

LAW ON RAILWAYS SAFETY, ORGANISATION AND EFFICIENCY

LAW ON RAILWAYS SAFETY AND INTEROPERABILITY

I. BASIC PROVISIONS

Scope

Article 1

This Law shall regulate conditions for safe and continuous performance of railway transport, interoperability and functioning of railways system.

Provisions of this Law shall be applied only to public carriage of passengers and goods and transport of persons and goods for own needs by rail.

Responsibility for the safety of railway transport

Article 2

Legal entity managing the railway infrastructure (hereinafter referred to as: Infrastructure Manager), legal entity performing public transport of passengers (hereinafter referred to as: Railway Undertaking), owner of industrial or port railway and company performing transport by rail for its own needs at industrial and port railway shall be responsible for the safety of railway transport.

Performance of railway transport

Article 3

Public transport of passengers and goods by rail shall be performed solely by the Railway undertaking

Transport of persons and goods for its own needs and transport by rail for the needs of construction, reconstruction and maintenance on rail lines shall be performed by Infrastructure Manager, Railway undertaking or a company performing transport by rail for its own needs.

Railway transport on industrial railway shall be performed by owner of industrial railway, company performing transport by rail for its own needs and Railway undertaking.

Railway Transport

Article 4

Railway transport shall be performed in line with this Law, law regulating railway and other laws, ratified international treaties and international railway regulations.

Definitions

Article 5

Terms used in this Law shall have the following meaning:

- 1) **Automatic stop device** means a device for automatic train stop following the signal indicating that further train movement is forbidden, i.e. a device for automatic control of speed reduction from the signal indicating that further train movement is allowed under reduced speed;
- 2) **Tachograph** means a device that records the speed, distance and other data during the movement of tractive vehicle;
- 3) **Extraordinary event** means an event in the railway transport which affected or could have affected the safe operation of transport by rail (incident, accident, serious accident or other accidents);
- 4) **Train** means a properly composed and connected series of railway vehicles with one or more tractive vehicles travelling on its own or the tractive vehicle itself travelling on its own;
- 5) **On-board staff** means personnel that operates on train, or tractive vehicle (train driver and train driver assistant) and train accompanying staff;
- 6) **Train accompanying staff** means personnel on a train which helps to ensure the safety of train, passengers and goods carried on train, not including the train driver and train driver assistant;
- 7) **hauled vehicles** means railway vehicles without their own power to move, intended for transport of passengers or persons (passenger vehicles) or for transport of goods (freight vehicles);
- 8) **special purpose tractive vehicle** means a motor railway vehicle used for verification, maintenance or control of rail lines;
- 9) **tractive vehicle** means a railway vehicle moving under its own power (locomotive, motor train or special purpose tractive vehicles);
- 10) **permitted weight per linear meter** means prescribed permitted weight per linear meter which must not be exceeded;
- 11) **permitted axle load** means prescribed authorized axle load which must not be exceeded;
- 12) **European specification** means a European technical specification, European technical approval or European standard;
- 13) **Railway network** means the entire railway infrastructure managed by the Infrastructure Manager;
- 14) **Railway undertaking** means a legal entity that performs public transport of passengers and/or goods, or transport for its own needs by rail, provides traction of trains, or only provides train traction services;
- 15) **Railway worker** means a person who directly participates in the performance of railway transport, or person who performs the activities with a view to ensure

continuous and safe movement of trains and railway vehicles;

- 16) **Railway system** means structural and functional subsystems, management and operation of the system as a whole;
- 17) **Railway vehicle** means a vehicle that runs on its own wheels on railway lines with or without traction and is composed of more structural and functional subsystems or parts of such subsystems;
- 18) **Railway station** means a place on railway infrastructure intended for performance of duties of railway transport organization defined in the railway station's code of practice;
- 19) **Railway area** means land on which rail line, facilities, installations and devices directly used for the performance of railway transport, land under bridges and viaducts, as well as the land above tunnel lines;
- 20) **Vehicle owner** means an owner or user of the railway vehicle who uses such vehicle as means of transport and is registered in the railway vehicles register;
- 21) **Incident** means an event which is not an accident or serious accident, and is related to the railway transport affecting the safety of transport;
- 22) **Intergovernmental Organisation for International Carriage by Rail** means intergovernmental organization for international carriage by rail (hereinafter referred to as: OTIF);
- 23) **International Carriage of Dangerous Goods Regulations** means international regulations concerning the carriage of dangerous goods (hereinafter referred to as: RID);
- 24) **International Coach Regulations** means regulations concerning the mutual use of freight wagons in international transport (hereinafter referred to as: RIC);
- 25) **International Wagon Regulations** means rules concerning the mutual use of passenger and goods wagons in international transport (hereinafter referred to as: RIV);
- 26) **Investigation** means a process which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, making of safety recommendations for the purpose of accident or incident prevention;
- 27) **Locomotive** means a tractive vehicle (electrical, diesel or steam locomotive);
- 28) **Maximum train speed** means the maximum speed at which the train may move on rail line or part of rail line, in accordance with the timetable or otherwise prescribed, which may not be exceeded;
- 29) **Weight per linear meter** means the weight of empty or loaded railway vehicle divided by the length of railway vehicle, measured between front sides of non-compressed bumpers or between end sides of couplings, for vehicles without bumpers;
- 30) **Axle load** means the load of empty or loaded railway vehicle divided by the number of axles on the vehicle;
- 31) **Railcars (motor trains)** means electric-motor vehicles, electric-motor trainset,

diesel-motor vehicles and diesel-motor trainset;

- 32) **Train driver** means a person who has appropriate education and professional qualification to safely operate trains used for the transport of passengers or goods, including locomotives, shunting locomotives, working trains and railway vehicles used for maintenance;
- 33) **Maximum permitted speed** means maximum allowed speed on the rail line or parts of rail lines, according to the technical condition of the rail line and railway vehicles or other conditions;
- 34) **Principal** means a person ordering design, construction, rehabilitation or upgrading of subsystem (administrative body in charge of railway transport (hereinafter referred to as Administrative body), railway undertaking, infrastructure manager, owner of railway vehicle or concessionaire);
- 35) **Accident** means an unwanted or unintended sudden event or a series of such events which have harmful consequences (collisions, derailments, level-crossing accidents, other accidents caused by rolling stock in motion, fires and others);
- 36) **Renewal of subsystem** (rehabilitation) means any major substitution work on a subsystem or part subsystem which does not change its basic characteristics;
- 37) **serious accident** means any train collision or derailment of trains, resulting in the death of at least one person or serious injuries to five or more persons or extensive damage to railway vehicles, railway infrastructure or the environment in the amount of at least EUR 2 million, and any other similar accident with an obvious impact on railway safety regulation or the management of safety;
- 38) **other accidents** means accidents the consequences of which are not serious accidents;
- 39) **basic requirements** means all the conditions that must be met by the rail system, subsystem and interoperability constituents, including interfaces;
- 40) **basic parameters** means all regulatory, technical or operation conditions which are essential for the interoperability and which are stated in the technical specifications for interoperability;
- 41) **railway station rules of conduct** means an act of the infrastructure manager which determines the duties of railway workers for the execution of timetable, handling of freight or passengers, technical capacities and railway station equipment;
- 42) **subsystem** means parts of railway system, for which it is necessary to establish basic requirements;
- 43) **notified body** means a body which is responsible for assessing the conformity or suitability for use of the interoperability constituents or for appraising the procedure for verification of the subsystems, which is reported to the Secretary General of the Intergovernmental Organization for International Carriage by Rail or European Commission;
- 44) **industry track connection** means part of industrial track which runs from the rail line switch over the railway belt;
- 45) **project at the advanced stage of development** means a project that has a level

of planning or construction at the point when the change of technical specifications is unacceptable due to reasonable legal, contractual, commercial, financial, social or other environmental obstacles;

- 46) **rail belt** means the space between railway track, as well as the space adjacent to the outermost tracks, with minimum 8 meters of distance, or 6 meters of distance if the railway passes through the settled area, measuring from the external tracks axis;
- 47) **train timetable** means the document defining operation of a train, its type, composition and ownership, from origin to destination point, which may be graphic or tabular;
- 48) **interoperability constituent** means any elementary component, group of components, sub-assembly or complete assembly of equipment that is incorporated or intended to be incorporated into a subsystem, upon which the interoperability of the rail system depends directly or indirectly;
- 49) **series of railway vehicles** means a group of identical vehicles of the same type;
- 50) **safety management system** means the organization and procedures established by the Infrastructure Manager or Railway undertaking to ensure the safe management of railway transport;
- 51) **station staff** means the staff that performs duties in the area of railway station;
- 52) **technical documentation** means documentation about a subsystem or interoperability constituent which contains all its technical characteristics, including instructions for its use and maintenance;
- 53) **safety authority** means a national body entrusted with duties relating to the safety of railways;
- 54) **type of vehicle** means basic design characteristics of a railway vehicle approved by certificate on determination of type;
- 55) **loading gauge** means a limited space in the cross-section vertical to the longitudinal axis, which may not be exceeded by any part of the empty or loaded railway vehicle;
- 56) **causes** means acts, defaults, events or conditions, or combination thereof, which lead to an accident or incident;
- 57) **subsystem upgrading (reconstruction)** means any major modification work on a subsystem or part of a subsystem which improves its basic characteristics;
- 58) **alert control device** means a device used for automatic train stop in case of asleep or incapability of the railway worker to operate the tractive vehicle;
- 59) **Convention concerning International Carriage by Rail** means a Convention concerning the international carriage by rail (hereinafter referred to as: COTIF).

Safeguarding of the rail lines

Article 6

Participants in the railway transport shall not damage the rail line, installations and

facilities on the rail line, railway vehicles and shall not disturb the safety of railway transport.

Participants referred to in paragraph 1 of this Article shall comply with regulations on transport, traffic signalisation, signals fitted on the rail line and orders of authorized persons.

Companies that design rail lines, manufacture and maintain railway vehicles, and provide professional training to railway workers for performing activities in rail transport and other entities shall act in accordance with this law.

Infrastructure Manager shall provide and organize the rail line safeguarding service.

Manner of organization of the service referred to in paragraph 4 of this Article, procedure and manner of rail line safeguarding, shall be prescribed by the government authority in charge of railway transport (hereinafter referred to as: the Ministry).

Internal Control

Article 7

Infrastructure Manager and Railway undertaking shall, within their competences, organize the scheduled and efficient performance of the internal control over the safety of railway transport in line with this Law.

Organization and manner of control performance referred to in paragraph 1 of this Article shall be established by the Infrastructure Manager and Railway undertaking, upon consent from the Ministry.

Construction, reconstruction and attestation of rail lines

Article 8

Construction of new and reconstruction of existing rail lines shall be performed in line with appropriate spatial-planning documentation, under the construction approval, in accordance with the law regulating the construction of structures and spatial planning.

Rail line shall be designed, constructed, reconstructed and maintained so that it corresponds to the established rail line carriage and capacity, train speed, permitted axle load, permitted weight per linear meter, railway safety requirements, as well as other conditions defined for a certain rail line.

In addition to the requirements referred to in paragraph 2 of this Article, the rail line shall also meet the interoperability requirements, as well as technical requirements of ratified international treaties and international railway regulations.

Technical and other requirements established by this Law, prescribed standards relating to rail lines and installations, facilities and devices on rail lines, and other defined requirements, which ensure the safety of railway transport shall be applied during design, construction and reconstruction works on the rail line and installations, devices and facilities on the rail line.

Installations, devices and equipment, that are installed in the newly built or reconstructed rail line and that make their integral part, shall be attested with regard to prescribed characteristics in accordance with regulations concerning attestations of such installations, devices and equipment.

Installations, devices and equipment that make an integral part of the rail line may be

installed in the rail line referred to in paragraph 1 of this Article and placed into operation only under an attestation related thereto, in accordance with regulations about mandatory attestation of such installations, devices and equipment.

Technical and other requirements related to design, construction and reconstruction of the rail line and installations, facilities and installations on the rail line, shall be prescribed by the Ministry under consent of the government authority in charge of the construction of structures and spatial planning.

Railway bridges and culverts load ratings, regulations concerning design, construction, reconstruction and rehabilitation of railway bridges and culverts, technical requirements for thermal processing of switch parts and manner of performing works in the earth body shall be established by regulation of the Ministry under consent of administrative body in charge of construction of structures and spatial planning.

Attestation of Railway Vehicles

Article 9

Devices and equipment installed on the Railway Vehicles shall be as follows: vehicle steering devices, vehicles coupling devices, vehicle stop devices, lighting and signalling devices, etc. shall be attested and may be installed in a railway vehicle only in case an attestation was issued for such devices.

II. INTEROPERABILITY

Rail system

Article 10

Interoperability means the ability of a rail system to allow the safe and uninterrupted movement of trains which accomplish the required levels of performance, and which is based on regulatory, technical and operational conditions which must be met.

Rail systems are as follows:

- 1) Conventional rail system; and
- 2) High-speed rail system.

Conventional rail system

Article 11

Conventional rail system means a system designed to operate at speeds not more than 200 km/h.

Conventional rail system includes the railway network (hereinafter referred to as: the Network), which consists of:

- 1) lines intended for the carriage of passengers;
- 2) lines intended for the carriage of freight;

- 3) lines intended for mixed traffic (passengers and freight);
- 4) passengers hubs;
- 5) freight hubs, including intermodal terminals;
- 6) lines connecting the lines and hubs referred to in items 1 to 5 of this paragraph.

The conventional rail system, in addition to the Network referred to in paragraph 2 of this Article, shall also include traffic management, tracking and navigation system, devices for data processing and telecommunication systems and all railway vehicles (hereinafter referred to as: Vehicles) which operate on such network or part thereof.

High-speed rail system

Article 12

High-speed rail system includes a network, which comprises:

- 1) lines built and equipped for speeds equal to or greater than 250 km/h;
- 2) upgraded and equipped lines for speeds of 200 km/h;
- 3) upgraded and equipped high-speed lines on which the speed is adapted to topographical, relief or town-planning constraints, interconnecting lines between the high-speed and conventional networks, lines through railway stations, access lines to terminals and depots travelled at conventional speed by high-speed rolling stock.

High-speed rail system, in addition to the network referred to in paragraph 1 of this Article, also includes traffic management, tracking and navigation systems, devices for data-processing and telecommunication systems.

High-speed rail system, in addition to network and systems referred to in paragraphs 1 and 2 of this Article, also includes high-speed vehicles designed to operate at:

- 1) speeds of at least 250 km/h on lines built and equipped for high speeds, and under appropriate conditions at speeds exceeding 300 km/h; or
- 2) speeds of at least 200 km/h on the lines referred to in paragraph 1 item 2 of this Article.

Vehicles designed to operate with maximum speed lower than 200 km/h, which are likely to travel on all or part of the high-speed network, shall fulfil the requirements ensuring safe operation on such network.

Subsystems

Article 13

Rail systems referred to in Articles 11 and 12 of this Law are composed of structural and functional subsystems.

Structural subsystems are as follows:

- 1) infrastructure area: track, points, rail structures (bridges, tunnels, etc.) and associated station infrastructure (platforms, zones of access, including the parts intended for persons with reduced mobility, etc.);
- 2) energy area: the electrification systems, including overhead lines and on-board

equipment for measuring the electric consumptions;

- 3) control-command and signalling area on the line: all the equipment installed along the line intended to ensure safety and to command and control movement of trains operating on the network;
- 4) control-command and signalling area on the vehicles: on-board equipment intended to ensure safety and to command and control movements of trains operating on the network;
- 5) Rolling stock area: structure, command and control system for all train equipment, current collection devices, traction and energy conversion units, braking, coupling and running gear (bogies, axles), and suspension, doors, man/machine interfaces (on-board staff and passengers), including the needs of persons with reduced mobility, passive or active safety devices and requisites for the health of passengers and on-board staff.

Functional subsystems are as follows:

- 1) Traffic operation and management area: the procedures and related equipment enabling a coherent operation of the different structural subsystems, during normal and degraded operation, including in particular train composition, train driving, traffic planning and management, as well as professional qualifications of staff for providing cross-border services, if required;
- 2) Maintenance area: the procedures, associated equipment, repair shops and reserve parts allowing scheduled repairs and preventive maintenance to ensure the interoperability of the rail system and its efficiency;
- 3) Telematics applications for passengers and freight services:
 - Applications for passenger services, including systems providing passengers with information before and during the journey, reservation and payment systems, luggage management and management of connections between railway and other modes of transport;
 - Applications for freight services, including information systems (real-time monitoring of freight and trains), allocation and marshalling systems, reservation, payment and invoicing systems, management of connections with other modes of transport and production of electronic accompanying documents.

Interoperability requirements

Article 14

The requirements to ensure interoperability shall apply to design, construction, upgrading, renewal, placing in service, operation and maintenance of rail system.

Requirements referred to in paragraph 1 of this Article shall be also applied to the professional qualifications and health and safety conditions of the staff who participate in the operation and maintenance of the rail system.

Basic requirements for ensuring interoperability

Article 15

Basic requirements for ensuring the interoperability are comprised of general and specific requirements.

General requirements for ensuring the interoperability which must be met by a rail system are the requirements with regard to:

- 1) safety:
 - a) in relation to the design, construction, maintenance and monitoring of safety-related components, and in particular the components involved in train movement, which must ensure the safety at the level corresponding the aims laid down for the network, and also those for specific degraded network situations;
 - b) parameters related to the wheel/rail contact which must meet the stability requirements in order to guarantee the safe movement at the maximum permitted speed, parameters of brake equipment which must guarantee that it is possible to stop within a given brake distance at the maximum authorised/permitted speed;
 - c) the components used during operation must withstand any envisaged normal or exceptional stresses, and safety repercussions of any accidental failures must be limited by appropriate means;
 - d) The design of fixed installations and rolling stock and the choice of the materials used must be of such characteristics so as to limit the generation, propagation and effects of fire and smoke in the event of a fire;
 - e) Any devices intended to be handled by passengers must be so designed as not to impair the safe operation of such devices or the health and safety of passengers if used in accordance with the posted instructions or if used not in accordance with such instructions;
- 2) Reliability and availability during the monitoring and maintenance of fixed or movable components, that are involved in train movements must be organized, carried out and quantified in such a manner as to maintain their operation under the intended conditions;
- 3) Health: materials likely, by virtue of the way they are used, to constitute a health hazard to persons having access to them must not be used in trains or railway infrastructure, and they must be selected, deployed and used in such a way as to restrict the emission of harmful and dangerous fumes or gases, particularly in the event of fire;
- 4) Environmental protection:
 - a) Environmental impact of establishment and operation of the rail system must be assessed and taken into consideration at the design stage of the system in accordance with the law regulating the environmental protection;
 - b) Materials used in the trains and infrastructures must prevent the emission of

- fumes or gases which are harmful and dangerous to the environment, particularly in the event of fire;
- c) Rolling stock and energy-supply systems must be designed and manufactured in such a way as to be electromagnetically compatible with the installations, equipment and networks of public utilizations with which they might interfere;
 - d) During operation the rail system must not exceed the limitations on noise established by law;
 - e) During operation the rail system must not cause an inadmissible level of ground vibrations to the equipment and areas close to the line, during normal maintenance works;
- 5) Technical compatibility: technical characteristics of the infrastructure and fixed installations must be compatible with each other and with those of the trains used on the rail system, and if it proves difficult to meet compliance with these characteristics on certain sections of the network, temporary solutions, which ensure compatibility in the future, may be implemented.

Specific requirements for ensuring interoperability of structural subsystems

Article 16

Specific requirements for ensuring interoperability which must be met by structural rail subsystems includes the requirements which are related to the following:

- 1) Infrastructure safety area:
 - a) taking appropriate steps to prevent access to or undesirable intrusions into installations;
 - b) taking steps to limit the dangers to which persons are exposed when trains pass through stations;
 - c) during the design and construction of infrastructure to which the public has access, the human safety hazards (stability, fire, access, evacuation, platforms, etc.) must be limited;
 - d) implementation of specific measures in long tunnels, on bridges and viaducts;
- 2) energy area:
 - a) energy-supply system must be safe and must not impair the safety of trains or persons (passengers, operating staff, trackside dwellers and third parties);
 - b) environmental protection: the functioning of the electrical or thermal energy-supply systems must not impact the environment beyond the specified limits;
 - c) technical compatibility: electrical or thermal energy-supply systems must enable trains to achieve the specified performance levels and, the electricity

energy supply systems must be compatible with the collection devices fitted to the trains;

3) control-command and signalling area:

- a) safety: the control-command and signalling installations and procedures must enable safe movement of trains specified for that network and also under degraded conditions;
- b) technical compatibility: new rolling stock and infrastructure manufactured after control-command and signalling systems must be adapted to the use of such systems, and the control-command and signalling equipment installed in the train driver's cabins must permit normal operation under specified conditions, throughout the rail system;

4) rolling stock area:

- a) safety:
 - the rolling stock structure and those of the links between vehicles must be designed in such a way as to protect the passenger and driving compartments in case of collision or derailment;
 - the electrical devices must not impair the safety and functioning of equipment of the control-command and signalling subsystem;
 - the braking techniques and the stresses exerted must be compatible with the condition of the tracks, structures and signalling systems;
 - taking steps to prevent access to electrically-live constituents;
 - relevant devices must enable passengers to inform the train driver and the train accompanying staff to contact him in the event of danger;
 - the opening and closing systems of access doors must guarantee the safety of passengers;
 - in the event of emergency, emergency exits must be provided and specifically indicated;
 - particular safety measures must be implemented in long tunnels;
 - an independent lighting system having a sufficient intensity and duration must be fitted on-board;
 - trains must be equipped with a public address system intended for communication of on-board staff with the passengers;
- b) reliability and availability: design of the vital equipment and the running, traction and braking equipment and also the control and command system must, in a specific degraded situation, be such as to enable the train to continue without adverse consequences for the equipment;
- c) technical compatibility:
 - electrical equipment must be compatible with the functioning of the control-command and signalling installations;
 - in the case of electric traction, the characteristics of the current-collection devices must be such as to enable trains to operate within the energy-

- supply systems on specific rail systems;
 - characteristics of the rolling stock must be such as to allow it to operate on any line on which it is expected to operate, taking account of relevant climatic conditions;
 - d) controls: trains must be equipped with a device for recording and processing information;
- 5) Maintenance area:
- a) Health and safety: technical installations and the procedures used in the maintenance centres must ensure the safe operation of the subsystem and not constitute a danger to health and safety of persons;
 - b) Environmental protection: technical installations and the procedures used in the maintenance centres must not exceed the permissible levels of pollution;
 - c) Technical compatibility: maintenance installations for rolling stock must be such as to enable safe performance of works which do not impair the health of persons.

Specific requirements for ensuring interoperability of functional subsystems

Article 17

Specific requirements for ensuring interoperability which must be met by functional rail subsystems includes the requirements which are related to the following:

- 1) Operation and traffic management area:
 - a) safety:
 - alignment of the network operating rules and the qualifications of train drivers and on-board staff and of the staff in the control centres must be such as to ensure safe operation, bearing in mind the different requirements of cross-border and domestic transport services;
 - maintenance operations and intervals, the training and qualifications of the maintenance and control centre staff and the quality assurance system set up by the operators concerned in the control and maintenance centres must be such as to ensure a high level of safety;
 - b) reliability and availability: maintenance works, maintenance intervals, training and qualifications of the maintenance and control centre staff and the quality assurance system set up by the operators concerned in the control and maintenance centres must be such as to ensure a high level of system reliability and availability;
 - c) technical compatibility: alignment of the network operating rules and the qualifications of train drivers, train accompanying staff and traffic managers must be such as to ensure operating efficiency on the rail system, bearing in mind the different requirements of cross-border and domestic transport services;
- 2) telematics applications for freight and passengers services area:

- a) technical compatibility: basic requirements for telematics applications must ensure a minimum quality of service for passengers and carriers of goods, and in particular:
 - that the databases, program equipment and data communication protocols are developed in a manner allowing maximum data interchange between different applications and operators, excluding confidential commercial data;
 - to enable transport users easy access to the information;
- b) reliability and availability: methods of use, management, updating and maintenance of these databases, program equipment and data communication protocols must provide the efficiency of these systems and the quality of the service,
- c) health: interfaces between the users and the system must comply with the minimum rules and conditions of ergonomic and health protection;
- d) safety: adequate level of integrity and reliability must be provided for the storage and transmission of safety-related information.

Technical specifications for interoperability

Article 18

Technical specification for interoperability (hereinafter referred to as: TSI) means technical regulations with which the subsystem or part subsystem of the rail system must be complied in order to meet the basic requirements and ensure the interoperability of the rail system.

TSI referred to in paragraph 1 of this Article shall be passed by the Ministry in accordance with this Law.

TSI referred to in paragraph 2 of this Article shall be prepared in line with European technical specifications and ratified international treaties.

Interoperability constituents

Article 19

Interoperability constituents shall be placed on the market only if:

- 1) they provide the achievement of interoperability within the rail system and at the same time meeting the requirements referred to in Articles 15 to 17 of this Law;
- 2) they are used in their area of use as intended and are properly installed and maintained.

Placing on the market of interoperability constituents which were manufactured in accordance with this Law shall not be prohibited, restricted or hindered, and in particular, the performance of checks which have already been carried out as part of the procedure of declaration of conformity and suitability for use may not be requested again.

Assessing conformity and suitability for use

Article 20

The procedure for assessing the conformity and suitability for use of the interoperability constituents shall be performed by the accredited body for assessing conformity (hereinafter referred to as: authorized body) or notified body authorized by the Ministry, upon the request of the manufacturer or his authorized representative.

Authorised body, or notified body, shall verify the conformity and suitability for use of the interoperability constituents by issuing a certificate of conformity and certificate of suitability for use, after which the manufacturer or his authorized representative shall issue a declaration on conformity and declaration on suitability for use.

When interoperability constituents are also subject to other regulations, the declaration on conformity and declaration on suitability for use must include the statement that interoperability constituents also comply with the requirements specified in such regulations.

Certificates referred to in paragraph 2 of this Article issued by the notified bodies of the EU member states or the OTIF member states shall be recognized in Montenegro.

The procedures and methods for assessing conformity and suitability for the use of interoperability constituents which are subject to assessing the conformity and suitability for use, technical documentation accompanying the declaration on conformity and suitability for use and the contents of declaration on conformity and suitability for use shall be prescribed by the Ministry.

Operation verification

Article 21

Operation verification represents a basis for assessing the suitability for use of interoperability constituents.

Operation verification programme shall be prepared by the manufacturer.

Operation verification programme shall be approved by the notified body.

Request for operation verification, with approved operation verification programme, shall be submitted to the Infrastructure Manager, or Railway undertaking, by the manufacturer or his authorised representative.

Request referred to in paragraph 4 of this Article may be submitted after the issuance of certificate on conformity and declaration on conformity.

Operator shall enable the commencement of requested operation verification within three months from the date of request submission.

The applicant of such request shall pay a fee to the Operator, or Infrastructure Manager, for performing the operation verification.

The amount of fee referred to in paragraph 7 of this Article shall depend on the type, scope and duration of the operation verification, and shall be established according to the actual costs of the Operator, or Infrastructure Manager, and must not be used for making profit.

Non-compliance of interoperability constituents with the TSI

Article 22

Administrative body may restrict or prohibit the use of interoperability constituents, prohibit their further use or order their withdrawal from the market, if it is determined:

- 1) that the declaration on conformity was issued improperly;
- 2) that the interoperability constituent having a declaration on conformity or suitability for use and which is used for intended purpose, fails to meet the basic requirements;
- 3) that the TSI were incorrectly applied, in case such application is relied upon;
- 4) that the TSI is inadequate;
- 5) that the person who issued the declaration on conformity did not take measures to restore the interoperability constituent in the state of conformity within the period specified by the Administration body.

Decision about undertaken measures shall be submitted to the person who issued a declaration on conformity and to the notified body who issued a certificate on conformity.

Decision referred to in paragraph 2 shall be final.

Placing subsystems in service

Article 23

Structural subsystems shall be designed, constructed and installed in such a way as to meet the basic requirements.

The construction, placing in service and operation of structural subsystems which comprise the rail system and meet the basic requirements shall not be prohibited, constrained or prevented:

- in particular, the repeated performance of checks which have already been performed within the procedure for obtaining the declaration on check may not be requested, or
- in the EU member states or OTIF member states, with a view to check conformity with identical requests in identical working conditions.

Additional checks may be requested only when Administrative body, by inspection of the documentation in the procedure of issuing the use permit, determines that the structural subsystem does not fully conform to all the basic requirements.

Procedure for issuing the declaration on subsystems verification

Article 24

The procedure for issuing the declaration on subsystems verification is a procedure of assessing the conformity in which the authorized or notified body assesses and verifies that the subsystem meets the basic requirements and that it is in accordance with the TSI.

In order to obtain the declaration on subsystem verification, the applicant shall select the

notified body which shall perform the verification of the subsystem.

The applicant may be a principal or manufacturer or their authorized representative.

The notified body shall perform the verification procedure in the following stages:

- 1) the entire project;
- 2) construction of subsystems, including in specifically the construction works, manufacture, assembly of constituents, adjustments of the entire subsystem;
- 3) final verification of the subsystem.

Based on available information in the relevant TSI and registers referred to in Articles 33 and 34 of this Law, the notified body shall also verify the interface of such subsystem with the system into which it is installed.

Notified body shall prepare the technical documentation enclosed to the subsystem verification.

Technical documentation referred to in paragraph 6 of this Article shall include data about the subsystem characteristics, conditions and constraints of use and instructions for adjustments and maintenance and, if necessary, documents verifying the conformity of interoperability constituents.

After the notified body has issued the certificate on subsystem verification, the applicant shall prepare the declaration on subsystem verification.

The notified body may issue certificates on verification of a set of subsystems or specific parts of such subsystems if so specified by the TSI.

Upon the applicant's request, the notified body may issue an intermediate statement on verification (hereinafter referred to as: ISV) in the design stage (including type verification) or production stage or certain parts of subsystems.

In the events referred to in paragraph 10 of this Article, the notified body shall issue ISV certificate, and the applicant shall prepare ISV declaration.

Certificates on subsystem verification issued by the notified bodies of the EU member states or OTIF member states shall be recognized in Montenegro.

After issuing the certificate on subsystem verification, the notified body shall carry out periodical checks in order to confirm that the production of the subsystem is performed in compliance with technical documentation referred to in paragraph 6 of this Article.

During the performance of checks, the notified body shall have the right to access all production workshops, spare parts storages, assembly workshops, and the right to review the necessary documentation related to the subsystem.

The notified body shall provide the manufacturer a report on conducted inspection.

Non-compliance with basic requirements

Article 25

If the Administrative body considers that a structural subsystem covered by the declaration of subsystem verification does not fully comply with the provisions of this Law, and in particular if the subsystem does not meet the requirements referred to in Articles 15 to 17 of this Law, it may request that additional checks and inspections be carried out.

Within the document requesting the measures referred to in paragraph 1 of this Article, the Administrative body shall state whether it is about the non-compliance with requirements from Articles 15 to 17 of this Law, or non-compliance with the TSI, or incorrect application of

the TSI.

If additional checks and inspections demonstrate that the subsystem is non-compliant with the provisions of this Law, the subsystem shall not be granted use authorization.

III. AUTHORISATIONS

Authorisation for placing in service a structural subsystem

Article 26

Structural subsystems of the interoperability constituents and parts of structural subsystems referred to in items 1 to 4 paragraph 2 of Article 13 of this Law may be placed in service only under relevant authorisation.

Authorisation referred to in paragraph 1 of this Article shall be granted in accordance with the law regulating the construction of structures and spatial planning.

Authorisation for placing in service of vehicles shall be granted by decision of the Administrative body.

Authorisation referred to in paragraph 3 of this Article shall be granted after performing the following checks:

- 1) technical compatibility of subsystems and their parts with the rail system into which they are being integrated;
- 2) the safe integration of subsystems; and
- 3) whether the subsystems comply with the relevant TSI requirements relating to operation and maintenance.

Authorisation referred to in paragraph 3 of this Article shall be granted within four months from the date of proper application submission.

Authorisation referred to in paragraph 3 of this Article may include specific conditions for use or other constraints.

Request for obtaining authorisation for structural subsystem may be submitted by the manufacturer or his authorised representative in Montenegro, railway undertaking, vehicle owner and infrastructure manager.

Registers of the granted authorisations referred to in paragraph 3 of this Article shall be maintained by the Administrative body.

The procedure for granting the authorisation referred to in paragraph 3 of this Article, documentation enclosed to the request for granting the authorisation, form of authorisation and manner of keeping registers of the granted authorisations shall be prescribed by the Ministry.

Authorisation for types of vehicles

Article 27

Vehicles registered in Montenegro, regardless of the manufacturer, must have authorisation for the type of vehicle.

Authorisation for the type of vehicle shall be granted by the decision of the

Administrative body.

The Administrative body shall maintain register of granted authorisations for types of vehicles.

The Administrative body shall, upon request of the other state's relevant body in which the authorisation for type of vehicle is applied, submit documentation for that type of vehicle on the basis of which it granted the authorisation.

Authorisation for type of vehicle which is intended for international operation shall be also granted in one of the foreign languages (English, French or German).

The Administrative body shall provide the data about granted authorisations for types of vehicles to the Secretary General of the OTIF.

The procedure for granting the authorisation for types of vehicles, manner of determining the types of vehicles, documentation enclosed to the request for granting the authorisation for type of vehicle and the form shall be prescribed by the Ministry.

Technical check of vehicles

Article 28

Technical check of vehicles must be performed before placing the vehicle in service.

Technical check referred to in paragraph 1 of this Article shall be performed by companies which meet the conditions related to the staff and equipment authorised by the Ministry.

Manner of performing technical check and more detailed conditions referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Authorisation for placing in service vehicles in conformity with the TSI

Article 29

Authorisations for placing in service vehicles intended for international transport operations shall be also granted in one of the foreign languages (English, French or German).

Authorisation for placing in service of vehicles registered in Montenegro, which are in conformity with the TSI, shall be granted by the Administration body, as follows:

- 1) in case the declaration on conformity and declaration on suitability for use has been submitted for all structural subsystems of the vehicle, the authorisation shall be granted without further checks;
- 2) if declaration on verification has been submitted for a vehicle, in accordance with Article 24 of this Law, before granting the authorisation for placing in service the Administration body shall check the following:
 - technical compatibility between the vehicle's relevant structural subsystems and their safe integration;
 - technical compatibility between the vehicle and the network on which such vehicle shall operate.

Applicant of the request for obtaining the authorisation for placing in service shall be held liable to mark the vehicle by allocated number.

The procedure for granting the authorisation for placing the vehicle in service and documentation to be submitted for obtaining the authorisation shall be prescribed by the Ministry.

Additional authorisation for placing in service the vehicles in conformity with the TSI

Article 30

Vehicles registered in other states, which are in full conformity with all TSIs, shall not be subject to any additional authorisation for placing in service, provided that they operate on the network which is in conformity with the TSI or under the conditions specified in the corresponding TSIs.

For vehicles referred to in paragraph 1 of this Article, which were granted authorisation for placing in service in other states, if they do not operate on the network in conformity with the TSI or under the conditions specified in the corresponding TSIs, the Administrative body shall decide if additional authorisations are necessary for placing in service such vehicles in Montenegro.

Authorisation referred to in paragraph 2 of this Article shall be granted by Decision.

Before granting authorisations referred to in paragraph 2 of this Article, the authorisation for the type of vehicle shall be granted in accordance with this Law.

The applicant shall submit to the Administrative body technical documentation about the vehicle and type of vehicle and the intended use thereof on the network of Montenegro, which shall contain the following information:

- 1) documentation required for approval of the type of vehicle;
- 2) declaration on conformity with the type of vehicle;
- 3) documentary evidence that the vehicle was granted authorisation for placing in service in the state in which it was manufactured;
- 4) a copy of technical documentation about the vehicle, including declaration on verification, information on data collection procedure for vehicles equipped with speedometer (tachographs);
- 5) records about vehicle's maintenance and, if necessary, technical modifications performed after granting the authorisation for placing in service; and
- 6) evidence on technical and operational characteristics that shows that the vehicle is compatible with the infrastructure and fixed installations, including climate conditions, energy supply system, control-command system and signalling system, track gauge and infrastructure gauges, maximum permitted axle load and other constraints of the network.

When deciding about the request, the Administrative body shall check the technical compatibility between the vehicle and the network.

The Administrative body may request additional information to be supplied, risk analyses or tests to be conducted on the network in order to verify the elements referred to in paragraph 5 of this Article.

Infrastructure Manager shall provide, after consultation with the applicant, the testing within three months from the applicant's request.

Before granting authorisation for placing the vehicle in service, the vehicle must be subject to technical check.

The Administrative body shall decide about the granting of authorisation referred to in paragraph 2 of this Article, as follows:

- two months after submission of the documentation referred to in paragraph 5 of this Article; or
- one month after the provision of additional information or risk analyses or results of operational testing.

Additional authorisation for placing in service shall not be granted in the following events:

- 1) for used vehicles imported from a foreign country which conform to the TSI, unless they are subject to additional checks referred to in paragraph 2 of this Article;
- 2) for vehicles which have been authorised in other countries before entry into force of the corresponding TSIs, which:
 - carry the marking RIC or RIV;
 - were authorised for placing in service and marked in accordance with the current bilateral or multilateral agreements between the railway undertakings from Montenegro and railway undertakings from other countries.

Renewal or upgrading of structural subsystem, interoperability constituents and subsystem elements

Article 31

In the event of renewal or upgrading of the structural subsystem, interoperability constituents and subsystem elements, the principal or manufacturer shall submit the complete documentation including the description of the project to the Administrative body, and the Administrative body shall decide whether the scope of works requires the new authorisation for placing in service structural subsystem, interoperability constituents or subsystem elements, or the new authorisation for the type of vehicle.

The new authorisation for placing in service the structural subsystem shall be required whenever the overall safety of the subsystem concerned may be endangered by the works envisaged.

In the event referred to in paragraph 1 of this Article, the Administrative body shall make a decision not later than four months after the principal or the manufacturer submit complete documentation.

Revocation of authorisation for placing in service of vehicles

Article 32

The Administration body shall revoke the authorisation for placing in service of vehicle if the monitoring of safety management systems of the Infrastructure Manager and Railway undertakings or under notification of the railway transport inspector, the following facts are established:

- 1) that the railway vehicle fails to meet the conditions specified in:

- the TSIs; and
 - regulations concerning construction or equipment as specified in the RID;
- 2) that the owner failed to meet the requirement of the Administrative body within the specified period;
 - 3) that conditions or constraints referred to in paragraph 6 of Article 26 of this Law are not complied with.

The Administrative body shall temporarily withdraw the authorisation for placing in service of a vehicle if the monitoring of the safety management systems of the Infrastructure Manager and Railway undertakings or under notification of the railway transport inspector, the following facts are established:

- that the maintenance of the railway vehicle is not performed in the specified manner;
- that the Administrative body was not allowed to inspect the vehicle which was heavily damaged.

Authorisations for placing in service of vehicles shall be temporarily revoked until all conditions for granting such authorisation were met again.

Authorisation for placing in service shall cease to be valid if the vehicle was withdrawn from the traffic (cassation of vehicles, etc.).

The vehicle owner shall notify the Administrative body about the withdrawal of the vehicle from traffic not later than eight days from the date of withdrawal.

Provisions of paragraphs 1 and 2 of this Article shall be applied accordingly to the authorisation for the type of vehicle.

IV. REGISTERS OF RAILWAY VEHICLES AND INFRASTRUCTURE

Register of railway vehicles

Article 33

Vehicles holding the authorisation for placing in service shall be entered in the Register of railway vehicles (hereinafter referred to as: vehicle register), maintained by the Administrative body.

The entry in the vehicle register shall be made upon the request of the vehicle owner.

In case of any changes of data entered in the vehicle register, the vehicle owner shall notify the Administration body thereof within eight days from the day of such change.

The manner of keeping and the content of vehicle register shall be established by regulation of the Ministry.

Register of infrastructure

Article 34

The infrastructure shall be entered in the Register of Infrastructure maintained by the Administrative body.

The Infrastructure Manager shall provide data or any change of data for the entry in the register of infrastructure.

The manner of keeping and the content of Register of infrastructure shall be established by the regulation of the Ministry.

V. SAFETY MANAGEMENT IN RAILWAY TRANSPORT

Responsibility for safety in railway transport

Article 35

Infrastructure Manager and Railway undertaking shall be responsible for the safety of railway transport and risk control.

Infrastructure Manager and Railway undertaking shall implement the necessary measures for risk control and shall mutually cooperate in order to achieve the safety of railway system.

Common safety indicators

Article 36

The common safety indicators are elements used for the assessment of safety levels in railway transport.

In order to monitor the safety of railway system, the Infrastructure Manager and Railway

undertaking shall prepare annual reports about the safety of railway system.

Reports referred to in paragraph 2 of this Article shall be delivered to the Administrative body not later than 30 June of current year for the previous year.

The annual safety report shall contain:

- 1) information about the accomplishment of planned safety targets;
- 2) monitoring and analysis of the common safety indicators;
- 3) results of internal safety audit;
- 4) remarks on deficiencies and malfunctions in railway operations and infrastructure management.

Following the report referred to in paragraph 3 of this Article, the Administrative body shall prepare and deliver the Report on railway safety to the Ministry, not later than 30 September of current year for the previous calendar year, and shall publish it on its website.

The report referred to in paragraph 5 of this Article shall contain:

- 1) the assessment of the safety level of railways;
- 2) data about granted certificates on safety for railway infrastructure management and certificates for the safety of transport;
- 3) results of the supervision of the Infrastructure Manager and Railway undertaking.

More detailed contents of the reports referred to in paragraph 4 and 6 of this Article and common safety indicators and methods to calculate accident costs shall be all prescribed by the Ministry.

Common safety methods

Article 37

The assessment of the safety level shall be performed on the basis of common safety methods, as follows:

- risk evaluation and assessment methods;
- methods for assessing conformity with requirements for obtaining safety certificates for railway infrastructure management and safety authorisations for transport operations;
- methods to check whether the structural subsystems are operated and maintained in accordance with the basic requirements, in case they are not specified in the TSIs.

Reports on safety assessment, which were issued in the EU member states or OTIF member states, shall be valid in Montenegro.

The audit of implementation of the risk evaluation and assessment method shall make an integral part of the periodical internal audit of the safety management systems of the manager and railway operator.

The methods referred to in item 3 paragraph 1 of this Article shall be implemented by:

- 1) Infrastructure Manager, Railway undertakings and workshop, in order to:
 - a) verify the proper implementation and efficiency of all processes and procedures involved in the safety management system, also including technical, operational and organizational risk control measures, as well as supervision of the implementation of risk control measures;
 - b) verify the efficient implementation of safety management system and verify if

- it accomplishes the expected results;
- 2) the Administrative body, after granting safety authorisations and safety certificates for railway infrastructure management.

The methods referred to in paragraph 1 of this Article shall be regulated by the Ministry.

Common safety targets

Article 38

Common safety targets establish the safety levels that must at least be reached by different parts of rail system and by the rail system as a whole, which is expressed by risk acceptance criteria for:

- passengers, staff, staff of contractors, users of level crossings, as well as risks related to the presence of unauthorised persons on infrastructure premises; and
- society.

Common safety targets shall also include deadlines for the implementation according to type and scope of investments necessary for the implementation thereof.

Publication of safety regulations

Article 39

The Administration body shall publish on its website the regulations concerning the safety in railway transport.

Safety management system

Article 40

Infrastructure Manager and Railway undertaking shall establish the safety management system.

The safety management system must be harmonized with this Law and safety requirements specified in the TSIs.

By establishing the system referred to in paragraph 2 of this Article, the control of all risks related to the infrastructure manager and railway undertaking activities, including the maintenance services, material supply services and sub-contractor's engagement, as well as the risks arising due to third party activities, shall be achieved.

Safety management system of the Infrastructure Manager should also include the effects of activities of various railway undertakings on the network.

Safety management system of the Infrastructure Manager must also contain the coordination of emergency procedures of all railway undertakings in emergency situations.

Safety management system must describe: division of responsibility within the organization of infrastructure manager or railway undertaking, manner of providing the

management control on different levels, including of staff and their representatives on all levels and the manner of providing the continuous improvement of safety management system.

The basic elements of the safety management level are as follows:

- 1) safety policy approved by the director of Infrastructure manager or railway undertaking, which was provided to all employees;
- 2) qualitative and quantitative objectives of the infrastructure manager or railway undertaking in relation to the maintenance and improvement of safety, as well as plans and procedures for accomplishing such objectives;
- 3) procedures for ensuring the compliance with existing, new and amended technical and operational standards or other specified requirements set by the law, TSIs and decisions of the relevant authorities and procedures that ensure the compliance with standards and other requirements during the entire useful life of the equipments used in operations;
- 4) procedures and methods for risk assessment and implementation of risk control measures during the changes of operation conditions or introduction of the new product which may cause new risks for the infrastructure or operation;
- 5) providing programmes for professional qualifications and training of employees;
- 6) procedures for information communication within the organization and between organizations operating on the same infrastructure;
- 7) procedures for publishing information about safety and establishing the procedure for the control of configuration of essential safety information;
- 8) procedures which enable the reporting, investigation and analyses of accidents, incidents, avoided accidents and other dangerous situations, and taking necessary precautions;
- 9) plans for acting, warning and informing in emergency situations, previously agreed with relevant state authorities;
- 10) programme for conducting periodical internal audit of the safety management system.

Procedures within the safety management system referred to in Article 7 of this Article shall be regulated by acts of the Infrastructure Manager and Railway undertaking.

Acts of the Infrastructure Manager referred to in paragraph 8 of this Article, relating to the procedures which must be implemented by the railway undertakings, must be available to all railway undertakings which conduct operations on certain infrastructure.

More detailed contents of the safety management system shall be prescribed by the Ministry.

Supervision of the safety management systems

Article 41

The Administrative body shall supervise the safety management systems of the railway undertakings and infrastructure managers, after granting safety certificates for infrastructure management or safety authorisations for transport operations.

The supervision shall also verify whether the infrastructure manager and the railway

undertaking implement their safety management systems and, where necessary, order the implementation of adequate measures.

Direct supervision of the system referred to in paragraph 1 of this Article shall be performed by the authorised person of the Administrative body.

VI. SAFETY CERTIFICATE FOR TRANSPORT OPERATIONS AND RAILWAY INFRASTRUCTURE MANAGEMENT

Safety certificate on transport operations

Article 42

Public transport of passengers and freight shall be performed by railway undertaking that meets conditions specified by the law regulating the railway and holds a safety certificate on transport operations.

Safety certificate on transport operations shall be granted by the Administrative body to the railway undertaking who has:

- an established safety management system in accordance with this Law;
- vehicles that meet conditions specified by this Law; and
- the necessary number of workers that meet conditions established by this Law.

Certificate referred to in paragraph 2 of this Article shall be granted under a request of the railway undertaking, which must be accompanied by the following documents:

- traffic license;
- authorisation for placing in service of vehicle; and
- internal acts of the railway undertaking that ensure the safety of transport.

Safety certificate on transport operations shall consist of:

- 1) part A – which established the compliance with conditions concerning the establishment of the safety management system of the railway undertaking; and
- 2) part B – which verifies the fulfilment of conditions referred to in items 2 and 3 paragraph 2 of this Article, and acceptance of provisions adopted by the railway undertaking in order to meet the specific requirements laid down for the safe operations on the corresponding network.

Safety certificate on transport operations may be granted for the entire network or part of the network, for specific type and scope of transport operations.

Granting the safety certificate on transport operations

Article 43

Safety certificate on transport operations shall be granted for the period of five years and shall contain a number in accordance with the European identification number.

Certificate referred to in paragraph 1 of this Article shall be issued within four months

from the day of submitting the application.

Safety certificate for transport operations shall be also issued in one of the foreign languages (English, French or German).

Railway undertaking shall inform the Administrative body about the changes of conditions on the basis of which the safety certificate was issued not later than eight days from the day when such changes occur.

The Administrative body shall grant an additional certificate, part – B to the Railway undertaking that plans to provide additional transport services.

In the event referred to in paragraph 4 of this Article and in the event of changes of the safety regulations under which the certificate was issued, the Administrative body may revise the granted safety certificate on transport operations.

The Administrative body shall keep register of the granted safety certificates for transport operations.

The manner of issuing, form of the safety certificate on transport operations, more detailed contents of requests and documentation accompanying the request for safety certificate on transport operations, the manner of keeping register referred to in paragraph 7 of this Article shall be prescribed by the Ministry.

Recognition of a foreign certificate and additional certificate

Article 44

Safety certificate on transport operations Part A granted to the railway undertaking in the foreign country shall be recognized in Montenegro.

Railway undertaking referred to in paragraph 1 of this Article that intends to provide railway transport services in Montenegro, must submit a request for obtaining Part B of safety certificate on transport operation to the Administrative body.

Revocation of the safety certificate on transport operations

Article 45

Safety certificate on transport operations shall be revoked from the railway undertaking if:

- he fails to continue to meet the conditions on the grounds of which he was granted the safety certificate on transport operations;
- he has not been performing the activity for which he was granted the safety certificate for one year;
- stops performing the transport operations;
- performs transport operations contrary to the granted certificate.

In the event that Administrative body revokes the recognized safety certificate on transport safety, it shall notify thereof the authority that granted such certificate.

Safety certificate for railway infrastructure management

Article 46

Railway infrastructure management shall be performed by the Infrastructure Manager that meets the conditions established by the law regulating the railways and holds a safety certificate on railway infrastructure management.

Safety certificate on railway infrastructure management shall be granted by the Administrative body to the infrastructure manager who has:

- an established safety management system in accordance with this Law;
- maintenance vehicle that meet the conditions established by this Law; and
- the required number of railway workers for infrastructure management that meet the conditions laid down by this Law.

Certificate referred to in paragraph 1 of this Article shall be granted upon the request of the infrastructure manager, which must be accompanied with the following documentation:

- license for infrastructure management;
- authorisation for placing in service of maintenance vehicles; and
- internal acts of the infrastructure manager that ensure the safe maintenance and operation of infrastructure.

Safety certificate on infrastructure management shall be comprised of:

- 1) Part A – which verifies the fulfilment of conditions related to the establishment of the safety management system of the infrastructure manager; and
- 2) Part B – which verifies the fulfilment of conditions referred to in items 2 and 3 paragraph 2 of this Article.

Safety certificate on railway infrastructure management shall be granted for the whole network or for the parts of network.

Safety certificate on industry and port railway infrastructure management

Article 47

Safety certificate on industry and port railway infrastructure management shall be granted to the industry railway manager or port railway manager that meets the conditions referred to in Article 46 of this Law.

Granting safety certificate on railway infrastructure management

Article 48

Safety certificate on railway infrastructure management and safety certificate on industry and port railway infrastructure management shall be granted for a period of five years and shall contain a number in accordance with the European identification number.

Certificates referred to in paragraph 1 of this Article shall be granted within four months

from the date of submitted request.

Infrastructure manager, owner or holder of the industry railway and port railway manager shall notify the Administrative body about any changes of conditions on the grounds of which they were granted the relevant safety certificate on railway infrastructure management not later than eight days from the occurrence of such changes.

In the event referred to in paragraph 3 of this Article and in case of amendments to safety regulations on the grounds of which the certificate was granted, the Administrative body may revise the granted safety certificate on railway infrastructure management.

The Administrative body shall maintain register on granted safety certificates on railway infrastructure management.

The procedure for granting and the form of safety certificate for railway safety management and safety certificate for industry and port railway infrastructure, more detailed contents of request and documentation accompanying the request for granting such certificates, the manner of keeping registers referred to in paragraph 5 of this Article shall be prescribed by the Ministry.

Revocation of the safety certificate on railway infrastructure management

Article 49

The Administrative body shall revoke the safety certificate on railway infrastructure management and the safety certificate on industrial and port rail infrastructure management, if the infrastructure managers fail to meet the conditions referred to in Articles 46 and 47 of this Law.

VII. SUBSYSTEMS

1. Infrastructure area

Technical conditions for infrastructure

Article 50

Infrastructure is composed of superstructure (tracks, switches and other complex track structures), substructures (earth body, bridges, culverts, tunnels, platforms, zones of access, etc.) and rail lines.

The infrastructure referred to in paragraph 1 of this Article must comply with the following technical conditions:

- 1) the track gauge shall be 1 435 mm, and must not be less than 1 430 mm nor greater than 1 465 mm, including the widening of the curved track;
- 2) curve radius on the plain line shall be not less than 300 m, and on the main through track in the station not less than 500 m, the outer track, depending on the size of the curve radius and permitted speed, must be higher but not more than 150 mm;

- 3) vertical alignment on plain line shall be not more than 25‰;
- 4) vertical alignment in the station shall be not more than :
 - 1‰ in direction,
 - 2.5‰ in curve, subject to the curve radius;
- 5) Distance between the tracks in the station must be such as to provide sufficient space between structure gauges of such tracks for the safe movement of passengers and other persons, and for fitting instalments, devices, signal posts, electric overhead lines, lighting, etc.;
- 6) Distance between the tracks in the station shall be not less than 4,75 m, and the distance between the tracks between which platforms of 0,55 m are placed, calculating from the top edge of rail line and the distance after each group of six tracks, because of poles, signals etc. shall be at least 6 m;
- 7) The distance between tracks on plain line at two-track and parallel lines shall be at least 4 m;
- 8) Permitted load on main lines shall be at least 22.5 t per axle and 8.0 t per linear meter, and at industrial lines 18.0 t per axle and 6.4 t per linear meter;
- 9) With regard to the structure gauge for plain line, bridges, tunnels and stations, depending on whether the lines is electrified or not.

Superstructure and substructure of the rail lines must be maintain in the manner as to ensure the safe and regular railway transport.

More detailed technical conditions which must be met by the infrastructure area of subsystems and the manner of maintenance shall be prescribed by the Ministry.

Classification of rail lines

Article 51

According to their use, commercial significance, significance in the international or national rail transport, manner of infrastructure management and operation, as well as the planning of their development, the rail lines are classified as follows:

- 1) Rail lines of international significance, and
- 2) Rail lines of regional significance.

The rail line referred to in paragraph 1 of this Article, their categorisation, classification and marks shall be established by the Government of Montenegro (hereinafter referred to as: the Government).

Construction works in the railway area

Article 52

Within the railway area only railway structures and installations shall be constructed in the railway area.

Notwithstanding the provisions of paragraph 1 of this Article, the construction of structures and installations of other companies intended for loading and unloading of freight in railway transport may be also constructed in the railway area under the consent of the Administrative body granted on the basis of previously obtained opinion from the Infrastructure Manager.

Installations

Article 53

Pipelines, electric power lines and telecommunications lines, underground cables and other similar installations and devices of public interest may be installed within the railway area, and may intersect with the rail lines, or run parallel to the rail line within and outside the railway area, provided that the installation, placing or operation thereof do not impair the safety of railway transport and do not interfere the performance and development of railway transport.

The fitting of installations and devices referred to in paragraph 1 of this Article within the railway area shall be performed only under the approval of the Administration body, which shall be granted following the previously obtained opinion from the infrastructure manager.

Zone for passengers, access to trains and stations

Article 54

At train stations and train stops with the average daily traffic of at least 70 trains and 500 handled passengers, the accesses to trains must be constructed in such a way that passengers do not cross the tracks (denivelized crossing, front platforms, etc.).

Spaces, road lines and premises intended for the acceptance, holding and dispatching of passengers, luggage and shipments in the railway transport shall be constructed in such a way as to guarantee the safety of passengers and other persons and road vehicles.

At the train stations and train stops, the accesses to trains for the transport of passengers shall be built in such a way as to enable easy access to passengers with reduced mobility.

Train stations and train stops must have platforms connected to the crossings under the rail line or above the rail line or access paths in the rail line level.

The conditions which must be fulfilled by the premises, equipment and devices in railway stations on the line shall be prescribed by the Ministry.

Switching of rail lines

Article 55

Rail line, industry rail lines, industry track and port railway shall by rule switch or cross with another rail line only in the railway station.

If the rail line, industry rail line, industry track or port railway switch on the plain line, the switch point must have a protective track and must be secured by distant protective signals.

The signals must be dependent on the position of the rail switch, which shall be controlled from the neighbouring station on the rail line.

If the signals do not comply with paragraph 3 of this Article, the switch point must be manned during traffic operations on that line, and the maximum speed of trains on such switch point shall not exceed 50 km/h.

Records

Article 56

The Administrative body and Infrastructure Manager shall maintain records of the rail lines and installations, facilities and devices on the rail lines.

More detailed contents and manner of maintaining records referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Safety measures during the performance of works on the rail line

Article 57

Before the commencement of works in the rail line, as well as during the maintenance of rail lines, measures for the safe transport operations and the safety of workers who perform such duties must be undertaken.

Before the commencement of such works, the Infrastructure manager and contractor for maintenance works on the rail line shall secure the site on which such works are to be performed.

After the completion of works, the persons referred to in paragraph 2 of this Article shall remove remains of the materials, tools, signals and signal marks and other objects which were placed during the performance of such works.

The measures referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

2. Energy area

Technical conditions for electrical-energy structures

Article 58

Fixed installations of electrical traction and power electrical-energy installations intended for the electrical power supply of the rail system comprise the energy area of the subsystem.

Electrification of rail lines shall be performed by the implementation of single-phase

system 25 kV 50 Hz.

The control procedure for fixed installations of electrical traction, operating documents, the operation of fixed installations of electrical traction, performance of transport operations and traction operations, works on the rail line, signalling-safety and telecommunication installations, protective measures, assets and tools, procedures in pre-winter period in the event of emergency situations, manner of maintenance and measuring of geometric characteristics of overhead lines, analyses of measured parameters and regulation of network based on the measurements shall be all prescribed by the Ministry.

Safety measures on the electrified rail lines

Article 59

When there is a danger from injury from a high voltage contact on electrified rail lines, the Infrastructure manager shall establish the sources of such danger, bans, special safety measures for work at the overhead lines, rail lines and railway installations, signalling safety, telecommunication and power electrical-energy installations when the overhead lines are under voltage.

At safety-signalling and telecommunication installations and devices or other electrical devices or parts of such installations or devices, which are located in the near vicinity of the overhead lines, the adequate safety measures against the harmful electrical impact on certain devices or parts thereof must be implemented.

Safety measures against the electrical power on electrified rail lines, manner of maintenance and deadlines, electric traction fixed installations management, work of electric-energy dispatchers in distance management centres, manner of use and maintenance of substations and electric-traction substations shall be prescribed by the Ministry.

VIII. CONTROL-COMMAND AND SIGNALLING SYSTEM

Technical Requirements for Signalling System and Safety Devices

Article 60

Stations from which control-command and operation of the rail transport is performed (railway stations, crossing and rail line switch) at the rail line, depending on the maximum speed of the train, must be equipped with signalling system and safety devices and installations, as follows:

- 1) for train speed on the rail lines through the switch area between 50 and 100 km/h by input and distant signals:
 - input signals must be in technical interdependence and dependent on the position of switches during the operation, so that they signal whether further operation is allowed by regular or limited speed;
- 2) for train speed from 100 to 160 km/h by input signals and distant signals and output signals:
 - Input signals, distant signal and output signals that are in technical interdependence from operation so that they can be set in the position that

allows further operation only on previously secured rail line and if the rail line is open in the direction of the train to the next input or physical signal;

- output signals of the neighbouring station on one-track rail line must be in mutual technical interdependence in order to be placed in a position which allows one-direction operation only;

- 3) for train speed from 100 to 160 km/h at input and output signals at the railway stations, of the spatial and safety signals – by rail line automatic stop devices.

If a rail line that does not have installed automatic stop devices connects to the line with installed automatic stop devices, the input signals and distant signals of connecting lines at the train station or in another station of connection (crossing or rail line switch) must be equipped with rail line automatic stop devices or protective switch during operation.

Signalling safety subsystem shall be maintained in such a condition that provides safe and regular railway traffic.

The Ministry shall define the manner and time schedule of maintenance of signalling safety subsystems and measures for the safe transport operation and safety of workers who perform maintenance of the signalling subsystem.

The Ministry shall regulate the detailed technical conditions for the relay station of signalling safety devices, securing traffic on level crossings, safety signalling and telecommunication equipment and its installation, automatic stop devices and their installation, investigation and maintenance of transport operation of tractive vehicles that are not equipped with automatic stop devices on rail lines equipped with automatic stop devices.

Signals, Signal Markings and Markings on the Rail Line

Article 61

Railway lines are equipped by specified signals, signal markings that warn railway workers and other individuals of the danger, inform them on orders, restrictions, prohibitions and warnings which must be followed and provide the necessary information for the safe operation of the railway transport and their personal safety.

Railway workers and other individuals, to whom the signal markings refer, must observe orders, restrictions, prohibitions and warnings given by means of the signal markings.

Signals, signal markings and markings on the rail line must be provided, installed and maintained so that the railway workers and other individuals to whom they refer may timely and easily notice them during the day and at night in reduced visibility.

If the meaning of the signal marking is unclear, railway workers and other individuals to whom the signal marking refers, shall act as if that signal marking has the meaning that provides a higher level of safety in the railway transport.

Signals and signal markings shall indicate dangers of a temporary nature, particularly those that occur due to an accidental damage of the rail line and temporary restrictions and prohibitions in traffic, provided that these signals and signal markings shall be removed as soon as the reasons for which they were set terminate.

Types of signals, signal markings and markings on the line, their meaning, form, colour, minimum visibility distance, place of their installation, i.e. setup, their use and handling

by railway workers in connection with the indication of markings shall be defined by the Ministry.

Technical Conditions for Telecommunication Network

Article 62

Railway telecommunications network is a collection of telecommunication systems and devices connected into technological unit in terms of the effectiveness and use.

Railway lines on which the train speed is from 100 to 160 km/h must be equipped with rail systems where a radio link shall be established between the tractive vehicle personnel and personnel of the dispatch centre.

Railway telecommunications network must be maintained in such a condition that ensures the safe operation of railway transport and regular performance of carriage by rail.

The Ministry shall define the method and time schedule of maintenance of the railway telecommunication networks and measures for safe transport operation and safety of workers who perform maintenance of telecommunications networks.

The Ministry shall establish the technical requirements related to the functioning, use and establishing connections referred to in paragraphs 1 and 2 of this Article.

IX. TRAFFIC CONTROL AND MANAGEMENT

Station rules of conduct

Article 63

The technical equipment of the station, manner of railway workers service performance, obligations of the railway infrastructure manager and the railway undertakings, their mutual cooperation in performing traffic operations, as well as the activities that precede the train composition, or follow train disassembly and performance of other tasks in order to preserve the safety and regularity of the railway transport in the railway station area shall be established by the station rules of conduct of the infrastructure manager.

Railway undertakings shall be obliged to provide to the infrastructure manager the data relating to the tasks of railway workers of such undertakings, as well as buildings, premises and spaces in the station used in the performance of their tasks.

Timetable

Article 64

Traffic of passenger and freight trains shall be carried out according to the previously established timetable.

The infrastructure manager shall define timetables in the public transport of passengers and freight, and its period of validity in advance.

The timetable referred to in paragraph 2 of this Article, shall comply with the timetable in the international railway traffic.

The Infrastructure manager shall be obliged to ensure the conditions for trains operations, according to the established timetable and to take measures for its safe, regular and continuous implementation.

Timetables relating to scheduled passenger transport shall be published in the printed media at least 15 days prior to its entry into force.

Railway undertaking must comply with the established and published timetable and take measures for its implementation.

The Ministry shall define the method of preparation, content and the procedure for publishing the timetable.

Observance of the Timetable

Article 65

Timetable of trains used in public transport of passengers may not be terminated before the expiry of its validity period.

Notwithstanding the paragraph 1 of this Article, the Ministry may approve the cancellation of the timetable for trains used in public transport of passengers during its validity, as well, in case there are changes for which the timetable no longer meets the needs of transport users or in case of circumstances due to which the trains at a particular rail line may not operate longer than 30 days.

Intermittence of particular trains in the period shorter than 30 days due to the force major or extraordinary events, or removal of the consequences thereof, the necessary maintenance of the railway on which the safety of railway transport is depending, shall not be considered as cancelation of the timetable.

Organizing the bus transport instead of transport by train under the same conditions and according to the same timetable shall not be considered as cancelation of the timetable.

Train Composition

Article 66

The composition of the train and the arrangement of vehicles must ensure effective braking and safe movement of train.

Vehicles, that meet requirements defined by the technical vehicle regulations and this Law, may be included in the trainset.

When composing a train and arranging the vehicles in the train, the railway undertaking shall also apply the regulations on the transport of dangerous goods.

Train must be seated during its operation by providing certain number of railway workers who meet the requirements defined by this law, according to the type, length of train,

type of tractive vehicles and technical equipment of the railway line and the tractive vehicle.

The Ministry shall define the method of performance and providing of the technical vehicle inspection of trains and vehicles in domestic and international transport.

Train Speed

Article 67

The train shall operate on the rail line at speed that meets the technical characteristics of the rail line, installations and equipment, vehicles included in the trainset and braking weight of the train.

Speed of the train must be adjusted to the specified speed limits on particular railway lines or on the part of the railway line and the maximum speed of the train must not be exceeded.

Traffic rules

Article 68

The Ministry shall prescribe: the technical equipment of the rail line which is significant for the traffic control, types of stations and their role in the traffic control, elements of the rules of conduct of the railway station, duties and procedures of the railway workers in traffic control, organization of the train movement, marking of the railway vehicles, types and markings of trains, composition of trains, train equipment and supporting documents, shunting, notification of the on-board staff, seating of trains subject to the technical equipment of the rail line and tractive vehicle, train speed, traffic control subject to the technical equipment of the rail line, reception, dispatch and movement of trains and railway vehicles (rolling stock), procedures in case of obstacles and failure of safety signalling and telecommunication devices in degraded situations, measures for transport operation during winter season and other activities for the safe transport operation.

Train Equipment and Lighting

Article 69

The train must be equipped with chemical fire extinguisher devices and first aid kit, located in the easily accessible places.

The passenger train must be alight inside at night and in tunnels where the ride takes longer than one minute during the day.

The Ministry shall define more detailed conditions and method of installation and the use of devices referred to in paragraph 1 of this Article.

Train records

Article 70

Railway undertakings shall keep records for every train about the on-board staff, composition, braking and train movement, and the events that affect or could affect the timetable of the train or the railway transport safety, as well.

The Infrastructure manager shall keep the records on the movement of trains on the railway infrastructure managed by him.

The Ministry shall define the method of record keeping referred to in paragraph 1 and 2 of this Article.

Special Consignments

Article 71

Empty or loaded vehicles must fulfil conditions of the rail lines on which they operate in terms of load profiles, code numbers of the lines, maximum permitted weight per axle, per linear meter and other parameters.

Vehicles that do not meet the requirements referred to in paragraph 1 of this Article shall be considered as special consignments and may be operated on lines if they meet specific requirements that ensure safe railway transport operations according to the authorisation of the infrastructure manager.

The authorisation referred to in paragraph 2 of this Article shall be granted no later than 15 days from the day of application.

A fee shall be paid for the authorisation referred to in paragraph 2 of this Article. Such fee shall be the income of the infrastructure manager.

The amount of fee referred to in paragraph 4 of this Article shall be determined by the infrastructure manager with the consent of the Administrative body.

The Ministry shall define special conditions referred to in paragraph 2 of this Article.

X. RAILWAY VEHICLES

Technical Conditions for Railway vehicles

Article 72

The railway vehicles operating on rail lines equipped with automatic block line, inter-station dependency installation or telecommand, and on rail lines which are partly equipped with insulated sections must have weight of 3.5 tons per axle or more, and the electrical resistance of all axle assemblies, measured from rim to rim of the empty vehicle, must not

exceed 0.01Ω for the newly constructed and renewed rim, and after the periodic repair of the rim (without replacing it) not more than 0.1Ω .

The threshold values of the axle assembly resistance are measured on the axis of maximum supply voltage of 0.8 to 2 V and the strength of 4-5 A, as well as for the assembly with mono-block wheels.

The railway vehicles operating on rail lines with automatic block and on lines with intermittent occupancy control (axle counters) must have wheels of electro-conductive material with minimum dimensions:

- 1) outer wheel diameter 350 mm;
- 2) wheel rim height 30 mm;
- 3) point of crown width of 20 mm.

Rail Vehicles braking equipment

Article 73

Railway vehicles must be equipped with automatic braking devices.

The locomotives, passenger cars, motor trains and motor cars must be equipped with devices for fast braking in case of an emergency.

The devices for fast braking in the emergency, installed in passenger and motor cars and motor trains must be easily accessible to passengers.

Tractive vehicles and passenger vehicles must be equipped with manual or emergency brakes.

All wagons intended for the carriage of freight that require special precautions, or whose special equipment for accommodation of freight must be handled with care, shall be equipped with an emergency or parking brake.

The Ministry shall define the types of brakes on vehicles, their parts and markings of unit brakes, the method of braking of trains and vehicles, the train composition according to the type of train brakes, the method of brake control, brake force calculation and securing the train from self-motion.

Devices Installed on Vehicles

Article 74

Devices that are installed on vehicles must meet conditions of the technical documentation for the approved type of the vehicle.

Devices and equipment of tractive vehicles

Article 75

Tractive vehicles must be equipped with the following devices and equipment:

- 1) locomotive:
 - a) steering device;
 - b) braking device;
 - c) train-buffer stops devices;
 - d) alert control device;
 - e) automatic stop device, on rail lines equipped with it, except in case:
 - of the train operating from the rail line without installed automatic stop device to the rail line with installed automatic stop device and vice versa;
 - of the train operating on the bypass line;
 - continuous movement of the train until the first possible replacement of the locomotive in case of automatic stop device failure during the operation;
 - delivery of the locomotive to depot, i.e. workshop and similar;
 - f) speedometer (tachograph);
 - g) device for lighting and giving light signals;
 - h) device for audible signals;
 - i) device for radio communication with the dispatch centre when operating on the rail lines equipped with radio dispatch terminals;
 - j) windscreen cleaning device;
 - k) exterior rear-view mirrors or and side movable window for detecting the end of the train;
 - l) initial fire fighting device;
 - m) first aid kit.
- 2) motor train and railcars, in addition to devices and equipment referred to in item 1 of this paragraph, must also include:
 - a) device for electric lighting of the passenger compartment;
 - b) sanitary and hygienic devices;
 - c) device for crossing from one vehicle to another;
 - d) device for heating the passenger compartment.

Special purposes tractive vehicle does not have to have devices and equipment referred to in paragraph 1 item 1 sub-items e) and i) of this Article.

Special purpose tractive vehicle used only for towing or delivery of hauled vehicles to or from industry tracks, also including the movement through the station in which the industry track connects, does not have to be furnished with devices and equipment referred to in paragraph 1 item 1 sub items d), e) and i) of this Article.

Special purpose tractive vehicle used only at industrial track does not have to be furnished with devices and equipment referred to in paragraph 1 item 1 sub item 1 d), e), i) and f) of this Article.

The Ministry shall prescribe the work manner of tractive vehicle on-board staff, operation of motor vehicles, obligations and responsibility of tractive vehicle on-board staff, handling

procedure, tractive vehicles servicing, procedure in case of failure on tractive vehicles, composition of motor trains, coupling procedure of the motor trainset, lighting and heating, signalization, door handling, sound system, shunting, motor trains traffic and procedures in case of the motor train failure.

The Ministry shall specify the method of inductive automatic stop devices handling and the use thereof, technical characteristics of the speedometer (tachograph) according to the type, category and type of vehicles in which they are installed, the maintenance procedure and speedometer data recording.

Passenger vehicle devices and equipment

Article 76

Passenger vehicles must be equipped with the following devices and equipment:

- 1) lighting device;
- 2) heating devices;
- 3) sanitary hygienic devices;
- 4) devices for crossing from one vehicle to another;
- 5) initial fire fighting device.

Person in Charge of Maintenance

Article 77

Each vehicle, prior to its first use or operation must have a designated person in charge of maintenance in accordance with the COTIF, who will be entered in the register of vehicles.

The person in charge of maintenance may be a railway undertaking, infrastructure manager, owner of the vehicle or other company authorised by the Administrative body as the person in charge of maintenance.

The person in charge of maintenance shall keep separate records for each vehicle for which he is in charge.

Independently from the responsibility of the infrastructure manager and railway undertaking for the safety of the railway system, the person in charge of maintenance must provide, through the maintenance system, that the vehicles, for the maintenance of which he is in charge, is in the safe operation condition.

The person in charge of maintenance may perform maintenance independently or may contract such services with the workshops for vehicles maintenance.

The person in charge of maintenance shall be responsible that the vehicle and its parts (devices, appliances, etc.) are maintained in accordance with:

- manufacturer's manuals;
- vehicle's owner manuals; and
- the specified maintenance requirements.

The Ministry shall prescribe the certification requirements to be fulfilled by the person responsible for maintenance, the content and method of keeping records about vehicle maintenance, method and schedule of maintenance of vehicles and their parts important for the

safe operation of railway transport and the technical characteristics of oils and coolants used in vehicles.

Maintenance Workshops

Article 78

The workshops for vehicle maintenance referred to in Article 77 paragraph 5 of this Law may be certified for vehicle maintenance by the Administrative body.

The workshop for vehicle maintenance referred to in paragraph 1 of this Article must fulfil conditions in terms of equipment, staff and space.

The Ministry shall specify the more detailed conditions referred to in paragraph 2 of this Article.

XI. RAILWAY WORKERS

Conditions

Article 79

Railway workers are persons who are directly involved in the operation of railway traffic, i.e. who perform the tasks to ensure the continuous and safe movement of trains and railway vehicles, and must have the appropriate level of education and be professionally qualified for the tasks they perform and must meet specific health and other conditions in accordance with this Law.

The tasks and appropriate level of education of the railway workers referred to in paragraph 1 of this Article shall be defined by the regulation of the Ministry.

Professional qualification and development

Article 80

The railway worker must have the appropriate level of education and must be professionally qualified, which is evidenced by the certificate on passed professional exam.

Professional qualification shall include acquiring of knowledge and skills by applying theoretical knowledge in practice in normal, degraded and emergency situations.

The professional exam referred to in paragraph 1 of this Article shall be conducted by the Commission for professional exam (hereinafter referred to as: the Commission), established by the infrastructure manager or railway undertaking.

A member of the Commission referred to in paragraph 3 of this Article must be a person who is familiar with the infrastructure and transport according to the type of activities that are carried out by the railway worker.

Within the safety management system, the infrastructure manager and railway undertaking must ensure the qualification programme for railway workers and the implementation of the professional exams, which provide their permanent qualification and performance of activities in the professional manner.

The professional qualification programme of the railway workers, method of carrying out the professional exam and conditions referred to in paragraph 5 of this Article shall be defined by the regulation of the Ministry, with the consent of the state administrative body in charge of education.

Professional qualification verification

Article 81

Regular verification of the railway workers' professional qualification must be carried out every two years and shall include the verification of knowledge of railway safety regulations.

The extraordinary professional qualification checks shall be performed:

- 1) for railway workers who did not perform activities for which they are professionally qualified for more than six months;
- 2) if there are any amendments to the regulation on professional qualification of the railway workers;
- 3) if a railway worker violates regulations during his activities, which could result in an accident, incident, i.e. threat to the safety of transport;
- 4) if the new types of devices or vehicles are introduced.

The professional qualification verifications referred to in paragraph 1 and 2 of this Article shall be carried out by the Commission referred to in Article 80 of this Law.

The infrastructure manager, i.e. railway worker must not allow the performance of particular tasks to the railway worker who did not demonstrate the appropriate level of knowledge for the performance of such tasks during the assessment of knowledge or who was not subject to verification referred to in paragraph 1 and 2 of this Article.

Professional qualification of train drivers

Article 82

The train driver must have at least the fourth level of the national framework for qualification and certificate on professional exam.

In addition to the requirements referred to in paragraph 1 of this Article, the train driver must have the certificate on professional qualification in accordance with the special law.

Professional qualification for acquiring the certificate referred to in paragraph 2 shall be carried out by the organization for adult education in accordance with special regulation.

The organization for adult education may be the infrastructure manager, railway undertaking or other legal entity or natural person who meets the requirements in terms of staff, equipment and space.

More detailed requirements referred to in paragraph 4 of this Article shall be established by the Ministry, with the consent of the state administrative body in charge of education.

Requirements for acquiring rights to operate the tractive vehicle

Article 83

A person who holds a licence to operate the tractive vehicle (hereinafter referred to as: the Licence) and one or more certificates shall acquire the right to operate a tractive vehicle.

Licence to operate tractive vehicle

Article 84

The Administrative body shall grant the licence by decision according to the submitted request.

The Licence shall be issued to a person who meets the following conditions:

- 1) that he/she is mentally and physically competent to operate the tractive vehicle;
- 2) that he/she is older than 18; and
- 3) that he/she fulfils requirements referred to in paragraphs 1 and 2 of Article 82 of this Law.

Notwithstanding the provision of paragraph 2 of this Article, the right to operate tractive vehicle of high-speed train, higher-scale train for the transport of passengers and freight train in the international transport may be granted to a person of 21 years of age.

The Administrative body shall decide about the request referred to in paragraph 1 of this Article within the period of 30 days from the day of the request submission.

The Licence shall be granted for the period of 10 years.

The Administrative body shall keep records on granted licences referred to in paragraph 1 of this Article.

The Administrative body shall publish the data from records on granted licences on its web site.

Upon the expiry of the deadline referred to in paragraph 4 of this Article, the new licence shall be granted according to the request of applicant.

Licences issued by the competent bodies of other states shall be recognized in Montenegro in accordance with the ratified international agreements.

The Licence must be held on-board during the operation of the tractive vehicle.

The licence holder shall be obliged to produce the licence at request of the authorized person of the Administrative body, person in charge for internal supervision of the railway undertaking, the investigator-in-charge and the inspector for railway transport.

The Ministry shall stipulate the method of licensing, the form of licence and request for licensing and documentation enclosed to the request.

Revocation of the licence

Article 85

The Administrative body shall temporarily revoke the licence if the licence holder temporarily fails to meet the specified medical conditions.

The Administrative body shall revoke the licence if the licence holder no longer fulfils the conditions according to which the licence was granted to him.

The Licence shall be revoked if, during the medical examination, it is determined that the licence holder permanently fails to meet the specified medical conditions.

The Railway undertaking shall be obliged to submit the report on medical examination of the railway workers to the Administrative body within three days from the day of performed medical examination.

Certificate

Article 86

The certificate referred to in Article 83 of this Law shall be issued by the infrastructure manager, railway undertaking, industry or port railway (hereinafter referred to as: the Employer) to the person who:

- 1) holds the licence;
- 2) has passed the professional exam to operate the particular type of tractive vehicle and has the knowledge about the railway infrastructure for which the certificate is required; and
- 3) in case of performing activities on the railway infrastructure of the other state, have the knowledge of language as designated by the infrastructure manager of that state.

The certificate shall authorize the person referred to in paragraph 1 of this Article to operate special type of tractive vehicles on particular infrastructures in one or more following categories:

- 1) Category A: shunting locomotive, tractive vehicles of working trains, special purpose tractive vehicles for the line maintenance and all other types of tractive vehicles when used for shunting;
- 2) Category B: tractive vehicles for the transport of passengers and/or freight.

The person referred to in paragraph 1 of this Article shall not be certified for the particular part of the railway infrastructure in the following cases:

- 1) when obstacles in the railway transport operation or the performance of rail line maintenance works require the shunting of trains;
- 2) if there is a need for the urgent transport of freight;
- 3) if there is a need of delivery or presentation of the new train or tractive vehicle; and
- 4) professional qualification or passing the professional exam for the operation of tractive vehicle.

In cases referred to in paragraph 3 of this Article, the train driver must be in the driving cabin of the tractive vehicle authorised for the particular part of the railway infrastructure, and the Infrastructure Manager shall be informed in advance thereof.

Within the safety management system, the Employer shall establish the procedure for granting and updating of certificates, as well as the right to submit the complaint to the decision referring to granting, updating, temporary revocation or permanent revocation of the certificate.

A complaint against the Employer's decision, which refuses the request for granting or updating of the certificate, shall be submitted to the Administrative body within 30 days from the day on which such decision was received.

If the Employer fails to make a decision about the request for granting or updating of the certificate within 30 days from the day of receipt of such request and related documentation, it shall be considered that the request has been refused.

In case referred to in paragraph 7 of this Article, a complaint may be filed to the Administrative body within 30 days from the day of expiry of deadline for decision making.

The decision of the Administrative body about the complaints referred to in paragraph 6 and 7 of this Article shall be final.

The original certificate belongs to the Employer, who shall issue a certified copy at the request of the certificate holder.

The Employer shall update the certificate when the holder of such certificate has been professionally qualified to operate other types of tractive vehicles, or for the other railway infrastructure.

During the operation of tractive vehicle, the person referred to in paragraph 1 of this Article must have a certificate and shall be obliged to produce it at the request of the authorized person of Administrative body, person in charge of internal supervision at railway undertaking, investigator-in-charge and inspector for railway transport.

The certificate shall be valid only on those railway infrastructures and for the rolling stock entered in the certificate.

The Ministry shall determine the form and content of the certificate.

Revocation of the certificate

Article 87

The certificate shall be temporarily revoked if the certificate holder temporarily fails to meet the medical conditions or if he fails to demonstrate the necessary knowledge during the verification procedure referred to in Article 81 of this Law.

The certificate shall be revoked if the medical examination shows that the certificate holder permanently fails to meet the specified medical conditions and if the certificate holder fails to demonstrate the necessary knowledge during repeated checks of knowledge referred to in paragraph 1 of this Article.

Employer shall promptly inform the Administrative body about the temporary and permanently revoked certificates within 3 days from the day of certificate revocation.

If during the supervision procedure, the Administrative body determines that the

certificate holder fails to meet the specified requirements, the Administrative body shall request the additional check of professional qualification of the certificate holder to the employer or temporarily revoke the certificate.

The Employer shall inform the Administrative body about the undertaken measures referred to in paragraph 4 of this Article, within 10 days from the day of ordering such measures.

If the Employer fails to act in accordance with paragraph 5 of this Article, the Administrative body shall prohibit the certificate holder to operate.

Registers and exchange of information

Article 88

The Administrative body shall keep register about granted licences.

The register referred to in paragraph 1 of this Article shall also include data about periodical medical examinations.

At the request of the Employer and the competent authorities of other states, the Administrative body shall provide information about the licence status in cases when the train driver performs activities on the infrastructure of other states.

The Employer shall keep register about granted certificates that contains data about the periodical checks of medical fitness and the professional qualification of train drivers.

The Employer shall:

- submit data from the register about the granted certificates at the request of the Administrative body and other competent state authorities;
- submit data about granted certificates at the request of the competent bodies of other states during provision of services in the international transport;
- check whether the licences of the train drivers are valid;

The train drivers shall have the right to access data from the register referred to in paragraphs 1 and 4 of this Article.

The Ministry shall define the method and content of the register referred to in paragraphs 1 and 4 of this Article.

Cessation of Employment

Article 89

The certificate shall become invalid when its holder terminates the employment with the employer.

In case of employment cessation, the Employer shall issue a certified copy of the certificate and return to the train driver all documents referred to in paragraph 2 of Article 84 of this Law.

When establishing the new employment relation, the Employer shall take into account all documents referred to in paragraph 2 of this Article.

Medical fitness

Article 90

Railway worker must comply with the specified health requirements and must be mentally and physically capable to perform activities in the railway transport (hereinafter referred to as: medical fitness)

The health requirements referred to in paragraph 1 of this Article, the method of their establishment and time of their checks shall be defined by the state administrative body in charge of health.

Types of medical examinations

Article 91

The person being educated or trained to carry out the duties of railway worker shall perform medical examination before entering into employment relation.

The railway worker shall perform medical examination, prior to being reassigned to other duties or before being sent to education or professional qualification.

The medical fitness of the railway worker shall be checked at regular and additional medical examination.

The medical examination shall determine if the person referred to in paragraph 1 of this Article, i.e. the railway worker referred to in paragraphs 2 and 3 of this Article, is fit to perform duties of the railway worker.

The certificate on medical fitness shall be issued about the determined medical fitness of the railway worker.

Health Care Institutions

Article 92

The health institutions that meet requirements in accordance with the Law shall perform medical examinations of persons referred to in Article 91 of this Law.

Regular medical examination

Article 93

Medical fitness of the railway workers shall be examined by the implementation of particular health care related to work in accordance with the law that regulates the health care.

The Infrastructure Manager or the railway undertaking shall instruct the railway worker to have a medical examination before the expiry of the deadline set for such examination.

Additional medical examination

Article 94

An additional medical examinations shall be required when there is a reason to doubt that the railway worker no longer fulfils the medical requirements to perform his/her duties, as well as after any accident, serious injury, longer illness and in other specified cases.

The requirement for additional examination of the worker referred to in paragraph 1 of this Article shall be carried out at the request of the authorized railway worker, medical doctor, inspector for railway transport, state prosecutor, court, authority in charge of misdemeanour or at the personal request of the railway worker.

Prohibition of Work

Article 95

Railway worker who fails to meet the specified health requirements shall be considered medically unfit to perform particular duties while such unfitness exists.

The Infrastructure manager i.e. railway undertaking shall not permit the railway worker to perform duties assigned to him, if during medical examination it has been found that he is unfit for performing such duties or if he was not subject to the medical examination as instructed.

Examinations of railway workers

Article 96

The railway worker shall not begin to work or perform his duties if he is very tired or sick or in mental condition that makes him unfit to perform duties assigned to him.

If, while carrying out his duties, the railway worker feels tired, sick or otherwise unfit for further performing his duties, he shall inform thereof the responsible person of the Infrastructure manager or railway undertaking and cease any work in case he assesses that he is not able to carry out such duties in a safe manner.

The railway worker must not take any alcohol, illicit drugs or psychoactive substances while carrying out his duties and he shall not start to work if he is under the influence of alcohol or illicit drugs or psychoactive substances.

The railway worker must not be allowed to perform duties at work if, during the control of his medical fitness it has been determined that he failed to meet the specified health

requirements for performing such duties, or if it has been determined that he worked under the influence of alcohol, illicit drugs or psychoactive substances, as well as if he is prone to use alcohol, illicit drugs or psychoactive substances.

The Infrastructure manager or the railway undertaking shall promptly notify the Administrative body about all cases of unfitness of train drivers to work for more than three months.

Alcohol test

Article 97

The person authorized to perform internal supervision and inspector for railway transport may subject the railway worker to alcohol test by appropriate means and appliances or may instruct him to medical examination to verify whether there is alcohol in his blood or whether he shows any signs of alcohol use disorder, or whether he is under the influence of illicit drugs or psychoactive substances.

The railway worker shall be take the test or medical examination referred to in paragraph 1 of this Article as instructed.

Working hours and rest times of station and on-board staff

Article 98

Working hours and shift duration of on-board and station staff, total duration of tractive vehicle operation, rest and timetable of working hours in shifts shall be defined in accordance with the organization of transport, implementation of the timetable and other conditions affecting the medical fitness of the on-board and station staff.

The total working hours of on-board and station staff shall be 40 hours per week.

Notwithstanding the paragraph 2 of this Article, the total working hours of on-board and station staff may exceed 40 hours per week for a certain period of time under conditions defined by general act, or collective agreement of the infrastructure manager or the railway undertaking provided that the average working hours per year do not exceed 40 hours per week.

Shift duration for station staff

Article 99

The shift duration for station staff shall not be more than 12 hour.

Notwithstanding the paragraph 1 of this Article, the shift of station staff may be four hours longer in the event of:

- 1) force majeure;
- 2) accidents or incidents; or

- 3) the absence of staff that according to the working hours schedule should have replaced the working staff.

Daily rest for station staff

Article 100

The daily rest for station staff between two successive shifts shall be twice the number of hours operated in the previous shift, and not less than 12 hours.

On-board staff's work time

Article 101

The work time of on-board staff shall consist of:

- 1) time to prepare;
- 2) time to operate the tractive vehicle;
- 3) time to inspect or review the passengers' travel documents and time to carry out other on-board duties;
- 4) time to arrange; and
- 5) stand-by time.

Parts of on-board staff work time

Article 102

Time to prepare means the working hours in which the on-board staff checks the supply and worthiness of the railway vehicle on which they operate, measuring from the moment of reporting to duty.

Time of tractive vehicle operation means the working hours in which the train driver, or driver of motor rail vehicle spends in the driving cabin or in the steering position of the tractive vehicle during the train operation, including the time spent in the departing railway station, stop stations, other stations and the destination station, as well.

Time of inspection or review of passengers' travel documents and time for performing other tasks on train means the working hours in which the on-board staff spend in the motor train or hauled vehicle during the train operation, including also the time in departing station, stop stations, other stations and the destination railway station.

Time to arrange (arrangement time) means the working hours in which the on-board staff arranges the seated railway vehicle and finishes work in that shift.

Stand-by time means the working hours in which the on-board staff of the departure train expects the arrival train in the station for rotating the shift with the on-board staff measuring from the moment of reporting to work.

Shift duration for on-board staff

Article 103

The shift of on-board staff shall not be more than 12 hours, depending on type of train on which such staff operates.

The shift constituents for on-board staff include the following:

- 1) preparation time – not longer than one hour;
- 2) tractive vehicle operation time:
 - not more than eight hours for the operation of passenger train locomotive or the operation of motor train,
 - not more than 10 hours for the operation of freight train locomotive;
- 3) passenger travel documents inspection or review time and time for performing other on-board duties – not more than 10 hours;
- 4) arrangement time – not more than one hour;
- 5) stand-by time – not more than one hour.

Shift continuation

Article 104

Notwithstanding the Article 103 of this Law, the shift of on-board staff may last four hours longer in the following events:

- 1) force majeure;
- 2) accidents or incidents on the line; or
- 3) traffic of auxiliary train;
- 4) absence of on-board staff that according to the work time schedule should have replaced the staff on duty.

Daily rest of on-board staff

Article 105

By rule, the daily rest of on-board staff in domestic unit shall be twice the number of hours operated during work in the previous shift and not less than 12 hours.

The daily rest time of on-board staff in the rotating unit shall be not less than six hours.

If the work of on-board staff relating to the return journey in the same domestic unit may be performed in one shift, the rest time of the on-board staff in the rotating unit shall not be mandatory.

The railway undertaking shall provide premises for the rest of on-board staff in rotating units.

Prohibition of performing jobs of station and on-board staff

Article 106

The station and on-board personnel must not commence performing their jobs or continue to perform their jobs contrary to the provisions of Articles 98 to 105 of this Law.

The authorized person performing the internal supervision shall not permit the station and on-board personnel to perform jobs contrary to Articles 98 to 105 of this Law.

Act on regulation of working hours and rest times of station and on-board staff

Article 107

The Infrastructure manager and the railway undertaking shall pass the act defining working hours and rest times of the station and on-board staff referred to in Articles 98 to 106 of this Law, which designates the railway workers responsible for the supervision and control of the working hours and rest times.

Internal supervision and organization of internal supervision

Article 108

The Infrastructure manager and the railway undertaking shall organize the internal supervision and take care of the railway transport safety in accordance with this Law and acts they adopt.

Official Uniforms

Article 109

The railway workers who directly participate in the railway transport shall wear official uniforms.

The railway undertaking and the infrastructure manager shall define the official uniforms and signs on the official uniform for their own railway workers.

XII. INVESTIGATION OF EXTRAORDINARY EVENTS

Procedures in the event of extraordinary events

Article 110

Railway workers and other persons who are present at the place where an extraordinary event occurred, resulting in the injury or death of persons, shall take measures to rescue and assist the injured persons.

Railway worker shall notify the infrastructure manager and the railway undertaking immediately after becoming aware of the occurrence of extraordinary event referred to in paragraph 1 of this Article.

The Infrastructure manager or the railway undertaking shall promptly inform the nearest health care institution, police, the commission in charge of the investigation of extraordinary events, the inspector and, if necessary, the fire department about the extraordinary event referred to in paragraph 1 of this Article.

The Infrastructure manager, railway undertaking and the company performing transport operations for its own needs, shall undertake measures to rescue and assist the injured persons and to secure the place of the extraordinary event until the arrival of the authorized persons, competent authorities, depending on the type of emergency events, as soon as they become aware of the extraordinary event referred to in paragraph 1 of this Article.

First aid

Article 111

Railway workers who perform certain duties in the station on the rail line and on-board the train must be qualified to provide the first aid to persons injured in an extraordinary event.

The Infrastructure manager or the railway undertaking shall designate duties referred to in paragraph 1 of this Article by general act.

The qualification procedure for providing first aid referred to in paragraph 1 of this Article shall be defined by the state authority responsible for health care.

First aid kit

Article 112

Infrastructure manager, railway undertaking and company performing transport operations for its own needs shall be required to furnish the tractive vehicle, passenger trains and station premises on the rail line with the first aid kit.

The contents, location and the use of first aid kit shall be defined by general act of the Infrastructure manager, railway undertaking, and company performing transport operations for its own needs with the consent of the state authority in charge of health care.

Re-establishment of traffic operations

Article 113

Infrastructure manager or railway undertaking shall undertake measures to restore traffic in case the extraordinary event suspended rail traffic, as soon as possible.

Authorities carrying out the investigation of an extraordinary event shall not interrupt the railway transport operation by performing investigation tasks and shall complete the inspection as soon as possible.

Extraordinary events

Article 114

Any extraordinary events which impair the safety of railway transport operations (an incident, accident, serious accident or other accidents) must be investigated and analysed, independently of the investigation conducted by the competent state authorities.

The investigation of extraordinary events which impair the safety of railway operations, i.e. the establishment of facts and circumstances in which they occurred shall not be aimed at establishing the guilt or responsibility for the occurrence of incidents and accidents and events that impair the safety, but the future prevention thereof.

If an extraordinary event occurs within border facilities between Montenegro and another state, or in their vicinity, the investigation of the extraordinary event shall be carried out by the relevant investigation body which shall be agreed between the states.

The relevant investigation body from the other state shall be invited to participate in the investigation procedure, if the railway transport operator having seat in that country was involved in such event.

Accident investigation procedure

Article 115

The investigation with a view to establish the causes of extraordinary events and take preventive measures, prevent any extraordinary events and improve the safety of rail transport shall be carried out by the Commission for extraordinary events investigation (hereinafter referred to as: the Investigation Commission), appointed by the Government.

The Investigation Commission shall be independent in its work from all government authorities in charge of the railway transport and other legal entities and natural persons that might affect the Commission's objectivity.

The Investigation Commission shall:

- carry out the investigation of extraordinary events (incident, accident, serious accident or other accidents);
- provide safety recommendations with a view to improve safety in railway transport;
- keep data base about extraordinary events;
- deliver data base in accordance with the signed international treaties;
- cooperate with other investigation bodies;
- publish investigation findings in line with the confidentiality principle;
- propose and update the list of independent experts for the extraordinary events investigation;
- deliver the annual work report to the Government not later than 31 March of current year for the previous calendar year;

- determine the scope of investigations and the procedure for conducting investigations; and
- perform other activities of relevance for the improvement of railway transport safety.

Members of the Investigation Commission

Article 116

The Investigation Commission shall be composed of not more than three permanent members.

The Investigation Commission shall be represented and its work managed by the Investigator-in-charge.

Temporary members, engaged from the list of experts referred to in item 7 paragraph 3 of Article 115 of this Law shall also participate in the work of the Investigation Commission, when necessary.

The Investigator-in-charge referred to in paragraph 2 of this Article may organize an expert team for incident and accident investigation from the list of independent experts for the investigation of a particular extraordinary event.

The Investigation Commission shall deliver the report on investigation findings to the Government not later than five days from the date of making the report.

Investigation Commission members shall be entitled to the compensation for their work.

Resources for the work of Investigation Commission shall be provided from the Budget of Montenegro.

Requirements that the Investigator-in-charge must meet, organization, manner of work, training of independent experts, manner of notification and other issues of relevance for the work of Investigation Commission and the amount of compensation referred to in paragraph 6 of this Article shall be established by the Government.

Data bases

Article 117

The Investigation Commission shall collect, analyse and store data, reports on endangered safety of railway transport, extraordinary events and maintain separate data bases on such events.

The manner of collecting data, analysis and preparing reports, as well as the manner of keeping data bases referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Rights of the Investigation Commission

Article 118

The Investigation Commission shall be entitled to:

- 1) free access to the site of the extraordinary event (incident, accident, serious accident or other accidents), rolling stock involved in the accident, related

- infrastructure installations, facilities and traffic control and signalling installations;
- 2) the collection of evidence and supervision of the removal of wreckage, infrastructure installations and facilities or components thereof for examination or analysis purposes;
 - 3) access to and use of the recorded materials of the regisphone devices, registration of the operation of the signalling and traffic control systems;
 - 4) access to the results of examination of the bodies of victims;
 - 5) access to the results of examinations of the train staff and other persons involved in the accident or incident;
 - 6) question the railway staff and other witnesses;
 - 7) access to relevant information or records held by the infrastructure manager, railway undertakings and the Administrative body.

The investigation shall be conducted independently of the judicial inquiry and may not give statements about any presumptions about the guilt, i.e. responsibility for an accident or incident.

XIII. RAIL LINES AND PUBLIC ROADS CROSSING

Level crossing

Article 119

The crossing of road vehicles over the rail lines shall be allowed at the crossing of the rail line and public road (hereinafter referred to as: level crossing), and the crossing of persons over the rail line shall be allowed at pedestrian or level crossings.

Traffic on the level crossing shall be secured by traffic signs for participants in the road transport.

The specified signals for notifying the persons in vehicles about the train approaching to the level crossing and the sound-signalling device from tractive vehicles shall be installed on the rail line, in front of the level crossing.

The train shall have the priority at the level crossing in relation to the participants in the road traffic.

Rail line and public road crossing

Article 120

The crossing of the rail line and public road, and determining the place on which such crossing shall be developed, as well as the measures for the safe transport operations on level crossings shall be established subject to the traffic volumes, visibility of the rail line, rail operation speed and public road and location conditions.

The crossing of the rail line and the public road between the entry signals may not be at the same level.

The consent of the infrastructure manager shall be required for the vehicle performing charter transport to cross over the level crossing.

Contact wires above the road level crossing must be installed at the height of not less than 5.5 m, measuring from the top rail side, provided that barriers for road vehicles, whose maximum height with the loaded freight does not exceed the maximum permitted height at the distance of at least 8 m from the nearest line measured from the road centre line and at the height of at least 4.5 m above the road level, shall be installed on both sides of the level crossing.

The appropriate stop traffic signs for road vehicles, whose maximum height with the loaded freight does not exceed the maximum permitted height, must be installed at the specified distance from the guard-rails on both sides of the level crossing, with marked height of the guard-rail in order to ensure the safe operation of road transport over the level crossing.

Notwithstanding the paragraph 4 of this Article, the guard-rails for road vehicles whose total height, together with freight on it, exceeds the specified maximum permitted height may be installed on the height which is not less than 4.2 m and not greater than 4.5 m above road level.

The guard-rails referred to in paragraph 4 of this Article shall be installed and maintained by the infrastructure manager.

The protective barriers and the appropriate traffic sign giving order for no operation of vehicles whose height, together with the freight, exceeds the maximum permitted height, must be installed on the underpasses whose lower structure above the road is positioned on the height lower than the maximum permitted height of the road vehicle, together with loaded freight.

The common bridge for rail lines and public road may be constructed on the same pillars or within the common structure provided that the rail line and the road are completely separated by safety rail-guards.

The guard-rails and stop traffic signs referred to in this Article 8 shall be installed by the road manager.

The Ministry shall regulate the manner of crossing of the rail lines and public road, determination of places where such crossing may be developed and measures for ensuring the safe transport operations.

Distance between the rail line and the public road

Article 121

The distance between the rail line and public road must be sufficient so that all devices and installations required for the safe operations on rail line and road may be fitted between them, provided that the distance shall be not less than 8 m, measuring from the centre of the closest track to the closest point of the road superstructure.

On mountainous and less accessible terrains, canyons and other similar terrain configurations, the distance between the rail line and public road, not including motor-ways, may be less than 8 m provided that their structure gauges do not intersect and that safety-signalling devices, telecommunication equipment, fixed electric-traction installations and other devices necessary for the safety of railway transport may be installed between them, provided

that the rail line is constructed at least 1 m above the vertical alignment of the public road.

If the requirements related to the distance referred to in paragraph 1 and 2 of this Article are not met, the guard-rails shall be posted on the road.

Level crossing maintenance

Article 122

Infrastructure manager and road manager shall implement prescribed measures for safe transport operations on the level crossings, and shall maintain the level crossings in conditions that ensure the safe transport operations.

The level crossing shall be considered as the constituent of the railway infrastructure on both sides of tracks in width 3 m measuring from the centre of tracks.

The infrastructure manager shall provide maintenance of the level crossing referred to in paragraph 2 of this Article and securing the continuous traffic on the level crossing, provided that the road on the level crossing is maintained in such a way as to ensure the safe and continuous road traffic.

The other parts of the road on both sides of the level crossing shall be maintained by the road manager in such a way as to ensure the safe and continuous railway transport operations.

The Ministry shall prescribe the manner of maintenance of road level crossings, type, manner of installation and maintenance of panels on level crossings.

XIV. INTERNAL RULES OF CONDUCT IN RAILWAY TRANSPORT

Compliance with the internal rules of conduct

Article 123

All persons shall comply with the prescribed internal rules of conduct in railway transport on all places designated for the access and movement in the railway area and on trains.

Authorised railway workers shall ensure that persons staying at the railway area and on trains comply with the internal rules of conduct in the railway transport.

Workers referred to in paragraph 2 of this Article, while implementing the internal rules of conduct in the railway transport, shall have the right and obligation to establish the identity of persons who do not comply to the internal rules of conduct, undertake the measures necessary to prevent violations and measures to establish disturbed internal order, take away objects used for threatening the safety of railway transport operations or violation of internal rules in railway transport.

Workers referred to in paragraph 2 of this Article shall instigate relevant procedures against persons who violated internal rules of conduct in railway transport.

Upon the request of the authorised railway workers, the police shall provide the necessary support to the workers in preventing the violation of internal rules of conduct and

establishing the internal order in railway transport.

The internal rules of conduct in railway transport shall be laid down by the Ministry in cooperation with the state administration body in charge of the interior affairs.

Restrictions of access and movement

Article 124

The access and movement of passengers, other persons, motor and other vehicles within the railway area shall be allowed only on places which were determined for such activities.

Persons who must perform certain works in the railway area within their duties shall notify thereof the Infrastructure Manager and request an approval in writing about the time and conditions under which they may perform such works.

The paragraph 2 of this Article shall not be applied to:

- 1) railway workers or the workers of the infrastructure manager or railway undertaking, who were trained for the movements in the railway area;
- 2) persons escorted and secured by the persons referred to in item 1 of this paragraph;
- 3) investigator-in-charge;
- 4) railway transport inspectors;
- 5) authorized representatives of the Administrative body;
- 6) police and authorized officials of the state administration body in charge of the interior affairs when performing official duties.

Persons referred to in paragraph 2 of this Article, who stay in the railway area or on train, shall take care about their personal safety and observe restrictions, prohibitions, orders and warnings displayed on public places or given by railway workers.

Persons referred to in paragraph 2 of this Article shall be prohibited to:

- 1) move on tracks or stay on tracks, or in the near vicinity thereof;
- 2) move or stay between the yellow stripe and track on the platform;
- 3) move or stay near the running train or railway vehicles;
- 4) stay in the area between the storage and loading-unloading ramp and vehicle, in movement or about to move;
- 5) move through the tunnel or other structures on the rail line;
- 6) sit or stay next to open doors or on stairs of the railway vehicles, and on crossings, as well as on other places, which were not intended for the stay of passengers;
- 7) cross over the tracks on places which are not designated for crossing;
- 8) move across the gate stop or move under it;
- 9) jump into vehicles or jump off the vehicles while in movement;
- 10) travel on train which is not intended for the transport of persons, without

authorisation from the railway undertaking or manager;

- 11) lean over the window and open doors of the railway vehicle or lean against it during train movement;
- 12) spoil, damage or alienate the inventory and other equipment on trains for the carriage of passengers and in premises intended for passengers;
- 13) throw out of the window of a railway vehicle objects, waste or pour liquid;
- 14) park motor and other vehicles within the railway area on places which were not designated for such purpose;
- 15) climb on the roof of the vehicle, freight or open-roof freight railway vehicles and structures of the railway installations;
- 16) pour liquid on or spray structures of railway installations, lines, insulators or vehicles;
- 17) dispose of material next to the poles of overhead lines.

XV. PROTECTION OF RAILWAY INFRASTRUCTURE AND VEHICLES

Prohibitions

Article 125

In order to ensure safe operation of railway transport, it is prohibited to:

- 1) destroy, remove or heavily damage any parts of railway infrastructure or parts of rolling stock which may have direct impact on the safety;
- 2) destroy, remove or damage any parts of railway infrastructure or parts of rolling stock which may have indirect impact on the safety;
- 3) throw away or put any objects on the rail line or throw away any objects on the vehicles or from the vehicle;
- 4) perform any works in the vicinity of the rail line, which may damage the rail line or reduce the stability of terrain (terrain subsidence or landslide, hydro-graphic changes, etc.), or in any other way impair or disturb railway transport operations;
- 5) lift the guard-rail of the level crossing without authorisation, put or hang any objects on the guard-rail or other safety-signalling device of the road crossing, or in any other way disturb the regular functioning of the guard-rail or any other installation on the level crossing;
- 6) plant trees or other high vegetation or perform works in the vicinity of the level crossing which reduce, prevent or in any other way obstruct the visibility of the rail line or the road;
- 7) remove, without authorisation, any device installed for the protection of railway transport at the place of landslide, on the place of flooding or place exposed to snow storms and strong winds;
- 8) enter substances or objects in the passenger cars, premises of railway stations intended for passengers, which might threaten the safety of passengers and other

persons or inflict damage thereto;

- 9) use the braking device in order to stop the train, except in case of danger, for threatening the safety of train, passengers and other persons;
- 10) obstruct the work of railway guardians, level crossing, bridge, tunnel or another railway worker in performing their duties;
- 11) plant high trees and erect signs, markings, light sources that emit coloured light or any other devices that aggravate the visibility of signals and signal markings or that may mislead the railway workers with regard to the meaning of signals and signal markings next to the rail line, and in particular next to the signals and signal markings.

The infrastructure manager shall be entitled to remove the trees or objects which may mislead the railway workers with regard to the meaning of signals and signal markings in cases defined under item 11 paragraph 1 of this Article with no particular approval.

The infrastructure manager shall take measures for technical and physical protection of the railway infrastructure against natural disasters in order to ensure the safe railway transport operations on the locations of landslides, flooding, or locations exposed to snow storms and strong winds, independently or in cooperation with another legal entity or natural person and in timely manner.

In the events referred to in paragraph 3 of this Article, the infrastructure manager shall be entitled to install and maintain the temporary protective devices and temporarily dispose materials and other assets on the land in the protective railway area if it is necessary in order to take measures for the safe operations of railway transport, i.e. for the establishment of railway transport, without any particular permission from the land owner.

After the termination of causes referred to in paragraph 3 of this Article, the Infrastructure manager shall remove the temporary installed devices, materials and other assets from the land in the protective railway area.

The Infrastructure manager shall pay the owner of land a fee for land exploitation in the events referred to in paragraph 3 of this Article. The amount of such fee shall be mutually agreed.

XVI. INDUSTRY AND PORT RAILWAY

Industry railway

Article 126

Companies that perform transport of persons and/or freight for their own needs on industry and port railways shall carry out operations in the manner and under conditions laid down by this Law.

The companies referred to in paragraph 1 of this Article may also perform public transport of passengers and/or freight, if they meet the conditions for railway undertakings established by the law.

Connection of industry and port railways to railway infrastructure

Article 127

Industry and port railway lines may be connected to the railway infrastructure under the authorisation of the Administrative body.

The authorisation referred to in paragraph 1 of this Article shall be granted on the grounds of transport-technical conditions for the connection of industry rail track to the railway infrastructure which shall be established by the infrastructure manager.

A fee for the authorisation referred to in paragraph 2 of this Article shall be collected.

The amount of fee referred to in paragraph 2 of this Article shall be determined by the Government.

The Administrative body shall maintain register on granted authorizations referred to in paragraph 2 of this Article.

Technical conditions for industry and port railways, and industry track

Article 128

The curve radius on the plain industry line of standard tracks shall not be less than 180 m, and on the main through tracks not less than 250 m.

Notwithstanding the provision of paragraph 1 of this Article, the curve radius on plain line may be less than 180 m, but not less than 100 m, provided that the part of the line that runs in the curve must have special superstructure installations that enables the safe movement of trains.

Vertical alignment at the loading/unloading ramps on the industry track shall not be more than 1.5‰.

Industry track gauge shall be 1 435 mm, provided that it must not be less than 1 430 mm or greater than 1 465 mm, including the line widening in curve.

Permitted axle load on the industry railway track of standard track shall be at least 18 t.

Relevant application

Article 129

The provisions of Articles 26 to 32, 50, 52 to 55, 58 to 108, 110 to 122, 124 of this Law shall be accordingly applied to the industry railways of standard track.

Industry tracks

Article 130

Industry track may be connected to the railway infrastructure under the authorisation of the Administrative body.

Transport-technical conditions for the connection of industry track on railway infrastructure and safety measures to be implemented during such connection shall be established by the Infrastructure manager.

The authorisation referred to in paragraph 1 of this Article shall be granted on the grounds of transport-technical conditions referred to in paragraph 2 of this Article.

A fee for the authorisation referred to in paragraph 1 of this Article shall be collected.

The amount of fee referred to in paragraph 4 of this Article shall be determined by the Government.

The Administrative body shall maintain register on authorizations referred to in paragraph 1 of this Article.

Industry track may be connected to another industry track under conditions defined by the owner of industry track to which the other industry track is connecting.

Article 131

Industry track owner or user shall be responsible for the maintenance of the industry track.

Diverging switch and crossing of the industry track connection shall be maintained by the infrastructure manager according to the scope of works established in the agreement on connection.

Diverging switch and crossing maintenance costs shall be covered by the industry track owner or user.

Tractive vehicles on industry tracks

Article 132

Tractive vehicle of the industry track owner or user that is used only on industry track, as well as the tractive vehicle that is used for towing or delivery of hauled vehicles from or to industry track must have the authorisation for placing in service from the Administrative body.

Maintenance programme and work organization on the industry track

Article 133

Owner or user of industry track, tractive and hauled vehicles which are used exclusively on the industry track shall be responsible to maintain and prepare the annual maintenance programme for the industrial track, accompanied with the work organization plan on the industry track, under the consent of the Administrative body.

Accordingly, Articles 73 to 78 of this Law shall be applied to the tractive and hauled vehicles of the owner, or user of the industry track.

The Ministry shall prescribe the more detailed contents of the programme referred to in

paragraph 1 of this Article and the conditions that must be met by the industry track owner's or user's employees for performing certain activities on handling loading/unloading places.

Urban railways, cable railway, cable-car and ski-lifts

Article 134

Urban railways (subway, etc.), cable railway, cable-car and ski-lifts are railways with specific technical-transport characteristics used for the transport of passengers and freight or only for the transport of passengers, or freight, or persons and freight for one's own use.

Railways referred to in paragraph 1 of this Article shall be designed, constructed, reconstructed and maintained according to specific technical elements and requirements in accordance with the relevant technical regulations and standards.

Conditions for organizing transport on railways referred to in paragraph 1 of this Article, technical elements and conditions for construction, reconstruction and maintenance of these railways, as well as other conditions for the safe transport operation on such railways shall be regulated by the Ministry.

XVII. INSPECTION

Article 135

The inspection supervision in terms of the implementation of this Law and secondary legislation enacted in accordance with this Law shall be performed by the Ministry, through inspectors for railway transport (hereinafter referred to as: the Inspector).

The Inspector, in performing procedure of inspection supervision referred to in paragraph 1 of this Article, has duties and powers stipulated by the law regulating the railway, law regulating the inspection supervision and other legislation.

XVIII. PENALTY PROVISIONS

Article 136

A fine ranging between € 700 and € 20 000 shall be imposed for an offence of a legal entity:

- 1) if it prohibits, restricts or prevents placing on the market the interoperability constituents which are produced in accordance with this Law or require re-verification that has already been done as part of the procedure for granting the declaration on conformity and suitability (Article 19, paragraph 2);
- 2) if it does not allow the notified body right to access all manufacturing facilities, spare parts storages and assembly workshops, or prevents notified body to have insight in the necessary documents relating to the subsystem (Article 24, paragraph 14);
- 3) if the structural subsystems of interoperability constituents and parts of structural

subsystems are used on rail lines of Montenegro without authorization for placing in service (Article 26, paragraph 1);

- 4) if the vehicle registered in Montenegro does not have the authorisation for the type of vehicle, regardless of the manufacturer (Article 27, paragraph 2);
- 5) if it performs the technical check of the vehicle without the authorization from the Ministry (Article 28, paragraph 2);
- 6) if it renews or upgrades the structural subsystem, interoperability constituent or subsystem elements, and previously fails to submit to the Administrative body a complete documentation with description of the project (Article 31, paragraph 1);
- 7) if within eight days from the day of withdrawal fails to inform the Administrative body about the withdrawal of the vehicle from traffic (Article 32, paragraph 5);
- 8) if within eight days from the day of the change it fails to report to the Administrative body the changes of data which are entered in the register of vehicles (Article 33, paragraph 3);
- 9) if the Infrastructure Manager fails to submit data or changes of data for entering in the register of infrastructure (Article 34, paragraph 2);
- 10) if it fails to pass the Act which defines the procedures within the safety management system referred to in Article 40 paragraph 7 of this Law (Article 40, paragraph 8);
- 11) if upon issuance of operation safety certificate for railway infrastructure and safety certificate for transport operations fails to enable supervision to the Administrative body over the systems for safety management (Article 41, paragraph 1 and 3);
- 12) if it does not possess the safety certificate for transport operations (Article 42, paragraph 1);
- 13) if within eight days from the day of change, it fails to notify the Administrative body about the changes of requirements according to which the safety certificate for transport operations was issued (Article 43, paragraph 4);
- 14) if it provides services of railway transport in Montenegro, and failed to submit the request for Part B safety certificate for transport operations to the Administrative body (Article 44, paragraph 2);
- 15) if it manages the railway infrastructure and does not have the safety certificate on railway infrastructure management (Article 46, paragraph 1);
- 16) if it does not have the safety certificate on industry and port railway management (Article 47);
- 17) if at train stations or train stops with the average daily traffic of at least 70 trains and 500 handled passengers, the accesses to trains are not constructed in such a way that that passengers do not cross the tracks (Article 54, paragraph 1);
- 18) if the rail line, industry rail line, industry track and port railway fails to switch or cross in the railway station (Article 55, paragraph 2);
- 19) if the rail line, industry rail line, industry track or port railway switch on the plain line, the switch point does not have a protective track and is not secured by distant protective signals (Article 55, paragraph 2);
- 20) if before commencement of work, it fails to secure the site on which the works are to be

performed (Article 57, paragraph 2);

- 21) if after the completion of works, it does not remove the remains of the materials, tools, signals and signal marks and other objects from the railway line which have been placed during the works (Article 57, paragraph 3);
- 22) when the overhead lines are under voltage, it fails to establish the sources of danger, bans, special safety measures for work at the overhead lines, rail lines and railway installations, safety-signalling, telecommunication and power electrical-energy installations (Article 59, paragraph 1);
- 23) it fails to implement the adequate safety measures against the harmful electrical impact on certain devices or parts thereof located in the near vicinity of the overhead lines (Article 59, paragraph 2);
- 24) if the stations from which control-command and operation of rail transport is performed at the rail line, depending on the maximum speed of train, are not equipped with safety-signalling devices and installations (Article 60, paragraph 1);
- 25) if railway lines, on which the train speed is from 100 to 160 km/h, are not equipped with rail systems for establishing the radio-connection between the personnel of tractive vehicle and personnel of the dispatch centre (Article 62, paragraph 2);
- 26) if the composition of the train and the arrangement of vehicles fail to ensure the effective braking and safe movement of train (Article 66, paragraph 1);
- 27) if the train speed fails to meet the specified speed at particular rail line or part of such line, or if maximum speed of train is exceeded (Article 67, paragraph 2);
- 28) if it fails to keep records about the on-board staff, composition, braking and movement of the train, as well as about the events that affect or may affect the timetable of the train operation or the railway transport safety (Article 70, paragraph 1);
- 29) if vehicles used for transport fail to meet the technical conditions referred to in Article 72 of this Law;
- 30) if vehicles are not equipped with automatic braking devices (Article 73, paragraph 1);
- 31) in case of an emergency, if the locomotive, passenger vehicles, motor train and motor vehicles are not equipped with devices for fast braking (Article 73, paragraph 3);
- 32) in case of an emergency, if devices for rapid braking installed in the passenger and motor vehicles and motor trains are not easily accessible to passengers (Article 73, paragraph 3);
- 33) if tractive vehicles and passenger cars are not furnished with emergency or parking brakes (Article 73, paragraph 4);
- 34) if wagons intended for the carriage of freight that require special precautions, or special equipment for accommodation of freight which must be handled with care, are not furnished with emergency or parking brake (Article 73, paragraph 5);
- 35) if locomotive, motor train, motor vehicle and special purpose tractive vehicle are not equipped in accordance with Article 75 of this Law;
- 36) if passenger vehicles are not equipped with devices for lighting, heating, sanitary hygienic, devices for crossing from one vehicle to another, and initial fire-fighting device (Article 76);

- 37) if any vehicle, prior to its first use or operation was not designated a person in charge of maintenance who is entered in the register of vehicles (Article 77, paragraph 1);
- 38) if the person in charge of maintenance fails to keep records for each vehicle for which he is in charge (Article 77, paragraph 3);
- 39) if the railway worker does not have a certificate on passed professional exam (Article 80, paragraph 1);
- 40) if it permits the performance of particular tasks to the railway worker who during the knowledge assessment failed to demonstrate the adequate knowledge for performing such duties or who failed to submit to such assessment (Article 81, paragraph 3);
- 41) if the person who operates tractive vehicle has no licence to operate tractive vehicle and one or more certificates (Article 83);
- 42) if it issues a certificate to a person who does not have a licence, has not passed the professional exam to operate a particular type of tractive vehicle and does not have the knowledge about the railway infrastructure for which the certificate is valid; or does not know the language, in case of performing tasks on the railway infrastructure of another state, which is indicated by the infrastructure manager of that state (Article 86, paragraph 1);
- 43) if within three days from the day of revoking the certificate fails to inform the Administrative body about temporarily and permanently revoked certificates (Article 87, paragraph 3);
- 44) if it permits the railway worker to perform activities which were assigned to him, even though the medical examination showed that he is unfit for such activities or failed to submit to the medical examination to which he was directed (Article 95, paragraph 2);
- 45) if it fails to prohibit to the railway worker to perform activities related to the safety of railway transport, even if he is significantly tired or ill, or is in such mental condition that makes him unfit to perform duties assigned to him (Article 96, paragraph 1);
- 46) if the total working hours of the on-board and station personnel is more than 40 hours per week (Article 98, paragraph 2);
- 47) if the duration of a shift for station personnel is more than 12 hours or more than four hours in the events referred to in paragraph 2 of Article 99 of this Law (Article 99, paragraph 1);
- 48) if daily rest of the station personnel between two successive shifts is less than 12 hours (Article 100);
- 49) if the shift of on-board personnel is more than 12 hours or more than four hours in the events referred to in Articles 103 and 104 of this Law;
- 50) if daily rest of the on-board personnel is less than twice the number of hours worked in the previous shift or less than 12 hours (Article 105, paragraph 1);
- 51) if daily rest of the on-board personnel in the rotation unit is less than six hours (Article 105, paragraph 2);;
- 52) if the Investigation Commission is not permitted free access to the place of the extraordinary event (incident, accident, serious accident or other accidents), rolling stock involved in the accident, related infrastructure installations, facilities and traffic

- control and signalling installations (Article 118 paragraph 1, item 1);
- 53) if the specified signals for notifying the on-board personnel about the approaching of train to the level crossing and the sound signalling device from the tractive vehicle are not installed on the railway line, in front the level crossing (Article 119, paragraph 3);
 - 54) if the contact wires above the road level crossing are not installed at the height of not less than 5.5 m, measuring from the top rail side, provided that barriers for road vehicles, whose maximum height with the loaded freight does not exceed the maximum permitted height at the distance of at least 8 m from the nearest line measured from the road centre line and at the height of at least 4.5 m above the road level (Article 120, paragraph 4);
 - 55) if the appropriate stop traffic signs for road vehicles, whose maximum height with the loaded freight does not exceed the maximum permitted height, are not installed at the specified distance from the guard-rails on both sides of the level crossing, with marked height of the guard-rail in order to ensure the safe operation of road transport over the level crossing (Article 120, paragraph 5);
 - 56) if it fails to implement the specified measures for safe transport operations on the level crossings or if the level crossings are not maintained in such a condition that ensures the safe transport operation (Article 122, paragraph 1);
 - 57) if the railway transport on industry and port railways is not performed in the manner and under conditions laid down by this Law (Article 126, paragraph 1);
 - 58) if it fails to maintain the industry track (Article 131, paragraph 1);
 - 59) if it uses tractive vehicle on industry track and does not have the authorisation for placing in service granted by the Administrative body (Article 132);

A fine ranging between € 500 and € 1 000 shall be imposed on a responsible person of the legal entity for an offence referred to in paragraph 1 of this Article.

A fine ranging between € 300 and € 1 000 shall be imposed on a natural person for an offence referred to in paragraph 1 items 36, 43, 45, 46 of this Article.

Article 137

A fine ranging between € 5 000 and € 15 000 shall be imposed for an offence of a legal person if:

- 1) it fails to prepare technical documentation enclosed to the declaration on subsystem verification (Article 24, paragraph 6);
- 2) It fails to mark the vehicle with allocated number (Article 29, paragraph 3);
- 3) it fails to submit the annual safety report to the Administrative body not later than 30 June for the previous calendar year (Article 36, paragraph 3);
- 4) if signals, signal markings and markings on the rail line are not provided, installed and maintained so that the railway workers and other individuals to whom they refer may timely and easily notice during the day, night and in reduced visibility (Article 61, paragraph 3);
- 5) if it fails to provide data to the infrastructure manager relating to the tasks of railway

workers employed with such undertaking, as well as data about the buildings, premises and spaces in the station used in performing their tasks (Article 63, paragraph 2);

- 6) if the train is not equipped with chemical fire extinguisher appliances and first aid kit, located in the easily accessible places (Article 69, paragraph 1);
- 7) if the train for passenger transport does not have the light inside at night and in tunnels where the ride takes longer than one minute during the day (Article 69, paragraph 2);
- 8) if in cases referred to in Article 86 paragraph 3 of this Law, there is no train driver in driving cabin of the tractive vehicle, holding the certificate for the particular part of the railway infrastructure, and the infrastructure manager is not informed in advance thereof (Article 86, paragraph 4);
- 9) if the certificate is not updated when certificate holder is professionally qualified to operate other types of tractive vehicles, or other railway infrastructure (Article 86, paragraph 11);
- 10) if the train driver has not access to the register data referred to in Article 88, paragraph 1 and 4 of this Law (Article 88, paragraph 6);
- 11) if in case of cessation of employment, it fails to issue the copy of certificate and fails to return the documents referred to in Article 84 paragraph 2 of this Law to the train driver, (Article 89, paragraph 2);
- 12) if it fails to instruct the railway worker to take the medical examination prior to the expiry of deadline specified for the performance of such examination (Article 93, paragraph 2);
- 13) if it fails to instruct the railway worker to take the additional medical examination (Article 94, paragraph 1);
- 14) if it fails to provide rooms for rest of the train personnel for the rotating units (Article 105, paragraph 4);
- 15) if it fails to maintain and fails to prepare the annual maintenance programme of the industry track, with organization of work on the industry track (Article 133, paragraph 1).

A fine ranging between € 300 and € 800 shall be imposed on a responsible person of the legal entity for an offence referred to in paragraph 1 of this Article.

Article 138

A fine ranging between € 200 and € 800 shall be imposed on a natural person – railway worker or other person who participates in the transport operations, in the following events:

- 1) if he fails to comply to orders, restrictions, prohibitions and warnings given by means of signal markings (Article 61, paragraph 2);
- 2) if it operates a tractive vehicle and does not have the licence and one or more certificates (Article 83);

- 3) if during the operation of tractive vehicle, the licence is not on-board the vehicle or he fails to show it at the request of the authorized person of the Administrative body, persons in charge of internal supervision of the railway undertaking, investigator-in-charge and inspector for railway transport (Article 84, paragraph 10 and 11);
- 4) if during the operation of tractive vehicle he does not possess certificate or fails to show it at the request of the authorized person of the Administrative body, persons in charge of internal supervision at the railway undertaking, investigator-in-charge and inspector for railway transport (Article 86, paragraph 12);
- 5) if prior to the employment in the railway transport, he fails to undertake the medical examination (Article 91, paragraph 1);
- 6) if, during the performance of assigned duties, he feels tired, sick or due to other reasons is unfit for further performance of activities, and fails to inform the responsible person of the infrastructure manager or carrier thereof and fails to stop performing such duties if he determines that is not able to perform them safely (Article 96, paragraph 2);
- 7) if he takes alcohol, illicit drugs or other psychoactive substances at work or start work even though he is under the influence of alcohol, or illicit drugs or psychoactive substances (Article 96, paragraph 3);
- 8) if he fails to undertake the examination or medical examination referred to in Article 97 paragraph 1 of this Law to which he has been instructed (Article 97, paragraph 2);
- 9) if he is not wearing the official uniform during the operation of railway transport (Article 109, paragraph 1);

XIX. TRANSITIONAL AND FINAL PROVISIONS

Secondary legislation

Article 139

The secondary legislation for the implementation of this Law shall be enacted within the period of two years from the day of entry into force of this Law.

The secondary legislation adopted on the basis of the Law on Associations in the Community of Yugoslav Railways (Official Gazette of the Socialist Federative Republic of Yugoslavia 18/78) and the Law on Safety in the Railway Transport (Official Gazette of Montenegro 4/08) shall apply until the legislation referred to in paragraph 1 hereof is adopted, unless it is contrary to this Law.

Establishment of the Investigation Commission

Article 140

The Commission referred to in Article 115 of this Law shall be established within the period of six months from the day of entry into force of this Law.

Until the establishment of the Commission referred to in paragraph 1 of this Article, the

activities of the Commission shall be performed by the infrastructure manager, railway undertaking and the company performing transport operation for its own needs.

Validity of authorizations and certificates

Article 141

Authorizations for placing in service of the railway vehicles, parts and equipment of the railway vehicles, installations, parts and equipment for the railway infrastructure, certificates and licences issued before the entry into force of this Law shall remain in force.

Initiated procedures

Article 142

The procedures initiated before the entry into force of this Law shall be finalized in accordance with the regulations that were in effect before the entry into force of this Law.

Termination

Article 143

The Law on Safety in Railway Transport (Official Gazette of Montenegro 4/08), Article 59 of the Law on Amendments to the Law on Fines for Offences ("Official Gazette of Montenegro" No. 40/11) shall be repealed with effect from the date of entry into force of this Law, and the implementation of the Law on Association in the Community of Yugoslav Railways (Official Gazette of the Socialist Federative Republic of Yugoslavia 18/78) shall cease to have effect.

Entry into Force

Article 144

This Law shall enter into force on the eight day following its publication in the Official Gazette of Montenegro.