

- 5) the vehicle has been labelled with the appropriate orange warning boards, and/or hazard lists in accordance with regulations referred to in Article 2, Paragraph 2, Item 1) hereof;
- 6) he is in possession of transport documents in accordance with regulations referred to in Article 2, Paragraph 2, Item 1) and Article 30 hereof.

A driver in possession of test driving license shall not be allowed to operate the vehicle for dangerous goods transport.

The driver operating the vehicle for dangerous goods transport shall supervise and park the vehicle used for dangerous goods transport in accordance with regulations referred to in Article 2, Paragraph 2, Item 1) hereof and other regulations.

#### **Article 45**

The officer employed by the body in charge of investigating a traffic accident in which a vehicle used for dangerous goods transport is damaged shall take the Certificate of approval for the vehicle from the participant in dangerous goods transport and submit it to the Authority with the report on the accident.

Once the vehicle is repaired which shall be verified by a positive report on inspection issued by the body authorized for conformity assessment of the vehicle for dangerous goods transport, the Authority shall return the Certificate of approval for the vehicle to the participant in dangerous goods transport.

#### **Article 46**

The transport of dangerous goods on road shall be controlled by a police officer in regular control of participants by road in accordance with regulations referred to in Article 6, Paragraph 2 hereof.

If during the procedure of controlling participants by road a police officer establishes irregularities related to participants in dangerous goods transport which may affect the safety of people, property, and/or environmental protection, he/she shall exclude the participant in dangerous goods transport from the traffic and immediately notify the Authority thereof.

#### **Article 47**

A border police officer shall prohibit the entrance to the territory of the Republic of Serbia to a vehicle for dangerous goods transport which has been registered in another state and in relation to which he/she has identified irregularities violating the regulations referred to in Article 6, Paragraph 2 hereof during border control procedure.

A border police officer shall exclude the vehicle registered in the Republic of Serbia from traffic in relation to which he/she has identified irregularities violating the regulations referred to in Article 6, Paragraph 2 hereof during border control procedure, until such irregularities have been eliminated.

During the procedure of border control, a customs officer shall prohibit the import of goods which does not meet the requirements under regulations referred to in Article 2, Paragraph 2 hereof and other regulations.

#### **Article 48**

In agreement with the minister in charge of internal affairs the Minister shall designate the place on a public road and conditions under which vehicles for dangerous goods transport may be parked for

the purpose of removing irregularities, exclusion from traffic and control of dangerous goods transport.

The Minister shall prescribe the method of inspection and labelling of the vessel for the transport of specific dangerous goods by road.

## **I DANGEROUS GOODS TRANSPORT BY RAIL**

### **Article 49**

A participant in dangerous goods transport by rail shall transport dangerous goods in freight trains in accordance with the regulation referred to in Article 54, Paragraph 3 hereof.

Freight wagons shall be marked and labelled in the manner as prescribed by regulations referred to in Article 2, Paragraph 2, Item 3) hereof.

Exceptionally, dangerous goods may be transported by other types of trains in accordance with regulations referred to in Article 2, Paragraph 2, Item 3) hereof, specifying the highest amount of dangerous goods allowed to be transported and special terms of transport.

A passenger shall be prohibited to carry with himself/herself dangerous goods as hand baggage or to submit dangerous goods for transport, and/or load it on a train if it does not meet the requirements defined under regulations referred to in Article 2, Paragraph 2, Item 3) hereof.

### **Article 50**

A participant in dangerous goods transport shall not put out of use the train transporting dangerous goods. Exceptionally, for the purposes of organizing the traffic, the Advisor may issue the approval of putting out of use of the train transporting dangerous goods.

The approval referred to in Paragraph 1 hereof shall specify the official place where the train may be put out of use and the date and hour by which dangerous goods transported by the train out of use must be delivered to the consignee, and/or other participant in dangerous goods transport.

### **Article 51**

A participant in dangerous goods transport shall enter into agreement with a certain number of advisors depending on:

- 1) a number of employees engaged in the activity of dangerous goods transport who must hold professional competences;
- 2) scope of work of the employees engaged in dangerous goods transport;
- 3) scope of work of employees engaged in the prevention of technical and technological hazards in dangerous goods transport.

The Minister shall prescribe more detailed criteria for determining the number of advisors engaged by the participant in dangerous goods transport by rail.

### **Article 52**

Participants in dangerous goods transport by rail apart from obligations referred to in Article 3, 23, 24, 25 and 26 hereof shall have the following duties as well:

- 1) filler shall inspect the functionality of the central valve and discharge valves of the tank before and after loading goods;

2) A carrier shall:

- (1) use a tank whose vessel has been inspected and tested in accordance with regulations referred to in Article 2, Paragraph 2 hereof and other regulations and which is marked with a stamp of a expert staff member,
- (2) prior to initiation of dangerous goods transport make available to the railway infrastructure operator all the information related to dangerous goods transport as determined under the regulation referred to in Article 54, Paragraph 3 hereof;
- (3) the railway infrastructure operator shall prepare an internal plan for emergency interventions in the tunnel and on the bridge in accordance with regulations referred to in Article 54, Paragraph 4 hereof.

### **Article 53**

A participant in dangerous goods transport by rail shall engage professionally trained staff in accordance with regulations referred to in Article 2, Paragraph 2 hereof and other regulations for the purpose of conducting the activities in dangerous goods transport.

A participant in dangerous goods transport by rail shall act in accordance with Article 54, Paragraph 3, hereof in case of an emergency event in dangerous goods transport.

### **Article 54**

The Minister shall prescribe the method of inspection and labelling of shell of tank wagon used for dangerous goods transport by rail.

The Minister shall prescribe the form of the certificate on periodical inspection of the tank.

The Minister shall prescribe the method of transport and mandatory operational monitoring of dangerous goods by rail, as well as the obligations of participants in dangerous goods transport by rail and during emergency events.

The Minister shall prescribe the contents of the internal plan for emergency interventions in marshalling yards, tunnels and on bridges.

The Minister shall prescribe the training program and the method for testing the knowledge of employees with the participant in dangerous goods transport by rail who are engaged in the performance, organizing and regulating of railway traffic, as well as the method of handling the documentation on their training.

## **I DANGEROUS GOODS TRANSPORT IN WATER TRAFFIC**

### **Article 55**

Dangerous goods transport in water traffic shall be transported by a ship or convoy for dangerous goods transport (hereinafter referred to as: the Ship) in possession of the certificate of approval for the ship for specific dangerous goods transport (hereinafter referred to as: Certificate of approval for the Ship).

In accordance with regulations referred to in Article 2, Paragraph 2, Item 5) hereof, a small amount of dangerous goods may be transported by a ferryboat if passengers are not transported by the ferry at the same time.

The Minister shall prescribe the method of dangerous goods transport in water traffic and the

obligations of participants in dangerous goods transport in emergency events.

### **Article 56**

The approval for the type of ship for dangerous goods transport shall be a document issued by the Authority based on the report on testing for the type of ship to be used for dangerous goods transport.

The decision on the rejection of issuance of the approval for the type of the vessels may be appealed to the Minister.

The body authorized for conformity assessment of the type of the vessels shall prepare the report on testing referred to in Paragraph 1 hereof in accordance with regulations referred to in Article 2, Paragraph 2, Item 5) hereof and other regulations.

The authorization for conformity assessment of the type of the vessels is a document issued by the Authority to the body which meets the requirements specified under regulations referred to in Article 2, Paragraph 2, Item 5) hereof and other regulations.

The Authority shall revoke the authorization for conformity assessment of the type of the vessels to a body which ceases to fulfil any of the requirements prescribed under regulations referred to in Article 2, Paragraph 2, Item 2) hereof and other regulations.

The decision on the rejection of issuance of the authorization for conformity assessment of the type of the vessels may be appealed to the Minister by the body for conformity assessment.

The Minister shall prescribe more detailed requirements which must be met by the body for conformity assessment of the type of the vessels.

### **Article 57**

The body appointed for conformity assessment of the vessels for dangerous goods transport shall issue the certificate of approval for the vessels in accordance with regulations referred to in Article 2, Paragraph 2, Item 5) hereof and other regulations.

The designation for conformity assessment of the type of the vessels for dangerous goods transport shall be a document issued by the Authority to a body which meets the requirements under regulations referred to in Article 2, Paragraph 2, Item 5) hereof and other regulations.

The Authority shall revoke the authorization for conformity assessment of the type of the vessels for dangerous goods transport to a body which ceases to fulfil any of the requirements prescribed under regulations referred to in Article 2, Paragraph 2, Item 5) hereof and other regulations.

The decision on the rejection of issuance of the designation for conformity assessment of the type of the vessels for dangerous goods transport may be appealed to the Minister by the body for conformity assessment.

The Minister shall prescribe more detailed requirements that a body appointed for conformity assessment of the type of the vessels must meet.

### **Article 58**

The body for conformity assessment of the type of the vessels designed for transport of specific dangerous goods shall inform the Authority on the issued, and/or withdrawn Certificates of approval for the vessels in accordance with regulations referred to in Article 2, Paragraph 2, Item 5) hereof, within 15 days as of the date the certificate has been issued, and/or withdrawn.

## **Article 59**

A ship commander shall be responsible to ensure as follows:

- 1) the engagement of a person holding an appropriate certificate of special competences in the area of ADN on the vessel he/she operates (hereinafter referred to as: the Officer holding ADN certificate);
- 2) that the vessel he/she operates holds the Certificate of Approval for the vessel;
- 3) to ensure that the vessel and the cargo have been labelled in accordance with regulations referred to in Article 2, Paragraph 2, Item 5) hereof;
- 4) that the prescribed documentation and accessory equipment is in place on the vessel in accordance with regulations referred to in Article 2, Paragraph 2, Item 5) hereof and other regulations;
- 5) that provisions on supervising and anchoring of the vessel are enforced during dangerous goods transport in accordance with regulations referred to in Article 2, Paragraph 2, Item 5) hereof.

The Master shall make available the documentation and accessory equipment to an inspector for dangerous goods transport for review in accordance with regulations referred to in Article 2, Paragraph 2, Item 5) hereof and other regulations.

The Master shall make available dangerous goods for inspection to the inspector for dangerous goods and possibility of dangerous goods sampling if necessary, for no consideration whatsoever.

In case of a new inspection procedure during dangerous goods transport, the Master shall provide a copy of the previous inspection report to the inspector for dangerous goods transport.

## **Article 60**

A candidate for the position of the Officer holding the ADN certificate shall be professionally trained by an enterprise, and/or other legal person based on the authorization issued by the Authority.

The authorization referred to in Paragraph 1 hereof shall be a document issued to an enterprise, and/or other legal person which meets the requirements in terms of training staff, space, equipment and tools to be used for professional training of candidates for the position of the Officer holding the ADN certificate.

The Authority shall revoke the authorization for professional training of candidates for the position of the Officer holding the ADN certificate to an enterprise, and/or other legal person if it ceases to fulfil any of the requirements prescribed under regulations referred to in Paragraph 2 hereof.

The decision on the rejection of authorization for professional training of candidates for the position of the Officer holding the ADN certificate may be appealed to the Minister by an enterprise, and/or other legal person.

The Minister shall prescribe more detailed requirements that an enterprise, and/or other legal person must meet to be issued, and/or withdrawn the authorization for professional training of candidates for the position of the Officer holding the ADN certificate.

## **Article 61**

The Certificate of special competence in the area of ADN shall be a document issued by the Authority and the Registry shall be kept on issued certificates of special competence in the area of ADN.

The Minister shall prescribe the program and method of taking the exam for acquiring special competence for performing the activity of the Officer holding the ADN certificate, as well as the composition of the committee and the amount of costs for taking the exam.

### **Article 62**

The authorized official of the Ministry performing regular control of participants in water traffic shall control dangerous goods transport.

The control referred to in Paragraph 1 hereof shall be performed in accordance with regulations referred to in Article 6, Paragraph 2 hereof.

If during the procedure of controlling participants in water traffic, the official Ministry establishes irregularities related to participants in dangerous goods transport which may affect the safety of people, property, and/or environmental protection, he/she shall exclude the participant in dangerous goods transport from the traffic and immediately notify the Authority thereof.

### **Article 63**

In case of an emergency event taking place in dangerous goods transport, a participant in dangerous goods transport in water traffic shall act in accordance with Article 55, Paragraph 3 hereof.

The authorized official of the Ministry shall immediately inform the Authority on the navigation accident in which the vessel has been damaged and take away the Certificate of approval for the vessel from the participants in water traffic which is submitted to the Authority together with the report on investigation.

The Authority shall return the Certificate of approval for the vessel to the participant in dangerous goods transport based on a positive report on inspection issued by the body authorized for conformity assessment of the F specific dangerous goods transport after the ship has been repaired.

### **Article 64**

The authorized official of the Ministry shall prohibit the entry of the vessel which sails under a foreign flag to the territory of the Republic of Serbia in relation to which during the performance of border control it has been established that it has violated regulations referred to in Article 6, Paragraph 2 hereof.

The authorized official of the Ministry shall exclude from traffic the vessel sailing under a flag of the Republic of Serbia in relation to which during the performance of border control it has been established that it has violated regulations referred to in Article 6, Paragraph 2 hereof until such irregularities have been removed.

### **Article 65**

In agreement with the minister in charge of environmental protection and the minister of agriculture, forestry and water management shall prescribe the places and conditions under which a vessel may be anchored for the purpose of removing irregularities, exclusion from traffic and control of dangerous goods transport.

The Minister shall prescribe the form of the Certificate of approval for the vessel and keeping of the Registry of issued certificates of approval for the vessel.

The Minister shall prescribe the form of the certificate of special competence in the area of ADN, as well as the validity term and requirements for extending the certificate of special competence in the area of ADN, and the method of keeping the Registry of issued certificates of special competence in the area of ADN.

## **I DANGEROUS GOODS TRANSPORT BY AIR**

### **Article 66**

Dangerous goods whose transport has been explicitly prohibited under regulations referred to in Article 2, Paragraph 2, Item 4) hereof, must not be transported by a participant in dangerous goods transport by air without exemption.

Dangerous goods whose transport has been explicitly prohibited under regulations referred to in Article 2, Paragraph 2, Item 4) hereof may be transported based on the decision on the exemption from prohibition which the organization in charge of civil aviation issues to the participant in dangerous goods transport by air upon approval of the ministry in charge of defence affairs.

The decision referred to in Paragraph 2 hereof shall be issued in accordance with additional requirements defined under regulations referred to in Article 2, Paragraph 2, Item 4) hereof and shall be final in the administrative procedure.

### **Article 67**

A participant in dangerous goods transport by air shall transport specific dangerous goods in accordance with regulations referred to in Article 2, Paragraph 2, Item 4) hereof and other regulations.

The organization in charge of civil aviation, with the approval of the ministry in charge of defence affairs shall issue to a participant in dangerous goods transport by air a special authorization for transport of specific dangerous goods which in particular contains restrictions regarding the purpose of an aircraft, and/or quantity of dangerous goods and the method of packing dangerous goods and shall be final in the administrative procedure.

### **Article 68**

An airline company in possession of the certificate of professional competence for performing public air traffic issued by the competent authority of another company may transport dangerous goods by air to the territory of the Republic of Serbia and from the territory of the Republic of Serbia based on the approval of the organization in charge of civil aviation subject to payment of a fee whose amount shall be determined by the competent body of that organization, in accordance with a special law.

The approval referred to in Paragraph 1 hereof shall be a document valid for at least 12 months.

The decision on the rejection of issuance of the approval referred to in Paragraph 1 hereof shall be final in the administrative procedure.

### **Article 69**

The obligations of participants in dangerous goods transport by air, except for obligations

referred to in Article 23 and 24 hereof shall be as follows:

- 1) for a consignor:
  - (1) before submission of dangerous goods for transport, to fill in, sign and submit to the air-carrier a transport document which contains a signed statement that dangerous goods has been fully and accurately described by appropriate names and that it has been classified, packed, labelled and ready for transport,
  - (2) to professionally train persons engaged in dangerous goods transport,
  - (3) to ensure that employees are familiarized with applicable regulations stipulating obligations in dangerous goods transport;
- 2) for an air carrier:
  - (1) to reject dangerous goods transport which is not accompanied by transport documents, and/or if dangerous goods packaging is not inspected in accordance with the procedures for receiving dangerous goods for transport,
  - (2) to use the control list for receiving dangerous goods for transport,
  - (3) to control whether the packaging of dangerous goods is damaged and whether dangerous goods may leak before loading and after loading of dangerous goods,
  - (4) not to transport dangerous goods in passenger or pilot booth, unless regulations referred to in Article 2, Paragraph 2, Item 4 hereof provide otherwise,
  - (5) to separate dangerous goods in relation to which it has been established pursuant to regulations referred to in Article 2, Paragraph 2, Item 4) hereof that they are incompatible,
  - (6) to provide a written notification to the aircraft manager on dangerous goods received for transport in accordance with regulations referred to in Article 2, Paragraph 2 hereof,
  - (7) to enter necessary notifications into operating manual which are intended for aircraft staff who perform the activities in dangerous goods transport,
  - (8) to warn passengers about dangerous goods on board,
  - (9) to submit necessary notifications intended for staff of other participants in dangerous goods transport,
  - (10) in case of an incident or an accident of the aircraft transporting dangerous goods to provide required information to services for eliminating consequences, and/or to competent authorities of the country at whose territory an incident or accident has taken place,
  - (11) to file the report on the incident or accident of the aircraft transporting dangerous goods, and/or on transport which has not been reported or which has been reported incorrectly to the bodies in charge of civil aviation of the country in which the event has taken place and to competent bodies of the country to have issued the certificate of professional competence to the air-carrier for performing the activities of public air transport.

## **Article 70**

The program for acquiring professional competence for persons performing the activities in dangerous goods transport by air shall be developed and implemented by:

- 1) a consignor, employee in charge of packing and persons assuming the obligations of a consignor;

- 2) an air-carrier;
- 3) an enterprise, and/or other legal person or an entrepreneur authorized for providing services on ground which receives, handles, loads, unloads and dispatches cargo, post, as well as the supplies used on board, spare parts, fuel and lubricants on behalf of the air carrier;
- 4) an enterprise, and/or other legal person or an entrepreneur authorized for providing services on ground which receives and dispatches passengers on behalf of the air carrier;
- 5) an enterprise, and/or other legal person or an entrepreneur authorized for providing services on ground which performs passenger registration for flight on behalf of the air carrier;
- 6) an entity organizing transport;
- 7) enterprise, and/or other legal person or an entrepreneur which performs safety inspection of passengers, their luggage, cargo and post, as well as of supplies used on board, spare parts, fuel and lubricants.

The program for acquiring professional competence referred to in Paragraph 1) hereof must be harmonized with regulations referred to in Article 2, Paragraph 2, Item 4) hereof.

The program for acquiring professional competence referred to in Paragraph 1) hereof shall be approved by the organization in charge of civil aviation.

#### **Article 71**

A participant in dangerous goods transport by air shall designate employees holding professional competence for such activities in accordance with regulations referred to in Article 2, Item 2 hereof and other regulations.

The participants in dangerous goods transport referred to in Article 69 hereof shall keep the information on professional training of employees in charge of conducting the activities in dangerous goods transport and provide such information to the organization in charge of civil aviation upon its request.

#### **Article 72**

The instructor for dangerous goods transport by air (hereinafter referred to as: the Instructor) shall professionally train the employees to perform the activities in dangerous goods transport by air.

The instructor may be:

- 1) a person professionally trained for performing the activities in dangerous goods transport by air in accordance with the program referred to in Article 70 hereof;
- 2) a person holding special qualifications to professionally train persons engaged in dangerous goods transport by air.

The authorization shall be a document issued by the organization in charge of civil aviation to the instructor upon verification of fulfilment of the requirements referred to in Paragraph 2 hereof.

The organization in charge of civil aviation shall revoke the authorization to the instructor if he/she ceases to fulfil any of the requirements referred to in Paragraph 2 hereof.

The issuance of the authorization referred to in Paragraph 3 hereof shall be subject to payment of the fee in the amount determined by the competent body of the organization for civil aviation, in accordance with specific law.

The decision on the rejection of issuance of the approval to a candidate for the position of the inspector shall be final in the administrative procedure.

The instructor who has not professionally trained any person or employee to perform the activities in dangerous goods transport must renew his/her knowledge.

### **Article 73**

The Minister shall prescribe more detailed requirements upon motion of the organization for civil aviation as follows:

- 1) requirements for the issuance of a special approval for the transport of specific dangerous goods;
- 2) requirements for the issuance of the approval to the air carrier which has been issued the certificate of professional competence by the competent body of another country.

Upon motion of the organization for civil aviation the Minister shall prescribe:

- 1) contents of the program for acquiring professional competence by employees engaged in the activities of dangerous goods transport by air;
- 2) requirements for acquiring professional competence and special qualifications by a candidate for the position of the Instructor and the form of the authorization for performing the activities of the Instructor.

## **I SUPERVISION**

### **Article 74**

Inspection supervision over the enforcement of this law, regulations adopted pursuant to this law and regulations referred to in Article 2, Paragraph 2 hereof shall be conducted by the Authority through an inspector for dangerous goods transport (hereinafter referred to as: the Inspector), unless this law provides for otherwise.

The inspector, except in case of air traffic, shall hold the Advisor Certificate in accordance with the authorizations prescribed by this law.

The Minister shall prescribe the plan and program for acquiring professional competences by the Inspector who will sample dangerous goods in the procedure of inspection supervision.

### **Article 75**

The inspector shall be authorized to:

- 1) issue the order to remove the identified irregularities within the prescribed term;
- 2) prohibit further transport of dangerous goods if the requirements prescribed under this law are not met;
- 3) prohibit handling of dangerous goods and dangerous goods transport to persons who do not hold professional competences in accordance with this law;
- 4) prohibit to an enterprise, and/or other legal person or an entrepreneur to perform the activities of a participant in dangerous goods transport if he/she establishes that it does not meet the prescribed requirements for the performance of the activities by the participants in dangerous goods transport.

The inspector shall notify the Authority and/or organization in charge of civil aviation on the identified irregularities and prescribed measures and may propose the revocation of the deed referred to in Article 13, Paragraph 6 and Article 16, Paragraph 2 and Article 20, Paragraph 4 and Article 39, Paragraph 5 and Article 40, Paragraph 3 and Article 43, Paragraph 3 and Article 56,

Paragraph 5 and Article 57, Paragraph 3 and Article 60, Paragraph 3 and Article 72, Paragraph 3 hereof.

In performance of supervision over dangerous goods transport, the inspector shall not take action without the presence of the customs authority if the goods are subject to customs supervision.

The Minister shall prescribe protection equipment, clothing and footwear the Inspector is required to wear during dangerous goods sampling in the procedure of performing inspection supervision, method of dangerous goods sampling, as well as the equipment for the analysis and storage of dangerous goods samples.

#### **Article 76**

If during road or railway traffic the Inspector establishes irregularities which cannot be removed on the spot, he/she shall send the vehicle with police escort to the nearest consignor, and/or consignee of the same class of dangerous goods where the irregularities may be removed, and/or dangerous goods unloaded or transhipped.

The costs of dangerous goods unloading or transhipment shall be covered by the consignor indicated in the transport document accompanying dangerous goods transport.

#### **Article 77**

The inspector cannot be engaged as the Advisor by the participant in dangerous goods transport.

#### **Article 78**

The Minister in charge of internal affairs shall perform inspection supervision over the enforcement of this law, regulations adopted pursuant to this law and regulations referred to in Article 2, Paragraph 2 hereof at the participants in the transport of explosive matters and objects.

The border customs authority shall supervise the enforcement of this law, regulations adopted pursuant to this law and regulations referred to in Article 2, Paragraph 2 hereof and other regulations during goods import.

#### **Article 79**

The inspector's decision may be appealed to the Ministry within eight days as of the date of service of the decision.

The appeal shall be filed through the Authority.

The appeal shall not stand the execution of the decision.

#### **Article 80**

Inspection supervision of dangerous goods transport by road shall be carried out by random selection of vehicles.

Upon Inspector's request, the ministry of internal affairs' official shall provide assistance in performing the supervision referred to in Paragraph 1 hereof.

Upon Inspector's request, the driver is required to make available the transport documentation and accessory equipment for inspection in accordance with regulations referred to in Article 2, Paragraph 2 hereof and other regulations.

Upon Inspector's request, the driver is required to make available dangerous goods for inspection to the inspector and allow him/her to take a required quantity of such goods or analysis, if necessary, without the obligation to pay a fee for taken quantity of the sample.

Upon completion of the inspection, the Inspector shall provide a copy of the report to the driver.

In case of a new inspection procedure during dangerous goods transport, the driver shall provide a copy of the previous inspection report to the inspector.

The inspector shall perform inspection in the appropriate place, which allows the exclusion of vehicles from traffic and eliminate the identified deficiencies.

### **Article 81**

The inspector may temporarily prohibit to a driver to operate a vehicle transporting dangerous goods when he/she establishes that regulations referred to in Article 2, Paragraph 2 hereof and by-laws adopted pursuant to this law have been violated and that such violation of regulations results in risk category I as defined under regulations referred to in Article 6, Paragraph 2 hereof and order measures for removing the identified irregularities on the spot, if that does not pose risk to persons, property or environment.

During temporary prohibition of operation of the vehicle referred to in Paragraph 1, hereof, a vehicle may be relocated in the manner as determined by the Inspector.

The inspector shall exclude from traffic a vehicle used during temporary prohibition referred to in Paragraph 1 hereof, and/or if a driver relocates the vehicle contrary to the method referred to in Paragraph 2 hereof.

The costs incurred by excluding a vehicle from traffic and its retaining in the appropriate prescribed place shall be covered by a carrier in road traffic.

### **Article 82**

Inspectors through which competent bodies conduct inspection supervision over the application of this law shall submit to the Authority the annual report on inspection supervision for the previous year, by the end of April of current year at the latest.

Based on collected data, the Authority shall submit the annual report and submit it to competent international institutions.

## **I PUNITIVE PROVISIONS**

### **Article 83**

A legal entity – participant in dangerous goods transport shall be fined in the amount ranging between RSD 600.000 and 3.000.000 for a commercial offence if it does not fulfil the obligation referred to in Article 3 hereof, and the hazard arising from circumstances in dangerous goods transport has been classified as risk category I .

A responsible person in a legal person shall be fined in the amount ranging between RSD 50.000 and 200.000 for a commercial offence referred to in Paragraph 1 hereof.

In case of immediate risk category I, a participant in dangerous goods transport shall be issued a protection measure of prohibition of conducting business operations from six months to three years.

### **Article 84**

A legal entity – participant in dangerous goods transport shall be fined in the amount ranging between RSD 600.000 and 3.000.000 for a commercial offence:

- 1) if it does not provide insurance for the case of causing damage to persons, property and environment in dangerous goods transport (Article 8);
- 2) if it uses packaging materials, and/or pressure receptacles or a tank of the type which is not approved or does not hold a valid Test report (Article 13, Paragraph 1);
- 3) if it uses packaging materials, and/or pressure receptacles or a tank for dangerous goods transport after being issued the order of prohibition of use (Article 17, Paragraph 1);
- 4) if it does not employ an Advisor (Article 18, Paragraph 1);
- 5) if it submits dangerous goods for transport without the transport license (Article 23, Item 1) subitem (1));
- 6) if it has not submitted to the driver of a vehicle or a person conducting dangerous goods transport the prescribed transport documents (Article 23, Item 1) subitem (2));
- 7) if it does not act in accordance with Article 23, Item 2), subitem (1);
- 8) if it loads a tank outside designated and specially arranged place (Article 23, Item 2) subitem (2));
- 9) if it loads dangerous goods outside designated and specially arranged place (Article 23, Item 3));
- 10) if it does not enforce regulations governing temporary storage of dangerous goods in case of changing the traffic method (Article 25, Paragraph 2);
- 11) if it does not inform the Center for information and police about disappearance of dangerous goods, and/or if it does not take measures to find dangerous goods (Article 27);
- 12) if it does not act in accordance with Article 28, Paragraph 1 hereof;
- 13) if it does not develop or implement the Safety Plan (Article 29, Paragraph 1);
- 14) if it does not inform the Center for information, Authority and police department in charge of the area from which transport is initiated at least 48 hours before initiation of such transport (Article 32, Paragraph 1);
- 15) if it does not inform the Authority and the Center for information about the change of the contents of the application based on which the license for several cases of radioactive goods transport has been issued (Article 32, Paragraph 3);
- 16) if it marks with boards, lists and labels a vehicle which is not used for dangerous goods transport, and/or pieces for dispatching which are not dangerous goods (Article 36);
- 17) if it does not conduct professional training of persons to be employed to conduct the activities of dangerous goods transport or if it has employed a person for whom it has not established whether he/she holds professional competences for conducting the activities in dangerous goods transport (Article 37, Paragraph 1);
- 18) if it conducts dangerous goods transport by a vehicle which is not produced and equipped in accordance with Article 38, Paragraph 1, Item 1) hereof;
- 19) if it conducts dangerous goods transport by a vehicle which is not accompanied by a valid certificate of approval for the vehicle for specific dangerous goods transport in accordance with Article 38, Paragraph 1, Item 2) hereof;
- 20) if it entrust dangerous goods transport to a driver who does not possess a valid

- Certificate for drivers of vehicles (Article 42, Paragraph 1);
- 21) if it does not act in accordance with Article 49, Paragraph 1 hereof;
  - 22) if it puts out of use a train used for dangerous goods transport without the Advisor's approval (Article 50, Paragraph 1);
  - 23) if it carries dangerous goods by the vessel which is not accompanied by the Certificate of approval for the vessel (Article 55, Paragraph 1);
  - 24) if performs dangerous goods transport without the decision on the exemption from prohibition (Article 66, Paragraph 2);
  - 25) if it does not perform specific dangerous goods transport in accordance with Article 67, Paragraph 1 hereof;
  - 26) if it performs specific dangerous goods transport without a special approval referred to in Article 67, Paragraph 2 hereof;
  - 27) if it does not act in accordance with Article 69, Item 1), subitem (1) hereof;
  - 28) if employees engaged in dangerous goods transport are not professionally trained (Article 69, Item 1) subitem (2));
  - 29) if it accepts for transport dangerous goods not accompanied with transport documents or if the packaging is not inspected in accordance with the acceptance procedures (Article 69, Item 2) subitem (1));
  - 30) if it does not separate dangerous goods which is incompatible in accordance with Article 69, Item 2), subitem (5) hereof;
  - 31) if it does not act in accordance with Article 69, Item 2), subitem (10) hereof;
  - 32) if it engages persons without professional competences for performance of dangerous goods transport (Article 71, Paragraph 1).

A responsible person in a legal person shall be fined in the amount ranging from RSD 40.000 to 200.000 for a commercial offence referred to in Paragraph 1 hereof.

In case of consequences resulting from dangerous goods transport which are classified as immediate category I hazard, a participant in dangerous goods transport shall be issued a protection measure of prohibition of conducting business operations from six months to three years for the commercial offence referred to in Paragraph 1, Item 1), 12), 20) and 21) hereof.

## **Article 85**

An enterprise, and/or other legal person shall be fined in the amount ranging between RSD 600.000 and 3.000.000 for a commercial offence:

- 1) if it produces packaging material, and/or pressure receptacles or a tank for dangerous goods transport without previously obtained approval for the type of packaging material, and/or pressure receptacles or a tank for dangerous goods transport (Article 14, Paragraph 1);
- 2) if it marks with a code specified in the approval for the type of packaging material, and/or pressure receptacles or a tank car for dangerous goods transport newly produced packaging material, and/or pressure receptacles or a tank for dangerous goods transport which does not fulfil the prescribed requirements (Article 14, Paragraph Paragraph 3);
- 3) if it does not prepare the Report on testing in accordance with Article 15, Paragraph 2 hereof;
- 4) if it does not prepare the Report on testing in accordance with Article 16, Paragraph 5 hereof;

- 5) if it does not prepare the report on testing of the type of vehicle for dangerous goods transport in accordance with Article 39, Paragraph 2 hereof;
- 6) if it does not act in accordance with Article 40, Paragraph 1 hereof during the issuance of the Certificate of approval;
- 7) if it does not prepare the report on testing for the type of the vessel for dangerous goods transport in accordance with Article 56, Paragraph 3 hereof;
- 8) if it does not act in accordance with Article 57, Paragraph 1 hereof during the issuance of the Certificate of approval for the vessel.

A responsible person in a legal person shall be fined in the amount ranging from RSD 70.000 to 200.000 for a commercial offence referred to in Paragraph 1 hereof.

### **Article 86**

A legal person – participant in dangerous goods transport shall be fined in the amount ranging from RSD 200.000 to 1.000.000 for the offence if it does not meet the obligations referred to in Article 3 hereof and the hazard resulting from the consequences of dangerous goods transport is classified as risk category II and III.

A responsible person in a legal person shall be fined in the amount ranging from RSD 20.000 to 50.000 for the offence referred to in Paragraph 1 hereof.

### **Article 87**

A legal person – participant in dangerous goods transport shall be fined in the amount ranging from RSD 300.000 to 1.000.000 for the offence:

- 1) if it does not provide personal data of the Advisor with whom it has entered into agreement within seven days to the Authority (Article 18, Paragraph 2);
- 2) if it does not submit the Advisor's annual report for the previous year to the Authority by 1 February of the current year at the latest (Article 19, Paragraph 1);
- 3) if the employee holding professional competences to be engaged in dangerous goods transport does not renew his knowledge within the term of two years (Article 37, Paragraph 3);
- 4) if it conducts dangerous goods transport by a vehicle which is not marked and labelled in accordance with Article 38, Paragraph 1, Item 3) hereof;
- 5) if it does not act in accordance with Article 51, Paragraph 1 hereof;
- 6) if it does not act in accordance with Article 52, Item 2), subitem (1) hereof;
- 7) if it does not act in accordance with Article 52 Item 2), subitem (2) hereof;
- 8) if it does not prepare the internal plan for emergency action in accordance with Article 52, Item 3);
- 9) if it engages employees who are not professionally trained for performing dangerous goods transport in accordance with Article 53, Paragraph 1 hereof;
- 10) if it does not act in case of an emergency event during dangerous goods transport in accordance with Article 53, Paragraph 2 hereof;
- 11) if it does not ensure that employees get familiar with applicable regulations governing the obligations in dangerous goods transport (Article 69, Item 1) subitem (3));
- 12) if it does not use the control list for the acceptance of dangerous goods for transport (Article 69, Item 2), subitem (2));

- 13) if it does not control the packaging material before loading and after unloading dangerous goods (Article 69, Item 2), subitem (3));
- 14) if it does not act in accordance with Article 69, Item 2), subitem (4) hereof;
- 15) if it does not submit a written notification to an aircraft manager on the dangerous goods it accepts for transport in accordance with Article 69, item 2), subitem (6);
- 16) if it does not enter necessary notifications into operating manual which are intended for aircraft staff who perform the activities in dangerous goods transport (Article 69, Item 2), subitem (7));
- 17) if it does not warn passengers about dangerous goods on board (Article 69, Item 2), subitem (8));
- 18) if it does not submit necessary notifications intended for staff of other participants in dangerous goods transport (Article 69, Item 2), subitem (9));
- 19) if it does not act in accordance with Article 69, item 2), subitem (11) hereof;
- 20) if it does not define the program for acquiring professional competences by persons engaged in dangerous goods transport (Article 70, Paragraph 1);
- 21) if it does not keep data on acquiring professional competences by persons engaged in dangerous goods transport or if it does not submit such data upon request of the organization in charge of civil aviation (Article 71, Paragraph 2).

A responsible person in a legal person shall be fined in the amount ranging from RSD 10.000 to 100.000 for the offence referred to in Paragraph 1 hereof.

#### **Article 88**

A legal person – enterprise or another legal person shall be fined in the amount ranging from RSD 500.000 to 1.000.000 if:

- 1) it does not submit the notification referred to in Article 41, Paragraph 1 hereof within 15 days;
- 2) if it does not submit the notification referred to in Article 58 hereof within 15 days.

A responsible person in a legal person shall be fined in the amount ranging from RSD 5.000 to 50.000 for the offence referred to in Paragraph 1 hereof.

#### **Article 89**

An entrepreneur shall be fined in the amount ranging from RSD 100.000 to 500.000 or by imprisonment up to 30 days for the offence:

- 1) if it does not act in accordance with Article 3 hereof;
- 2) if it does not provide insurance in case it causes damage to persons, property and environment in dangerous goods transport (Article 8);
- 3) if it uses the packaging materials, and/or pressure receptacles or a tank of the type which is not approved or which is not accompanied by a valid Report on testing (Article 13, Paragraph 1);
- 4) if it uses the packaging materials, and/or pressure receptacles or a tank for dangerous goods transport after it has been issued the measure of prohibition of use (Article 17, Paragraph 1);
- 5) if it does not engage the Advisor (Article 18, Paragraph 1);
- 6) if it does not provide personal data of the Advisor with whom it has entered into

- agreement within seven days (Article 18, Paragraph 2);
- 7) if it does not submit the Advisor's annual report for the previous year to the Authority by 1 February of the current year at the latest (Article 19, Paragraph 1);
  - 8) if it submits dangerous goods for transport without the transport license (Article 23, Item 1), subitem (1));
  - 9) if it has not provided the prescribed transport documents to a driver of the vehicle or to a person conducting dangerous goods transport (Article 23, Item 1), subitem (2));
  - 10) if it does not act in accordance with Article 23, Item 2), subitem (1);
  - 11) if it loads a tank outside designated and specially arranged place (Article 23, Item 2), subitem (2));
  - 12) if it loads dangerous goods outside designated and specially arranged place (Article 23, Item 3));
  - 13) if it does not enforce regulations governing temporary storage of dangerous goods in case of change of method of transport (Article 25, Paragraph 2);
  - 14) if it does not inform the Notification Centre and the police on the disappearance of dangerous goods, and/or if it does not take measures to find such dangerous goods (Article 27);
  - 15) if it does not act in accordance with Article 28, Paragraph 1 hereof;
  - 16) if it does not prepare or implement the Safety Plan (Article 29, Paragraph 1);
  - 17) if it does not inform the Center for information , Authority and police department in charge of the area from which the transport is initiated at least 48 hours before the initiated of such transport (Article 32, Paragraph 1);
  - 18) if it does not inform the Authority and the Notification Centre about the change of the contents of the application based on which the license for several cases of radioactive goods transport has been issued (Article 32, Paragraph 3);
  - 19) if it marks with boards, lists and labels a vehicle which is not used for dangerous goods transport, and/or pieces for dispatching which are not dangerous goods (Article 36);
  - 20) if it does not conduct professional training of persons to be employed to conduct the activities of dangerous goods transport or if it has employed a person for whom it has not established whether he/she holds professional competences for conducting the activities in dangerous goods transport (Article 37, Paragraph 1);
  - 21) if it conducts dangerous goods transport by a vehicle which is not produced and equipped in accordance with Article 38, Paragraph 1, Item 1) hereof;
  - 22) if it conducts dangerous goods transport by a vehicle which is not accompanied by a valid certificate of approval for the vehicle for specific dangerous goods transport in accordance with Article 38, Paragraph 1, Item 2) hereof;
  - 23) if it conducts dangerous goods transport by a vehicle which is not marked and labelled in accordance with Article 38, Paragraph 1, Item 3) hereof;
  - 24) if it entrust dangerous goods transport to a driver who does not possess a valid Driver Certificate (Article 42, Paragraph 1);
  - 25) if it does not act in accordance with Article 49, Paragraph 1 hereof;
  - 26) if it puts out of use a train used for dangerous goods transport without the Advisor's approval (Article 50, Paragraph 1);
  - 27) if it does not act in accordance with Article 51, Paragraph 1 hereof;
  - 28) if it does not act in accordance with Article 52, Item 2), subitem (1) hereof;
  - 29) if it does not act in accordance with Article 52 Item 2), subitem (2) hereof;

- 30) if it does not prepare the internal plan for emergency action in accordance with Article 52, Item 3);
- 31) if it engages employees who are not professionally trained for performing dangerous goods transport in accordance with Article 53, Paragraph 1 hereof;
- 32) if it does not act in case of an emergency event during dangerous goods transport in accordance with Article 53, Paragraph 2 hereof;
- 33) if it carries dangerous goods by the vessel which is not accompanied by the Certificate of approval for the vessel (Article 55, Paragraph 1);
- 34) if performs dangerous goods transport without the decision on the exemption from prohibition (Article 66, Paragraph 2);
- 35) if it does not perform specific dangerous goods transport in accordance with Article 67, Paragraph 1 hereof;
- 36) if it performs specific dangerous goods transport without a special approval referred to in Article 67, Paragraph 2 hereof;
- 37) if it does not act in accordance with Article 69, Item 1), subitem (1) hereof;
- 38) if employees engaged in dangerous goods transport are not professionally trained (Article 69, Item 1) subitem (2));
- 39) if it does not ensure that employees get familiar with applicable regulations governing the obligations in dangerous goods transport (Article 69, Item 1) subitem (3));
- 40) if it accepts for transport dangerous goods not accompanied with transport documents or if the packaging is not inspected in accordance with the acceptance procedures (Article 69, Item 2) subitem (1));
- 41) if it does not use the control list for the acceptance of dangerous goods for transport (Article 69, Item 2), subitem (2));
- 42) if it does not control the packaging material before loading and after unloading dangerous goods (Article 69, Item 2), subitem (3));
- 43) if it does not act in accordance with Article 69, Item 2), subitem (4) hereof;
- 44) if it does not separate dangerous goods which is incompatible in accordance with Article 69, Item 2), subitem (5) hereof;
- 45) if it does not submit a written notification to an aircraft manager on the dangerous goods it accepts for transport in accordance with Article 69, item 2), subitem (6);
- 46) if it does not enter necessary notifications into operating manual which are intended for aircraft staff who perform the activities in dangerous goods transport (Article 69, Item 2), subitem (7));
- 47) if it does not warn passengers about dangerous goods on board (Article 69, Item 2), subitem (8));
- 48) if it does not submit necessary notifications intended for staff of other participants in dangerous goods transport (Article 69, Item 2), subitem (9));
- 49) if it does not act in accordance with Article 69, item 2), subitem (10) hereof;
- 50) if it does not act in accordance with Article 69, item 2), subitem (11) hereof;
- 51) if it does not define the program for acquiring professional competences by persons engaged in dangerous goods transport (Article 70, Paragraph 1);
- 52) if it engages persons without professional competences for performance of dangerous goods transport (Article 71, Paragraph 1).
- 53) if it does not keep data on acquiring professional competences by persons engaged in dangerous goods transport or if it does not submit such data upon request of the

organization in charge of civil aviation (Article 71, Paragraph 2).

### **Article 90**

The Advisor shall be fined in the amount ranging from RSD 20.000 to 50.000 for the offence:

- 1) if he/she fails to fulfil the obligation referred to in Article 21 hereof;
- 2) if he/she has not issued the approval for putting the train out of use in accordance with Article 50, Paragraph 2 hereof.

### **Article 91**

An expert staff member shall be fined in the amount ranging from RSD 10.000 to 50.000 or imprisonment of up to 30 days for the offence if he/she fails to inspect the pressure receptacles or a tank in accordance with Article 13, Paragraph 2 hereof.

### **Article 92**

A driver of a vehicle in dangerous goods transport by road shall be fined in the amount ranging from RSD 5.000 to 50.000 or imprisonment of up to 30 days for the offence:

- 1) if he does not act in accordance with Article 3, hereof;
- 2) if he/she does not hold the valid Driver Certificate (Article 44, Paragraph 1, Item 2));
- 3) if he does not confirm that pieces for dispatching marked with the appropriate labels, and/or hazard sheets have been loaded onto the vehicle (Article 44, Paragraph 1, Item 4));
- 4) if he operates the vehicle which is not marked with the appropriate orange warning boards, designations, and/or hazard sheets (Article 44, Paragraph 1, Item 5));
- 5) if he does not have transport documents in accordance with Article 44, Paragraph 1, Item 6);
- 6) if he operates a vehicle for dangerous goods transport and he has a test driving license (Article 44, Paragraph 2);
- 7) if he does not enforce provisions on supervising and parking vehicles in accordance with Article 44, Paragraph 3 hereof;
- 8) if he does not make available the transport documentation and accessory equipment to the Inspector for inspection (Article 80, Paragraph 3);
- 9) if he does not make available dangerous goods to the Inspector for inspection and for taking the required quantity of a sample (Article 80, Paragraph 4);
- 10) if he uses or relocates the vehicle excluded from traffic contrary to the method ordered by the Inspector (Article 81, Paragraph 3).

### **Article 93**

A vessel master shall be fined in the amount ranging from RSD 10.000 to 50.000 for the offence:

- 1) if there is no Officer holding the ADN certificate on board (Article 59, Paragraph 1, Item 1));
- 2) if the vessel he commands has no Certificate of approval for the (Article 59, Paragraph 1, Item 2));

- 3) if the vessel and cargo are not labelled in accordance with Article 59, Paragraph 1, Item 3) hereof;
- 4) if there is no adequate documentation and accessory equipment on the vessel in accordance with Article 59, Paragraph 1, Item 4) hereof;
- 5) if provisions on supervision and anchoring of the vessel are not enforced in accordance with Article 59, Paragraph 1, Item 5) hereof;
- 6) if does not make available the documentation and accessory equipment to the Inspector for inspection in accordance with Article 59, Paragraph 2) hereof;
- 7) if it does not make available dangerous goods to the Inspector for inspection and taking the required quantity of sample of dangerous goods for analysis (Article 59, Item 3);
- 8) if in case of a new inspection procedure during dangerous goods transport, the Master does not provide a copy of the previous inspection report to the inspector for dangerous goods transport (article 59, Paragraph 4).

#### **Article 94**

A natural person shall be fined in the amount ranging from RSD 5.000 to 50.000 or imprisonment of up to 30 days if he/she carries dangerous goods with himself/herself dangerous goods as hand baggage or if he/she submits it as luggage or load it on a train contrary to Article 49, Paragraph 4, hereof.

### **I TRANSITORY AND FINAL PROVISIONS**

#### **Article 95**

Regulations for the enforcement of this law shall be adopted within six months as of the effective date hereof, except for regulations referred to in Article 28, Paragraph 4, Article 33, Paragraph 3 and Article 35 hereof which will be adopted within three months as of the effective date hereof.

#### **Article 96**

Until adoption of regulations referred to in Article 95 hereof, the regulations adopted pursuant to the Law on hazardous matters transport shall be enforced (“Official Gazette of the SFRY”, No. 27/90, 45/90, “Official Gazette of the FRY”, No. 24/94-as amended, 28/96 and 68/02 and “Official Gazette of the Republic of Serbia”, No. 36/09-as amended), if they are not contrary to the provisions of this law.

#### **Article 97**

Licenses, decisions, authorizations and certificates issued by the effective date hereof shall be applicable until the expiry of the term for which they have been issued.

Licenses, decisions, authorizations and certificates issued without the validity term shall cease to be valid upon expiry of the term of one year as of the effective date hereof.

#### **Article 98**

Enterprises, other legal persons or entrepreneurs engaged in dangerous goods transport shall harmonize their business operations with this law within one year as of the effective date hereof.

### **Article 99**

Within two months as of the effective date hereof the Authority shall take over the documentation related to professional training of drivers of vehicles in dangerous goods transport and the documentation authorizing enterprises, other legal persons or entrepreneurs for professional training of candidates for drivers of vehicles used in dangerous goods transport from the Ministry in charge of internal affairs.

Within the term referred to Paragraph 1 hereof, the Authority shall take over employees, documentation and files from the Ministry related to performance of expert, executive and inspection activities in the area of dangerous goods transport.

### **Article 100**

Producers of packaging material, and/or pressure receptacles, tank and vehicles shall harmonize their business operations with this law and regulations referred to in Article 2, Paragraph 2 hereof within one year as of the effective date hereof.

### **Article 101**

Conformity assessment bodies authorized for conformity assessment by the effective date hereof shall harmonize the activities within their scope of competence within one year as of the effective date hereof.

### **Article 102**

On the effective date hereof, the Law on hazardous matters transport shall cease to be valid (“Official Gazette of the SFRY”, No. 27/90, 45/90, “Official Gazette of the FRY”, No. 24/94-as amended, 28/96 and 68/02 and “Official Gazette of the Republic of Serbia”, No. 36/09-as amended), as well as the Regulation on dangerous goods transport by road and rail (“Official Gazette of the Republic of Serbia”, No. 53/02).

### **Article 103**

This Law shall come into force on the 180<sup>th</sup> day as of the date of publication in the “Official Gazette of the Republic of Serbia”, and Article 13, Paragraph 2 shall be applied within one year as of the effective date hereof.