

Law on the Safety of the Railway System

I. GENERAL PROVISIONS

Scope of the Law

Article 1

This Law shall regulate the method and the conditions to be met to achieve the safety in the railway system which includes the safety requirements as a whole, including the safety management of the infrastructure and the traffic operations and collaboration between the railway undertakings and the infrastructure manager.

Purpose of the Law

Article 2

The objectives of this Law shall be to provide a development and improvement of the safety of the railway system in the Republic of Macedonia on an open and non-discriminatory manner as well as to improve the access to the railway services market through:

- definition of the responsibility between the participants in the railway traffic;
- establishing a safety authority;
- establishing an investigation authority for serious accidents, accidents and mishaps and the investigation method and procedure;
- establishing principles for management, regulation and supervision of the safety of the railway system.

Definitions

Article 3

Certain terms used in this law shall have the following meaning:

1. "Railway system" means the structure composed of the railway infrastructures, comprising lines, and fixed installations of the existing railway system plus the existing railway vehicles of all categories and origin traveling on that infrastructure;
2. "Railway undertakings" means public or private, domestic or foreign legal entity which holds a license and safety certificate of public railway transport, the activity of which is to provide transport of goods and/or passengers by rail on the basis that the undertaking must ensure traction; including undertakings which provide traction only;
3. "Railway vehicle" means a vehicle suitable for circulation on its own wheels on railway lines, with or without traction. A vehicle is composed of one or more structural and functional subsystems or parts of such subsystems.
4. "Common safety targets" means the safety levels that must at least be reached by different parts of the rail system and by the system as a whole, expressed in risk acceptance criteria;
5. "Common safety methods" means the methods to be developed to describe how safety levels and achievement of safety targets and compliance with other safety requirements are assessed;
6. "Incident" means any occurrence, other than accident, associated with the operation of trains and affecting the safety of operation;
7. "Investigation" means a process conducted for the purpose of accidents and incidents prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendations;
8. "Keeper" means a legal entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the National Vehicle Register;

9. "train driver" means a person capable and authorized to drive trains, including locomotives, shunting locomotives, work trains, maintenance railway vehicles or trains for the carriage of passengers or goods by rail in an autonomous, responsible and safe manner;
10. "National safety rules" means all rules containing railway safety requirements and applicable to all railway undertakings;
11. "Accident" means an unwanted or unintended or sudden event or a special chain of such events which have harmful consequences. The accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons caused by railway vehicles in motion, fires and others;
12. "Investigator-in-charge" means a person responsible for the organisation, conduct and control of an investigation;
13. "Safety authority" means the Administration for the safety of the railway system, as an authority within the Ministry of Transport and Communications which is entrusted with the tasks regarding railway safety in accordance with this Law in order to ensure an unified safety regime for specialized cross-border infrastructures;
14. "Causes" means actions, omissions, events or conditions, or a combination thereof, which led to the accident or incident;
15. "safety authorisation" means a document as authorisation issued to an infrastructure manager by the Administration for safety of the railway system, according to the Law;
16. "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, the infrastructure or the environment, and any other similar accident with an obvious impact on railway safety regulation or the management of safety; "extensive damage" means damage that can immediately be assessed by the investigating body to cost at least EUR 2 million in total in MKD equivalent;
17. "Certificate for familiarity with the railway line and railway vehicle" means the harmonized complementary certificate indicating the infrastructure on which the holder is authorized to drive the train and the railway vehicle which the holder is authorized to drive;
18. "Safety management system" means the organization and arrangements established by an infrastructure manager or a railway undertaking to ensure the safe management of its operations;
19. "Interoperability constituents" means any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into a subsystem, upon which the interoperability of the rail system depends directly or indirectly.. The concept of "constituent" covers both tangible objects and intangible objects such as software;
20. "Entity in charge of maintenance" means an entity in charge of maintenance of a railway vehicles, and registered in the National Vehicle Register;
21. "Technical specification for interoperability" means the specifications by which each subsystem or part of a subsystem is covered in order to meet the essential requirements and to ensure the interoperability of the railway system;
22. "Infrastructure manager" means a public or private, domestic or foreign legal entity which is responsible for installation, maintenance and management of the railway infrastructure, including the regulation of the railway traffic and own safety system. The functions of the infrastructure manager on a network or on part of a network may be allocated to different managers;

23. "Training center" means an entity, accredited or recognized by the safety authority to give training courses on train drivers.

II. DEVELOPMENT AND MANAGEMENT OF SAFETY

1. Development and improvement of railway safety

Article 4

- (1) The railway safety shall be maintained and where possible it shall be continuously improved taking into consideration the new technical and technological and scientific progress in the railway field giving priority to the prevention of serious accidents.
- (2) In order to provide for development of the unique European railway transport system, the safety rules shall be applied in an open and non-discriminatory manner.
- (3) The measures for development of the railway safety shall be based on a system establishment.
- (4) The infrastructure manager and the railway undertakings shall be responsible for the safe operation of the railway system and obliging them to implement necessary risk control measures where appropriate in cooperation with each other, to apply national safety rules and standards, and to establish safety management systems in accordance to this Law.
- (5) The infrastructure manager and the railway undertakings, according to this and other Law, shall be made equally responsible for its part of the safety management system and its safe operation, including supply of material and contracting of services, vis-à-vis users, costumers, the workers concerned and third parties.
- (6) The railway vehicles, installations, accessories and equipment and services shall comply with the requirements and conditions for use specified, so that they can be safely put into operation by the railway infrastructure manager and/or railway undertakings, regardless on the responsibility of their manufacturer, maintainer, proprietor, service provider and vendor.

2. Common safety indicators

Article 5

- (1) In order to facilitate the assessment of the achievement of the common safety targets and to provide for the monitoring of the general development of railway safety, the Administration for Safety of the Rail system (hereinafter: the safety authority) shall collect information on the common safety indicators through the annual reports of the safety authority as referred to in article 43.
- (2) The Minister managing the state authority dealing with the railway traffic and railway infrastructure shall prescribe the common safety indicators.

3. Common safety methods

Article 6

The Common safety Methods describe how the safety level, and the achievement of safety targets and compliance with other safety requirements are assessed by elaborating and defining:

- risk evaluation and risk assessment methods;
- methods for assessing conformity with requirements in safety certificates and safety authorizations, issued according to the Law; and
- methods to check that the structural subsystems of the railway system are operated and maintained in accordance with the relevant essential requirements, if they are not covered with the technical specifications for interoperability.

4. Common safety targets

Article 7

The common safety targets shall define the safety levels that must at least be reached by different parts of the railway system and by the system as a whole, expressed in risk acceptance criteria for:

- (a) individual risks related to passengers, staff including the staff of contractors, level crossing users and others, and without prejudice to existing national and international liability rules, individual risks relating to unauthorised persons on railway premises; and
- (b) societal risks.

5. National safety rules

Article 8

- (1) The national safety rules shall include the following:
 1. general technical requirements that should be fulfilled during design, construction, reconstruction, renewal, upgrading and maintenance of the integral parts of the railway infrastructure in order to enable safe railway traffic;
 2. the method and procedure for maintenance of railway vehicles, the method of keeping records on the maintenance of the railway vehicles as well as the conditions that should be met by the entity that performs railway vehicles maintenance;
 3. equipment of the official spots of the infrastructure manager;
 4. rules on safe railway traffic regarding the railway vehicles and railways and exploitation and regulation of the railway traffic;
 5. procedure for obtaining a license for regulation of the railway traffic;
 6. work time, duration of the shifts and rest between two consecutive shifts;
 7. crossing of railroad with road from the aspect of safe railway traffic;
 8. duties and responsibility of the railway staff that participates in the railway traffic directly;
 9. internal order and protection of the railway infrastructure and railway vehicles;
 10. identifying of the structures of special significance for the railway traffic safety;
 11. conditions that should be met by the railway workers;
 12. transport for own needs; and
 13. special safety measures.
- (2) The Minister managing the state authority dealing with the railway traffic and railway infrastructure shall prescribe the national safety rules stipulated in paragraph (1) of this article.
- (3) The National Safety Rules stipulated in paragraph (1) of this article shall be published in the "Official Gazette of the Republic of Macedonia" and on the website of the safety authority and shall be available to all infrastructure managers, railway undertakings, applicants for safety certificates and applicants for safety authorizations in Macedonian and English languages, understandable for all parties on which they apply for.

6. Safety management systems

Article 9

- (1) Infrastructure manager and railway undertakings shall establish their safety management systems to ensure that the railway system can achieve at least the common safety targets is in conformity with the National Safety Rules, described in article 8 of this Law and with safety requirements laid down in the technical specifications for interoperability according to the Law and that the relevant parts of the common safety methods are applied.
- (2) The safety management system stipulated in paragraph (1) of this article shall meet the requirements and contain the elements laid down in article 10 of this Law, adapted to the character, extent and other conditions according to the scope of operations. The safety management system shall ensure the control of all risks associated with the activity of the infrastructure manager or railway undertaking, including the supply of maintenance and material and the use of contractors. The safety management system shall take into account the risks arising as a result of activities by other parties..

(3) The safety management system of infrastructure manager shall take into account the effects of operations by different railway undertakings on the network and make provisions to allow all railway undertakings to operate in accordance with technical specifications for interoperability according to the Law and National Safety Rules as well and with conditions laid down in their safety certificate. The safety management system should be developed with the aim of coordinating the emergency procedures of the infrastructure manager with all railway undertakings that operate on its infrastructure.

(4) Every year all infrastructure managers and railway undertakings shall submit to the safety authority before 30 June an annual safety report concerning the preceding calendar year. The safety report shall contain:

(a) information on how infrastructure manager and railway undertakings corporate common safety targets are met and the results of safety plans;

(b) the development of national safety indicators if they are relevant for the infrastructure manager and the railway undertakings during the submission of the report;

(c) the results of internal safety auditing; and

(d) observations on deficiencies and malfunctions of railway operations and infrastructure management that might be relevant for the safety authority.

7. Requirements and basic elements on the safety management system

Article 10

(1) The safety management system must be documented in all relevant parts and shall in particular describe the distribution of responsibilities within the framework of the organization of the infrastructure manager of railway undertakings. The safety management system shall show how control by the management on different levels is secured, how staff and their representatives on all levels are involved and how continuous improvement of the safety management system is ensured.

(2) Basic elements of the safety management system are:

(a) a safety policy approved by the responsible person at the infrastructure manager and railway undertaking which is communicated to all staff;

(b) qualitative and quantitative targets of the organization for the maintenance and enhancement of safety, and plans and procedures for reaching these targets;

(c) procedures to meet existing, new and altered technical and operational standards or other prescriptive conditions as laid down: the technical specifications for interoperability prescribed by Law, the National Safety Rules referred to in article 8 of this Law, and the decisions by competent authorities and the procedures to assure compliance with the standards and other prescriptive conditions throughout the cycle of equipment and operations;

(d) procedures and methods for carrying out risk evaluation and implementing risk control measures whenever a change of the operating conditions or new material imposes new risks on the railway infrastructure or on the operations;

(e) provision of programmes for training of staff and systems to ensure that the staff's competence is maintained and tasks carried out accordingly;

(f) provision of sufficient information within the organization and, where appropriate, between organizations operating on the same infrastructure;

(g) procedures and formats for how safety information is to be documented and designation of procedure for configuration control of vital safety information;

(h) procedures to ensure that accidents, incidents, near misses and other dangerous occurrences are reported, investigated and analyzed and that necessary preventive measures are taken;

(i) provisions of plans for action and alerts and information in case of emergency, agreed upon with the competent authority for crisis management; and

(j) provisions for recurrent internal auditing of the safety management system.

8. Access to training facilities

Article 11

(1) The railway undertakings shall ensure to another railway undertakings the right to access to training for the train drivers and staff accompanying the trains in a non-discriminatory manner always when such training is necessary in order to fulfill the requirements.

(2) The services offered must include training on necessary route knowledge, operating rules and procedures, the signaling and control command system and emergency procedures applied on the routes operated.

(3) The infrastructure managers and their staff performing vital and safety tasks have fair and non-discriminatory access to training facilities.

(4) The safety authority shall ensure that the provision of training services or granting of certificates meet the safety requirements laid down in technical specifications for interoperability or in the National Safety Rules described in article 8 of this Law.

(5) If the training facilities are available only through the services of one single railway undertaking or through the infrastructure manager it shall ensure that they are made available to other railway undertakings at a reasonable and non-discriminatory price, which is cost-related and may include a profit margin.

(6) When recruiting new train drivers, staff on board trains and staff performing vital safety tasks, railway undertakings must be able to take into account any trainings, qualifications and experience acquired previously from other railway undertakings and in that case, such members of staff shall be entitled to have access to, obtain copies and communicate all documents attesting to their training, qualifications and experience.

(7) Each railway undertaking and each infrastructure manager shall be responsible for the level of training and qualifications of its staff carrying out safety-related work as set out in articles 9 and 10 of this Law.

9. Placing in service of in-use railway vehicle

Article 12

(1) Railway vehicle that has been authorized to be placed in service in other country and is not fully covered by the technical specifications for interoperability shall be authorized to be placed in service in the Republic of Macedonia in accordance to this Law.

(2) The railway undertaking shall submit a written application to the safety authority to acquire an authorization to place a railway vehicle in service which is already used in another country. To the application, the railway undertaking shall submit a technical file concerning the railway vehicle or type of railway vehicle indicating its intended use on the network.

(3) The technical file of the railway vehicle stipulated in paragraph (2) of this article shall contain the following information:

- evidence that the railway vehicle has been authorized to be placed in service in another country and records that show its history of operation, maintenance and, where applicable, technical modifications undertaken after the authorization;

- relevant technical data, maintenance programme and operational characteristics requested by the safety authority and needed for its complementary authorisation;
- evidence on technical and operational characteristics that show that the railway vehicle is in compliance with the energy supply system, the signaling and control command system, the track gauge and infrastructure gauges, the maximum allowed axle load and other constraints of the network; and
- information on exemptions from national safety rules that are needed to grant authorization and evidence, based on risk assessment, showing that the acceptance of the railway vehicles does not introduce undue risks to the network.

(4) The safety authority may request that test runs on the railway network be undertaken to verify compliance with the restrictive parameters referred to in paragraph (3) line 3 of this article and shall in that case prescribe their range and content.

(5) The safety authority shall adopt its decision on an application in accordance with paragraph (2) of this article without delay and not later than four months after the complete technical file, including documentation, of the test runs, has been submitted. The certificate of authorization may contain conditions for use and other restrictions.

10. Maintenance of railway vehicles

Article 13

(1) Before it is placed in service or used on the railway network, a railway vehicle shall have an entity in charge of maintenance assigned to it. The entity in charge of maintenance shall be registered in the National railway vehicles register.

(2) The entity in charge of maintenance of railway vehicles referred in paragraph (1) of this article may be a railway undertaking, infrastructure manager or keeper.

(3) Without prejudice to the responsibility of the railway undertakings and infrastructure manager for the safe operations of a train, the entity in charge of maintenance of railway vehicles shall ensure that the railway vehicles for which it is in charge of maintenance are in a safe state of running by means of a system of maintenance.

(4) The entity in charge of maintenance shall ensure that railway vehicles are maintained in accordance with:

- the maintenance file of each railway vehicle; and
- the requirements in force including maintenance rules and the technical specifications for interoperability.

(5) The entity in charge of maintenance of railway vehicles shall carry out the maintenance itself or make use of contracted maintenance workshop.

(6) In the case of freight wagons, each entity in charge of maintenance for railway vehicles, shall be certified by a safety authority. A fee shall be paid for the authorisation.

(7) When the entity in charge of maintenance is a railway undertaking or an infrastructure manager, compliance with the requirements to be adopted for maintenance of the freight wagons shall be checked by the safety authority pursuant to the procedures for granting a safety authorisation and safety certificate prescribed by Law and it shall be confirmed on the safety authorisation and safety certificate.

(8) In order to obtain the certificate for maintenance of freight cars, the entity in charge of maintenance must hire at least five persons with higher education out of which three graduated mechanical engineers, two graduated traffic engineers and one electrical engineer with at least

six year of work experience in the profession and other technical staff and to have appropriate business premises, equipment and devices.

(9) The certificate for maintenance of freight wagons shall confirm that the entity in charge of freight wagons management maintains the vehicles according to paragraph 4 of this article.

(10) The freight wagons maintenance certificate shall cease to apply if the entity fails to fulfill some of the requirements referred to in paragraph (8) of this article.

(11) The Minister managing the state authority dealing with the railway traffic and railway infrastructure shall prescribe the detailed criteria regarding the professional training of the other technical staff, the premises, equipment and devices referred in paragraph (8) of this article.

(12) The Minister managing the state authority dealing with the railway traffic and railway infrastructure shall prescribe the method and the procedure for maintenance of freight wagons, the form and contents of the freight wagons maintenance certificate as well as the form and contents of the register of issued certificates.

III. ACCIDENT AND INCIDENT INVESTIGATION

1. Obligation to investigate Article 14

(1) The investigations for the serious accidents on the railway system shall be carried out by a Committee for serious accidents, accidents and incidents on the railway system (hereinafter: the Committee) referred to in article 16 of this Law. The objective of the investigation is possible improvement of railway safety and the prevention of accidents.

(2) In addition to serious accidents, referred to in paragraph (1) of this article, the Committee referred to in paragraph 16 of this article may investigate those accidents and incidents which under slightly different conditions might have led to serious accidents, including technical failures of the structural subsystems or of interoperability constituents.

(3) The Committee, at its discretion, decide whether or not an investigation of such an accident or incident shall be undertaken, which is significant for the system as a whole.

(4) When deciding, the Committee shall consider the seriousness of the accident or incident, whether the accident or incident forms part of a serious of accidents or incidents relevant to the system as a whole, whether the investigation would influence on safety of the railways on state level as well as the requests from the infrastructure managers, railway undertakings, the safety authority or requests for participation in the investigation by other countries.

(5) The scope of investigation activities and the procedures which shall be followed during such investigations must be determined by a Committee referred to in articles 15 and 17 of this Law as well as the lessons that have to be learned of the accident or incident in order to improve safety.

(6) The investigation shall in no case be concerned with apportioning blame or liability.

2. Method of implementation of the investigation Article 15

(1) The investigation shall be implemented according to the provisions of this Law.

(2) An investigator-in-charge shall carry the investigation. Investigator-in-charge shall be enabled to carry out its task in the most efficient way and within the shortest time

(3) In cooperation with the court authorities, the investigators shall, as soon as possible, be given:

- (a) access to the site of the accident or incident as well as to the railway vehicle, involved, the related infrastructure and traffic control and signaling installations;
- (b) the right to an immediate listing of evidence and controlled removal of wreckage, infrastructure installations or components for examination or analysis purposes;
- (c) access to and use of contents of on-board recorders and equipment for recording of verbal messages and registration of the operation of the signaling and traffic control system;
- (d) access to the results of examination of the bodies of victims;
- (e) access to the results of examinations (health and professional) of the train staff and other railway staff involved in the accident or incident;
- (f) the opportunity to question the railway staff involved and other witnesses; and
- (g) access to any relevant information or records held by the infrastructure manager, the railway undertakings involved and the safety authority.

(4) The investigation shall be accomplished independently of any judicial inquiry.

3. Committee for serious accidents, accidents and incidents on the railway system

Article 16

(1) The Committee as a permanent body, which shall comprise at least two investigators, who are experts in the railway field named by the Government of the Republic of Macedonia, out of which one is appointed as investigator-in-charge, shall carry the investigation of the accidents and incidents referred to in article 14 of this Law. The Committee shall be independent in its organization and decision-making from any infrastructure manager, railway undertaking, safety authority, railway regulator and the Ministry of Transport and Communications.

(2) The funds for the operations of the Committee shall be provided by the Budget of the Republic of Macedonia and are given for uninterrupted performance of its tasks.

(3) The infrastructure manager, the railway undertakings and where appropriate the safety authority, are obliged immediately to report accidents and incidents referred to in article 14 of this Law to the Committee which shall be able to respond to such reports and make the necessary arrangements to start the investigation no later than one week after receipt of the report concerning the investigation.

(4) If necessary, the Committee may request the assistance of investigating bodies from other countries to supply expertise or to carry out technical inspections, analyses or evaluations.

(5) The Committee referred to in paragraph (1) of this article may entrust other tasks which are not covered with the ones referred to in article 14 of this Law.

(6) The Committee shall conduct an active exchange of views and experience for the purpose of developing common investigation methods, drawing up common principles for follow-up of safety recommendations and adoption to the development of technical and scientific process.

4. Investigation procedure

Article 17

- (1) An accidents or incidents in the international railway traffic shall be investigated by the investigation body in the country in which it occurred.
- (2) If it is not possible to establish in which country the accident or incident have occurred or if it has occurred on or close to a border installation of the Republic of Macedonia and the neighboring country, the Committee and the investigation body of the neighboring country shall agree which one of them will carry out the investigation. In this case, the other investigation body shall in the first case be allowed to participate in the investigation and fully share its results or shall agree to carry it out in cooperation.
- (3) The investigation bodies from other countries shall be invited to participate in an investigation whenever a railway undertaking established and licensed in that country is involved in the accident or incident.
- (4) Before the investigation of the accident or incident, the Committee shall arrange for the appropriate means, comprising the necessary operational and technical expertise to carry out the investigation performed by foreign or domestic natural person or legal entity, depending on the character of the accident or incident to be investigated.
- (5) The investigation shall be carried out with as much openness as possible, so that all parties can be heard and can share the results. The infrastructure manager and the railway undertaking, the safety authority, victims and their relatives, owners of damaged property, tmanufacturers, the emergency services involved and representatives of staff and users shall be regularly informed of the investigation and its progress and, as far as practicable, shall be given an opportunity to submit their opinions and views to the investigation and be allowed to comment on the information in draft reports.
- (6) The Committee shall conclude its examination at the accident site in the shortest possible time in order to enable the infrastructure manager to restore the infrastructure and open it to rail tansport services as soon as possible.

5. Reports

Article 18

- (1) An investigation of an accident or incident reffered to in article 14 of this Law, the Committee shall prepare a report in a form appropriate to the type and seriousness of the accident or incident and the relevance of the investigation findings. The reports shaal state the objectives of the investigations and contain, where appropriate, safety recommendations.
- (2) The Committee shall make public the final report in the shortest possible time and normally not later than 12 months after the date of the occurrence. The repot shall, as close as possible, follow the reporting structure laid down in article 17 paragraph (5) of this Law and shall be communicated to the relevant parties and parties concerned in other countries.
- (3) Each year, the Committee shall publish by 30 September at the latest an annual report accounting for the investigations carried out in the preceding year, the safety recommendations that were issued and actions taken in accordance with recommendations issued previously.
- (4) The Minister managing the state authority dealing with the railway traffic and railway infrastructure shall prescribe the content of the report reffered to in paragraph (1) of this article.

6. Information to be sent to the European Railway Agency

Article 19

(1) Within one week after the decision to open an investigation, the Committee shall inform the European Railway Agency thereof. The information shall indicate the date, time and place of the occurrence, as well as its type and its consequences as regards fatalities, injuries and material damage.

(2) The Committee shall send the European Railway Agency a copy of the final report referred to in article 18 paragraph (2) of this Law and of the annual report referred to in article 18 paragraph (3) of this Law.

7. Safety recommendations

Article 20

(1) The safety recommendation issued by a Committee shall in no case create a presumption of blame or liability for an accident or incident.

(2) Recommendations shall be addressed to the safety authority and, where needed by reason of the character of the recommendation, to other bodies or authorities in other countries. The safety authorities of other countries shall take the necessary measures to ensure that the safety recommendations issued by the investigation bodies are duly taken into consideration, and, where appropriate, acted upon.

(3) The safety authority and other authorities or bodies of other countries to which recommendations have been addressed, shall report back at least annually to the Committee on the measures that are taken or planned as a consequence of the recommendation.

IV. CERTIFICATION OF TRAIN DRIVERS

Part 1: CERTIFICATION MODEL

1.1. Driver's license and certificate for railway vehicle

Article 21

(1) All train driver shall have the necessary fitness and qualifications to drive a railway vehicle and shall hold the following documents:

- Driver's license for railway vehicle (hereinafter: the License), which confirms that the train driver satisfies minimum conditions as regards medical requirements, basic education and general professional skills; and
- One or more certificates indicating the railway infrastructure and railway vehicle (hereinafter: the certificate) which the holder is authorized to drive and indicating the railway vehicle which the holder is authorized to drive.

(2) However, the paragraph (1) of this article, the requirements to hold a certificate for a specific part of the railway infrastructure shall not apply in the exceptional cases listed hereafter, provided that another train driver who possesses a valid certificate for the relevant railway infrastructure concerned sits next to the driver during driving:

- when a disturbance of the railway service necessitates the deviation of trains or maintenance of tracks, as specified by the infrastructure manager;
- for exceptional, one-off services which use historical trains ;
- for exceptional, one-off freight services , provided that the infrastructure manager agrees;
- for the delivery or demonstration of a new railway vehicle; and
- for the purposes of training and examining train drivers.

- (3) The use of this possibility shall be a decision of the railway undertaking referred to in paragraph (2) of this article and may not be imposed by the infrastructure manager or by the safety authority.
- (4) Whenever an additional driver is used as referred to in paragraph (2) of this article, the infrastructure manager shall be informed beforehand.
- (5) The certificate shall authorise driving in one or more of the following categories:
- category A: shunting locomotives, work trains, maintenance railway vehicles and all other locomotives when they are used for shunting; and
 - category B: carriage of passengers and/or of goods
- (6) A certificate may contain an authorisation for all categories, covering all codes.
- (7) The Minister managing the state authority dealing with the railway traffic and railway infrastructure shall prescribe the procedure for issuing of the license, the model and content for the license of train driver and the model and content of the registry of licenses.
- (8) The Minister managing the state authority dealing with the railway traffic and railway infrastructure shall prescribe the model and content of the certificate for familiarity with the infrastructure and railway vehicle.

1.2. Anti-fraud measures

Article 22

The safety authority shall take all necessary steps to avoid the risks of falsification of licenses and certificates and tampering with the registers of licenses for train drivers (hereinafter: register of licenses) and register of certificates of train drivers (hereinafter: register of certificates) provided in article 45 of this Law.

1.3. Ownership, language and issuing bodies of licenses and certificates

Article 23

- (1) A license shall be owned by its holder and shall be issued by the safety authority.
- (2) A license shall be issued on Macedonian and English language.
- (3) A certificate shall be issued by the railway undertaking or the infrastructure managers who employs or contracts the driver. The certificate shall be owned by the railway undertaking or the infrastructure issuing it, in accordance with article 11, paragraph (6) of this law, and train drivers shall be entitled to obtain a certified copy.
- (4) The certificate shall be issued on Macedonian and English language.

1.4. Geographical validity

Article 24

A certificate shall be valid only on those infrastructures and railway vehicle identified on it.

1.5. Recognition of certification documents of train drivers of third countries

Article 25

Certification documents for operating railway vehicles issued to train drivers of a third country may be recognized on the territory of the Republic of Macedonia only if the train drivers operate on parts of the railway system on border-crossing sections, in accordance with the bilateral agreements ratified by the Republic of Macedonia.

Part 2: CONDITIONS FOR OBTAINING THE LICENSE AND THE CERTIFICATE

Article 26

- (1) To obtain a license, applicants shall satisfy the minimum requirements set out in article 27 and 28 of this law. To obtain a certificate and for it to remain valid, applicants shall hold a license and satisfy the minimum requirements set out in article 29 of this law.
- (2) Licenses issued by other countries, in accordance with the legislation of the European Union, shall be recognized in the Republic of Macedonia.

2.1. Minimum conditions for obtaining a license

Article 27

In order to obtain a license the applicant should be at least 18 years of age.

2.2. Basic requirements

Article 28

- (1) In addition to the requirement referred to in article 27 of this law, applicants that have submitted an application for a license shall also satisfy the following conditions:
 - shall have successfully completed education (at least secondary vocational education in the field of train driving) and have successfully concluded one year of basic training for train drivers;
 - shall provide confirmation of their physical fitness by passing a medical examination conducted by an authorized medical institutions;
 - shall demonstrate their occupational psychological fitness by passing an examination conducted by an authorized medical institution; and
 - shall have demonstrated their general professional competence by passing an examination and obtaining the certificate .
- (2) The model and the content of the application for confirming the physical, psychological fitness and the general professional competence, the manner in which these parameters shall be determined and periodic checks for the medical examinations of the train drivers shall be prescribed by the minister managing the state administration authority responsible for dealing with matters in the area of health with the agreement from the minister managing the state administration authority responsible for dealing with matters in the area of railroad transport and railroad infrastructure.
- (3) The method and the procedure for determining the requirements that have to be fulfilled by the medical institution for performing the medical examination of train drivers shall be prescribed by the minister managing the state administration authority responsible for dealing with matters in the area of health.

2.3. Certificate, linguistic knowledge and professional qualifications

Article 29

- (1) To obtain the certificate, the train drivers shall fulfill the following requirements:
 - shall know the Macedonian language;
 - shall have passed an examination testing their professional knowledge and competence relating to the railway for which the certificate is sought and
 - shall have passed an examination testing their professional knowledge and competence relating to the railway infrastructures for which the certificate is sought.
- (3) The railway undertakings or the infrastructure managers shall train the candidates in relation to its safety management system referred to in article 9 of this law.

Part 3: PROCEDURE FOR OBTAINING THE LICENSE AND THE CERTIFICATE

3.1. Obtaining the license

Article 30

- (1) The safety authority shall publish the procedure to be followed for obtaining a license on its website.
- (2) The license applications, may be for the updating of license particulars, for the grant of a new license, a renewal or a duplicate, shall be lodged with the safety authority by the candidate train driver, or by the infrastructure manager or the transporter on his behalf.
- (3) The safety authority shall issue the license as soon as possible and not later than one month after the receiving all the necessary documents.
- (4) A license shall be valid for 10 years.
- (5) A license shall be issued in a single original, and a copy of the license shall be issued upon a request by the train driver.

3.2. Obtaining the certificate

Article 31

- (1) Each railway undertaking and infrastructure manager shall set up its own procedures for issuing and updating certificates in accordance with this law, as part of its safety management system, as well as appeals procedures allowing train drivers to request a review of a decision relating to the issue, updating, suspension or withdrawal of a certificate.
- (2) In the event of disagreement referred to in paragraph (1) of this article, an appeal can be lodged to the safety authority within 8 days after the day of the received decision. The safety authority must decide within five business days from the day receiving the appeal
- (3) The railway undertakings and the infrastructure manager shall update, without delay, a certificate whenever the holder of the certificate has obtained additional authorisations relating to railway vehicle or infrastructure.

3.3. Periodic checks

Article 32

- (1) In order for a license to remain valid, its holder shall undergo periodic examinations and/or tests relating to the requirements referred to in article 28 of this law.
- (2) When renewing a license, the safety authority shall verify in the register in the license registry referred to in article 45, paragraph (1), line 1 of this law, that the train driver has met the requirements referred to in paragraph (1) of this article.
- (3) In order for a certificate to remain valid, its holder shall undergo periodic examination and/or tests relating to the requirements referred to in article 29 of this law. The frequency of those examinations and/or tests shall be determined by the railway undertaking or the infrastructure manager employing or contracting the train driver in accordance with its own safety management system, and respect the minimum frequency of the periodic checks shall be as follows:
 - Linguistic knowledge of the territory where the transport takes place (only for non-native speakers): every three years or after any absence of more than one year;
 - Infrastructure knowledge of the railway infrastructure (including route and operation rules knowledge): every three years or after any absence of more than one year on the relevant route; and
 - Knowledge of the railway vehicles: every three years.
- (4) For each of these checks referred to in paragraph (3) of this article, the issuing body of the certificates shall confirm by a statement on the certificate and in the register of certificates

referred to in article 45, paragraph (2), line 2 of this law, that the train driver has met the requirements referred to in paragraph (3) of this article.

(5) Where a periodic check is missed or gives a negative result, the procedure laid down in article 34 shall be apply.

3.4. Cessation of employment

Article 33

(1) When a train driver ceases to work for a railway undertaking or an infrastructure manager, the safety authority shall be informed without delay in writing.

(2) The license shall remain valid, provided that the train driver fulfills the requirements referred to in article 32, paragraph (1) and (2) of this law.

(3) A certificate shall become invalid when its holder ceases to be employed as a train driver. However, the holder shall receive a certified copy of the certificate and of all documents providing evidence of his/her training, qualifications, experience and professional competences. When issuing a certificate to a train driver, a railway undertaking or an infrastructure manager shall take account of all those documents.

3.5. Monitoring of train drivers by railway undertaking and infrastructure manager

Article 34

(1) Railway undertaking and infrastructure manager shall be required to ensure, and to check, that the licenses and certificates of the train drivers they employ are valid.

(2) Railway undertaking and infrastructure manager shall set up a system for monitoring their train drivers. If the results of such monitoring call into question a train driver's competence for the job and the continuing validity of his/her license or certificate, railway undertaking and infrastructure manager shall immediately take the necessary action.

(3) If the train driver considers that his/her state of health calls into question his/her fitness for the job, he/she shall immediately inform the railway undertaking and infrastructure manager, whichever is appropriate.

(4) As soon as a railway undertaking or infrastructure manager is aware or is informed by a medical doctor that the health of a train driver has deteriorated to a point where his/her fitness for the job is called into question, it shall immediately take the necessary action, including the examination and, if necessary, shall withdraw the certificate and the updating of this information in the register of issued certificates.

(5) When the train drivers are on duty shall not be under the influence of alcohol and/or other psychotropic substances that may have an influence on their concentration, attention or behavior.

(6) The infrastructure manager or the railway undertaking shall immediately inform the safety authority of all instances when train drivers are unable to work for a period longer than three months.

(7) The method and procedure for determining the presence of alcohol and/or other psychotropic substances in the organism of the train drivers shall be prescribed by the Minister managing the state administration authority dealing with matters in the area of health.

Part 4: TRAINING AND EXAMINATION OF TRAIN DRIVERS

4.1. Training

Article 35

(1) The training of train drivers shall include a part relating to the license, shall be performed in accordance with article 28, paragraph (1), line 4 of this law, and reflecting general professional knowledge and competence related to the railway vehicle and the railway infrastructure, required to obtain the certificate, shall be performed in accordance with article 29, paragraph (1), lines 2 and 3 of this law.

- (2) The training methods shall satisfy the following criteria:
- There must be a good balance between theoretical training (classroom and demonstrations) and practical training (on-the-job experience, driving with supervision and driving without supervision) on tacks which are closed off for training purposes;
 - Computer-aided training must be accepted for individual learning of the operational rules, signaling situations etc;
 - The use of simulators, although not obligatory, , may be useful for the effective training of drivers, they are particularly useful for training in abnormal working conditions or for rules infrequently applied, considering that simulators provide learning-by-doing capability for events that cannot be trained in the real world and therefore simulators of the latest generation must be used and
 - concerning the acquisition of route knowledge, the approach to be favoured must be where the train driver accompanies another train driver for an appropriate number of journeys along the route, in daylight as well as at night. Videos of the routes as seen from the train driver's cab may be used, among other methods, as an alternative training method.
- (3) During the training:
- The train driver candidates shall have fair and non-discriminatory access to the training needed to fulfil the conditions for obtaining the license and the certificate;
 - Training tasks relating to general professional knowledge as provided for in article 28, paragraph (1), line 4 of this law, linguistic knowledge as provided for in article 29, paragraph (1), line 1 of this law, and professional knowledge relating to railway vehicle as provided for in article 29, paragraph (1), line 2 of this law, shall be performed by accredited or recognised persons; and
 - Training tasks relating to infrastructure knowledge as provided for in article 29, paragraph (1), line 3 of this law, including route knowledge and operating rules and procedures, shall be performed by accredited or recognized persons.
- (4) In order to obtain the authorization to perform training about knowledge of railway infrastructure, the person shall have university education level in the area of civil, mechanical or traffic engineering, working experience of at least 10 years in the area of the railway system, knowledge of at least one foreign language and knowledge of the rules in the area of railways.
- (5) The training of the staff shall be implemented continuously, through staff training programme and training systems, in order to ensure the preservation of the competence of the staff and that the tasks are performed appropriately.
- (6) After the completion of the training a certificate for completion of the training shall be issued to the train driver or the train driver candidate.
- (7) The method and procedure for obtaining professional knowledge and competency regarding the railway vehicle and the railway infrastructure, the programme for professional knowledge, regular and periodic checks of the knowledge of the train drivers, the model and the content of the certificate for completion of the training shall be prescribed by the minister managing the state administration authority responsible for dealing with matters in the area of education and science in agreement with the minister managing the state administration authority responsible for dealing with matters in the area of railroad transport and railroad infrastructure.

4.2. Costs of the training

Article 36

In the case where the train driver voluntarily leaves the former for the latter railway undertaking or infrastructure manager, then the costs incurred by the railway undertaking or the infrastructure manager for the training of a train driver, shall be compensated by the train driver.

4.3. Examinations

Article 37

(1) The safety authority shall organize the examinations for obtaining the license and the railway undertaking or the infrastructure manager shall organize the examinations for obtaining the certificate.

(2) The examinations referred to in paragraph (1) of this article and the evaluation of the railway infrastructure knowledge, including route knowledge and operational rules, shall be performed by authorized persons – examiners and shall be organized in such a way as to avoid any conflict of interest, regardless of whether the examiner has been authorized by railway undertaking or by infrastructure manager, which issued the certificate.

(3) An examiner can be a person that has university education level in the area of civil, mechanical or traffic engineer, with a working experience of at least 10 years in the area of the railroad system, knowledge of at least one foreign language and knowledge of the rules in the area of railways.

(4) On the basis of training, an examination shall be conducted. The examination shall comprise a practical and a theoretical part. The capability to drive a railway vehicle shall be assessed during the tests for train driving on the railway network. A simulator may be used to test the application of operational rules and practical driving skills of the train driver in particularly difficult situations.

(5) The person that passed the examination shall be issued a certificate.

(6) The method and procedure of implementing the examinations, the training programme, as well as the model and content of the model of the certificate the completion of the training and the certificate for passing the examination, shall be prescribed by the minister managing the state administration authority responsible for dealing with matters in the area of education and science in cooperation with the minister managing the state administration authority responsible for dealing with matters in the area of railroad transport and railroad infrastructure.

(7) The method and procedure obtaining an authorization to perform training for the authorized trainers as well as for the authorized examiners, the model and the content of the authorization, as well as the model and content of the model of the registry of issued authorizations shall be prescribed by the minister managing the state administration authority responsible for dealing with matters in the area of education and science in cooperation with the minister managing the state administration authority responsible for dealing with matters in the area of railroad transport and railroad infrastructure.

Part 5: WORK ASSESSMENT

5.1. Quality standards

Article 38

(1) The safety authority shall ensure that all activities associated with training, the assessment of skills and the updating of licenses and certificates are the subject of continuous monitoring under a quality standards system.

(2) The system of quality standards referred to in paragraph (1) of this article shall not apply to activities already covered by the safety management systems put in place railway undertakings and infrastructure managers in accordance with this law.

5.2. Independent assessment

Article 39

(1) The procedures for an acquisition and assessment of professional knowledge and competences, and of the system for the issuing of licenses and certificates, shall be carried out independently at intervals of not more than five years.

(2) The independent assessment referred to in paragraph (1) of this article shall not apply to activities already covered by the safety management systems put in place by railway undertakings and infrastructure managers in accordance with this law.

(3) The assessment shall be carried out by qualified foreign natural persons or legal entities determined by the European Commission which have not been involved in the activities related to the training for issuing and updating licenses and certificates.

(4) The results of these independent assessment referred to in paragraph (3) of this document shall be duly documented and brought to the attention of the safety authority, and if necessary, shall take appropriate measures to remedy any shortcomings brought to light by the independent assessment.

V. SAFETY AUTHORITY

Article 40

(1) The Administration for safety in the railway system shall be formed for the purposes of performing the activities related to the safety of the railways, as an authority within the Ministry of Transport and Communications.

(2) The Administration for safety in the railway system shall be managed by a director which shall be appointed and dismissed by the Government of the Republic of Macedonia, upon a proposal from the minister managing the state administration authority responsible for dealing with matters in the area of railroad transport and railroad infrastructure. The director shall have a term of office for a period of four years.

(3) A person that has completed university level education in the area of technical, legal or economic sciences, with a working experience of more than five years in the area of railway transport and railway infrastructure, with active knowledge of at least one foreign language and knowledge of the regulations in the area of railways, shall be appointed to the position director of the administration.

(4) The director can be dismissed before the expiration of his/her term of office in the following instances:

1. Upon his/her own request,
2. In the event when he/she cannot perform the function for a period longer than six months due to illness or death,
3. If he/she is selected or appointed to a function or job that is incompatible with the function of the director of the Administration and
4. In the event of violation of the provisions or the regulations enacted on the basis of this law or in the event of misuse of the function.

1. Competences of the safety authority from the point of view of performing the activity of railway undertaking or infrastructure manager

Article 41

(1) The safety authority shall be entrusted with the following tasks:

- authorising the bringing into service of the structural subsystems of the railway system in accordance with the law, checking of the functionality of the system and that they are operated and maintained in accordance with the relevant essential requirements;

- supervising that the interoperability constituents are in compliance with the essential requirements in accordance with the law;
- authorising the placing in service of new and substantially altered railway vehicle that is not yet covered by a technical specifications of interoperability;
- the issue, renewal, amendments and revocation of relevant parts of safety certificates and of safety authorisations, granted in accordance with the law and checking that conditions and requirements laid down in them are met;
- Propose changes to the regulations in the area of safety of the railway system and
- Perform supervision of the railway vehicles to check that they are registered in the National Registry of Railway Vehicles and that safety information contained in the registry are accurate and up-to-date.

(2) The duties referred to in paragraph (1) of this article can not be transferred to an infrastructure manager, railway undertaking or another legal entity.

1.1. Decision-making principles of enacting acts

Article 42

(1) The safety authority shall carry out its tasks in an open, non-discriminatory and transparent way, shall allow all parties to be heard and give reasons for its decisions.

(2) The safety authority shall promptly respond to requests and applications and communicate its requests for information without delay and adopt all its decisions within 15 days after all required information has been provided. The authority may, at any time, request the technical assistance of infrastructure managers and railway undertaking or other qualified bodies, when it is carrying out the tasks referred to in article 41 of this law.

(3) In the process of decision-making, the safety authority shall consult all persons involved and interested parties, including infrastructure managers, railway undertakings, manufacturers and maintenance providers, users and staff representatives.

(4) The safety authority shall be free to carry out all inspections and investigations that are needed for accomplishment of its tasks and it shall be granted access to all relevant documents and to premises, installations and equipment of infrastructure managers and railway undertakings.

(5) The safety authority shall conduct an active exchange of views and experience for the purpose of harmonizing their decision-making criteria for enactment of the acts, and shall especially aspire to facilitate the procedure for issuing of safety certificates to railway undertakings which have been granted international train paths.

(6) The safety authority shall guarantee the introduction of an administrative appeals procedure that will provide the train drivers with an opportunity to seek reconsideration of decisions enacted by a railway undertaking or infrastructure manager.

(7) Against the decision enacted by the safety authority, a complaint may be filed to the Administrative Court of the Republic of Macedonia within 30 days from the day of the received decision.

1.2. Annual reports

Article 43

(1) Each year the safety authority shall publish an annual report concerning its activities in the preceding year and send it to the European Railway Agency by 30 September at the latest.

(2) The report referred to in paragraph (1) of this article shall contain information of the following:

- the development of the railway safety, including the common safety indicators in accordance with article 5 of this law;
- important changes in legislation and regulation concerning railway system;
- the development of safety certification and safety authorization; and
- results of and experience relating to the supervision of infrastructure manager and the railway undertakings .

(3) If new facts or errors are discovered after the submission of the report referred to in paragraph (1) of this article, the safety authority shall enter the changes or additions in the report from the current year or at the latest in the report for the next year.

2. Competence of safety authority from the point of view of the activities performed by train drivers

Article 44

(1) The safety authority shall perform the following tasks:

- Issuing and updating licenses and providing duplicates, as provided for in articles 23 and 30 of this law;
- ensuring periodic examinations and/or tests, as provided for in article 32, paragraph (1) and (2) of this law;
- suspending and withdrawing licenses and notifying the certificate providers of reasoned requests for the suspension of certificates, as provided for in article 38 of this law;
- Authorize persons for implementing the training and examinations of the train drivers and keep a registry of authorized trainers and authorized examiners, as provided for in articles 35 and 37 of this law;
- Publish a list of medical institutions that are authorized or recognized to perform medical examinations in accordance with the law, on its website;
- Keeping and updating a register of licenses, as provided for in article 45, paragraphs (1) and (2) of this law;
- Monitoring the train drivers' certification process, as provided for in article 38 of this law; and
- carrying out inspections supervision as provided for in article 48 of this law.

(2) The safety authority shall respond quickly to requests for information and present any requests for additional information without delay when preparing licenses.

2.2. Registers and exchange of information

Article 45

(1) The safety authority shall be required to:

- Keep a register of all licences issued, updated, renewed, expired, suspended, withdrawn, lost, stolen or destroyed licenses for operating a railway vehicle issued to train drivers.
- Regularly update the register of licenses;

- Supply, upon reasoned request, information on the status of such licenses to the safety authorities of other countries, the European Railway Agency or any employer of train drivers.
- (2) Each railway undertakings or infrastructure managers shall be required to:
- Keep a register of issued, updated, renewed, expired, suspended, withdrawn, lost, stolen or destroyed certificates for infrastructure knowledge and railway vehicles issued to train drivers;
 - Regularly update the register of certificates;
 - Cooperate with the safety authority in order to exchange information and give access to data required; and
 - Supply information on the content of such certificates to the safety authorities of other countries upon their request, when this is required as a consequence of their transnational activities.
- (3) Train drivers shall have access to the data concerning them, which is stored in the registers of safety authority and of railway undertakings and shall be provided with a copy of that data on request.
- (4) The safety authority shall cooperate with the European Agency for Railways in order to ensure the interoperability of the registers provided for in paragraph (1) and (2) of this article.

3. Supervision

Article 46

- (1) The supervision over the implementation of this law and the regulations enacted on the basis of this law shall be performed by the Ministry of Transport and Communications.
- (2) The inspection supervision over the provisions of this and other laws and the implementing regulations derived from these laws shall be performed by the safety authority.
- (3) The safety authority shall perform the inspection supervision referred to in paragraph (1) of this article using inspectors for:
1. Safety of the railway infrastructure;
 2. Safety of shunting trains and railway vehicles;
 3. Safety of railway transport of passengers and goods and
 4. Safety of the signaling, safety and communications systems and electrical and technical facilities.
- (4) A person with university education level, a degree in civil engineering major railways, with at least three years of experience in the profession can be appointed to the function inspector for safety of the railway infrastructure.
- (5) A person with university education level, a degree in electrical and technical engineering or mechanical engineering, with at least three years of experience in the profession can be appointed to the function inspector for safety of shunting trains and railway vehicles.
- (6) A person with university education level, a degree in traffic engineering – major railway traffic and transport, with at least three years of experience in the profession can be appointed to the function inspector for safety of railway transport of passengers and goods.
- (7) A person with university education level, a degree in electrical and technical engineering, with at least three years of experience in the profession can be appointed to the function inspector for safety of the signaling, safety and communications systems and electrical and technical facilities.

Article 47

- (1) The inspectors stipulated in article 46 of this law shall have an official identification card.
- (2) The official identification card of the inspector referred to in paragraph (1) of this article shall be issued by the minister managing the state administration authority responsible for dealing with matters in the area of railroad transport and railroad infrastructure, and the identification card shall be used by the inspector so that he/she can prove his/her official status, and the inspector shall be obligated to show the identification card when performing inspection supervision, if this is requested of him/her.
- (3) The model and the content of the official identification card referred to in paragraph (1) of this article and the method of issuing and revoking the identification card shall be prescribed by the minister managing the state administration authority responsible for dealing with matters in the area of railroad transport and railroad infrastructure.
- (4) The official identification card shall be taken away from the inspector if the inspector has been dismissed or if the inspector's employment in the safety authority has been ceased.

Article 48

- (1) While performing the inspection supervision, the inspector for safety of shunting of trains and railway vehicles (hereinafter in the text: inspector) shall check whether the train driver in the train has documents issued in accordance with this law.
- (2) In addition to the checking referred to in paragraph (1) of this article, the inspector shall also check whether the train driver fulfills the requirements referred to in article 29, paragraph (1), lines 2 and 3 of this law.
- (3) If the inspector determines that the train driver does not fulfill the requirements referred to in this law, then the inspector can:
 - Enact a decision to revoke the license of the train driver, temporarily or permanently depending on the scope of the causes that could have an impact on the safety of the railways. The inspector shall immediately inform the employer about the revocation of the license, and, in the act for revocation, the in inspector shall stipulate the procedure for reacquiring the license;
 - If the license at hand had been issued by the safety authority of another country, the safety authority shall inform the authority of the other country and shall submit a request asking the other authority to perform additional verifications or revoke the license. In the request the safety authority shall stipulate the reasons for the undertaken measures. The safety authority that issued the license shall review the request within four weeks and shall inform the safety authority about its decision. The safety authority can ban the train drivers from driving until the safety authority obtains a notification of the decision of the safety authority in the other country;
 - In the case of a certificate, the safety authority shall appeal to the providers of the certificates and shall ask for additional checking to be performed or for the certificate to be revoked. The providers of certificates shall undertake appropriate measures and shall notify the safety authority within four weeks. The safety authority can ban the train drivers from driving until the safety authority obtains the report from the providers of the certificates and shall inform the other safety authorities.

(4) If the inspector thinks that an train driver causes a serious threat to the safety of the railways, the inspector shall immediately undertake the necessary activity, such as requesting the infrastructure manager to stop the train and ban the train driver from driving.

(5) The inspector shall inform the safety authorities of other countries about all his/her decisions stipulating the irregularities referred to in paragraph (4) of this article.

(6) The safety authority shall update the registries stipulated in article 45 of this law to reflect the actions referred to in paragraph (3) of this article.

(7) Against the decision referred to in paragraph (1), line 1 of this article, an appeal can be lodged within 15 days from the day when the decision was received, to the minister managing the state administration authority responsible for dealing with matters in the area of railroad transport and railway infrastructure.

Article 49

Legal entities and natural persons shall be obligated to allow the inspector referred to in article 48, paragraph (1) to perform the inspection supervision without interference, and to provide to the inspector, at his/her request, all necessary data and documentation and to give the inspector all necessary explanations for the purpose of the inspection supervision.

VI. MISDEMEANOR PROVISIONS

Article 50

(1) A fine in the amount of the MKD equivalent of 3,000 to 5,000 EUR shall be imposed against a legal entity if:

- it fails to adhere to prescribed national safety rules stipulated in article 8 of this law;
- it fails to establish its own safety management system in accordance with the safety requirements established in the technical specifications for interoperability (article 9, paragraph (1));
- it fails to submit an annual report on safety to the safety authority for the previous calendar year (article 9 paragraph (4));
- it puts into operation or uses in the railway network a railway vehicle that has not been maintained by an entity responsible for maintaining railway vehicles (article 13, paragraph (1));

(2) For the misdemeanors referred to in paragraph (1) of this article a fine in the amount of the MKD equivalent of 1,500 EUR to 2.000 EUR shall be imposed against the responsible person in the legal entity.

Article 51

(1) A fine in the amount of the MKD equivalent of 2,000 to 3.000 EUR shall be imposed against a legal entity if:

- it performs the maintenance of the railway vehicles contrary to article 13, paragraph (4) of this law;
- if it performs maintenance of freight wagons without holding a certificate from the safety authority (article 13, paragraph (6));
- if it employs a train driver or if it allows a person that does not have a license for operating a railway vehicle or does not have a certificate for infrastructure knowledge and the railway vehicle, to operate the railway vehicle (article 21, paragraph (1), line 1 and 2);
- if it fails to undertake measures including the periodic examinations in case the health situation of the train driver deteriorated to the extent that his/her capability to work is in doubt (article 34, paragraph (4));

- if it allows train driver to be under the influence of alcohol and/or other psychotropic substances that influence his/her concentration, attention and behavior, during working hours (article 34, paragraph (5));
- if it fails to immediately inform the safety authority about all instances of incapacitation of the train drivers for a period longer than three months (article 34, paragraph (6));
- If it fails to provide the train driver candidates with a fair and non-discriminatory access to the training facilities for the purposes of completing the training required for obtaining a license and a certificate (article 35, paragraph (3), line 1);
- If it does not implement the training of staff continuously through staff training programme and training systems (article 35, paragraph (5));
- If it fails to keep a registry of certificates or if it fails to update it regularly (article 45, paragraph (2), line 1 and 2);

(2) For the misdemeanors in paragraph (1) of this article a fine in the amount of the MKD equivalent of 500 to 1,000 EUR shall be imposed against the responsible person in the legal entity.

Article 52

A fine in the amount of the MKD equivalent of 500 to 700 EUR shall be imposed for a misdemeanor against a natural person if:

- He/she does not have a license for operating a railway vehicle (article 21, paragraph (1), line 1);
- If he/she does not have a certificate for infrastructure knowledge and the railway vehicle (article 21, paragraph (1), line 2);
- If, during working hours, he/she is under the influence of alcohol and/or other psychotropic substances that influence his/her concentration, attention or behavior (article 34, paragraph (5));
- He/she does not allow the inspector to perform the inspection, does not provide to the inspector the necessary data and documentation (article 49).

Article 53

(1) For the misdemeanors referred to in article 50, 51 and 52 of this law, before submitting the request for instigating a misdemeanor procedure before a competent court, the inspector referred to in article 49, paragraph (1) of this law shall implement a settlement procedure. If the perpetrator admits to the misdemeanor, the inspector shall issue a payment order to the perpetrator for the purposes of payment of the fine envisaged with the misdemeanor. By signing the payment order the perpetrator shall be considered to have agreed to pay the envisaged fine.

(2) The perpetrator of misdemeanors referred to in paragraph (1) of this article shall be obligated to pay the fine within eight days from the day when he/she received the payment order. The payment should be made to the account of the safety authority indicated in the payment order. The perpetrator that will pay the fine within the specified time period shall pay only half of the imposed fine specified in the payment order.

(3) If the perpetrator of the misdemeanor referred to in paragraph (1) of this article does not pay the fine within the time period referred to in paragraph (2) of this law, the inspector shall file a request for instigating a misdemeanor procedure before the competent court.

(4) The safety authority shall be obligated to keep records of the instigated settlement procedures as well as their outcome.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 54

Within one year from the legal effectuation of this law, the infrastructure manager and the railway undertaking shall establish the safety management system referred to in articles 9 and 10 of this law.

Article 55

(1) Within two years from the legal effectuation of this law, the common safety methods referred to in article 6 of this law, shall be established.

(2) Within three years from the legal effectuation of this law, the common safety goals referred to in article 7 of this law shall be introduced.

(3) The national safety rules referred to in article 8 of this law shall be harmonized with the common safety methods and common safety goals within one year after they have been introduced.

Article 56

The provisions referred to in articles 19 and 26 of this law shall apply after the accession of the Republic of Macedonia to the European Union.

Article 57

(1) The more detailed regulations envisaged with this law shall be enacted within six months from the day of legal effectuation of this law.

(2) Until the day of legal effectuation of the provisions referred to in paragraph (1) of this article, the existing regulations shall apply.

Article 58

On the day of legal effectuation of this law, the Law on Safety of the Railway Transport ("Official Gazette of the Republic of Macedonia" no. 40/07) shall cease to apply

Article 59

This law shall enter into force on the eighth day from the day of publication in the "Official Gazette of the Republic of Macedonia".