

Government of Montenegro

Ministry of Transport, Maritime Affairs and Telecommunications

Questionnaire

Information requested by the European Commission to the Government of Montenegro for the preparation of the Opinion on the application of Montenegro for membership of the European Union

– ADDITIONAL QUESTIONS –

14 Transport policy

Minister:

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CHAPTERS OF THE ACQUIS – ABILITY TO ASSUME THE OBLIGATIONS OF MEMBERSHIP

14: Transport policy

II. MARKET STRUCTURE AND BASIC TRENDS FOR EACH MODE OF TRANSPORT

A. Road Transport

1. (Ref to Q. Road transport - Conditions of access to market and profession): Please clarify to which extent the four criteria for access to the occupation of road transport operator are fulfilled (professional competence, financial standing, good repute and effective establishment).

Article 11 of the Law on Road Transport (Official Gazette of the Republic of Montenegro 45/05) stipulates that the activities of public carriage of passengers and goods by road shall be performed by legal or natural persons who are **registered for performing the activity of public transport of passengers or goods** (effective establishment) and who hold **the license for public transport of passengers or goods**.

In order to obtain the license it is necessary to satisfy the following conditions: Legal or natural person who submits the application for obtaining the license for public transport of passengers or goods must fully satisfy all of the below stated conditions:

- I. **Good repute** – within the meaning of this law, a legal person, i.e. a responsible person of the legal person, and a natural person shall have good repute if:
 - 1) he/she has no convictions for criminal offences against property, official duties, general security of persons and property, labour related rights, payment operations and business operations, safety of public transport, environment;
 - 2) he/she was not imposed as penalty the prohibition to perform public carriage of passengers and goods by road;
 - 3) he/she had no convictions for other criminal offences by imprisonment longer than one year;
- II. **Financial standing** – within the meaning of this law, a legal or natural person shall have a financial standing if their available assets amount:
 - 1) EUR 3 000 for the first vehicle and EUR 6 000 for the first set of vehicles, i.e. EUR 2 000 for each additional vehicle and EUR 4 000 for each additional set of vehicles, within the national road transport and transport between member states of the state union;
 - 2) EUR 6 000 for the first vehicle and EUR 12 000 for the first set of vehicles, i.e. EUR 4 000 for each additional vehicle and EUR 8 000 for each additional set of vehicles in the international road transport;

Within the Amendments to the Law on Road Transport, whose adoption is expected in the first half of the year 2010, the financial standing shall be harmonized with Directive 96/26/EC, i.e. the stipulated amounts shall be EUR 9 000 for the first vehicle and EUR 5 000 for each additional vehicle.

- III. **Professional competence of employed person responsible for transport**, i.e. employed person responsible for transport shall be professionally qualified.

Natural persons shall not be required to take the qualifying exam, provided they have:

- University degree in transport and one year of working experience in road transport;
- College degree in transport and three years of working experience in road transport;
- minimum five years of working experience at transport management functions;

In addition to the above stated conditions, which are in line with Directive 96/26/EC as amended by Directive 98/76/EC, the Law also stipulates that a legal or natural person shall have:

1. Vehicles in ownership (it is mandatory to own two vehicles – *the amendments to the Law shall envisage the possibility that the vehicle may be rented or leased*);
2. Vehicle parking area;
3. Area, devices, equipment and engaged workers of transportation and mechanical engineering vocation for the maintenance of vehicles;
4. Concluded contract about mandatory passenger insurance against accidents for each vehicle;

It should be noted that the Law on Amendments to the Law on Road Transport, whose adoption is expected in the first half of the year 2010, shall harmonize the provisions regarding financial standing with Directive 96/26/EC, i.e. the stipulated amounts shall be EUR 9 000 for the first vehicle and EUR 5 000 for each additional vehicle.

Further, it has been laid down that the Conditions concerning professional competence shall be equal to the level of training as stated in Annex 1 of the Directive, and that the training shall be performed by an accredited institution, and the exam shall be conducted by the commission composed of the representatives of the Ministry, as well.

It has been also stipulated that natural persons who hold university or college degree in road transport shall be exempt from qualifying exam, and persons who hold a university degree in transport, mechanical engineering, economics, law or minimum five years of working experience in transport management, shall be exempt from part of the qualifying exam.

2. (Ref to Q. 10)

- Please specify by when the draft Law on Working Time will be adopted? Will Montenegro be able to implement the digital tachograph by 16 June 2010? To mention the minimum number of controls carried out and by whom, at the road side and at the premises of companies.

Internal legal procedure for the adoption of the Law on Working Time, Obligatory Rest Times of Mobile Workers and Devices for Recording in Road Transport is in progress, and its adoption may be expected in the first half of current year.

With regard to specific terms for the implementation of digital tachographs, Montenegro shall not be able to execute the entire project by 16th June 2010.

The mentioned incapacity to execute the project is related to the production and issuance of memory cards, i.e. Montenegro shall entrust these activities to an institution selected on the basis of an international tender, which requires a period of several months.

Controls shall be conducted by Road Transport Inspection and road traffic police officers in accordance with Directive 2006/22/EC (3% of days worked by drivers of vehicles falling within the scope of this Law shall be checked).

Control authorities shall check not less than 30% of the total working days checked at the roadside, and not less than 50% shall be checked at the premises of undertakings. The roadside checks shall be performed by traffic police officers and Road Transport Inspection, and checks at the premises of undertakings shall be exclusively performed by Road Transport Inspection.

- Please answer the question on the minimum number of controls carried out at the roadside and at the premises companies. Please elaborate more on Police Directorate's everyday control of the drivers and legal persons.

National Police officers perform road checks and regulate traffic at roads, and during the year 2009 they checked 580 142 vehicles of all categories (L, M and N). Besides the control of driving times, drivers' breaks and rest times, the mentioned checks also included the control of technical roadworthiness of vehicles.

However, the records are kept in general, which means that until the enforcement of the Law on Working Time, Obligatory Rest Times of Mobile Workers and Devices for Recording in Road Transport, which envisages the obligation of keeping separate records about the driving hours, it will not be possible to provide exact data on the number of such controls.

National Police officers perform road checks and regulate traffic at roads. During the year 2009 they checked 580 142 vehicles (on average 48 345 per month) and it was identified that 33 118 vehicles were technically unroadworthy (of which 495 buses, 26 639 passenger cars, 3 503 cargo vehicles, 1 574 motorcycles, 789 motorized bicycles and 118 other vehicles). Within the stated period, medical checks of 21 671 drivers were performed in health care institutions in order to check the presence of alcohol in blood (4 602 persons were found positive for alcohol in blood, 394 persons refused the medical check, and 1 819 persons were taken blood and urine for testing), and 73 persons were found positive for narcotic drugs or other psycho-active substances or specific drugs. With the purpose to improve the safety of traffic they performed 1 090 actions of enhanced road traffic control (1 025 at local level, 43 at regional level, and 22 at national level). Within the stated period, 4 972 persons were detained, and 51 221 fines were issued to drivers, as well as 6 548 charges for vehicle relocation by tow-truck. 97 616 requests for initiation of offence proceedings were submitted (on average 8 134 per month), of which 25 937 cases were resolved (on average 2 161 per month). 180 complaints to these decisions were lodged. Police officers temporarily withdrew 9 734 driving licenses (on average 811 per month), until the completion of the offence proceedings, but not longer than 60 days, or if temporarily withdrawn because the penalty of driving prohibition was pronounced. There were 3 473 temporarily withdrawn registration plates of vehicles removed from traffic.

At the premises of undertakings, police officers performed the following checks:

- whether the candidate driver training is conducted by teachers and driver instructors (Article 204);
- whether the candidate driver had performed medical check before the practical part of the training (Article 206);
- whether the driving school vehicles have dual controls, whether such vehicles are roadworthy, and marked with special plates (Article 207);
- whether the driver of the vehicle engaged in public transport performed regular medical check within the period not longer than three years (Article 218);
- whether business organizations, other legal persons and entrepreneurs engaged in public transport or transport for own purposes, pursue that persons they employ as drivers undergo regular medical checks and keep records about that (Article 219);
- whether they referred to a control medical check a driver or driver instructor who is not able to safely drive the vehicle due to psycho-physical disorders (Article 220);
- whether technical inspection of vehicle is performed every six months for vehicles engaged in public passenger transport or dangerous goods transport and driving school vehicles (Article 251);
- whether the station for technical inspection of vehicles keeps records and processes data about technical inspections and identified irregularities of such vehicles and delivers them to competent authorities (Article 254); also, whether it maintains facilities, devices and equipment in working order (Article 255), which is performed two times per year, or if necessary more frequently;

- whether stations for technical inspection of vehicles certify technical serviceability of vehicles (i.e. roadworthiness), even if such vehicle is not technically serviceable or if it was not previously subject to any inspection (Article 258);

Vehicles engaged in road traffic must comply with stipulated conditions regarding dimensions, total weight, axle load and protection of environment, and also must have serviceable stipulated devices and equipment (Article 244 paragraph 1). A fine in the amount of EUR 50 to 150 shall be imposed on a driver who drives a vehicle or owner who gave permission for driving his/her vehicle which does not fulfil the stated conditions or has unserviceable stipulated devices for steering, braking, connecting device for a towing or trailer vehicle, tachograph, pneumatics, or if it has no tachograph or does not activate tachograph when driving. For this offence, in addition to a fine, a safeguard measure of motor vehicle driving prohibition in duration of 30 days to three months shall be also imposed on a driver (Article 305 paragraph 3 subparagraph 1 item 45).

Driving speed of the vehicles is set by device for vehicle speed measurement, radar, etc. and tachograph records. The photographs and video recordings with data about identified speed, tachograph record and report of radar measurement shall be used as evidence on identified speed of the vehicle. Police officer shall temporarily take away the driving license on site and remove from traffic a driver of a bus, cargo motor vehicle or set of vehicles whose maximum authorized weight is more than 20 tonnes, who drives longer than eight hours and within 24 hours moves over more than 500 km, and also a driver of a bus, cargo motor vehicle or set of vehicles whose maximum authorized weight is more than 5 000 kg, who drives longer than five hours without stopping, i.e. longer than eight hours with a break within 24 hours (Articles 285 and 286). A fine in the amount of EUR 1 500 to 10 000 shall be imposed on a business organization, other legal person or entrepreneur, if: they fail to provide a driver of bus, cargo motor vehicle or set of vehicles whose maximum authorized weight is more than 5 000 kg, a continuous rest of at least 11 hours before his/her working hours, or if they fail to provide a replacement to a driver of bus, cargo motor vehicle or set of vehicles whose maximum authorized weight is more than 20 tonnes, when he/she drives for more than 500 km within 24 hours, at the latest after eight hours of driving, i.e. after 500 km. For this offence, a fine in the amount EUR 100 to 1 000 shall be imposed on a responsible person, as well (Article 302 paragraph 1 items 3 and 4).

3. (Ref to Q. 11) Please answer the question on technical inspections of vehicles conducted at the roadside (equivalent to Directive 2000/30EC). If this type of control exists, please specify which body is in charge of it.

The Law on Road Traffic Safety, from Article 246 and 260, contains chapters Technical inspection of motor vehicles and trailers and power-driven vehicles. Technical vehicle inspection may be: scheduled, preventive and non-scheduled.

Police officer shall remove from traffic and refer to non-scheduled technical inspection a vehicle that due to its technical unroadworthiness threatens the safety of other participants; a vehicle removed from traffic because of technical defects of its steering device or brakes; a vehicle damaged in a car accident to the extent that it may violate safety; a vehicle having excessive impact on the environment; a vehicle with damaged device for towing or trailer haulage; a vehicle for which there is reasonable doubt that its roadworthy was approved without performing a technical inspection or the technical inspection was not properly done; a vehicle whose stipulated transparency of windscreen and other windows was changed (Article 299).

Technical inspections are performed in stations for performing technical inspections, located in all municipalities. State administration bodies and local administration bodies planned the activities aimed at improving the road traffic safety and protection of environment in accordance with Directive 2000/30 EC.

Inspection supervision of implementation of the Law on Road Traffic Safety is performed by competent bodies of the State administration (bodies in charge of education, transport, health care), and local governance administration bodies (Article 301).

4. (Ref to Q. 12)

- Please confirm that Montenegro is applying the 2009-2011 versions of the international rules dangerous goods (ADR for road, RID for rail). Please specify how and when Montenegro is preparing to transpose the 2011-2013 rules that ADR requires by 1 July 2011?

The Law on Transport of Dangerous Substances (Official Gazette of Montenegro 05/08) regulates the conditions for transport of dangerous substances and activities in relation to such transport (preparation of substances for transport, loading, unloading and related activities) and supervision of implementation of this Law, as well.

Concerning the transport of dangerous substances:

- by road, in addition to the security measures for transport of dangerous substances as stipulated by the stated law, the provisions of the European Agreement on International Transport of Dangerous Goods by Road – ADR, version 2009 of the international rules on dangerous goods ADR for road transport, are also applied;
- by rail, in addition to the security measures for transport of dangerous substances as stipulated by the stated law, the provisions of Rulebook on International Transport of Dangerous Substances by Rail – RID, version 2009 of the international rules on dangerous goods ADR for road transport are also applied; and the method of transport of dangerous goods by rail shall be stipulated in more details by secondary regulations, adopted by the Ministry in charge of transport affairs.

The Amendments to the Law on Transport of Dangerous Substances, planned for the year 2011, shall comply with the regulations, in accordance with ADR requirement by 1st July 2011.

- Please specify what are the details and timeframe for the modification of the legislation to make dangerous goods safety advisers somehow compulsory, as requested by ADR and RID.

National legislation does not recognize the concept “safety advisor” but the operator is in charge to organize and perform permanent supervision of implementation of measures and satisfaction of conditions stipulated for dangerous goods transport and conducting activities in relation to such transport, in accordance with the law, regulations adopted on the basis of such law and international agreements on dangerous goods transport in specific transport sectors (ADR, RID, ADN).

Since the conditions for appointment of advisor for safety, his/her rights and obligations are envisaged by ADR and RID, the amendments of the Law on Transport of Dangerous Substances were not planned in the Work Programme of the Government of Montenegro for the year 2010; the stated amendments shall be provided for in the year 2011.

- Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road sets a certain format for registering the frequency and outcomes of such checks. According to the written reply Montenegro already carries out a range of checks and verifications relating to the transport of dangerous goods. Please specify how many vehicles are subject to daily controls? Does Montenegro plan to adapt the reporting format as provided in Directive 95/50/EC?

Montenegro plans to adapt the reporting format as envisaged by Directive 95/50/EC by means of Amendments to the Law on Transport of Dangerous Substances, planned for the year 2011.

State administration body in charge of police affairs performs regular (daily) controls in relation to dangerous goods transport in inland transport, import, export and transit, according to the decision issued by the Ministry of Interior and Public Administration – Department for emergency situations and civil security. Local offices of this Department, after the reception of request for acquisition or transport of explosive substances and upon performing necessary checks shall submit to the Department all required data about the applicant of request, types and quantities of explosive substances, as well as the place of acquisition and transport route. Such data are entered into the Department's computer, and Local office is notified in writing in order to issue the approval for acquisition or transport. All data are gathered at one place, which means that exact and true information about the movement of explosive substances on the territory of Montenegro may be obtained through monthly, semi-annual and annual reports.

- Transportable pressure equipment legislation is covered by Directive 1999/36/EC. The written reply from Montenegro does not address this issue at all. Please clarify Montenegrin legislation – existing and planned – on transportable pressure equipment.

The transport of pressure equipment is regulated by Rulebook on technical norms for movable closed containers for comprised liquid and pressurized liquid gases (Official Gazette of the Socialist Federal Republic of Yugoslavia 25/80, 9/86, 21/94, 56/95, 01/03).

5. (Ref to Q. 17) Please clarify how the collection system is controlled in terms of reliability.

Fee collection system is very reliable and it is controlled as follows:

Road user charges within registration of road motor vehicles, tractor and trailers are charged during each registration of road motor vehicles, tractors and trailers, and vehicles without the receipt on paid fee shall not be registered i.e. such vehicles shall not obtain permit for performing traffic. The special fee for road motor vehicles and their trailers is collected in the same way. This collection system falls within the competence of the Ministry of Interior and is fully reliable.

Concerning the fee for carriage of heavy cargo, which exceeds the weight, length, width and height of the vehicle as prescribed by law and vehicle's registration, i.e. fee for extraordinary transport, it is charged by the Ministry of Transport, Maritime Affairs and Telecommunications, i.e. Transport Directorate; for this type of extraordinary transport a special consent i.e. resolution is issued. Without such consent no extraordinary transport on state roads of Montenegro shall be performed. The collection system is very reliable.

User charges – toll for tunnel "Sozina" and access roads are paid in cash at the toll booth with ramps or by system of monthly prepaid cards or by passage system without stopping. The collection system is totally reliable.

Foreign vehicles user charges to the benefit of roads are charged by competent customs body at the border crossing, during the entry of a foreign vehicle at the territory of Montenegro, or at

another location where customs supervision may be performed, and from which such vehicle begins to use the roads of Montenegro.

Such charges are calculated and controlled by competent customs authorities on the basis of information required for calculation, and obtained by review of transport documents, i.e. by weighing the vehicle.

B. Rail transport

6. (Ref to Q. 26) Please elaborate more the answer.

Performing services of public interest in rail transport has not been completely regulated by applicable Law on Railways (Official Gazette of the Republic of Montenegro 21/04). Articles 48 and 49 of this Law stipulate only that the public carriage of passengers in rail transport is the activity of public interest and may be performed by such business organization which concludes the contract on performing public service with relevant government authority. Thus, the current law does not enable full implementation of public transport obligation and establishment of contractual relationship between the state and the operator for rail transport as prescribed by EU regulations. Due to these reasons, this area shall be completely regulated by new Law on Railways which will be adopted by the end of 2010, and into which, in addition to other regulations, all relevant provisions of EU Regulation No 1370/2007 shall be transposed.

There is only one operator for transport of passengers on the railway network of Montenegro – Željeznički prevoz Crne Gore AD – Podgorica (Railway Transport of Montenegro JSC - Podgorica), which performs passenger transport activities in accordance with applicable legal regulations mentioned in reply to question 30 – Chapter 14. Passenger operator is a company with majority state ownership (85.45%), created in the process of restructuring of company Željeznice Crne Gore AD (Railways of Montenegro JSC), which is apportioned annual financial funds in the form of subsidy through the Ministry of Transport, Maritime Affairs and Telecommunications for organizing local passenger transport. This form of subsidizing shall continue until the current passenger operator financially consolidates and renews its rolling stock. In this way it will be enabled for market competition which will follow after the phase liberalization of transport services market, envisaged in the future Treaty establishing transport community between the South-East European countries and European Union. An important element which also impacts the delay of implementation of public service obligations and establishment of contractual relation between the state and the operator in that sense, is also the impossibility to obtain optimal routes in local traffic, which is a result of long term line obstructions due to large infrastructure investments in the reconstruction of current railway network.

7. (Ref to Q. 31)

- Please specify the exact rules and legal documents that provide for those rules?

The applicable Law on Contracts in Railway Transport (Official Gazette of the Federal Republic of Yugoslavia 26/1995) lays down the rules about the rights of passengers. The passengers' rights are also regulated by Passenger Tariff for national and international carriage, and CIV (set of uniform rules for contract in international carriage of passengers by rail).

Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, as well as uniform rules for contract in international carriage of passengers by rail, were implemented in the new Law on Contracts in Railway

Transport. During the next month the Government shall develop the proposal of the Law and the Parliament shall adopt it in the third quarter of current year.

- Please specify the document regulating the rules on availability of tickets & reservations.

The new Law on Contracts in Railway Transport shall regulate rules on availability of tickets and reservations. The document that currently stipulates rules on availability of tickets and reservations is Passenger Tariff for national and international carriage. These rules are also partly stipulated by Rulebook on services in the train-catering facilities (109), train time-table booklet and Instruction 161 on procedures for transport of passengers and goods.

E. Air transport

8. (Ref to Q. 39) Please answer the question how and by whom are competition rules applied to air transport enforced?

The rules on competition have been governed by the Law on Protection of Competition (Official Gazette of the Republic of Montenegro 69/05) which entered into force on 1st January 2006.

Article 4 (1) of the Law on Protection of Competition encompasses all sectors of economy, including the sector for providing services in air transport, within which the entities engaged in turnover of goods and services may violate the competition rules through their operations.

The Amendments to the Law on Protection of Competition (Official Gazette of the Republic of Montenegro 37/07) created legal framework for establishment and operation of an independent entity – Directorate for Protection of Competition. The applicable Law on Protection of Competition meets the conditions provided for in Articles 81, 82 and 86 of EU Agreement.

Drafting of the new Law on Protection of Competition, aimed at improvement and enhancement of services, whose adoption shall enable the establishment of the Agency for Protection of Competition, is in progress. Through establishment of the Agency for Protection of Competition, the Competition Protection Administration shall cease to exist. The new Law on Protection of Competition shall be fully harmonized with EU regulations.

9. (Ref to Q. 47) Please provide information on the rules for Computer Reservation Systems.

Since 2003 the national air company Montenegro Airlines has been using the computer reservation system Amadeus established on the basis of EU regulations.

Montenegro has not adopted any special legal regulation regarding the Computer Reservation System, since that requirement is not included in the first transition phase of the Multilateral ECAA Agreement. However, Montenegro has planned to adopt special legal regulations regarding this matter, which will be fully harmonized with EU regulations as stated in the Multilateral ECAA Agreement.

10. (Ref to Q. 53)

- Please specify whether the National Supervisory Authority has been effectively established? When and by which internal legal instrument?

National Supervisory Authority was established on the basis of Rulebook on Certification and Safety Supervision of Provider by the Ministry. It has been envisaged that the activities of National Supervisory Authority shall be performed by Civil Aviation Agency.

- Please specify which entity is in charge of the designation and certification of the ANSP? Is it the Civil Aviation Authority or the National Supervisory Authority?

Pursuant to the Law on Air Transport the Government of Montenegro is responsible for designation of ANSP. NSA is responsible for certification, and in this case such activities shall be performed by the Civil Aviation Agency.

- Please specify whether the designation and certification of the ANSP has been carried out following the applicable Single European Sky acquis?

ANSP designation was performed by the Government through the Agreement on establishing a joint Provider with the Republic of Serbia. During the next month we expect the Decision of the Government of Montenegro by means of which such designation shall be approved in line with SES regulations.

NSA shall perform certification in accordance with the Rulebook, which shall be adopted by the Ministry in the same timeframe. (Rulebook on Certification and Safety Supervision of ANSP).

- Please specify whether Montenegro implements the Flexible Use of Airspace concept? Which entity is responsible for it?

Framework for implementation of the Flexible Use of Airspace concept is provided for in the Montenegrin Law on Air Transport. The basic principles of FUA concept were applied in daily operational activities, regarding the activities related to civil-military cooperation in air space management, but the formal implementation of the FUA concept has not been yet implemented.

Pursuant to the Law, operating procedures for civil-military coordination shall form part of the contractual arrangement between the Ministry of Defence and ANSP (SMATSA). Development of such arrangement is in progress.

- Please specify whether Montenegro has adopted and implemented the Air Traffic Controller License EC Directive 2006/23? If yes though which internal legal instruments?

The adoption of Rulebook on air traffic controller licensing, which includes the implementation of the stated Directive, is in progress by the Ministry.

- Please specify whether Montenegro has undertaken steps to participate in any initiative conducive to establish a functional airspace block?

Montenegro was the member of the Project SEE FABA, which represented the initiative for implementation of SES regulations in the South-East Europe.

On 22nd April 2008 all participants (as listed) agreed to initiate the ISIS Programme Support.

By means of joint provider with the Republic of Serbia, Montenegro shall form part of the regional FAB through the mentioned initiative.

11. (Ref to Q. 61) Please answer the question: what actions have been taken to follow the recommendations in the ECSS Assessment Report of 2008?

In June 2009, the Parliament of Montenegro passed the Law on ratification of the Convention on Unification of Certain Rules for International Carriage by Air (the Montreal Convention 28th May 1999). The accession documents were submitted to the Depository in Montreal on 15th January 2010, and the Convention was enforced on 16th March 2010. The stated information is published on the official website of ICAO.

In July 2009, the Government of Montenegro passed a decision on establishing Civil Aviation Agency for the purposes of providing public service in the air transport sector. Until this decision was made, the activities in the civil aviation sector were performed by the Civil Aviation Administration, as a government administration body, which ceased to exist on the date of enforcement of the said decision. The Agency is independent in performing the activities within the scope of its competence, and the Agency is responsible for its work to the Ministry of Transport, Maritime Affairs and Telecommunications and to the Government, to which the Agency submits annual work report, accompanied with the opinion of the Ministry.

In 2009 the development of Proposal of the Law on Obligatory Relations and Grounds of Property-Legal Relations in Air Transport was completed, and it was submitted to the Government's procedure. Its adoption by the Parliament is expected soon. Proposal of the Law is complied with the provisions of the Convention on International Civil Aviation (Chicago, 1944), Convention on Unification of Certain Rules for International Carriage by Air (Montreal, 1999), Convention on the International Recognition of Right in Aircraft (Geneva, 1948), Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome, 1952), and with EU legal regulations, as well, i.e. regulations which form integral part of the first and second transition period referred to in ratified multilateral European Common Aviation Area (ECAA Agreement): Regulation (EC) No 261/2004 of 11th February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, Regulation (EC) No 2027/97 of 9th October 1997 on air carrier liability in the event of accidents, Regulation (EC) No 889/2002 of 13th May 2002 amending Regulation (EC) No 2027/97, and Regulation (EC) No 1107/2006 of 5th July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

The Government's Work Programme for 2010 envisaged, for the first quarter, drafting of the Law on Amendments to the Law on Ratification of Multilateral ECAA Agreement, which will incorporate the amendments of Annex 1 to the Agreement, which contains a new amended EU regulation in the field of air transport. As one of the priorities set for 2010 is the fulfilment of transitional phase 1 of the Multilateral ECAA Agreement, through the adoption of secondary legislation which would incorporate all provisions of Regulations and Directives of Annex 1 to ECAA Agreement. To that end Working groups were formed composed of representatives of the Ministry of Transport, Maritime Affairs and Telecommunications, Civil Aviation Agency and other entities in the sector of air transport, so that the drafting and adoption of such secondary legislation would be completed by the end of 2010, and thus all conditions fulfilled and transition phase 1 of the ECAA Agreement completed.

Drafting of the Law on Amendments to the Law on Air Transport was envisaged by the Government Work Programme for the fourth quarter of current year, and the adoption of this Law is planned with the aim to make a step forward in harmonization of national legislation to the EU regulations in this sector, through the amendment of the integral wording of the Law on Air Transport, adopted in October 2008. The Law on Amendments to the Law on Air Transport shall contain the majority of recommendations and suggestions provided by the experts of ECAA Mission in their Report of November 2008.

12. (Ref to Q. 62) Please specify whether the process of accession to the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, 28 May 1999) was completed by the end of 2009.

The accession documents were submitted to ICAO, in the capacity of Depository, in Montreal on 15 January 2010, and the Convention on Unification of Certain Rules for International Carriage by Air (Montreal, 28 May 1999) was enforced on 16 March 2010. The stated information is published on the official website of ICAO.

F. Maritime transport

13. (Ref to Q. 73) Please detail the results of your port state control activities in the last calendar year.

In the period from 1st January to 31st December 2009, port state control performed inspections and controls of ships, boats and other vessels regarding: documents and logbooks, rescue equipment, navigation and signalization equipment, minimal number of qualified crew members, as well as the allowed number of boarded passengers and loaded cargo. Supervision of waterways, ports, navigation and coastal zone was also performed.

Within the reporting period there were 113 controls and 782 inspections in total (609 scheduled and 173 non-scheduled), of which:

1. ship inspections	278
-national ships	32
-foreign ships	246
2.boat inspections	328
-commercial boats	79
-sport and entertainment boats	153
-foreign boats	96

3.inspections of waterways, ports and coastal zone 176.

Total of 261 administrative acts were adopted, as follows:

a) resolutions	121
b) requests for initiation of offence proceedings	9
c) mandatory fines	131