

LAW ON RAILWAYS

I. BASIC PROVISIONS

Article 1

This Law shall regulate the conditions and manner of railway infrastructure management (hereinafter referred to as: infrastructure) and transport of passengers and goods by rail.

Article 2

Infrastructure means, besides the industry railway, the assets in public use, state-owned and available for use to all interested operators under equal conditions.

Transport of passengers and goods by rail may be performed as the public transport of passengers and/or goods or transport of persons and/or goods for its own needs.

Article 3

Infrastructure management, within the meaning of this Law, shall imply: organization and regulation of rail transport, maintenance, protection and modernization of infrastructure, execution of investment functions related to infrastructure construction and reconstruction.

Article 4

The terms used in this Law shall have the following meaning:

- 1) **Route allocation** means allocation of infrastructure capacities, made by the infrastructure manager;
- 2) **Rolling stock** means hauling or hauled vehicles;
- 3) **Rail area** means the land on which the railroad, facilities, plants and devices directly used for the performance of railway transport, the land under bridges and viaducts, as well as the land above tunnel lines, are positioned;
- 4) **Railway safety belt** means the land on the both sides of the railway line, within the distance of 100 m from the axis of the external track;
- 5) **Industry railway** means the railway used by legal entity involved in the field of industry, forestry, mining and other economic activities to carry persons and/or goods for its own use;
- 6) **Industry track** means industry track connected to the infrastructure and used for delivery of goods for the owner i.e. holder of the right to use such track;
- 7) **Infrastructure belt** means belt on both sides of railway of 25 m width, measuring from the external track axis, which is used for operations, maintenance and technological development of railway infrastructure capacities;
- 8) **Public transport** means transport of passengers and/or goods, available to all users under equal conditions;
- 9) **Infrastructure capacity** means a total number of train paths available for schedule on a particular section of railway infrastructure for the relevant timetable;
- 10) **Line user** means the operator who was allocated certain line for use;
- 11) **Transport license** means a certificate for acquiring the right to perform all or specific types of transport by rail;
- 12) **Railway infrastructure management license** means a document for acquiring the right for infrastructure management;
- 13) **Port railways** means railway whose industry track is connected to the infrastructure of the infrastructure manager, as well as industry tracks, plants, equipment and facilities on such tracks, rolling stock and other assets constructed under specific technical regulations and standards;
- 14) **Network** means the entire infrastructure of the infrastructure manager;

- 15) **Framework agreement** means an agreement setting out the rights and obligations of an applicant and infrastructure manager which is concluded for the period longer than one working timetable period;
- 16) **Transport for one's own needs** means transport of persons and/or goods, performed by the operator with his/her own rolling stock for his/her own activities;
- 17) **Passenger transport of public interest** means the transport which provides services of general economic interest on non-discriminatory and continued basis;
- 18) **Operator** means a legal entity which performs passenger transport of public interest or transport for its own needs by rail, providing also the haulage of trains or only the services of vehicle traction;
- 19) **Rail belt** means the space between railway track, as well as the space adjacent to the outermost tracks, with minimum 8 meters of distance, or 6 meters of distance if the railway passes through settled area, measuring from the external tracks axis;
- 20) **Timetable** means an act of the infrastructure manager which establishes the scheduled movement of trains;
- 21) **Transport safety certificate** means a certificate on fulfilled terms for providing safe rail transport operations;
- 22) **Infrastructure management safety certificate** means a certificate on fulfilled terms for safe infrastructure management;
- 23) **Route** means the infrastructure capacity needed to operate a train between two official places, at a specific time period and under precise technical-technological conditions on the infrastructure;
- 24) **Infrastructure use agreement** means an agreement which establishes the mutual rights and obligations between the infrastructure manager and operator;
- 25) **Infrastructure manager** means a legal entity in charge of managing the infrastructure;
- 26) **Port railway manager** means an administrative body in charge of ports, or legal entity or natural person to whom concession is granted, or more legal entities or natural persons who regulated their mutual relations by an agreement in accordance with the special law;
- 27) **Road manager** means administration body in charge of state road management or local governance body in charge of municipality road management.

II. PLANNING AND DEVELOPMENT OF RAILWAY

Article 5

Development planning of the railways of Montenegro shall be established by the Railway Development Strategy.

Railway Development Strategy shall be adopted for the period of 10 years by the Government of Montenegro (hereinafter referred to as: the Government).

Railway Development Strategy shall contain the following:

- 1) long-term development objectives and guidelines for the development of railway;
- 2) directions and measures of development;
- 3) manner, dynamics and scope of accomplishment of the development objectives;
- 4) approximate amount of financing resources required for implementation;
- 5) financing resources, and
- 6) other elements relevant for the railway development.

Railway Development Strategy referred to in paragraph 1 of this Article shall be prepared in accordance with the spatial planning of Montenegro.

Article 6

For the purposes of accomplishing the objectives set out in the Railway Development Strategy, the Government shall adopt National Railway Infrastructure Programme (hereinafter referred to as: the National Programme).

The National Programme shall be adopted for the period of three years.

The National Programme shall establish the conditions of existing infrastructure, plans for infrastructure construction, modernization and maintenance, set out tasks, their scope, implementation schedule and priorities, amount and resources of financial funds required for the implementation of the National Programme.

The Ministry shall be responsible for the implementation of the National Programme and shall submit the report about it to the Government.

The report referred to in paragraph 4 of this Article shall be submitted within three months from the end of the period for which the National Programme was adopted.

Article 7

The Government shall adopt the annual programme for construction, maintenance, reconstruction and modernization of infrastructure (hereinafter referred to as: the Annual Programme) for the purpose of implementing the National Programme.

Proposal of Annual Programme shall be developed by the Infrastructure Manager upon previously obtained consent from the administrative body in charge of railway transport affairs (hereinafter referred to as: Administrative body).

Annual Programme shall contain: current and investment maintenance of railroad tracks and facilities, electrical network and devices, equipment and repair workshops and regulations of transport on railroads of Montenegro and activities on reconstruction and modernization of infrastructure.

Administration body responsible for the railway traffic operations (hereinafter referred to as: the Ministry) shall ensure the implementation of the Annual Programme and submit the report about it to the Government.

The report referred to in paragraph 4 of this Article shall be submitted within four months from the expiry of the period for which the Annual Programme was adopted.

Infrastructure manager shall submit the report about the implementation of the Annual Programme to the Administrative body within three months from the date of the end of year for which it was made.

III. INFRASTRUCTURE MANAGEMENT

Article 8

Infrastructure includes railway substructure and superstructure: facilities on railroad, station tracks, telecommunication equipment, signalling and safety systems, electric-traction, electrical power supply systems and other plants and installations on the railway, railway equipment, railway administration buildings and other facilities at railway posts, in the function of organizing and regulating railway traffic operations, together with the land on which such buildings are situated, rail belt and air space 12 m above the track, i.e. 14 m above electric transmission line of more than 220 kV measuring from the upper edge of the rail.

More detailed content of the infrastructure constituents shall be established by the Ministry regulation.

Article 9

According to their use, commercial importance, importance for the international and national railway operations, manner of management and exploitation of rail infrastructure, as well as their development planning, the railway networks shall be classified as follows:

- railways of importance for international transport,
- railways of importance for national transport.

Classification of railway networks referred to in paragraph 1 of this Article shall be adopted by the Government on a proposal from the Ministry.

Article 10

Rail infrastructure management shall be considered an activity of public interest.

The activity referred to in paragraph 1 of this Article shall include establishment and maintenance of rail infrastructure or any part thereof and administration of infrastructure management and safety systems.

Rail infrastructure management related to the network or part of the network may be delegated to various entities who meet the requirements concerning the infrastructure manager as provided for by this Law.

Rail infrastructure manager function may be performed by the legal entity who:

- 1) is entered in the Central Registry of companies for performing the activities of infrastructure management;
- 2) is the holder of infrastructure management license;
- 3) holds infrastructure management safety certificate, and
- 4) has concluded the infrastructure management agreement with the Administration body.

Administration body shall enter into the agreement referred to in paragraph 4 of this Article with the infrastructure manager upon previously obtained consent from the Government, for the period of one year.

Infrastructure management safety certificate shall be issued by the Administration body in accordance with the law regulating safety in railway transport.

Article 11

Infrastructure management license may be issued at the request of a legal entity entered into the Central Registry of companies for performing the activities of infrastructure management.

Requirement referred to in paragraph 1 of this Article shall be submitted to the Administration body.

For obtaining the infrastructure management license referred to in paragraph 1 of this Article, the applicant shall also meet the requirement in relation to:

- 1) goodwill, if:
 - applicant or person responsible for infrastructure management was not legally convicted of serious criminal act and commercial offence,
 - applicant for obtaining infrastructure management license or person responsible for management was not legally sentenced for one or more years of imprisonment for criminal act in business operations, criminal act against general safety of persons and property and security in railway transport, violation of right to work and other labor related rights,
 - no bankruptcy or liquidation procedure was initiated against the applicant for obtaining the license;
- 2) financial standing, whether the applicant is financially solvent to meet his/her current and contingent liabilities, which were realistically projected, for the period of 12 months;
- 3) professionalism and technical equipment, whether the applicant has or shall have management staff with professional education or experience necessary to safely and reliably perform operational control and supervision of performing activities for which the

- license has been issued, as well as to have at disposal a quality rolling stock and other relevant technical equipment;
- 4) civil liability, whether the applicant is appropriately insured or has otherwise, in accordance with the law and ratified international agreements, provided the coverage of its liabilities arising from indemnification of damage caused to line users or third party.

Article 12

Administration body shall pass a decision about the request for obtaining the management infrastructure license.

Administration body shall pass decision about the request referred to in paragraph 1 of this Article within 30 days from the date of request application.

Infrastructure management license shall be issued for the period of five years and shall not be transferable.

Decision referred to in paragraph 1 of this Article shall be final within administrative procedure and no dispute shall be instituted against it.

Administration body shall keep records about the issued and revoked infrastructure management licenses

More detailed requirements and procedure concerning the process of issuing the infrastructure management license, content of the application for obtaining license and necessary documentation required to be submitted with such application, license form, manner of keeping and form of license registry shall be prescribed by the Ministry.

Article 13

On the territory of Montenegro infrastructure management licenses issued to the infrastructure manager by relevant authorities or entities of other countries shall be recognized on the territory of Montenegro in accordance with the international treaty on mutual recognition of licenses.

If the inspection finds that the infrastructure manager, who holds the license of the relevant authority or entity of the other country, does not meet the requirements for performing the activity for which he/she was issued such license, the Administration body shall immediately notify the Ministry about such event in order to notify the country which issued such license.

Article 14

Holder of the infrastructure management license shall promptly, and not later than five days, notify in writing the Administration body about all changes in performing the activities for which he/she was registered, which may affect the fulfilment of requirements for obtaining the license.

Administration body shall keep records about the change of data referred to in paragraph 1 of this Article.

Article 15

Administration body, through the inspection for railways, shall control at least once in 12 months whether the infrastructure manager fulfils the requirements defined in Articles 10 and 11 of this Law.

If the inspection control referred to in paragraph 1 of this Article determines that any of prescribed requirements has not been fulfilled or if between two inspections, the inspector responsible for railway transport determines that the infrastructure manager has not fulfilled the requirements for performing the activity of infrastructure management, the Administration body shall revoke his/her license.

Decision about revoking the infrastructure management license shall be final within administrative procedure and administrative dispute may be instigated against it.

Article 16

A fee shall be collected for issuing the infrastructure management license in accordance with the law regulating administrative fees.

Article 17

Infrastructure management license shall cease to be valid:

- at the request of license holder;
- at the expiry of the period for which it was issued;
- by revoking the license;
- by deleting the infrastructure manager from the Central registry of companies.

Article 18

Infrastructure manager, whose infrastructure management license or infrastructure management safety certificate has been revoked, shall not perform the activities of infrastructure management.

Article 19

Infrastructure manager shall perform the infrastructure construction, reconstruction, maintenance and modernization activities in accordance with the Annual programme.

Article 20

Infrastructure construction and reconstruction shall be performed in accordance with spatial planning on the basis of construction permit, in accordance with the law regulating the spatial planning and building construction.

Article 21

Infrastructure manager shall, not later than 30 days from beginning the works on construction or reconstruction of infrastructure, publish the beginning of such works at least in one daily printed media distributed on the territory of Montenegro.

Legal entities and other bodies responsible for maintaining facilities fitted and installed on the railway area (pipelines, water supply systems, electric power, telephone, air lines, underground cables and other related installations and devices), or intend to construct such facilities shall harmonize the works on such facilities with the works on infrastructure construction or reconstruction.

Mutual rights and obligations of infrastructure manager and person referred to in paragraph 2 of this Article, related to the works on construction or reconstruction of infrastructure as well as works on facilities that are installed or will be installed in the railway area shall be regulated by agreement.

Article 22

In the process of construction or reconstruction of overpasses, tunnels, galleries, viaducts, pedestrian crossings and similar structures over electrified railway tracks or railway tracks that are planned to be electrified, infrastructure manager, road manager, and industry railway owner shall ensure that such structures are waterproof for the purpose of protecting the contact system.

When clearing the snow from overpasses over electrified railway tracks, adequate mechanical protection from snow falling on the contact system must be in place.

Administration body shall issue consent for construction, or reconstruction of facilities referred to in paragraph 1 of this Article upon previously obtained consent from the infrastructure manager.

Article 23

Within the infrastructure belt, except for the zone of rail belt, the construction of facilities which are not in the function of railway transport may be permitted upon obtained consent from the infrastructure manager and if the construction of such facilities has been envisaged by spatial planning of the local governance which stipulates their protection and provides the protective measures for such facilities at its cost.

Cables, low-voltage lighting power lines, overhead telephone and telegraph, plants, sanitation systems, pipelines and other lines and related facilities and plants may be laid within the rail belt upon obtained consent from the infrastructure manager.

Facilities which are not in the function of railway transport may be constructed within the railway area in the zone of construction facilities (railway bridges, viaducts and tunnels) at the distance not less than 8 meters from the outer edge of bridge pillar i.e. viaduct pillar, and outer edge of tunnels, and below lower edge of construction facilities of bridge and viaduct at distance not less than 3 meters.

Within rail safety belt, at distance of 50 m perimeter from the outermost railway track axis, it is not permitted to build facilities in which explosives are used (mines, quarries, etc.) or industrial plants for the production of chemical or explosive substances and related facilities.

A complaint against the decision of infrastructure manager about the request for obtaining the consent referred to in paragraphs 1, 2 and 3 of this Article may be submitted to the Administration body.

Decision on complaint referred to in paragraph 5 of this Article shall be final in the administrative procedure and administrative dispute may be instituted against it.

Content of the request for obtaining the consent of the infrastructure manager for the construction of utilities infrastructure and related facilities referred to in paragraphs 1, 2, 3 and 4 of this Article, project documentation to be submitted with the request and requirements for obtaining the consent from infrastructure manager shall be prescribed by the Ministry.

Article 24

Companies, legal entities, entrepreneurs and organizations involved in the afforestation of bare terrains and flood control within the rail safety belt and infrastructure manager shall decide on co-financing the costs of afforestation and flood and water-worn ravine control by mutual consent, taking into consideration the importance and scope of works for the protection of rail infrastructure.

Article 25

At locations where infrastructure passes through forest or along forestland, or land under field crops which are easily inflammable, the infrastructure manager shall take prescribed fire protection measures in the railway area, as well as on the rolling stock.

Users and/or owners of the forest or land referred to in paragraph 1 of this Article shall regularly remove trees, undergrowth and leaves within 10 meters scope from the outer edge of the tracks near forests, and harvest ripened field crops in timely manner and take other fire protection measures, if applicable, within 5 meter scope from the outer edge of the tracks.

In case the users and/or owners of forests shall not take measures referred to in paragraph 2 of this Article, such measures shall be taken by the infrastructure manager at the account of user and/or owner.

Article 26

In case the rail infrastructure is reconstructed because of the construction of another facility (public road, mine, quarry, reservoir, airport, etc.), the part of the rail infrastructure that is reconstructed shall be constructed of the elements suitable for the relevant category of the rail infrastructure irrespective of the actual condition of such infrastructure at the moment of reconstruction.

The cost of the reconstruction under paragraph 1 above shall be covered by the investor of the works whose construction activities resulted in the reconstruction of the rail infrastructure, unless otherwise specified in an agreement between the investor and the infrastructure manager.

Article 27

Infrastructure reconstruction within the meaning of this Law shall include:

- 1) alterations (modifications) which change the basic construction elements and technical features of infrastructure;
- 2) works which may affect the stability of railroad (recovery);
- 3) works on railway facilities;
- 4) works on a constructed facility not complying with the approved terms for construction, and
- 5) change of the main feature of the line in the course of the relocation of the railway tracks in its main direction belt.

Article 28

Infrastructure shall be maintained in the manner which provides the safe and continued performance of railway transport operations.

Infrastructure manager within the meaning of paragraph 1 of this Article shall perform constant supervision and occasional inspections as well as remedy deficiencies.

Article 29

Infrastructure maintenance works shall include:

- 1) maintenance, replacement and reconstruction of superstructure elements (railway switches, tracks and connections), with the same or different prototypes for maintaining the railway parameters at the designed levels
- 2) works on substructure (drains and protection of slopes);
- 3) replacement and reconstruction of drains and bridges up to 10 meters length using the same or different materials, without reconstructing inlets;
- 4) replacement and supplement of signalling and telecommunication equipment and facilities;
- 5) replacement and supplement of stable facilities, electro-traction and other electrical facilities;
- 6) adaptation and repair of buildings, railway premises and other facilities at railway premises, which do not modify their structure and appearance.

Article 30

The maintenance of joint bridge pillars and structures constructed for rail infrastructure and public road purposes shall be performed by the infrastructure manager in compliance with the technical and technological norms and standards.

The costs of maintenance of joint bridge pillars and structures referred to in paragraph 1 of this Article shall be equally covered by the infrastructure manager and the road operator.

Article 31

In case of the interruption of traffic on the rail infrastructure due to natural disasters, and if the infrastructure manager is not able to eliminate the obstacles and re-establish rail transport as soon as possible, the local government in charge of the territory in which the traffic interruption occurred shall provide assistance and, in cooperation with the infrastructure manager, determine measures for the removal of the obstacles and reestablishment of the rail transport as soon as possible.

If services and technical capacities and materials of natural and legal entities were used in remedying the consequences of natural disasters referred to in paragraph 1 of this Article, the costs of such services and materials shall be covered by the infrastructure manager.

Article 32

Infrastructure manager shall ensure constant, continued and quality maintenance and protection of infrastructure, free use of infrastructure facilities and other rail transport operating assets, safe and unobstructed rail transport, as well as the organization and regulation of safe and unobstructed rail transport.

In performing its activities, the infrastructure manager shall comply with the environmental protection provisions stipulated by law and other regulations.

Infrastructure manager shall be responsible for any damage caused to any transport user due to failure to perform its responsibilities specified under paragraph 1 of this Article.

Article 33

Infrastructure modernization, within the meaning of this Law, means the introduction of new technical systems or technologies in the rail exploitation or the replacement of existing technical systems or technologies with modern ones.

Article 34

Construction, reconstruction and modernization of infrastructure shall be performed in accordance with the prescribed standards and technical manuals and material and spare parts which were properly attested.

Article 35

For the exploitation of infrastructure in relation to:

- rail belt;
- land which is part of the infrastructure;
- business premises (open and closed)

the user shall pay to the infrastructure manager a monthly fee.

For installation and use of installed pipelines, water supply systems, telephone, telecommunication, electric-power and other lines, other installations, antennae and other devices, billboards and facilities used for commercial and other purposes within the rail belt and infrastructure land, the owner and/or user of such facilities and installations shall pay to the infrastructure manager a monthly fee.

State administration bodies and local governance offices for performing activities within their responsibility shall not pay the fee referred to in paragraph 1 of this Article.

The fee referred to in paragraph 2 of this Article shall not be charged for state-owned infrastructure facilities.

The amount of fee referred to in paragraphs 1 and 2 of this Article shall be set by the infrastructure manager with the Government consent.

Funds collected on the basis of fees referred to in paragraphs 1 and 2 of this Article shall be used for maintenance, reconstruction and modernization of infrastructure.

Article 36

Rail infrastructure shall be used under terms and conditions and in the manner prescribed by this Law.

Railway transport on the infrastructure shall be performed under terms and conditions and in the manner prescribed by the law regulating the safety of railway transport.

Article 37

Within performing infrastructure management activities, the infrastructure manager shall also perform activities regarding the allocation of infrastructure capacities, preparation and publication of timetables, preparation of network statement, keeping data records and documentation of importance for the safety of railway transport, maintenance and use of infrastructure.

Infrastructure manager shall develop and pass network statement every calendar year with the consent of the Administration body.

Network statement is the statement of infrastructure manager which sets out a detailed scheme of available infrastructure capacities, intended for operators who submit the request for the allocation of infrastructure capacities.

Network statement shall contain the following information:

- 1) description of the nature of infrastructure, which is available to applicants;
- 2) terms and conditions for infrastructure capacity allocation;
- 3) procedures and criteria for infrastructure capacity allocation;
- 4) criteria for setting charges and fees for the use of infrastructure capacities, and
- 5) other data relevant for the allocation of infrastructure capacities.

Network statement shall be updated on regular basis and modified as applicable.

Network statement shall be electronically published on the website of infrastructure manager, in English and Montenegrin language, not less than four months in advance of the deadline for submitting applications for infrastructure capacity allocation.

Network statement shall be valid with the annual timetable.

Article 38

Infrastructure capacity shall be allocated by the infrastructure manager.

Any operator shall have the right for the allocation of infrastructure capacities under equal conditions and on non-discriminatory basis.

Allocated infrastructure capacity may not be transferred by the recipient to another operator or to international operators association.

Any transfer of infrastructure capacity shall be prohibited and shall lead to exclusion from the further allocation of infrastructure capacity.

Article 39

Operator involved in public transport activities, as well as the operator involved in transport activities for its own purpose may use infrastructure, provided that such operator:

- is the holder of transport license;
- is the holder of transport safety certificate, and
- has entered into agreement on the use of infrastructure with the infrastructure manager.

Mutual rights and obligations of infrastructure manager and operator referred to in paragraph 1 of this Article in relation to the guarantee for providing technical and other conditions for safe railway transport operations and other issues relevant for the use of infrastructure, shall be defined by agreement.

Infrastructure management agreement shall be concluded for the period of timetable validity, i.e. one year period.

Agreement referred to in paragraph 3 of this Article shall be concluded not later than three months in advance of the new timetable.

Article 40

Infrastructure shall be given for use by route allocation, signing the agreement on infrastructure usage according to the public invitation.

Application for route allocation shall be submitted not later than seven months prior to effective date of new train timetable, according to the public invitation.

After expiration of the deadline referred to in paragraph 2 of this Article, applications for route allocation, which have not been allocated, may be submitted and agreements on infrastructure usage may be signed.

The Infrastructure manager shall be obliged to introduce all interested railway operators with the proposal of the train timetable and to ask for their opinion in writing.

Infrastructure manager shall be obliged to submit the proposal of new timetable to the applicants for the purpose of their written opinion, within 30 days from the deadline expiration referred to in paragraph 2 of this Article.

The opinion referred to in paragraph 5 of this Article shall be submitted to the Infrastructure Manager in writing within 15 days from the day of receipt of new timetable proposal.

With the written opinions referred to in paragraph 6 of this Article, the Infrastructure Manager shall adjust, that is, define the proposal of new train timetable, which he shall submit to the Administration body for approval.

Upon obtaining the approval referred to in paragraph 7 of this Article, the Infrastructure Manager shall publish the train timetable, that is, sign the agreement with operator.

Article 41

Any domestic and foreign legal person shall be entitled to allocation of the concession for the infrastructure in the manner and under conditions defined by the law which regulates concessions.

Article 42

Request for route allocation shall contain:

- Traffic distance (departure and arrival location);
- train departure time from departure official point and train arrival time to arrival official points;
- operated track;
- technological operation time (official railway locations, stops and hold-periods) and type of operation (change of composition, passenger manipulation, goods manipulation, change of traction vehicle);
- type of train;
- train composition;
- train weight;
- traction vehicle serial number etc.

Article 43

In terms of implementation and termination of agreement on infrastructure usage, indemnity and other issues, provisions of the law on contractual relations shall be applied.

Article 44

Route allocation shall be performed under equal conditions and without discrimination, in accordance with this Law.

In the procedure that follows the route allocation request, Infrastructure Manager shall apply the following criteria:

- transport scale;
- infrastructure degree of utilization;
- scope of additional services that the Infrastructure Manager provides in relation to transport along the route;
- activity of public interest in transport.

The Infrastructure Manager shall define a methodology for evaluating criteria referred to in paragraph 2 of this Article, under the consent of the Administration body.

The Infrastructure Manager shall, by rule, allocate routes once a year.

In case of special requests by railway operators for the infrastructure capacity allocation at the time of the train timetable duration (ad hoc), the infrastructure manager may meet such requests provided that it possesses sufficient infrastructure capacity.

The Infrastructure Manager shall pass decision regarding the request referred to in paragraph 5 of this Article within five business days from the day of the request receipt.

The Infrastructure manager may reserve infrastructure capacity, which will be available within planned timetable, in case of submission of the request referred to in paragraph 5 of this Article.

In case of the infrastructure overload, the infrastructure manager, within the procedure for the infrastructure capacities allocation and harmonization of train timetables, may determine priorities based on the analysis of infrastructure capacities, considering the importance of a certain service.

Article 45

The infrastructure manager and an applicant for route allocation may also conclude a framework agreement for the use of the capacity within the appropriate railways infrastructure for a period exceeding the duration of one train timetable.

The framework agreement referred to in paragraph 1 of this Article shall contain infrastructure capacity characteristics, requested by applicant for route allocation and which are offered to him during time period exceeding one train timetable validity period.

The framework agreement shall not include train route in detail, but shall meet commercial needs of the applicant for route allocation and, according to the rule, shall be signed for a period of five years.

Notwithstanding paragraph 3 of this Article, the Infrastructure Manager may sign a framework agreement for a shorter or longer period.

The framework agreement may be signed for a period longer than five years if there are reasons of commercial nature, intended investments or risk.

The framework agreement may be signed for a period longer than 10 years, only in cases of long-term investment of large scale and if such investment is included within contractual obligations.

The framework agreements shall not exclude a possibility for other route allocation applicants to use appropriate infrastructure.

General provisions of any framework agreement shall be available to each interested party taking into consideration the business confidentiality.

The Government shall give consent for signing the framework agreement.

Article 46

Infrastructure Manager shall be obliged to cooperate with infrastructure managers of other countries, in order to ensure the efficient establishment and allocation of infrastructure capacities and organize international railway routes for trains.

Applicants may also submit an application to the Infrastructure Manager for the allocation of network of other infrastructure managers.

Application referred to in paragraph 2 of this Article, shall be submitted to one of the infrastructure managers who is authorized on behalf of the applicant to request capacities from other infrastructure managers to which the application refers.

Article 47

The route user shall pay a fee to the Infrastructure Manager for using infrastructure, organization and regulation of railway transport.

The fee amount referred to in paragraph 1 of this Article shall be defined by the Infrastructure Manager according to the following criteria:

- 1) Costs of infrastructure maintenance, organization and regulation of railway transport;
- 2) Length of infrastructure network used by route user;
- 3) Number of railway vehicles in the rolling stock used by route user for transport;
- 4) Type of railway vehicles in the rolling stock used by route user for transport;
- 5) Train composition;
- 6) Train mileage;
- 7) Axle weight;
- 8) Time period of using infrastructure;
- 9) Transport direction;
- 10) Train speed;
- 11) Train category;
- 12) Quantity discounts.

The Government shall approve the amount of fee for infrastructure usage.

The Government shall define criteria evaluation methodology for determining the fee amounts for the use of infrastructure.

The fee referred to in paragraph 1 of this Article shall not apply to the use of infrastructure referred to in Article 35 of this Law.

Article 48

The crossings between the infrastructure and public roads outside the area for which the spatial planning exists, shall, by rule, be performed by its reduction to the most indispensable number, by directing two or more public roads to the joint crossing point.

The level crossings between the infrastructure and the public roads shall not be allowed within the entering signalization of the station.

The distance between two intersections of infrastructure and public road shall not be less than 2000 meters.

Infrastructure intersection with non-categorized roads shall be carried out by routing those roads to the nearest public road that intersects with the given infrastructure. If that is not

possible, non-categorized roads should be grouped and intersection with infrastructure carried out on a joint location.

Article 49

If the intersection of rail infrastructure and road takes place due to the construction of new railroad or new road, or if it is requested by an Infrastructure manager or road manager, the costs of building an underpass, an overpass, i.e. railway crossing, as well as costs of installing equipment and machinery and other costs of ensuring safe and unobstructed traffic at the railway crossing shall be covered by the new infrastructure manager, i.e. new road manager.

Article 50

If infrastructure and road intersection is built at the same level, the railway crossing shall be considered as an integral part of infrastructure on both track sides of three meter width measuring from the track axis.

The Infrastructure Manager shall ensure the maintenance of railway crossing referred to in paragraph 1 of this Article, as well as safe and unobstructed traffic at the railway crossing, having in mind that the road surface on the railway crossing must be maintained in a way which ensures safe and unobstructed road traffic operations.

Other parts of the road on both sides of a track shall be maintained by road manager, in a way which ensures safe and unobstructed railway traffic operations.

Article 51

Costs of maintaining the railway crossing and costs of ensuring safe and unobstructed traffic at a railway crossing shall be covered by:

- 1) Infrastructure manager for maintaining the track and other parts of infrastructure on a railway crossing, signalization equipment and signs that alert train crew about the crossing, railway telephone lines with the road crossing;
- 2) Road manager for maintaining road surface at a railway crossing and road signs that alert drivers about the railway crossing;
- 3) Infrastructure manager and road manager, in equal parts, for:
 - Maintaining instruments for signaling drivers on train approaching a railway crossing and equipment for closing the traffic at a railway crossing,
 - Handling the equipment for closing the traffic at a railway crossing and other immediate costs for ensuring safe and unobstructed traffic.

The Infrastructure Manager shall bear the expenses in total accrued by central railway office used for regulating the railway transport, or official railway offices that have direct role in railway operations, due to regulating train movements and performance of other activities, and in relation to ensuring safe and unobstructed traffic at a railway crossing.

If a non-categorized road is used mainly by the road manager, the costs of maintaining the road surface and ensuring safe and unobstructed traffic at a railway crossing, referred to in paragraph 1 and 2 of this Article, shall be completely bore by the road manager.

Article 52

The Infrastructure Manager and road manager shall sign an agreement which more closely defines their mutual relations regarding railway crossings, as follows: type and extent of road surface maintenance works and time required for such works, costs for ensuring safe and unobstructed traffic at the railway crossing, payment procedure, as well as other issues of mutual importance.

Article 53

If a railway crossing is to be replaced by an underpass or an overpass or if a railway crossing is to be eliminated due to road routing, unless otherwise agreed, costs of such changes made to the infrastructure and road shall be covered by:

- 1) Manager, if the change results mainly from railway traffic needs;
- 2) Road manager, if such change results mainly from road traffic needs, and in the case of non-categorized road used mainly by a specific entity, costs of any change on infrastructure and road shall be completely covered by such entity.

In case of all other changes related to crossings, including adjustment and improvement of safety and other devices, infrastructure and road change costs referred to in paragraph 1 of this Article shall be covered jointly by infrastructure Manager, road Manager and entity that mainly uses non-categorized road, in proportion to the needs of railway and road traffic which led to such changes, unless they agree otherwise.

Article 54

The railway crossing intended exclusively for pedestrians may be built and used on the basis of Infrastructure Manager's approval.

Costs of construction, installing special equipment and signs and maintenance of railway crossing referred to in paragraph 1 of this Article shall be covered by the road manager.

A complaint may be submitted against the Infrastructure Manager's decision on request for approval issuance referred to in paragraph 1 of this Article to the Administration body.

Article 55

The road manager shall lay road surface on dirt road in the length of 20 meters from external axis track that intersects the infrastructure at the same level.

If the infrastructure construction results in its intersection with the road referred to in paragraph 1 of this Article, the costs of placing road surface on dirt road shall be covered by the Infrastructure Manager.

Article 56

Infrastructure building, maintaining, reconstruction and modernization financing is provided from:

- The Budget of Montenegro;
- Domestic and foreign investments;
- Loans;
- Fees for the use of route;
- Other sources, in accordance with law.

The fee for use of route shall be used for infrastructure maintenance exclusively.

Article 57

If the Infrastructure Manager is at the same time operator, accounting for the infrastructure management shall be kept separately from accounting for the transport services.

Article 58

Provisions of this Law referring to building, reconstruction, modernization and protection of infrastructure shall be also applied to the railway industry.

Railway industry may be connected with the infrastructure of the Infrastructure Manager.

Legal entity may have an industry track connected to the infrastructure of the Infrastructure Manager, as well as industry tracks, equipment and facilities on such tracks, railway rolling stock and other facilities built according to the special technical norms and standards.

Connection of the industry railway or industry track referred to in paragraphs 2 and 3 of this Article shall be defined by the agreement between the infrastructure manager and legal entity whose industry railway or industry track has been connected.

Legal entity, owner or holder of the industry track, shall define rules on conditions for building, reconstruction, maintenance and protection of industry track, railway rolling stock and other facilities, built according to the special technical norms and standards, as well as for organizing and regulating railway traffic at the industry track, under previously obtained approval from the Administration body.

Legal entity, owner or holder of the industry railway shall have a railway management safety certificate.

Article 59

Provisions of this Law, referring to building, reconstruction, modernization and protection of the infrastructure shall be also applied on port railway.

Port railway may be connected with infrastructure of the Infrastructure Manager.

Port railway may have industry track connected to the infrastructure of the Infrastructure Manager, as well as industry tracks, plants, equipment and facilities on such tracks, railway rolling stock and other facilities built according to the special technical norms and standards

Connection of the port railway and track referred to in paragraph 3 of this Article shall be defined by the agreement made between the infrastructure manager and port railway manager.

Port railway manager shall be responsible for management of railroad and routes of the port railway.

Port railway manager shall prepare a network statement in accordance with Article 37 of this Law.

Port railway manager shall guarantee equal access to all port routes which are not industry routes.

IV. RAILWAY TRAFFIC TRANSPORT

Article 60

Transport of passengers, persons and goods by rail and transport for personal needs on the infrastructure may be performed by operator who:

- 1) is entered in the Central Registry of companies for performing the activities of transport by rail;
- 2) is the holder of transport license;
- 3) holds transport safety certificate, and
- 4) has concluded the infrastructure use agreement with the Infrastructure Manager.

Operator who carries goods and persons, exclusively on industry railway infrastructure shall define rules on conditions and manner for performance of such transport under previously obtained approval from the Administration body.

The Administration body shall issue a transport license.

A fee shall be paid for the issuance of the transport license in accordance with the law regulating administrative fees.

Provisions of Articles 10 to 17 of this Law shall apply to conditions and procedure for the issuance of transport license, manner of keeping records and form of license register and conditions for the cancelation of transport license.

The Administration body shall issue the transport safety certificate in accordance with the law defining safety in railway transport.

The Ministry shall define more detailed conditions and procedure for the issuance of transport license, content of the application for license issuance and documentation submitted with the application, license form, manner of keeping records and form of license register.

Article 61

An operator whose transport license or transport safety certificate is revoked shall not perform transport of passengers, persons and goods by rail.

Article 62

Traction vehicle used for transport of passengers, persons and goods shall have the following for the entire time of transport:

- certified copy of transport license;
- certified copy of transport safety certificate;
- certified copy of Agreement on use of railway infrastructure and
- other documents, in accordance with the regulations on railway transport safety.

Traction vehicle used for public transport of goods shall have, for the entire time of transport, a bill of lading as well, or another document that contains all data as the bill of lading.

Traction vehicle used for transport of persons and goods for one's own needs, for the entire time of transport, shall also have: certified copy of valid court registration decision, i.e. decision on activity registration, list of employees and other persons certified by rolling stock owner or some other evidence proving the right of those employees and persons to transport, i.e. a document that shows who is the owner and what kind of goods is being transported.

Article 63

A timetable, i.e. amendments of the timetable for transport of passengers shall be published in at least one daily newspaper distributed at the territory of Montenegro and on the web page of the operator at least 15 days prior the entry into force of the timetable.

Operators who perform transport referred to in paragraph 1 of this Article shall observe the published timetable and regularly and correctly maintain traffic for the period the timetable is valid, except in cases of significant traffic disruption caused by natural disasters, serious accidents or severe infrastructure damage.

In cases referred to in paragraph 2 of this Article, the operator shall inform the passengers as soon as possible.

Article 64

Boarding and disembarking of passengers and persons shall be performed on railway stations and other official railway locations listed in the train timetable.

Article 65

When performing transport for its own needs, an operator may transport persons and goods that are in function of carrying out activities they are registered for.

Article 66

In case of great natural disasters, threat to life and health, environment, interference or breakdown of economy and transport activities, the Government may specify other measures which are obliged to be overtaken by Manager or operator for the purpose of protection of public interest in addition to measures defined by special law.

Article 67

In order to perform passenger transport of public interest, the Administration body may sign an agreement on providing public services with the operator so as to secure providing services of public interest, which imply local and international transport of passengers, and which are, inter alia, various, safer, of a better quality or provided at lower price than market conditions allow.

The agreement on providing public services shall be granted according to public invitation. Public invitation procedure shall observe principles of transparency and non-discrimination.

When signing the agreement on providing public service, Administration body shall, directly or indirectly, pay a fee to the operator for incurred costs.

The amount of fee referred to in paragraph 3 of this Article shall not be higher than the amount needed to cover the cost of operator arising from the fulfilment of obligation of providing public service, with regard to the relevant income and reasonable profit from providing such services.

The reasonable profit shall include all or certain increases of productivity, achieved by the operator during the period of providing public service, and at the same time, the level of service quality is not reduced.

Every operator, to whom a fee is approved, shall keep a record of a separate accounting for the obligation of providing public service, for which he/she obtained a fee.

Mutual rights and obligations in the procedure of indemnity from the Budget of Montenegro shall be defined between the operator to whom the fee is approved and the Administration body.

The Agreement referred to in paragraph 7 of this Article shall be signed upon the consent from the Government.

Article 68

The agreement on providing public service shall include particularly provisions which:

- 1) clearly define obligations of the operator that refer to providing public service, as well as geographical areas to which such obligation refers;
- 2) define parameters according to which the fee amount is calculated for execution of obligation to provide public service;
- 3) define arrangements for the share of costs relating to obligation of providing public service, which particularly include costs for staff, energy, fees for infrastructure, maintenance and repair of rolling stock and installation necessary for providing public service, fixed costs and appropriate capital return;
- 4) define arrangements for the share of profit from ticket sale, that is, profit kept by the operator and/or paid to the Administration body;
- 5) define the duration of agreement on providing public services;
- 6) define the level of service quality provided by the operator (continuity, regularity, reliability, capacity, minimal quality standards for providing public service – information, availability and train ticket sale and other);
- 7) define obligation of the operator to inform the Administration body about the implementation of contractual obligations, including the manner and dynamics of

informing, with proper report forms, which are submitted to the Administration body by the operator;

- 8) define the consequences of failure to fulfil or untimely perform contractual obligations;
- 9) define the procedure for agreement amendments.

The Government shall define more detailed conditions, method, content and signing of the agreement on obligation to provide public services.

Article 69

The Administration body shall perform the following activities:

- 1) draft expert ground for drafting the Railway Transport Development Strategy, National Programme and Annual Programme;
- 2) give consent to the plans for tender for building, reconstruction, regular and investment maintenance in accordance with the Annual Programme;
- 3) give consent for connection and crossing of public roads with railroad, instalment of infrastructure facilities (pipe line, waterworks, sewage, electrical, telephone and telegraph lines, etc.) at rails and protective bend;
- 4) issue railway infrastructure management license and public transport license for one's own needs; ;
- 5) give consent to the plans for reconstruction of railway infrastructure and building and reconstruction of overpass above electrified railway tracks;
- 6) sign agreement on infrastructure management with the Infrastructure Manager;
- 7) sign agreement on the obligation of providing public service;
- 8) keep records defined by this Law;
- 9) monitor the market of railway services in order to analyze competition between different types of traffic, and
- 10) other activities in accordance with this Law.

Article 70

The Administration body shall be entitled to ask for appropriate information and evidence from the Infrastructure Manager, legal entity, service provider and any third party concerned, which is obliged to provide information without unreasonable delay.

All persons and companies active in the railway field shall provide to the Administration body all requested reports, statistics or information on their activities.

V. INSPECTION

Article 71

Inspection in terms of implementation of this Law and regulations enacted in accordance with this Law shall be performed by the Ministry.

Activities of inspection supervision referred to in paragraph 1 of this Article shall be performed by the Inspector for Railway Transport (hereinafter referred to as: the Inspector) in accordance with law.

Article 72

The Inspector may not draft or participate in drafting technical documentation and technical control of technical documentation for structures that are subject to inspection control and perform professional inspection over construction, i.e. works on structures that are subject to inspection.

Article 73

In addition to the powers defined by the Law on Inspection Supervision, the Inspector shall be obliged and authorized to control:

- 1) works on modernization and infrastructure maintenance;
- 2) technical documentation for modernization and infrastructure maintenance;
- 3) infrastructure condition, proper infrastructure maintenance, condition and maintenance of the rolling stock according to defined traffic and technical conditions and regulation on railway traffic safety, for the purpose of providing infrastructure and rolling stock for safe and unobstructed railway operations, as well as whether proper record is kept on rolling stock;
- 4) regulating, managing and organizing transport according to defined traffic and technical conditions and regulation defining safety and interoperability in railway traffic, for the purpose of safe and unobstructed railway transport operations;
- 5) fulfilment of conditions for infrastructure management;
- 6) fulfilment of conditions for railway transport of passengers, persons and goods;
- 7) railway transport of passengers, persons and goods in the manner and under conditions defined by this Law and regulations defining safety and interoperability in railway traffic;
- 8) whether determined and published timetable in the railway transport is correctly and regularly implemented;
- 9) whether the railway transport is performed in the manner and under conditions defined by law, other regulations and general enactments defining safety and interoperability in the railway transport, and whether measures, referring to safety of the railway transport are implemented;
- 10) whether operator or legal entity has organized internal control for safe railway transport operations, and whether that control is carried out on a regular and efficient basis, as well as whether it provides efficient protection of people, property and environment in the field of railway transport in a proper way in accordance with the Law, other regulations and general enactments defining safety and interoperability in the railway transport;
- 11) whether the operator holds a transport license and fulfils all conditions defined by this Law;
- 12) whether regulations on operating trains and traction vehicles by railway employees are properly implemented and whether such employees meet conditions in relation to professional qualification and skills or health capacity for carrying out activities and tasks, as well as whether regulations on total working hours, total shift duration and operating traction vehicle, rest time and shift plan for trains and station staff, as well as for staff in other in other official railway locations are correctly implemented;
- 13) whether the Infrastructure Manager possesses infrastructure management license and fulfils all conditions defined by this Law;
- 14) whether measures defined for ensuring safe traffic on railway crossings and railway tracks intersection are properly implemented;
- 15) whether the established internal order in railway transport is properly implemented;
- 16) implementation of defined measures for technical and physical infrastructure protection, which have specific significance for safe railway transport operation and functioning, and measures for protection from landslides, flood and other natural disasters, as well as measures for ensuring railway transport during winter period;
- 17) whether regulations defining railroad and infrastructure belt are implemented;
- 18) whether safety measures defined by the law regulating safety and interoperability in the railway transport are properly implemented.

Article 74

For the purposes of remedying detected irregularities, the Inspector shall be, in addition to obligations and authorizations or administrative measures defined by the Law on Inspection Supervision, authorized and under obligation to:

- 1) prohibit, or suspend works performed contrary to the law and other regulations, technical standards and rules for construction works and use of materials for infrastructure modernization and maintenance, contrary to conditions on safety of railway operations on infrastructure or contrary to measures for infrastructure protection, as well as when maintaining rolling stock;
- 2) order temporary exclusion from traffic of rolling stock and infrastructure that are not in line with defined technical and other conditions, if there is an estimation that their further use would threaten the safety of railway operations ;
- 3) order the remedy of deficiencies on infrastructure and rolling stock which jeopardize or may jeopardize safety of railway operations and, if necessary, define ways and measures for remedying such defects;
- 4) order demolition and removal of buildings, facilities, equipment and other structures and materials built or installed within railway safety zone contrary to the provisions of this Law;
- 5) temporarily prohibit railway transport operations on a newly built or reconstructed infrastructure, as well as temporarily prohibit the use of newly made or reconstructed vehicle, unless previous technical check has been carried out and decision, allowing their use, has been adopted;
- 6) order the remedy of irregularities in railway transport organization and regulation, which jeopardize or may jeopardize safety of railway operations and , if necessary, define ways and measures to remedy irregularities in railway transport management and organization;
- 7) temporary order cancelation of works performed in the railway area or near the infrastructure, if there is a risk that such works would jeopardize safety of railway transport operations;
- 8) prohibit infrastructure management, if conditions defined by this Law have not been met;
- 9) prohibit the use of infrastructure, if conditions for transport of passengers, persons and goods in railway transport, defined by this Law, have not been met;
- 10) order the construction of road surface on dirt road that intersects infrastructure at the same level, within railway crossing zone;
- 11) order the remedy of deficiencies related to infrastructure maintenance, i.e. rolling stock, and organization and regulation of railway transport and, if necessary, define ways and measures for remedying such deficiencies;
- 12) order destruction and removal of deficiencies on cableway, if works on construction and reconstruction, i.e. maintenance have been carried out contrary to regulations;
- 13) order remedy of deficiencies in organizing and performing transport on cableway which has been organized and performed contrary to regulations;
- 14) prohibit transport of passengers, persons and goods performed against provisions set in this Law;
- 15) prohibit execution of orders that are contrary to the provisions of law, other regulations and general enactments which define safety and interoperability of railway operations;
- 16) prohibit activities and performance of tasks to train and station staff who do not meet required conditions in relation to professional qualification and training or mental and physical ability for performing their work activities and tasks and to an individual who does not have a required license for driving a hauling vehicle, i.e. for regulating railway operations on infrastructure;

- 17) prohibit train and station staff to perform their activities and tasks, if he/she finds that their further work on carrying out activities and regulating railway traffic might jeopardize safety of railway operations (fatigue, alcohol, working longer hours than required, etc);
- 18) temporarily dismiss or request dismissal of a railway employee or responsible person from their activities and tasks, if he/she finds that they jeopardize the safety of railway operations;
- 19) temporarily dismiss from operations a railway employee in cases defined by the Law on Safety and Interoperability of Railway Operations.

The Inspector shall inform the Administration body about detected irregularities and ordered measures, and may propose withdrawal of the infrastructure management safety certificate, transport license and transport safety certificate.

Article 75

When performing inspection activities, the Inspector shall wear official uniform and official ID card.

The Ministry shall prescribe the appearance and use of the uniform and the form of official ID card.

Article 76

Operator, company, other legal entity, entrepreneur or natural person being subject to inspection supervision shall be obliged to provide to the Inspector unobstructed performance of inspection supervision and without delay enable the control of the requested documentation and data, as well as unobstructed access to structures, facilities and staff.

Persons referred to in paragraph 1 of this Article shall perform the ordered inspection measures.

Article 77

Operator, company or other legal entity in the field of railway transport shall submit to the Inspector reports about performed internal supervision of the railway transport, in particular: about the condition of railroad and rail vehicles; about each serious accident; about works performed on the track or near the railway tracks, plants or structures on the track, and about other data and undertaken measures which are significant for the safety of railway transport.

VI. PENALTY PROVISIONS

Article 78

A fine ranging from EUR 500 to EUR 20,000 shall be imposed for an offence of a legal person:

- 1) If it fails to ensure infrastructure reconstruction with the elements suitable for the category of such infrastructure, regardless the real condition of the infrastructure at the moment of reconstruction (Article 26, paragraph 1);
- 2) If it fails to maintain infrastructure in the condition which provides safe and unobstructed railway transport, and if, to that end, fails to perform constant control, occasional inspection as well as fails to remove identified deficiencies (Article 28);
- 3) If it fails to provide prompt help and does not cooperate during the preparation of measures for removal of obstacles and setting up of the railway transport (Article 31);
- 4) If it fails to provide constant, continuous and quality maintenance and protection of the infrastructure, unobstructed use of infrastructure structures and other facilities for railway transport, as well as organization and regulating of safe and unobstructed railway transport (Article 32 paragraph 1);

- 5) If it fails to perform building, reconstruction and modernization of the infrastructure in accordance with defined standards and technical norms and material and spare parts under attest (Article 34);
- 6) If the railway transport is not performed under conditions and in manner defined by the law regulating the safety of railway transport (Article 36 paragraph 2);
- 7) If it fails to amend the Network Statement in accordance with Article 37 paragraph 5 of this Law;
- 8) If it publishes Network Statement within the period shorter than four months from the period for submission of the application of infrastructure capacity allocation (Article 37 paragraph 6);
- 9) If it transfers the allocated infrastructure capacity to the other operator, or international association (Article 38 paragraph 3);
- 10) If it uses infrastructure without signed agreement on infrastructure use (Article 39 paragraph 1 indent 3);
- 11) If it does not sign the agreement on infrastructure use in the period not later than three months in advance of the new timetable (Article 39 paragraph 4);
- 12) If the Infrastructure Manager fails to consult interested parties concerning the draft of train timetable or fails to provide a deadline of at least one month for submission of their proposals (Article 50 paragraphs 4 and 5);
- 13) If it does not allocate the train routes under equal conditions (Article 44 paragraph 1);
- 14) in the procedure upon the request for route allocation, it does not apply the criteria: scope of transport, infrastructure utilization, scope of additional services and activity of public interest in transport (Article 44 paragraph 2);
- 15) If it does not evaluate criteria in the procedure under the request for train route allocation according to defined methodology (Article 44 paragraph 3);
- 16) If it does not decide according to extraordinary (ad hoc) requests for route allocation within five working days from the day of request receipt (Article 44 paragraph 6);
- 17) If it defines a fee for infrastructure use contrary to Article 47 paragraph 2 of this Law;
- 18) If it does not evaluate criteria for defining the amount of fee for the infrastructure use, organizing and regulating railway transport according to methodology referred to in Article 47 paragraph 4;
- 19) If the accounting for infrastructure management is not separated from the accounting for transport services (Article 57 paragraph 1);
- 20) If it fails to define rules on conditions for building, reconstruction, maintenance and protection of industry track, rolling stocks and other vehicles, built according to special technical norms and standards and for organizing and regulating of the railway transport at the industry track (Article 58, paragraph 5);
- 21) If it performs transport of passengers, persons and goods by rail and transport for its own needs at the infrastructure, and is not registered in the Central register of companies for performing the activities in railway transport, does not hold the transport license, transport safety certificate and agreement on the use of infrastructure (Article 60 paragraph 1);
- 22) If it performs transport of passengers, persons and goods, when his/her transport license or safety certificate was revoked (Article 61);
- 23) If it fails to observe published timetable or regularly and punctually maintain traffic for the period the timetable is valid, except in cases of significant traffic disorder caused by natural disasters, serious accidents or severe infrastructure damage (Article 63 paragraph 2);
- 24) If it fails to perform boarding and disembarking of passengers and persons on the train at the railway stations and other official railway locations listed in the train timetable (Article 64);

- 25) If it performs transport for its own needs, contrary to the activity for which it is registered (Article 65);
- 26) If it fails to observe measures of the Government of Montenegro which provide functioning of the railway transport in extraordinary situations (Article 66);
- 27) If it fails to provide appropriate information and evidence, required reports, statistics and information about their activities (Article 70 paragraphs 1 and 2).

A fine ranging from EUR 30 to EUR 2,000 shall be imposed for an offence referred to in paragraph 1 of this Article on a natural and responsible person.

Article 79

A fine up to EUR 2,000 shall be imposed for an offence of a legal person:

- 1) If it fails to publish the beginning of such works at least in one daily printed media distributed on the territory of Montenegro (Article 21 paragraph 1);
- 2) If it constructs buildings, installs facilities and devices and other equipment without previously obtained consent from the infrastructure manager (Article 23);
- 3) If it fails to take prescribed fire protection measures in the railway area, as well as on the rolling stock (Article 25 paragraph 1);
- 4) If it fails to remove trees, undergrowth and leaves within 10 meters scope from the outer edge of the tracks near forests, and harvest ripened field crops in timely manner and take other fire protection measures, if applicable, within 5 meter scope from the outer edge of the tracks (Article 25 paragraph 2);
- 5) If it fails to maintain the joint bridge pillars and structures constructed for rail infrastructure and public road purposes in accordance with the technical and technological norms and standards (Article 30 paragraph 1);
- 6) If the following documents are not placed within the traction vehicle of the train used for transport of passengers, persons and goods: certified copy of the transport license, certified copy of transport safety certificate, certified copy of Agreement on use of railway infrastructure and other documents in accordance with the regulations on railway traffic safety (Article 62 paragraph 1);
- 7) if it does not publish timetable and its amendments in the media or on the web page of the operator or in another usual manner (Article 63, paragraph 1).

A fine in the amount up to EUR 200 shall be imposed for an offence referred to in paragraph 1 of this Article for a natural or responsible person.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 80

Secondary legislation for the implementation of this Law shall be enacted within the period of one year from the day of entry into force of this Law.

The legislation adopted on the basis of the Law on Railways (Official Gazette of the Republic of Montenegro 21/04 and Official Gazette of Montenegro 54/09) shall apply until the legislation referred to in paragraph 1 hereof is adopted.

Article 81

The Law on Railways (Official Gazette of the Republic of Montenegro 21/04 and Official Gazette of Montenegro 54/09) shall not apply from the day of entry into force of this Law.

Article 82

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