

Pursuant to Article 9. paragraph 1 of the Road Traffic Safety Law (“Official Gazette of the Republic of Serbia”, No. 41/09), Article 9. of the Law on Public Agencies (“Official Gazette of the Republic of Serbia”, No.18/05 and 81/05 – revision) and Article 43. paragraph 1. of the Government Law (“Official Gazette of the Republic of Serbia”, No.55/05, 71/05 – revision, 101/07 I 65/08),

The Government issues the following,

DECISION

on the establishment of the Road Traffic Safety Agency

1. **Establishment.** The Road Traffic Safety Agency is established (hereinafter: the Agency) to perform developmental, technical and regulatory affairs, in the field of the road traffic safety.

2. **Name and address.** The Agency operates under the name: The Road Traffic Safety Agency.

The abbreviated name of the Agency is: ABS.

In dealing with foreign countries, besides the name in Serbian language, the Agency can use the name in English, which reads as follows: Road Traffic Safety Agency, or the abbreviated name in English RTSA.

Address of the Agency is in Belgrade, Mihajlo Pupin Boulevard No. 2.

3. **Position of the Agency.** The Agency shall have a legal personality, which acquires by entering the Court Registry.

The Agency is responsible for its obligations by all funds available.

The Agency is independent in its work.

4. **Seal and Stamp.** The Agency has a seal with content, design and use which are determined in accordance with the law.

Stamp of the Agency is rectangular in shape, dimensions 60 x 30 mm and contains the text: “Road Traffic Safety Agency – Belgrade” and rubrics for the entry date of receipt of the submission, the number under which the submission is instituted and the

number of attachment to the submission. Text of the Agency stamp is printed in Serbian language, Cyrillic alphabet.

Director of the Agency regulates the handling and storage of the seal and stamp.

5. Authority of the Agency. The Agency is authorized to:

- 1) analyze, monitor and improve the road traffic safety system (development and use of a unique database, important for the road traffic safety);
- 2) work on improving the safety for drivers and other road users and to improve the traffic safety in terms of vehicles
- 3) perform preventive and promotional activities in cooperation with centers for the promotion of population health and institutes of Public Health, established in accordance with the regulations governing the health care, and to lead campaigns on the road traffic safety;
- 4) provide a database on technical characteristics of motor vehicles and trailers, which is relevant to the implementation of regulations on the road traffic safety;
- 5) conduct an exam, organize seminars to improve knowledge and perform testing knowledge for teachers of theory in driver training;
- 6) organize seminars to improve knowledge and skills, to perform verification of the driving instructor and a professional driver;
- 7) conduct examination for the examiner, organize seminars to improve knowledge and skills, to perform checks on the driving test examiners;
- 8) provide training, organize and conduct examination for the driver of the tourist train;
- 9) provide training, organize and conduct examination for the tram driver;
- 10) provide training, organize and conduct examination for drivers whose driving license had been revoked for negligent management;
- 11) conduct examination for the controller of technical inspection, organize seminars to improve knowledge and skills, to perform testing for controllers of technical inspection;
- 12) issue licenses and certificates in accordance with the law;
- 13) cooperate with regional and local bodies for the road traffic safety;
- 14) issue periodic analysis and publications with data on traffic and road traffic accidents;
- 15) organize and ensure publication of professional literature in the field of driver training;
- 16) perform duties in connection with the implementation of digital and analogue tachographs;

17) perform other tasks related to improving the road traffic safety, as stipulated by law and other regulations;

Activities referred to in paragraph 1. of this article, the Agency performs as assigned in accordance with the law.

Activities concerning item 16. include authorization for the type of tachograph sheet, memory card or control devices, the issuance of the workshops, the approval of the persons who perform tasks related to the tachograph and implementation procedures for the selection of manufacturers of cards and access to tachonet.

For carrying out specific tasks related to the organization of duties from the paragraph 1. of this article, the Agency may employ other legal persons who are financially and technically qualified to perform these tasks.

Some of its duties may be performed by the Agency and outside its headquarters in organizational units – offices, in accordance with the Statute of the Agency.

6. **Funds for the Agency.** Funds for the establishment and commencement of the Agency are provided from the budget of the Republic of Serbia.

Funds for the Agency are provided from the price of services paid by users of the service, from special fees for services performed by the Agency, donations, contributions and other benefits given to the founder or Agency and from other sources in accordance with the law.

7. **Authorities of the Agency are:** The Board of Directors and Director of the Agency
The President and The Board Members are appointed and dismissed by the Government in accordance with the law.

The President, The Board Members and Director of the Agency are appointed for a period of five years and may be reappointed.

8. **The Board of Directors of the Agency.** The Board has a chairman and four members appointed and dismissed by the Government on the proposal of the Ministry responsible for transport.

The Board of Directors:

- 1) adopts the Statute of the Agency ;
- 2) makes the other general acts, in accordance with the law;
- 3) guides the work of director of the Agency and issues work instructions;

- 4) supervises the operations of the Agency;
- 5) submits to the Government work report and the way the Agency operates;
- 6) approves the annual working plan;
- 7) approves the financial plan;
- 8) approves the annual report and financial report;
- 9) decides on profit distribution;
- 10) performs other duties in accordance with the law, this decision and the Statute of the Agency. The annual working plan, financial plan, annual report, the financial report and decisions on profit distribution adopted by the Board of Directors have to be approved by the Government.

The President and the Board Members receive remuneration.

Net remuneration for the Board Members could not be higher than the single overall average wage per employee, without tax and contribution, which is paid in the Republic of Serbia in October, in the year preceding the year for which the working program is made.

Net remuneration for the president of the Board of Directors may not exceed the amount specified in paragraph 5. of this point, increased by 50 %.

The Board of Directors determines the amount in paragraph 5. and 6. of this point and the fee is paid monthly.

9. Director of the Agency.

Director of the Agency:

- 1) represents the Agency;
- 2) organizes and manages the operations of the Agency;
- 3) proposes regulations issued by the Board of Directors;
- 4) makes decisions and other acts within the jurisdiction of the Agency, except for decisions or acts passed by the Board of Directors;
- 5) is responsible for lawful operation and the expert performance of the Agency;
- 6) implements decisions of the Board of Directors and takes measures for their implementation;
- 7) acts on internal organization and job classification within the Agency;
- 8) is responsible for administrative, professional and technical activities for the Coordinating body for the road traffic safety;
- 9) proposes the working plan of the Agency;

10) performs other duties in accordance with the law, this decision and the Statute of the Agency.

Director of the Agency may be a person who, in addition to meeting the requirements of the law that set public agencies, has proven organizational and managerial skills.

10. General acts of the Agency are: The Statute, regulations and other acts.

The Statute is the basic general act of the Agency.

The Statute is passed by the Board of Directors with the consent of the Government.

The Statute contains provisions on:

- 1) The agency operations;
- 2) discharge of duties;
- 3) authorities and their jurisdiction;
- 4) representation of the Agency;
- 5) rights, duties and responsibilities of employees;
- 6) other issues relevant to the Agency.

Rules of procedure represents general act passed by the Board of Directors with the consent of the Government.

Rules of procedure in paragraph 5. of this item includes provisions on the rights, duties, responsibilities and salaries of Director of the Agency and employees, in accordance with the law.

11. Supervision. Supervision of the agency, under its jurisdiction, is performed by the ministries responsible for transport, health and education, Ministry of Internal Affairs and the Ministry of Trade and Services, in accordance with articles 302. and 304. of the Road Traffic Safety Law.

12. Interim Director of the Agency. The Government will appoint an interim director of the Agency within 15 days of entry into force of the decision.

13. Deadline for the appointment of the Board of Directors. The Government will appoint the president and the Board Members within 15 days from the date that Agency entered the Court Registry.

14. Start of operations of the Agency. The Agency begins with work on the date of entry into the Court Registry.

The first day of work, the Agency assumes the rights and obligations, items, equipment, other fixed assets, archives and registration material of the Institute for Standardization, the Ministry of Internal Affairs, Ministry for Infrastructure, Ministry of Health, Directorate of Precious Metals, with respect to matters within the jurisdiction of the Agency.

The first day of work, the Agency takes the required number of staff from the Institute for Standardization and organizational unit that performs vehicle homologation.

15. Entry into force of this decision. This decision shall enter into force eight days after its publication in the “Official Gazette of the Republic of Serbia”.

05 No 02-8002/2009-1

In Belgrade, 10th of December, 2009.

Government

President,

dr **Mirko Cvetković**