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# Annexes

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## ANNEX 2: OVERVIEW OF THE LEGAL FRAMEWORK BY REGION

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**DB Rail Academy**  
by DB Engineering & Consulting GmbH

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\*This designation is without prejudice to positions on status and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

# INTRODUCTION

The Western Balkans face significant opportunities to enhance the railway sector through the establishment of a Regional Railway Excellence Centre (RREC). This Centre would focus on providing specialized training and certification for railway professionals, particularly train drivers, with the aim of fostering regional collaboration and improving the workforce's competence and mobility.

To assess the feasibility of creating such a Centre, it is crucial to understand the legal frameworks governing Vocational Education and Training (VET) and railway certifications in the region. This chapter reviews the relevant laws and regulations in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia focusing on certification competencies and mandatory certifications for railway occupations.

The chapter will focus on key legislative acts, including the Railway Codes, Vocational Education Laws, and Training Guidelines, to assess whether a unified certification system can be established in the Western Balkans.

By the end of the chapter, conclusions will be drawn on the potential for creating a regional certification framework, identifying existing challenges and opportunities for cooperation across the region.

## ALBANIA

### I. Introduction

For the purpose of establishing a Regional Railway Excellence Centre, the legal framework regulating educational institutions and training centres in the Western Balkan jurisdictions has to be evaluated.

Furthermore, with the aim to determine whether proposed recognition of certificates issued by the Regional Railway Excellence Centre would be possible in jurisdictions of the Western Balkans, analysis of relevant provisions pertaining to:

1. certification competences of educational institutions and training centres,
2. mandatory certifications for railway occupations, in particular for train drivers.

has been performed.

Legal acts analysed within this chapter were the following:

REGULATIONS	ADOPTED BY	ENTRY INTO FORCE
<b>Law Railway Code of the Republic of Albania No. 142/2016</b>	Parliament	January 2018
<b>Law on the Establishment of the Railway Safety Authority of the Republic of Albania No. 88/2021</b>	Parliament	August 2021
<b>Law on the Establishment of the Railway Regulatory Authority of the Republic of Albania No. 89/ 2021</b>	Parliament	August 2021
<b>Guidelines of the Minister of Infrastructure and Energy on Professional Training in Professional Training Centers for Railway Personnel Performing Safety Functions, Conditions and Procedures for Testing, Licensing and Certification of Train Drivers No. 24 as of 13.12.2022</b>	Ministry of Infrastructure and Energy	December 23, 2022
<b>Vocational Education and Training Law No. 15/2017</b>	Parliament	June 15, 2017



Table 1: Legal Framework - Albania

## II. Vocational Education and Training

### 1. Status and aim of VET

In Albania, Adult Education and Training aims to provide an integrated and flexible system to professional qualifications in accordance with economic and social changes, with labor market needs. Adults enter education, training or learning by their own choice, for the purpose of improving their knowledge, skills and competences or acquiring an adequate qualification for a more successful life, work and personal development.

The Vocational Education and Training (VET) regulations in Albania are primarily governed by the Vocational Education and Training Law No. 15/2017 adopted on May 18, 2017 („**VET Law**“).

### 2. VET Regulations

The primary legislative framework governing the VET system in Albania is the **VET Law**, which outlines the guiding principles, structure, and standards for VET provision, assessment, and certification. Key aspects of the VET Law include:

- i. **Purpose and Objectives:** Aligning VET with labor market needs and promoting economic growth.
- ii. **Structure and Organization:**
  - **Vocational Schools:** Offering initial VET programs with a 2+1+1 structure, leading to both a vocational certificate and State Matura Diploma.
    - i. **Details of the 2+1+1 Structure:** Two years of basic education, one year of specialization, and one year of consolidation, with certifications awarded after each year.
  - **Training Centers (VTCs):** Providing short-term training courses for adults.
    - i. **VTC Focus Areas:** Technical short-term courses with durations of 3-6 months, including a module for soft skills (Start SMART) for unemployed job seekers.
  - **On-the-Job Training:** Encouraged through Development Units in vocational schools, facilitating cooperation with local companies.
    - i. **Development Units:** Responsible for organizing internships and promoting school-company cooperation.
- iii. **Public and Non-Public VET:** The law governs both, with a focus on increasing autonomy for public VET providers.

- iv. **Quality Assurance and Standards:** Emphasizes the importance of quality assurance, with NAVETQ responsible for occupational standards, qualification standards, and unified framework curricula.
- v. **Funding and Resources:** Sources include the state budget, income generated by public VET providers, donor contributions, and sponsorships, with a move towards decentralization and financial autonomy for providers.
  - **Decentralization:** Public VET providers are allowed to use 100% of their generated income and transfer it to the next year if not fully spent.

### 3. Competent Institutions and Providers

- i. **Competent Institutions for VET:**
  - **Ministry of Finance and Economy (MFE):** National policy formulation and supervision.
  - **National Agency for Employment and Skills (NAES):** Management of VET providers and performance monitoring.
  - **National Agency for VET and Qualifications (NAVETQ):** Development of national VET standards and quality assurance.
- ii. **Main Providers:**
  - **Public Upper Secondary VET Schools:** Offering initial VET programs.
  - **Public Vocational Training Centres (VTCs):** Providing short-term training for adults.
  - **Private Training Providers:** Licensed providers offering lifelong learning opportunities.
- iii. **Licensing:** Private providers must obtain a license to offer VET courses.

## III. Railway

### 1. Relevant regulations

The education of train drivers and other railway occupations in the Republic of Albania are regulated under the **Railway Code** of the Republic of Albania. Moreover, for competent bodies included in the trainings and certifications of railway occupations relevant are also the **Law on the Establishment of the Railway Safety Authority**, and **Law on the Establishment of the Railway Regulatory Authority**. The latter laws are of organisational nature and define competences of the **Railway Safety Authority** and of the **Railway Regulatory Authority**.

Relevant are also the **Guidelines on Professional Training in Professional Training Centers for Railway Personnel Performing Safety Functions, Conditions and Procedures for**

**Testing, Licensing and Certification of Train Drivers** (“Guidelines”) that provide a detailed and structured approach to ensure the safety and competence of train drivers. They include clear criteria for training centers, licensing, and certification processes.

## 2. Competent Bodies

### i. **Railway Regulatory Authority:**

- Established by law and independent in its organization, financing, legal structure, and decision-making;
- Responsible for monitoring the competitive situation in the rail services markets, ensuring non-discriminatory access to infrastructure, and handling appeals and complaints.

### ii. **Railway Safety Authority:**

- Ensures the level of rail safety is maintained and improved;
- Oversees compliance with legal obligations regarding safety management systems;
- Issues safety certificates and authorizations for railway undertakings and infrastructure managers;
- Issues the licenses of train drivers.

### iii. **Railway Licensing Authority:**

- Established by the Decision of the Council of Ministers;
- Issues licenses to railway undertakings to provide rail transport services;
- Ensures that railway undertakings meet requirements related to good repute, financial fitness, professional competence, and cover for civil liability.

### iv. **National Investigation Authority of Accidents and Incidents:**

- Investigates railway accidents and incidents to improve safety and prevent future occurrences;
- Independent in its organization, legal structure, and decision-making.

## 3. Vocational Training Centers

According to the Article 68 of the Railway Code the **vocational training of railway personnel exercising safety functions** is conducted in licensed schools - **Vocational Training Centers** (VTC). These schools can be established by infrastructure managers, railway undertakings, or public and private trainers.

Training centers must operate independently and impartially, ensuring equal treatment for all participants.

The **Railway Safety Authority** (RSA) controls the conditions and quality of training. The conditions for licensing vocational training schools are approved by bylaws by the Ministry responsible for transport.

VTC must demonstrate technical competence, have certified staff, appropriate facilities, and a quality management system.

Training services must include the necessary knowledge for rail lines, regulations, operating procedures, command-control and signalling systems, and emergency procedures.

Recognition of VTC is valid for 5 years, with provisions for renewal or amendment based on compliance with guidelines.

Open access - If VTCs are established for the services of a railway undertaking or infrastructure manager, they **must be made available to other undertakings** at a reasonable and non-discriminatory price.

Railway undertakings applying for a safety certificate have the right to non-discriminatory access to training schools for train drivers and accompanying staff. Infrastructure managers and their staff performing safety tasks also have fair and non-discriminatory access to training schools.

Certification - The RSA ensures that training services and the issuance of training certificates meet safety requirements defined in Technical Specifications for Interoperability (TSIs) or national safety rules.

#### 4. Provisions under the Guidelines

##### i. **Purpose and Scope**

- Purpose: The guidelines aim to establish a structured framework for the professional training, testing, licensing, and certification of train drivers in Albania.
- Scope: The guidelines apply to train drivers, railway undertakings, infrastructure managers, training centers, and driver examiners. They exclude drivers of trams, privately owned railway lines, and temporarily closed railway lines.

##### ii. **Licencing and Certification of Train Drivers**

- Documents Required: Drivers need a license and one or more certificates indicating authorized lines and rolling stock.



- Validity: Licenses are valid for 10 years and must be renewed periodically. The license shall be the property of its holder and shall be issued by the Authority in the Albanian and English languages.

Certificates are specific to infrastructures and rolling stock and are issued by railway undertakings or infrastructure managers.

iii. **Conditions for Licensing and Certification**

- Minimum Requirements: Candidates must be at least 22 years old, have basic education, and meet medical and psychological fitness standards.
- Periodic Checks: Regular checks are required to maintain the validity of licenses and certificates.

iv. **Tasks and Decisions of the Railway Safety Authority**

- Responsibilities: The Railway Safety Authority is responsible for issuing, updating, suspending, and revoking licenses, maintaining registers, monitoring the certification process, and conducting inspections.
- Delegation: Certain tasks can be delegated to third parties under strict conditions to ensure transparency and non-discrimination.

v. **Training of Train Drivers**

- Content: Training includes general professional knowledge and specific knowledge related to vehicles and infrastructure.
- Continuous Training: Ongoing training is required to maintain and update competencies.

vi. **Examiners and Examination Centers**

- Competence: Examiners must be competent, experienced, and certified.
- Recognition: Examination centers must be recognized by the Railway Safety Authority and meet criteria of independence, competence, and impartiality.

vii. **Medical Requirements**

- Criteria: Train Drivers must meet specific medical and psychological criteria, including vision, hearing, and general health standards.

- Periodic Checks: Regular medical checks are required to ensure ongoing fitness for duty.

viii. **Geographical validity of the train driver's licenses**

- A train driver's license shall be valid throughout the territory of Albania and in border countries as bilaterally agreed.

#### IV. **Conclusions**

Taking into account the findings of the above analysis and considering the aim to establish a Regional Railways Excellence Center in one of the West Balkan jurisdictions that should issue railway certificates which recognition should be regionally accepted, the following conclusions can be drawn:

1. **Setting up of a railway academy in Albania would need to be in accordance with the VET Law and preconditions set by the Railway Code and Guidelines on Professional Training in Professional Training Centers for Railway Personnel Performing Safety Functions, Conditions and Procedures for Testing, Licensing and Certification of Train Drivers.**
2. **Partnering with an existing VTC should be taken into consideration due to already existing recognition.**
3. **Acceptance of regional certificates for train drivers and other railway occupations, which are pre-conditions for issuing train driver licences, could be reached only through bilateral agreements.**

## **BOSNIA AND HERZEGOVINA**

### **I. Introduction**

For the purpose of establishing a Regional Railway Excellence Centre, the legal framework regulating educational institutions and training centres in the Western Balkan jurisdictions has to be evaluated.

Furthermore, with the aim to determine whether proposed recognition of certificates issued by the Regional Railway Excellence Centre would be possible in jurisdictions of the Western Balkans, analysis of relevant provisions pertaining to:

1. certification competences of educational institutions and training centres,
2. mandatory certifications for railway occupations, in particular for train drivers.

has been performed.

Legal acts analysed within this chapter were the following:

LEGISLATION/CONCEPT	ENACTED BY	ENTRY INTO FORCE
National Railway Act	Parliament	30.06.2005
Railway Act of Republika Srpska	Parliament	10.07.2017, subs. amended
Rulebook on issuing train drivers licences	Ministry of Transport and Communications Republika Srpska	06.08.2021
Guideline on train drivers certification	Railway Regulatory Body BiH	16.06.2017
<i>Different Education Laws in Bosnia and Herzegovina</i>		Pregled zakona nadležnih ministarstava iz oblasti obrazovanja

Table 2: Legal Framework - Bosnia and Herzegovina

## II. Vocational Education and Training regulations

### 1. Adult Education Framework

The management of adult education in Bosnia and Herzegovina is carried out according to the polycentric model. The **competent ministries of education in Bosnia and Herzegovina regulate the legislative framework for adult education.**

Public and private educational institutions, other specialized institutions, employment offices, professional associations, non-governmental organizations, religious institutions, etc. are defined as organizations, or institutions that are organizers of adult education.

The **Framework Law on Primary and Secondary Education in BiH** provides that “Education of adults shall be organized in specific subjects and for the purpose of their professional and personal advancement”. “Education of adults shall include **professional training, supplementary training, re-training and other activities ensuring lifelong learning.** Education of adults shall be governed in more detail in the laws of the entities, cantons, and the Brcko District of Bosnia and Herzegovina, in line with the principles and standards defined in this Law”.

The **Framework Law on Vocational Education and Training** in BiH provides that "Schools may organize adult training within their registered activities, with the consent of the competent education authorities. The responsible minister shall adopt curriculum for adult education and training.”

### 2. VET providers

**Adult education in FBiH is provided in training centres and VET schools.** All cantons in the Federation of Bosnia and Herzegovina have passed their own laws on adult education. The Framework Law on Secondary Vocational Education and Training in Bosnia and Herzegovina provides that "Schools may organize adult training within their registered activity, with the consent of the competent educational authorities. The competent minister shall adopt a curriculum for the education and training of adults."

Further professional education of specific sectors is defined through the respective specialised Laws and Rulebooks. In case of the railway sector occupations the main act is the Railway Law of Bosnia and Herzegovina and the specific Railway Laws of the entities. Due to relevance of the railway sector and security related circumstances, this sector is highly regulated. It is clearly defined which education level the railway staff needs to provide as well as certification process and further training for railway staff. Both Railway Laws, Rulebooks and Guidelines define the pre-conditions for lifelong learning in the sector and how a railway training centre should be organised.

Setting up of a railway academy in Bosnia and Herzegovina, without certification of train drivers, could be considered as general adult education and would need to be in line with the respective education laws and secondly in line with the preconditions defined by the respective railway related Ministries.

### III. Railway regulation

#### 1. Governance structure and relevant regulation

Bosnia's legal framework for the railway sector has established a **two-railway system with two centers of governance, one railways corporation and one BiH regulator**. In the Federation of Bosnia and Herzegovina (FBH) the railway is managed by Željeznice Federacije Bosne i Hercegovine (ŽFBH) and in Republika Srpska by Željeznice Republike Srpske (ŽRS). The Entity governments are majority (though not exclusive) owners of the railways located within their territory. They are responsible for its policy framework, performance oversight, and budgetary support as well as for the inter-entity coordination through the Railways Corporation (BHŽJK). At the BiH level, the Railway Regulatory Body (RRB) is responsible for international regulation. The railway network and train operations in Bosnia and Herzegovina are governed by the **Railway Law of Bosnia and Herzegovina and by Railway Laws of two Entities, Federation of Bosnia and Herzegovina and Republic of Srpska**. The Railway Law of Bosnia and Herzegovina applies to the railway sector within the territory of Bosnia and Herzegovina, while the railway law of each Entity applies within that Entity to construction and maintenance of railway network, train operations, safety of railway transport, and establishment and management of each Entity-owned public railway company.

Most governance functions in the railway sector are vested in the Entities. **The Ministry of Transport and Communications of Bosnia and Herzegovina performs specific but limited roles at the state level**. The Entity governments are majority (though not exclusive) owners of the railway system located within the Entity, and are responsible for its policy framework,

performance oversight, and budgetary support. The Railway Public Corporation (BHŽJK) is intended to harmonize railway sectors at the inter-entity level.

The **Law on Railways of Bosnia and Herzegovina**, adopted by the Parliament in June 2005, was intended to reflect European Union (EU) directives for railways, provide a degree of separation between railway transport services and infrastructure management, define License and a Safety Certificate for train operators, establishment of a Railway Regulatory Board and introduction of the concept of a track access fee.

## 2. Regulatory Body

Articles 5 to 10 of the Railway Law describe the roles, the organization and functions of the **Railway Regulatory Body (RRB) of Bosnia and Herzegovina**. The RRB is established within the Ministry of Transport and Communication of Bosnia and Herzegovina and reports through one Director to the Minister. The Law gives RRB powers to:

1. enact regulations and control the railway sector regarding EU directives;
2. issue, comply and revoke Licenses for a train operation, Safety Certificates for a train operator and Permits for an infrastructure manager;
3. issue instructions for the safety and interoperability of the railway system, monitor compliance with such instructions and approve railway equipment with respect to safety and interoperability; and
4. conduct inspections and investigations about railway accidents.

For the purpose of this analysis, we have to look into the Licenses, Safety Certificate and Permits role of the RRB.

## 3. Licensing

The RRB has powers to **license rail transport services and infrastructure management**. Article 12 of the Law regulates conditions that each applicant train operator must meet to obtain a license, including financial soundness, adequate insurance coverage, good reputation with no history of bankruptcy and no serious criminal offence, and professional competence and technical equipment, including quality rolling stock. Article 13 requires the train operator also to obtain a **safety certificate** requiring activities management and safety instruction which prevent injuries of personal. Regarding **certificate for the infrastructure manager**, following minimum requirements have to be in place:

1. its main office should be located in the territory of Bosnia and Herzegovina,
2. the senior managers have not been convicted of a serious criminal offence and have not seriously or repeatedly violated any applicable laws governing customs, social security or employment,
3. it has the ability to meet liabilities in the next 12 months,
4. it should have skilled staff to implement its functions and responsibilities, particularly the train traffic control and maintenance and modernization of the railway infrastructure,

5. it must fulfill the safety and technical requirements for organizing and regulating railway traffic control, which is regulated by the RRB.

Applicants who fulfil the conditions obtain a **License, a Safety Certificate or a Permit** from the RRB, issued for a 5-year period with a possibility of extension. The RRB annually reviews the conditions imposed on a License, a Safety Certificate or a Permit and monitors a change affecting the legal status of a train operator or an infrastructure manager such as a merger or a takeover, or significant changes or extension of activities.

#### 4. Training program of railway staff

The Law on Railways of Bosnia and Herzegovina does not regulate the training program and relevant experience the railway staff needs to obtain during fulfilling their occupation. This has been defined by the respective entity.

The main objective of the **Law on Railways of Republic of Srpska (2017)** is to harmonize the railway law with the EU rail acquis. The law also proposes to restructure ZRS to promote its financial stability, and for the railway network to be integrated into the European network.

The law contains various articles related to principles of railway transport, roles and responsibilities of the government and the infrastructure manager, and train operations.

Firstly, the law divides roles of the entity government, the infrastructure manager and the train operator, introducing vertical separation in railway transport.

Further, the **Law defined education and training for railway staff**. Article 81 of the Law stipulates the **mandatory need for training of train drivers and other railway occupations** regarding necessary knowledge of the route, operational regulations and procedures, signal and control-command system and procedures in case extraordinary events which apply on team routes. During engagements of new train drivers, dispatchers and staff which performs vital security tasks, **the railway company is obliged to accept all trainings, qualifications and experience previously obtained from others railway companies if evidence confirming acquired training, qualifications and experience is provided**. The infrastructure manager is responsible for the training and qualifications of their own staff which performs works related to security.

Chapter V of the Law defines the preconditions related to the railway staff. Provisions of article 102 and 103 secure the **level of professionally education and health and others special conditions for exercising certain job**. For railway staff its mandatory to pass professional exam and participate in trainings. A professional railway exam can be completed a by a professional who has obtained a specific training program within a railway company.

#### 5. Train drivers

The Law specifically defines the pre-conditions for a train driver:

- 1) to fulfil special conditions for train drivers,
- 2) to be at least 20 years old,
- 3) to have appropriate professionally education (degree) to perform the jobs,



4) to have passed the professional exam for train drivers

5) that by decision the competent authority is not prohibited from driving a train.

Specific health conditions are defined within the Law and annual checkup for all railway specific occupations.

Further, the Rulebook on the issuing train driver licenses from 2021 for the entity Republika Srpska, is providing mandatory pre-conditions for the issuing the train driver's licence. The candidates need to be at least 20 years old with a theoretical and practical knowledge relevant for this profession. The candidate needs to proof practical experience in driving a train, which is provided by the railway company and provide a high-school diploma from a railway high school. After passing the additional exam, defined by the Rulebook, the candidate will be handed out the **train drivers license** in Serbian language and one more EU language, which is **valid in Republika Srpska, Bosnia and Herzegovina and all countries under bilateral agreement**.

#### 6. Training center

The **Ministry of Transport and Communication** shall authorize legal entities to perform train driver training activities, i.e., it shall **authorize training centers** to perform training activities, as well as natural persons to perform examiner activities. The application for authorization referred to in paragraph 1 of the Article 24 shall be submitted to the Ministry, which may establish additional training requirements in relation to the infrastructure for which it is competent. The application shall be accompanied by a statement in which the applicant confirms that the examinations will be conducted in an impartial and non-discriminatory manner, without any pressure or inducement that could influence the decisions or results of the examination, or the manner in which the examination is conducted. The form of the statement shall be prescribed by the Ministry. A legal entity that submits an application for authorization to acquire the status of a center is obliged to prove that it is technically and organizationally capable of providing training. Detailed pre-conditions are defined within the Rulebook.

The same pre-conditions for obtaining a train drivers certificate apply to the other entity in line with **Guideline of train drivers' certificates issued by the Railway Regulatory Body from 2017**. The Guideline confirms that the train drivers' licenses issued in Bosnia and Herzegovina are valid in the EU neighbouring countries only if a bilateral agreement is in place (Article 8).

Differences to the Republika Srpska Rulebook appear regarding the provider of exams for train drivers (article 23 point 5). The task of training related to general professional knowledge and professional knowledge related to railway vehicles is carried out by professional staff of licensed railway companies (in accordance with Article 4 of the Law on Railways of BiH). All other pre-conditions of training centers are defined within the Guideline.

## IV. Conclusions

Taking into account the findings of the above analysis and considering the aim to establish a Regional Railways Excellence Center in one of the West Balkan jurisdictions that should issue railway certificates which recognition should be regionally accepted, the following conclusions can be drawn:

1. **Setting up of a railway academy in Bosnia and Herzegovina, without certification of train drivers, could be considered as VET education and would need to be in line with the respective education laws and in line with the preconditions defined by the relevant rulebook of the entity Ministry of Transport;**
2. **Regional acceptance of certificates issued by a Regional Railway Excellence Center in Bosnia and Herzegovina could only be possible for professional trainings (such as trainings for mechanician) which are not part of formal licencing process of train drivers, since regional acceptance of train drivers licences could only be reached through mutual recognition between the government of Bosnia and Hercegovina and another country or if the licence has been issued by an European Union body;**
3. **Professional trainings offered by the Regional Railway Excellence Center would need to meet the minimum training requirements defined for the Infrastructure Manager and Railway Undertakings during the licensing process.**

## KOSOVO<sup>1</sup>

### V. Introduction

For the purpose of establishing a Regional Railway Excellence Centre, the legal framework regulating educational institutions and training centres in the Western Balkan jurisdictions has to be evaluated.

Furthermore, with the aim to determine whether proposed recognition of certificates issued by the Regional Railway Excellence Centre would be possible in jurisdictions of the Western Balkans, analysis of relevant provisions pertaining to:

1. certification competences of educational institutions and training centres,
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has been performed.

Legal acts analysed within this chapter were the following:

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<sup>1</sup> \* This designation is without prejudice to positions on status and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

REGULATIONS	ADOPTED BY	ENTRY INTO FORCE
Railway Law	Parliament	11.11.2011, subs. amended
Rulebook on Licencing Machinists and Train Drivers	Railway Regulatory Body	02/2013
Administrative Instruction for Issuing Security Certificates	Ministry of Infrastructure	04/2012, subs. amended 02/2016
Administrative Instruction on licencing Infrastructure Manager	Ministry of Infrastructure	03/2012, subs. amended 18/2017
Law on Vocational Education and Training	Parliament	No 04/L-138 – 2013
Law on Adult Education and Training in the Republic of Kosovo	Parliament	No 04/L-143 – 2013

Table 3: Legal Framework - Kosovo

## VI. Vocational Education and Training regulations

### 1. Competent bodies

According to the relevant regulations, the **Vocational Education and Training (VET) sector in Kosovo** is in competence of:

- i. the **Ministry of Education and Science**,
- ii. the **Ministry of Labour and Social Welfare**,
- iii. the **Council for VET and Adults**,
- iv. the **Agency for Vocational Education and Training and Adult Education**,
- v. **municipal education directorates**, and
- vi. various **other bodies** exercising VET functions.

**Ministry of Education and Science (MES)** is responsible for **policy development** and for drafting **general education legislation, including VET**. It is supported by departments and divisions with a VET remit.

**Ministry of Labour and Social Welfare** is responsible for drafting **employment and vocational training policies**, while the **Employment Agency of the Republic of Kosovo** organises, coordinates and implements employment and vocational training policies through **seven regional vocational training centres**, which support adult jobseekers by providing them with training.

The **Council for VET and Adults (CVETA)** at the Government of Kosovo, is a tripartite body that provides **advice** to government stakeholders in VET and adult education in Kosovo and **approves occupational standards**, is also a key player in the VET system.

**Agency for Vocational Education and Training and Adult Education (AVETA)** is responsible for the **administration** of the **VET institutions - competence centres**, and of the **VET institutions for adults**, specifically the finances, human resources and the construction of facilities and infrastructure for all public VET institutions.

**Municipal education directorates** are responsible for the **operation of public educational institutions, including vocational schools**. Their responsibilities include construction of education facilities, enrolment of students, employment of teaching and management staff, training, supervision, etc. Municipal education directorates' directors are appointed by the respective mayors.

## 2. VET providers

Currently **both public and private institutions** provide formal secondary, post-secondary, higher and adult education. After completion of formal or adult education, students/candidates/graduates may enter the labour market, post-secondary education or university education. The majority (about 60%) of upper secondary school students are enrolled in formal vocational schools.<sup>2</sup>

In total there are **76 public vocational schools**, offering 17 vocational fields and 140 profiles.

There are **over 60 public and private VET providers** with accreditation from the National Qualifications Authority (NQA) and **over 88 qualifications** validated under the NQA.

**Formal VET provision** includes:

- i. upper-secondary vocational education (vocational school grades 10–12);
- ii. post-secondary VET.

**Non-formal VET provision** includes:

- i. **vocational training** (employment or job-related), provided in public and private vocational training centres;
- ii. **adult compensatory education courses** for those who have not completed primary or secondary education, based on formal education programmes and offered mainly by public schools;
- iii. a variety of **other types of VET provision** for adults in areas such as foreign languages, information and communication technologies, handicrafts, arts, music and culture offered by private providers, non-governmental organisations, etc.

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<sup>2</sup> European Training Foundation

The **Centres of competence in Ferizaj and Prizren**, drawing on support from Lux-Development and MES, have become **leading examples of modern VET institutions**. For their educational profiles, these centres of competence have developed several occupational standards with modular curricula, teaching materials, the necessary infrastructure and workshops equipped with specific tools for the proper organisation of professional practice.

In general, the centres of competence have carried out process of harmonization of existing professional standards and curricula. However, some profiles have occupational standards but lack curriculum review and the development of teaching materials.

The centres of competence are pioneering public-private partnerships with modern facilities, capable of responding to a strong demand for specific profiles. For example, the Ferizaj centre offers nine profiles in health-related sectors and the Prizren centre offers seven profiles in economics, trade and tourism.

## VII. **Railway regulations**

### 1. Relevant regulations

Professional education of sector specific professions is regulated in the relevant specific laws, rulebooks and administrative instructions, as listed above. For **occupations in the railway sector, the relevant piece of legislation is the Railway Law of Kosovo**. The subject of this law is the organization and development of railways, improvement of rail security system, open access and non-discriminatory operators and offering services in the railway sector market.

### 2. Competent body and licensing

**The licencing and certification process** is regulated with the Railway Law, sub-chapter III which determines the **Railway Licensing Body** as competent respectively.

The Railway Licensing Body performs its competences in accordance with the relevant regulations that are harmonized with the principles of EU Directives 91/440 and 95/18. It represents an independent department of the Railway Regulatory Authority (RRA) which organization and procedures are regulated in the Articles 38 and 39 of the Railway Law. RRA Departments encompass: (i) licensing department, (ii) railway safety, (iii) railway interoperability and (iv) department in charge of railway market regulation.

The following licencing procedures exist in the Kosovo railway system:

- i. Licensing of the **Infrastructure Manager** is a legal requirement arising from the Railway Law and European legislation applicable in Kosovo in the railway sector. The purpose of the Infrastructure Manager's licensing is regulation and supervision of the railway sector in accordance with the legal provisions in force as well as European and regional best practices;

- ii. Licencing of **Railway Undertakings** - transport of goods and passengers by rail can only be provided by a Railway Undertaking or a company providing transport by rail for its own needs, i.e. a company or other legal entity that owns a license for railway transport in accordance with the Law;
- iii. Licencing of **Train Drivers** - through defining minimum requirements and procedures concerning education, competence assessment and professional certification for train drivers, the Railway Licensing Body is issuing train drivers licences in line with EU standards in this regard;
- iv. **Safety Authorisation** for Infrastructure Manager and **Safety Certificates** for Railway Undertakings - the purpose of the safety certificate is to provide evidence that the Infrastructure Manager or Railway Undertaking has established its safety management system and can meet requirements laid down in technical specifications for interoperability (TSIs) and other relevant European legislation.

The licenses specify the type of services allowed to be provided and the Railway Licensing Body **reviews the validity of the licenses** on a regular basis at least every five (5) years, ensuring that the Railway Undertaking fulfils the obligations laid down in the law.

### 3. Open access

**Relevant training facilities and access provisions** under the Law stipulates that Railway Undertakings applying for a safety certificate shall have fair and non-discriminatory access to **training facilities for train drivers and staff accompanying the trains**, whenever such training is necessary for the fulfilment of requirements to obtain the safety certificate. Moreover, the infrastructure managers and their **staff performing vital safety tasks shall have fair and non-discriminatory access to training facilities**.

**If the training services do not offer examinations and granting of certificates, the Ministry competent for railway matters shall ensure that Railway Undertakings have access to such certification** if it is a requirement of the safety certificate.

If the training facilities are available only through the services of one single Railway Undertaking or one single infrastructure manager, the Ministry competent for railway matters shall ensure that they are made available to other Railway Undertakings at a reasonable and non-discriminatory price, which is cost-related and may include a profit margin.

### 4. Recognition of foreign certificates and licenses

Based on the Railway Law, the RRA has issued a **Rulebook on licencing of train drivers** which Article 6 is referring to **recognition of foreign train drivers' licenses**. The competent licensing body can agree to **accept licenses issued by any licensing body in the European Union, or**



**Transport Community Treaty authorities and other licensing bodies, if they are in accordance with the legislation of Kosovo.**

**Licenses being granted by a licensing body established in the EU, shall be considered as valid in Kosovo.** A safety certificate part (a) granted to a railway undertaking established in the EU, by a body in charge of railway safety in one of the EU Member States shall be considered as valid in Kosovo if it is still valid in the EU, and if it is compliant with Kosovo Legislation.

**The status of train drivers** and other staff is regulated at Articles 95-99 of the Railway Law. Accordingly, train driver's license shall be valid **throughout Kosovo and could be valid in other countries providing specific agreements** between Kosovo and other countries exist. Regarding **regional acceptance of safety certificates and licencing of Infrastructure Managers, the relevant administrative instruction provides limited information that acceptance should be based on bilateral agreements.** Nevertheless, a valid **safety certificate and other licenses issued by any signatory of the Transport Community Treaty, which confirms the acceptance of safety management system by the operator, will be considered valid in Kosovo if it is compatible with domestic legislation, and the Ministry has, or is about to reach an agreement based on mutual recognition.**

## VIII. Conclusions

Taking into account the findings of the above analysis and considering the aim to establish a Regional Railways Excellence Center in one of the West Balkan jurisdictions that should issue railway certificates which recognition should be regionally accepted, the following conclusions can be drawn:

1. **Setting up of a railway academy in Kosovo, without certification of train drivers, could be considered as VET education and would need to be in line with the respective education laws and in line with the preconditions defined by the relevant instruction of the Ministry of Transport;**
2. **Alternatively, partnering with existing VET centre in Ferizaj or Prizren should be brought into consideration, due to already existing accreditation and experience in offering trainings. Since those VET centres do not offer railway related trainings- an upgrade of the curriculum in line with the relevant minimum requirements for training of railway staff, which are defined by the RRA through licencing of Infrastructure Manager and Railway Undertakings should be considered;**
3. **Regional acceptance of certificates issued by a Regional Railway Excellence Center in Kosovo could only be possible for professional trainings (such as trainings for mechanician) which are not part of formal licencing process of train drivers, since**

**regional acceptance of train drivers licences could only be reached through mutual recognition between the government of Kosovo and another country or if the licence has been issued by an European Union body;**

4. **Professional trainings offered by the Regional Railway Excellence Center would need to meet the minimum training requirements defined for the Infrastructure Manager and Railway Undertakings during the licensing process.**

## MONTENEGRO

### IX. Introduction

For the purpose of establishing a Regional Railway Excellence Centre, the legal framework regulating educational institutions and training centres in the Western Balkan jurisdictions has to be evaluated.

Furthermore, with the aim to determine whether proposed recognition of certificates issued by the Regional Railway Excellence Centre would be possible in jurisdictions of the Western Balkans, analysis of relevant provisions pertaining to:

1. certification competences of educational institutions and training centres,
  2. mandatory certifications for railway occupations, in particular for train drivers.
- has been performed.

Legal acts analysed within this chapter were the following:

LEGISLATION/CONCEPT	ENACTED BY	ENTRY INTO FORCE
<i>Railway Law</i>	Parliament	2013
<i>Law on Adult education</i>	Parliament	2011
<i>Law on safety, organization and efficiency of railway transportation</i>	Parliament	2013
<i>The Rulebook about the detailed conditions for issuing a license for railway infrastructure management</i>	Ministry of Traffic, Ministry of maritime	2013
<i>The Rulebook on the detailed requirements in regard to personnel, equipment and space that should be fulfilled by a legal entity for the professional training of</i>	Ministry of Capital Investments of Montenegro	2014

LEGISLATION/CONCEPT	ENACTED BY	ENTRY INTO FORCE
<i>railway workers</i>		
<i>Rulebook on the licensing procedure of educational institutions and the manner of keeping the register of licensed institutions</i>	Ministry of Education and Science of Montenegro	2006

Table 4: Legal Framework – Montenegro

## X. VET Regulation

The competent Ministries of education in Montenegro regulates the legislative framework for adult education. According to the **Law on Adult Education**, adult education can be organized in a school, a specialized organization for adult education (labor universities, training centers, driving schools, etc.), an institution for the accommodation and care of persons with special educational needs and other legal entities that **meet the prescribed conditions and have a work license**.

Among the **licensed providers**, largest number make private institutions, followed by institutions of secondary and primary education and several higher education institutions.

Adult education providers **receive licenses to carry out activities from the Ministry of Education, Science and Innovation** in line with the *Rulebook on the procedure for licensing institutions from the field of education* and in accordance with the program of education.

The **General Law on Education** and the **Law on Adult Education** in Montenegro regulates the conditions related to programs, premises, equipment, resources and teaching staff that the institution should meet to obtain a license to work in adult education. Adult education is carried out by teachers, teaching assistants, instructors of practical education, lecturers, presenters and other professionals, in accordance with the law regulating the relevant field of education, or educational program. Adult education in Montenegro is **provided in training centres and VET schools**.

### 2.1 Relevant authorities

Relevant institution of systems relevant for adult education in Montenegro are.

- I. Ministry of Education;
- II. Ministry of Labor and Social Welfare;
- III. Center for professional education;
- IV. Institute for Education;

## XI. Railway occupation and certification in Montenegro

Montenegro's legal framework for the railway sector has established one centralized railway system. The railway infrastructure is managed by (ŽICG) Željeznička infrastruktura Crne Gore. The **Railway Regulatory body – “Uprava za željeznice”** (until 2019 it was previously named “Direkcija za željeznice”) is in charge for investing in the maintenance, development and modernization of railway infrastructure, regulatory business on the railway market and security and interoperability business.

In recent years, Montenegro has made significant efforts to modernize and restructure its railway laws to ensure that its railway network operates efficiently, safely, and in line with EU regulations. The **Railway Law of Montenegro**, adopted by the Parliament in May 2013, plays a central role in shaping the development, governance, and operation of the sector. One of the primary goals of Montenegro's railway law is to align the national railway system with EU standards.

### 3.1 Licencing process

The Railway Law authorises the **Railway Regulatory Body**, inter alia, to:

- i. Issue a license for the Infrastructure Manager;
- ii. license for Railway Undertakings;
- iii. safety certificate for infrastructure management and a safety certificate for Railway Undertakings;

In regard to the licencing process, the article 9 and 10 of the Railway Law stipulates conditions that each applicant train operator must meet to obtain a license. The same article also stipulates that the safety certificate for infrastructure management is issued by the Regulatory Body in accordance with the law governing safety in railway traffic.

The **Rulebook regarding detailed conditions for issuing a license for railway infrastructure management** is a legal act issued by Ministry of Traffic in 2013 that provides requirements regarding **staff conditions** for traffic, construction, electrotechnical and mechanical professions. Applicants who fulfil the requirements obtain a License, a Safety Certificate or a Permit from the Regulatory Body.

#### a. Training of railway staff

Education requirements and training standards for railway staff are defined by the **Law on safety, organization and efficiency of railway transportation** issued by the Parliament of Montenegro in December 2013.

Article 80, 81 and 82 defines the position of railway workers, who need to have an appropriate level of education and be professionally trained. The infrastructure manager and the railway carrier must, within the framework of the safety management system, **ensure a training program for railway workers and the implementation of professional examinations** that

ensure their permanent competence and the performance of work in a professional manner. A regular check of the professional qualifications of railway workers that must be carried out every two years and includes a check of knowledge of regulations on railway traffic safety. **Train drivers** must have at least the **fourth level of the national qualification framework and a certificate of having passed the professional exam**. In addition to the requirements, the train driver must have a **professional qualification certificate**.

The **organizer of adult education** can be an infrastructure manager, a railway carrier or another legal or natural person if **meets the requirements in terms of personnel, equipment and space**. Provisions of article 84 and 85 secure the level of professionally education and health and others special conditions for exercising certain job.

Train drivers' minimum requirements are defined by the Railway Law. Besides the issued train drivers licence the operator must issue permit to the train driver. The candidate will be handed out the **train drivers license** in Serbian language and one more EU language, which is **valid in Montenegro**. **Train drivers' licenses issued by competent authorities of any other country is recognized in Montenegro only if an ratified bilateral agreement exists**.

### 3.3 Training centre of railway staff

**The Rulebook on the detailed requirements in regard to personnel, equipment and space that should be fulfilled by a legal entity for the professional training of railway workers** issued by the Ministry of Education and Ministry of Capital Investments of Montenegro in 2014 provides **three main groups of preconditions in terms of personnel, equipment and space**.

#### ➤ Personnel:

The professional training center, in terms of personnel, should have at least:

- 1) five lecturers of professional-technical subjects with at least completed VII1 national framework of qualifications in the field of traffic, mechanical engineering, electrical engineering or construction, at least three years of work experience in the workplaces of services that organize the work of the executive service on the railway in the appropriate area to which the professional-technical subject they teach belongs and passed the pedagogic-andragogical exam;
- 2) three lecturers of practical training and skills with at least completed IV1 national framework of qualifications in the field of traffic, mechanical engineering, electrical engineering or construction, at least five years of experience in the workplace of the executive service in the field to which the professional-technical subject they teach belongs and passed the pedagogic-andragogical exam.

Lecturers should have passed the professional exam for working on the railway for the appropriate level of professional education.

Practical training for the position of train driver is carried out by persons who have a valid license (permit) for driving a towing vehicle and a certificate for the corresponding series of towing vehicle and infrastructure.

➤ **Equipment:**

The vocational training center in accordance with the vocational training programs, in terms of equipment, should:

- 1) have technical means for showing the content of the professional training program (technical means for video presentation of teaching content, visual means, schemes, sketches, photos, simulators).
- 2) have access to appropriate means, facilities and devices (railway vehicles, signal-safety and telecommunication devices, stable electric traction facilities, railway facilities and track) or appropriate simulators if the professional training program includes practical teaching;
- 3) has equipment for maintaining a database for recording, taking professional exams and checking the knowledge of candidates;
- 4) professional literature and valid regulations in electronic and written form

➤ **Facilities:**

The professional training center, in terms of space, should own or rent a space for conducting professional training, which should have 1.5 m<sup>2</sup> of workspace per candidate and lecturer with the conditions provided for the placement of technical equipment (technical means for video presentation of teaching content, visual aids, schemes, sketches, photos, simulators).

XII. **Licensing procedure of adult training center**

According to the Articles 2-11 of the **Rulebook on the licensing procedure of educational institutions and the manner of keeping the register of licensed institutions** issued by the Ministry of Education and Science of Montenegro in 2006, the institution, before the start of work, submits a request for licensing of the institution to the Ministry of Education and Science. Fulfillment of the requirements for licensing the institution is determined by the licensing commission. After inspecting the documentation, the Ministry is issuing a decision on fulfillment of conditions with a possibility of leaving a deadline for corrections of documentation. The Ministry maintains a register of licensed institutions and registers licensed institutions



### XIII. Conclusion

- i. **Setting up of a railway academy in Montenegro, without certification of train drivers, could be considered as VET education and would need to be in line with the respective education laws and in line with the preconditions defined by the Rulebook on the detailed requirements in regard to personnel, equipment and space that should be fulfilled by a legal entity for the professional training of railway workers.**
- ii. **Regional acceptance of certificates issued by a Regional Railway Excellence Center in Montenegro could only be possible for professional trainings (such as trainings for mechanician) which are not part of formal licencing process of train drivers, since regional acceptance of train drivers' licences could only be reached through mutual recognition between the government of Montenegro and another country.**

## NORTH MACEDONIA

### XIV. Introduction

For the purpose of establishing a Regional Railway Excellence Centre, the legal framework regulating educational institutions and training centres in the Western Balkan jurisdictions has to be evaluated.

Furthermore, with the aim to determine whether proposed recognition of certificates issued by the Regional Railway Excellence Centre would be possible in jurisdictions of the Western Balkans, analysis of relevant provisions pertaining to:

1. certification competences of educational institutions and training centres,
2. mandatory certifications for railway occupations, in particular for train drivers.

has been performed.

Legal acts analysed within this chapter were the following:

REGULATIONS	ADOPTED BY	ENTRY INTO FORCE
Law on Railway System	Parliament	09.04.2010, subs. amended
Law on Safety Railway System	Parliament	09.04.2010, subs. amended
Rulebook on Method and Procedure for	Ministry of Education	16.12.2008

REGULATIONS	ADOPTED BY	ENTRY INTO FORCE
Acquiring a Professional Qualification of Railway Workers		
Rulebook on Certification of Train Drivers	Ministry of Transport and Connections	26.10.2010
Law on Adult Education	Parliament	03.01.2025
Rulebook on the Manner of Verification of Specific Adult Education Programs	Adult Education Centre	2016
Internal Rulebook on education, training and certification of railway staff	Macedonian Railway Infrastructure Manager	28.05.2015

Table 5: Legal Framework - North Macedonia

## XV. Vocational Education and Training regulations

### 4. Status and aim of VET

**Adult education in North Macedonia** is an **integral part of the education system**, enabling learners to acquire the competences necessary for easier integration in society, easier employment and more flexible adaptation to and entry into the labour market.

It **compensates the gaps** in the schooling of those learners who failed to complete primary education or of those who need to obtain **vocational qualifications** at secondary school level or higher. It delivers programmes for adults (employed or unemployed) for **continuing development**, new qualification for new employment. In addition, it contributes to meeting other educational and cultural needs of citizens.

### 5. Competent institutions and providers

Adult education is carried out in primary or secondary schools, open citizens' universities, institutions for adult education, larger companies and their associations. Teaching is delivered in the form of **regular** or **preparatory instruction**, depending on the age, psycho-physical abilities and self-education capacities.

**The Adult Education Centre (AEC)** is the key institution for the development of adult education system at the national level. AEC was established by the Government of North Macedonia in November 2008 and became operational in June 2009. Its main tasks are to promote the adult education and coordinate cooperation with international institutions and other adult education organisations, to ensure quality particularly through establishment of standards and criteria for formal and non-formal adult education. It has been regulated by the **Law on Adult Education** and **Law on Open Civic Universities for Lifelong Learning**.

**Adult education activities** (Article 5 of the Law on Adult Education) can be performed by the **public** and **private institutions** for adult education, training centres, social partners, job providers, associations and individual trainers that fulfil the provisions stipulated in the relevant laws.

There are other institutions and organizations, which in addition to their main function provide certain adult education and training activities, such as: libraries, museums, publishing companies, cultural centres, etc. Larger private companies and corporations often provide for their employees contemporary training or other forms of further education.

#### 6. Verification procedures

Verification of programs and institutions for non-formal adult education is prescribed in Article 21 of the Law on Adult Education. In the context of the verification process, by law, providers usually cooperate with the **AEC** and the **Ministry of Education and Science (MoES)**.

In accordance with Article 7, as well as Article 22 of the Law on Adult Education, the **MoES** verifies the **institutions** for adult education. Pursuant to Article 22 of the Law on Adult Education, the **AEC verifies** the special **adult education programs**.

According to the **AEC's Rulebook on the Manner of Verification of Specific Adult Education Programs** from 2016, programs are verified for a period of 3 years.

Verified programs, as well as their providers, are listed on the website of AEC. The MoES keeps records of the number and type of programs of verified institutions implementing the adult education programs.

### XVI. **Railway regulations**

#### 5. Relevant regulations

Professional education of specific sectors is defined through the respective specialised Laws and Rulebooks. For occupations in the railway sector, the relevant pieces of legislation are the **Law on Railway System** and the **Law on Railway Safety**. The subject of these laws are the arrangement and development of railways, improvement of rail security system, open access and non-discriminatory operators and offering services in the railway sector market.

#### 6. Competent bodies and licensing

Based on the Article 94 of the Law on Railway System, the **Railway Regulatory Agency (RRA)** was established to provide transparent and non-discriminatory work of the Infrastructure Manager, authorities and the institutions connected with the work of the railway, as well as other participants that provide railway services in the railway public transport. RRA has the aim to enable proper functioning of the railway sector in the Republic of North Macedonia.

**The licencing and certification process** is regulated also with the Law on Railway System with following division of competences:

- i. according to the law, the **RRA** has the duty to grant the railway companies **licenses for railway infrastructure management** and **railway undertakings**, amending, suspending or revoking railway licenses. These licenses shall specify the type of services to be provided. The railway licensing body has the task to review the validity of the licenses on a regular basis ensuring that the railway undertaking fulfils the obligations laid down in this law.
- ii. **licencing of train drivers** is within the competence of the **Railway Safety Authority** which is according to the Article 40 of the Law on Railway Safety a body of the **Ministry of Transport**.

## 7. Requirements

Train drivers - To obtain a train drivers licence, the candidate needs to meet the following **minimum requirements**: (i) candidate must be at least 18 years old; (ii) needs to have completed at least **secondary professional education as a train driver** and successfully **completed basic train driver training**; (iii) provides medical certificate and (iv) provides certificate of professional exam.

The procedure for issuing train drivers licenses is regulated by a **Rulebook on Issuing Train Driver Licenses**, which prescribes, *inter Alia*, the content of the train drivers' licenses and defines that the licenses need to be issued in Macedonian and English language.

Recognition of foreign certificates and licenses - **Train drivers' licenses** issued by other countries are **recognized only at the border points** of the railway systems, in accordance with bilateral agreements.

Railway workers - An additional relevant act is the **Rulebook on methods and procedures for acquiring a professional qualification of railway workers** which defines which railway occupations exist (such as train driver, dispatcher, shunter, conductor, guard etc.) and which minimum requirements need to be met to fulfill this position in the railway companies. The Rulebook combines formal requirements with practical experience the candidate needs to have in order to carry on the job.

Training facilities - **Provisions relevant for the training facilities** under the Law on Railway Safety define minimum requirements which certificated training centre must fulfil in order to be entitled to issue certificates for professional exams (such for train drivers etc.).

Based on the Law on Railway Safety, a training centre is an entity authorised or recognised by the **Railway Safety Authority** for conducting training courses for train drivers.

## 8. Open access

The Law stipulates that railway undertakings applying for a **safety certificate** shall have fair and non-discriminatory access to **training facilities for train drivers and staff accompanying**

**the trains**, whenever such training is necessary for the fulfilment of requirements to obtain the safety certificate. Also, the infrastructure managers and their **staff performing vital safety tasks shall have fair and non-discriminatory access to training facilities**.

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

## XVII. Conclusions

Taking into account the findings of the above analysis and considering the aim to establish a Regional Railways Excellence Center in one of the West Balkan jurisdictions that should issue railway certificates which recognition should be regionally accepted, the following conclusions can be drawn:

1. **Setting up of a railway academy in North Macedonia would need to be in accordance with the respective law on education matters and preconditions set by the Law on Railway Safety.**
2. **Partnering with an existing VET centre or training centre of Infrastructure Manager or Railway Undertaking should be taken into consideration due to already existing accreditation.**
3. **Acceptance of regional certificates for train drivers and other railway occupations, which are pre-conditions for issuing train driver licences or safety management licences, could be reached only through bilateral agreements.**

## SERBIA

### I. Introduction

For the purpose of establishing a Regional Railway Excellence Centre, the legal landscape governing educational institution and training centres in the Western Balkan had to be evaluated. The aim is to understand all provisions in regard to certification of training centres, the certificates that need to be obtained when it comes to railway occupations, especially train drivers. The legal framework has been investigated regarding future recognition of certificates issued by the Regional Railway Excellence Centre.

Acts analysed within this chapter were the following:

LEGISLATION/CONCEPT	ENACTED BY	ENTRY INTO FORCE
Law on railway	Parliament	31.05.2018, subs. amended
Law on railway safety	Parliament	31.05.2018
Rulebook on operating licences	Railway Directorate	18.07.2019
Rulebook on licencing machinists and train drivers	Railway Directorate	15.01.2020
Rulebook on conditions for railway training centre	Railway Directorate	28.09.2020
Law on adult education	Parliament	01.01.2014, subs. amendments

Table 6: Legal Framework - Serbia

## II. VET Regulation

Adult education in Serbia is an integral part of the education system, governed by the **Law on Adult Education**. This law ensures that adults have access to continuous learning opportunities aimed at developing the competences and qualifications essential for their employment, professional growth, and responsible social behaviour. **Formal adult education** is realized in regular primary or secondary schools or in schools that specialize in adult education. It is very similar to regular primary and secondary education for pupils and students in the majority of aspects (curriculum, teaching methods, assessment, certification etc.) However, all necessary adjustments in terms of learners' age and capacities are made, including possibilities for faster completion of school programmes than normally required for regular pupils or students.

**Non-formal education**, which includes all programmes beyond the school system, may involve structurally varying kinds of training (various lengths, target groups, topics etc.). This type of education does not provide transition to a higher education level; however, it provides learners with skills, knowledge and abilities essential for professional development, which is documented by a certificate as proof of acquired qualifications. Non-formal education is intended for people who have, partly or entirely, completed formal education and who need to improve their skills or requalify for another vocation.

### 2.1 Regulation on adult education

According to the **Law on Adult Education**, adult education is part of the Serbian education system and its purpose is to provide adults with continuous acquisition of competences and qualifications that are crucial for their employment, professional development and socially responsible behaviour.



As an organized and systematic activity of learning intended for people above a certain age, adult education can be formal or non-formal. Formal Adult education is based on the approved national curricula within the primary and secondary education systems, as regulated by the Law on the Foundations of the Education System, Law on Primary Education, and Law on Secondary Education.

**Activities within adult education as specified by the Law on Adult Education are the following:**

- General education, directed towards acquiring key competences;
- Vocational education and specialization, directed towards **acquiring or improving vocational competences required for participation in the labour market;**
- **Professional development**, directed towards the improvement of professional skills and knowledge;
- Assessment and recognition of previously acquired competences;
- Career guidance and counselling, with a view to improving career development skills important for successful employment and professional progress.

## 2.2 Key stakeholders

Adult education lies within the responsibility of several ministries that regulate educational, economic and social policies, regional development and other areas. Although – being part of the educational system - adult education is primarily under the jurisdiction of the **Ministry of Education, Science and Technological Development**, other ministries are responsible for providing relevant legislative framework and conditions for the successful functioning of adult education schemes. These ministries are: **the Ministry of Labour, Employment and Social Policy, Ministry of Finance, and Ministry of Regional Development and Local Governments.**

Beside the relevant ministries, the following state institutions are responsible for the provision, monitoring and improvement of adult education and training in Serbia:

**The National Education Council** and **Institute for Educational Quality and Evaluation** are responsible for determining standards of key competences in primary and general secondary education for adults;

**The Council for Vocational and Adult Education** and **Institute for the Improvement of Education** are responsible for determining standards of vocational competences in vocational secondary education for adults, competences of professional development and other forms of adult education;

**The Centre for Vocational and Adult Education** (within the Institute for the Improvement of Education) is also responsible for developing instruments for the assessment of previously acquired competences, determining standards of their recognition, and preparing annual plans for adult education.

### 2.3 Main Providers

There are 3 types of institutions that may implement adult education and training programmes:

**General and vocational education schools**, which can be either regular schools licensed for work with adults or schools specialised for adult education.

**Publicly recognised providers** may include nongovernmental organisations, cultural institutions, associations, open universities, career centres, consulting and training centres, private schools or any other institutions registered for educational programmes implementation, which means they have to be approved by the Ministry of Education, Science and Technological Development, as well as fulfil adult education standards as prescribed by the Law on Adult Education. When such standards are met, the institution receives a license which has to be renewed every 5 years.

**Non-formal adult education** is defined as an organized adult learning process through specially developed programmes for the acquisition of knowledge and skills required for professional development as a prerequisite condition for successful employment and participation in society. It includes all education and training programmes outside the school system, although it may be realized in schools, as well as in other institutions.

## **III. Railway Regulation**

### 1. Relevant regulation

Professional education of sector specific professions is regulated in the relevant specific laws, rulebooks. For **occupations in the railway sector, the relevant piece of legislation is the Railway Law of Serbia and the Law on railway safety**. The subjects of both laws are the organization and development of railways, improvement of rail security system, open access and non-discriminatory operators and offering services in the railway sector market.

### 2. Competent body and licensing

**The licencing and certification process** is regulated with the Railway Law, which determines the railway licensing body, **Railway Directorate**, as competent respectively.

The competences, powers and obligations of the Railway Directorate are prescribed by the provisions of the Law on Railways, the Law on Railway Safety, the Law on Interoperability of the Railway System, the Law on Accident Investigation in Air, Rail and Water Transport, the Law on Cable Cars for the Transport of Persons and the Law on Metro and Urban Railway.

The **Railway Directorate is an independent special organization** of the Republic of Serbia, established by the Law on Railways ("Official Gazette of the Republic of Serbia", No. 18/05).

The Railway Licensing Body performs its competences in accordance with the relevant regulations that are harmonized with the principles of EU Directives 91/440 and 95/18. It represents a department of the Railway Directorate which organization and procedures are regulated in the Articles 81 of the Railway Law.

The following licencing procedures exist in the railway system:

- i. Licencing of **Railway Undertakings** - transport of goods and passengers by rail can only be provided by a Railway Undertaking or a company providing transport by rail for its own needs, i.e. a company or other legal entity that owns a license for railway transport in accordance with the Law;
- ii. Licencing of **Train Drivers** - through defining minimum requirements and procedures concerning education, competence assessment and professional certification for train drivers, the Railway Directorate is issuing train drivers licences in line with EU standards in this regard;
- iii. **Safety Authorisation** for Infrastructure Manager and **Safety Certificates** for Railway Undertakings - the purpose of the safety certificate is to provide evidence that the Infrastructure Manager or Railway Undertaking has established its safety management system and can meet requirements laid down in technical specifications for interoperability (TSIs) and other relevant European legislation.

### 3. Training facility

Regarding railway training centers the Law on Railway Safety has defined that running a **vocational training center** can be done by a railway operator, manager, owner of an industrial railway, other legal entity and entrepreneur that has:

- i. appropriate premises;
- ii. appropriately trained personnel;
- iii. appropriate facilities and devices necessary for the provision of vocational training.

The vocational training center provides training in an impartial manner with respect to all participants, both persons employed by the founder of the vocational training center and other persons. It **issues a certificate of the conducted theoretical and practical vocational training**.

The **Railway Directorate issues a certificate**, in the form of a decision, with a validity period of five years to a vocational training center that meets the requirements. Detailed requirements for the vocational training center are defined in the **Rulebook on conditions of railway training centers**. The Training Centre is obliged to have a training program for each type of occupation of railway workers, the necessary professional literature and applicable regulations in electronic and hard copy, which are available for candidates for use or purchase.

**Article 63 of the Safety Railway Law** defines that railway workers must undergo continuous professional development, and their professional competence must be regularly and

exceptionally checked. Professional development and verification of the professional competence of railway workers shall be carried out by the employer. **Regular verification of the professional competence** of railway workers must be carried out at least every two years and shall include knowledge of applicable regulations, infrastructure, vehicles, equipment and languages in cases prescribed by this law.

#### 4. Recognition of foreign licences

Based on the Railway Safety Law article 19 the Safety Certificate – Part A issued to a railway undertaking in a foreign country is valid in the Republic of Serbia based on **ratified international agreements**. The railway undertaking referred to in paragraph 1 of this Article that intends to provide railway transport services in the Republic of Serbia must obtain an additional Transport Safety Certificate – Part B from the Railway Directorate.

**Train driver's licenses and accompanying company certificates** issued in any other country than Serbia are **only valid if a bilateral agreement is in place**.

#### IV. Conclusion

Considering the findings of the above analysis and considering the aim to establish a Regional Railways Excellence Centre in one of the West Balkan jurisdictions that should issue railway certificates which recognition should be regionally accepted, the following conclusions can be drawn:

1. **Setting up of a railway academy in Serbia, without certification of train drivers, could be considered as Railway Training Centre and would need to be in line with the respective Rulebook on Railway Training Centre.**
2. **Regional acceptance of certificates issued by a Regional Railway Excellence Centre in Serbia could only be possible for professional trainings (such as trainings for mechanician) which are not part of formal licencing process of train drivers, since regional acceptance of train drivers' licences could only be reached through mutual recognition between the government of Serbia and another countries.**
3. **Professional trainings offered by the Regional Railway Excellence Centre would need to meet the minimum training requirements defined for the Rulebook on Railway Training Centre.**