



Policy and Legal Advice Centre (PLAC IV)

Terms of Reference (ToR) for a Short-Term assignment

No. 34

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of Negotiating Ch. 14 – Transport Policy – Carriage of Passengers and Passenger Rights in Road Transport
Project Title:	Policy and Legal Advice Centre (PLAC IV)
Ref:	NEAR/BEG/2023/EA-RP/0175
Service Contract No:	(CRIS) 2024/453-315
Main beneficiary:	Ministry of European Integration (MEI)
Direct Beneficiary:	Ministry of Construction, Transport and Infrastructure (MCTI)
Content of the assignment:	Technical assistance in drafting a law/amendments to the Law on Carriage of Passengers in Road Transport to ensure its harmonisation with Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006) and with Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 and Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road and Regulation (EU) 2020/1055 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector; and drafting the Law on Passenger Rights to ensure its harmonisation with the Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport
Budget Line/Expert category	1 (one) Non-Key Short-Term Senior Expert
Duration of the assignment	30 (thirty) working days, April - May 2025

1. Background information in relation to the PLAC IV project

The overall objective of the PLAC IV is for the Serbian administration to effectively conduct accession negotiations and successfully manage the overall EU integration and pre-accession assistance geared towards the EU membership.

The project's purpose is to achieve a high level of effective alignment of national legislation with the Union *acquis* and its implementation.

PLAC IV should achieve two results:

- R1: Enhanced compatibility of national legislation with the EU legislation and its effective implementation;
- R2: Enhanced capacities of relevant national structures for successful carrying out of accession negotiations.

The Republic of Serbia has been continuously harmonising its national legislation in the field of road transport with the EU legislation. This field is part of Cluster 4, Chapter 14, which has been opened since 2021. Based on the European Commission Report on Serbia from 2024, the road transport alignment with the EU *acquis* is at a good level and remains a priority. The Road Safety Strategy for 2023-2030 and a 3-year Action Plan were adopted in September 2023. Social and market rules in the field of road transport should be fully transposed. The EU Commission report stated that no progress was made in aligning national legislation with the EU rules on passenger rights.

National Programme for the Adoption of the *acquis* of the European Union (NPAA 3.14.) stipulates the following:

- 1) Harmonisation of the Law on Transport of Passengers in Road Transport ("Official Gazette of the RS", Nos. 68/2015, 41/2018, 44/2018 – other law, 83/2018, 31/2019 and 9/2020) with Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006) and with Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 and Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road and Regulation (EU) 2020/1055 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector within the EU Regulation 2020/1056 on electronic freight transport information;
- 2) Adoption of the Law on Passenger Rights to harmonise with Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport.

The Ministry of Construction, Transport and Infrastructure - MCTI is responsible for realising these activities.

Regulation (EC) 1073/2009 lays down common rules for access to the international market for coach and bus services. The regulation sets down the principle of free provision of regular services, including special regular services and occasional services by coach and bus, without discrimination on grounds of nationality or place of establishment, provided that a carrier fulfils conditions specified in the regulation. A carrier operating international coach and bus services must obtain a licence from a competent national authority. Regular bus and coach services are open to all and, where appropriate, to compulsory reservation. Occasional services do not



require authorisation. Carriers holding a licence are permitted to operate cabotage operations. Commission Regulation 361/2014 laid down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus.

Currently, many inland passenger transport services needed from general economic interests cannot be operated commercially. The competent authorities of the EU Member States must be able to act to ensure that such services are provided. The mechanisms that they can use to ensure that public passenger transport services are provided include the following: the award of exclusive rights to public service operators, the grant of financial compensation to public service operators and the definition of general rules for the operation of public transport applicable to all operators. If Member States, in accordance with Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road, choose to exclude certain general rules from its scope, the general regime for State aid should apply.

In order to be able to organise their public passenger transport services in the manner best suited to the needs of the public, all competent authorities must be able to choose their public service operators freely, taking into account the interests of small and medium-sized enterprises, under the conditions stipulated in this Regulation. To guarantee the application of the principles of transparency, equal treatment of competing operators and proportionality when compensation or exclusive rights are granted, a public service contract between the competent authority and the chosen public service operator must define the nature of the public service obligations and the agreed reward. The form or designation of the contract may vary according to the Member States' legal systems.

The purpose of this Regulation is to define how, under the rules of EU law, competent authorities may act in the field of public passenger transport to guarantee the provision of services of general interest which are, among other things, more numerous, safer, of a higher quality or provided at a lower cost than those that market forces alone would have allowed. To this end, Regulation 1370/2007 lays down the conditions under which competent authorities, when imposing or contracting for public service obligations, compensate public service operators for costs incurred and/or grant exclusive rights in return for the discharge of public service obligations.

Regulation (EU) No 181/2011 concerning passengers' rights in bus and coach transport stipulates that EU measures to improve passengers' rights in this sector, which largely consist of small and medium-sized undertakings, should consider its specific characteristics.

Bus and coach passenger services should benefit citizens in general. Consequently, disabled persons and persons with reduced mobility, whether caused by disability, age or any other factor, should have opportunities for using bus and coach services that are comparable to those of other citizens. Within the framework of relevant legislation for the protection of workers, disabled persons and persons with reduced mobility should enjoy the right to assistance at terminals and onboard vehicles. In the interest of social inclusion, the persons concerned should receive the assistance free of charge. Carriers should establish access conditions, preferably using the European standardisation system.

Regulation (EU) 181/2011 establishes rules for bus and coach transport as regards the following: (a) non-discrimination between passengers with regard to transport conditions offered by carriers; (b) rights of passengers in the event of accidents arising out of the use of

the bus or coach resulting in death or personal injury or loss of or damage to luggage; (c) non-discrimination and mandatory assistance for disabled persons and persons with reduced mobility; (d) rights of passengers in cases of cancellation or delay; (e) minimum information to be provided to passengers; (f) handling of complaints; (g) general rules on enforcement.

The current Serbian Law on Carriage of Passengers in Road Transport ("Official Gazette of the RS", No 68/2015, 41/2018, 44/2018 – other law, 83/2018, 31/2019 and 9/2020) regulates the conditions and manner of public transport of passengers and transport of persons for their own needs in road traffic in domestic and international transport, provision of station services at bus stations and inspection supervision. While this law has been amended several times, it is necessary to harmonise it with Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006), Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98, Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road and Regulation (EU) 2020/1055 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector. This can be done by drafting amendments or a new law.

The area of passengers' rights in bus and coach transport in Serbia is unregulated. A new Law on Passenger Rights must be adopted to achieve harmonisation with Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport.

2. Description of the assignment

a. Specific objectives

The specific objectives of this assignment are:

- to prepare a draft Law on Carriage of Passengers in Road Transport or a draft Law on Amendments to the Law on Carriage of Passengers in Road Transport and ensure its harmonisation with Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006), Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 and with Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road and the Regulation (EU) 2020/1055 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector;
- to prepare a draft Law on Passenger Rights to ensure its harmonisation with Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport.

b. Requested services

The Senior NKE in the area of road transport is expected to provide the following services:



- a) Assist the MCTI in conducting consultations and preparing the draft Law on Carriage of Passengers in Road Transport or draft Law on Amendments to the Law on Carriage of Passengers in Road Transport and ensuring its harmonisation with Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006, Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98, Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road and Regulation (EU) 2020/1055 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector;
- b) Assist the MCTI in conducting consultations, preparing the draft Law on Passenger Rights and ensuring its harmonisation with Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport.

c. Outputs

The outputs delivered by the Senior NKE shall be as follows:

- Draft Law on Carriage of Passengers in Road Transport or Draft Law on Amendments to the Law on Carriage of Passengers in Road Transport;
- Draft Law on Passenger Rights.

d. Reporting

The NKE shall provide the following reports by using the templates of the Project:

- A Brief Mission Report with a description of activities and outputs provided at the end of each month, in which tasks under this assignment have been carried out;
- Final Mission Report, no later than one week after completing tasks under this assignment. This report will include a description of all activities and outputs provided by the NKE in the context of this assignment.

Submission of reports:

- All reports prepared with relevant quality shall be submitted to the Project Team Leader for review, comments, and final approval. The reports shall be signed by the NKE and the Team Leader responsible for endorsing the reports;
- The reports and all prepared documents shall be submitted to the Project Team Leader in hard copy and electronic form.

e. Specifics

The Senior NKE shall collaborate with the Project Technical Assistance Team on preparing and drafting the Law on Carriage of Passengers in Road Transport or Draft Law on Amendments to the Law on Carriage of Passengers in Road Transport and the Law on Passenger Rights. The NKE's activities and outputs mentioned above may be adjusted by the Team Leader at any stage in the project's implementation, depending on the project's



evolving needs and main beneficiary requests.

The Senior NKE shall ensure that the draft Law on Carriage of Passengers in Road Transport or draft Law on Amendments to the Law on Carriage of Passengers in Road Transport is aligned with Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006), Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 and with the Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road and the Regulation (EU) 2020/1055 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector, and that the draft Law on Passenger Rights is aligned with Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport. The Senior NKE shall closely coordinate the activities with the MCTI - Sector for Road Transport and others, as relevant, to ensure that aspects related to implications of the EU integration for Serbia are incorporated into all activities carried out by the Project.

3. Expert's input

Total working days	30 (thirty) working days (WDs) have been planned for this assignment. An additional number of WDs may be allocated for this ToR, should the needs of the main beneficiary require an extension for the activity areas mentioned in this ToR.
Period of the assignment	April - May 2025
Starting day	The work is expected to be performed from April 2025 onwards. However, the exact starting date will be agreed upon later.
Location/place of assignment	The base of operation will be in Belgrade, Serbia, and the Project will provide office facilities.
Working language	English



4. Expert's profile

Qualification and skills (25 points)	<ul style="list-style-type: none"> • University degree in engineering (transport, civil, mechanical or electrical engineering) or university degree in law; • Computer literacy; • Proficiency in report drafting; • Excellent communication and analytical skills; • Proficiency in the English language; • Independence and freedom from conflicts of interest in the undertaken responsibilities.
General professional experience (25 points)	<ul style="list-style-type: none"> • At least 8 (eight) years of general postgraduate professional experience in the field of transport, gained in an EU Member State, candidate, or potential candidate country; • At least 6 (six) years of experience in drafting legislation in the field of transport, preferably road transport;
Specific professional experience (50 points)	<ul style="list-style-type: none"> • Experience in transposing EU legislation into national legislation in the field of transport, preferably road transport.

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to domi@ibf.be with a copy to bortolameazzi@ibf.be by **17:00 hrs, 17 April 2025**, titled "Application for the position—Senior Non-Key Expert in Chapter 14—Transport Policy—Carriage of Passengers and Passenger Rights in Road Transport."

References must be available on request. Only short-listed candidates will be contacted.

The Project is an equal-opportunity employer that encourages applications from women and minorities. All applications will be considered strictly confidential.

The advertised post is unavailable to civil servants or other public administration officials in Serbia, the beneficiary country.

For more information, please contact the Project Director at IBF: bortolameazzi@ibf.be.