

LAW

ON MILITARY, LABOUR AND MATERIAL OBLIGATION

("The Official Gazette of the Republic of Serbia", no. 88/2009)

I BASIC STIPULATIONS

Article 1

This law is to determine: military duty; military conscription; military service duty; military reserve; travel and residence of military military conscripts abroad; the right to compensations for fulfillment of military service; records of military military conscripts; labour obligation within state bodies and legal entities relevant for defence; labour obligation within the labour obligation units; material obligation of citizens, companies, other legal entities and entrepreneurs during the state of emergency and wartime, as well as other issues relevant for military, work and material obligation. .

II MILITARY DUTY

Article 2

Military duty is the right and the duty of a citizen to get prepared and trained to take part in defence and protection of sovereignty, independence, territorial integrity and safety of the Republic of Serbia (hereinafter: the defence).

Pursuant to the Law, all citizens that get prepared and trained to perform their military duty and other tasks of defence are liable to the military service, either during the peacetime, the state of emergency or wartime.

During the state of emergency and wartime, rights and freedoms of the citizens performing their military duty may be limited for the needs of defence and safety of the country, and that only in accordance with the Constitution of the Republic of Serbia and the regulations which send to wartime or the state of emergency.

Article 3

Military duty, which is general and to which all citizens of the Republic of Serbia are liable, consists of the following: military conscription, military service duty, civil service and military reserve duties that are performed according to the requirements stipulated by the present and a special law.

Citizens, except for those who have exchanged their military service duty with the civil service, are to perform their peacetime military service within headquarters, units and institutions of the Serbian Armed Forces, or within the Serbian Armed Forces, police and other forces of defence and the civil protection during the wartime and in the state of emergency, in accordance with the Defence Plan and decisions of the competent authorities.

At the proposal of the Ministry of Defence, the Government will pass regulations on the manner and procedure of fulfillment of military duty.

Article 4

A military conscript is a person liable to the military duty in compliance with the present Law, and that:

- 1) a recruit;
- 2) a soldier serving his military service with or without weapons;
- 3) a person serving his civil service;
- 4) a person within the military reserve.

A person is to become a recruit in the calendar year he has turned 18, and to continue to be one: until he has commenced his military service within the Serbian Armed Forces; until he has commenced civil service within an organization or an institution in which one can serve civil service; until he has been transferred to the military reserve, provided that the person has otherwise served his military or civil service, that is until the military service has ceased pursuant to the stipulations from Article 9 of the present Law.

A person serving his military service, with or without weapons, is to become a recruit once he has entered the the Serbian Armed Forces and become a military person, while he is to cease to be a military person once he has been released or once his military service has terminated.

A civil service person is to become a recruit once he has joined the organization or the institution in which civil service is served, while he is to cease to be a person in the civil service once he has been released or once his civil service has terminated.

A military reserve person is a military conscript who has completed his military service or a person who has completed his civil service, and that once he has been released that is once his military service or civil service has terminated, and who has or has not been allocated to the Serbian Armed Forces, the civil protection or other defence forces, till the day the military duty has ceased, pursuant to the stipulations from Article 9 of the present Law.

A military reserve person is to become a military person once he has taken up his duty within the Serbian Armed Forces, while he will cease to be a military person once he has been released from the Serbian Armed Forces.

A military conscript serving his civil service does not have the status of a military person.

Article 5

Realization of military duty is provided and carried out by the Ministry of Defence through its territorial bodies.

In terms of this Law, territorial bodies of the Ministry of Defence (hereinafter: the territorial bodies) are local self-administration centers and regional centers of the Ministry of Defence.

Local self-administration centers of the Ministry of Defence are to be established for the territory of a particular number of municipalities, that is cities, while regional centers of the Ministry of defence for the territory of a particular number of local self-administration centers.

Territorial bodies will ensure fulfillment of military service in the territory they have been established for, they will coordinate its fulfillment with the fulfillment of work and material obligations as well as of other rights and obligations of citizens, or tasks of defence on the relevant territory, they will keep the prescribed records of military conscripts based on the data which, in compliance with the Law, they provide from the competent state authorities, local self-administrative bodies, companies and other legal entities from the domain of their competence relevant for the record keeping.

Military service related business activities will be performed in compliance with the military conscription plans and filling of vacancies within the Serbian Armed Forces, numerical arrangement, that is apportionment of recruits within the Serbian Armed Forces, criteria for the needs of filling of vacancies within the Serbian Armed Forces and other needs of defence and the stipulated priorities of the mentioned filling of vacancies, as well as with the plans of filling of vacancies within headquarters, units and institutions of the Serbian Armed Forces and civil defence units and other state authorities in which military conscripts may be allocated in case of the state of emergency.

Article 6

The Ministry of Defence adjusts fulfillment of military duty with execution of other rights and obligations within the domain of defence, keeping the unique records of military conscripts.

Within the territory of their jurisdiction, bodies of autonomous provinces and of local self-administration units are liable to provide spatial and technical conditions to provide operation of territorial bodies and fulfillment of military duty, all in compliance with the present Law and the assets provided within the budget for the abovementioned purposes.

Article 7

When realizing plans concerning filling vacancies within the Serbian Armed Forces, civil protection units and other forces of defence, the Ministry of Defence will cooperate with the state authorities, bodies of autonomous provinces and of local self-administration units when passing plans of military conscription and filling vacancies within the Serbian Armed Forces, civil protection units and other forces of defence and in fulfillment of the mentioned plans.

Article 8

Women are not liable to military conscription and military service duty, while they may do military duty through the military reserve service during the state of emergency and wartime.

Women military conscripts are recorded within the military reserve, in accordance with their professional and work training and military and civil specialities they have or they have acquired during the military duty.

At peacetime, women military conscripts may be called upon military exercises and civil protection exercises (hereinafter: the exercises), organized by the Ministry of defence, the Serbian Armed Forces or the civil protection, in order to acquire necessary military and civil knowledge and trainings for performance of the duty in the state of emergency and wartime.

Once they have completed their professional service, women professional military persons perform duties of the military reserve persons, according to their military and recorded specialities.

Article 9

Military conscript's military duty will cease:

- 1) after he/she has turned 60 (men)/50 (women);
- 2) provided that his Serbian citizenship has ceased, in compliance with the Law;
- 3) provided that he has been pronounced incapable of military service;
- 4) provided that he has passed away.

The call of military conscripts to do their military duty

Article 10

Territorial bodies are to call military conscripts to do their military duty.

Military conscripts are called to do their military duty through general and individual calls.

General calls have the same legal effect as individual ones.

Recruits, that is military reserve persons, called by the territorial body to do their military duty, are liable to report at the exact place and time stipulated in the general or individual call and to bring the documentation required therein.

Individual calls, except for the mobilization calls or mobilization readiness calls, will be submitted to military conscripts not later than 30 days before the stipulated commencement of the duty for which they have been called.

Article 11

Provided that a recruit, that is a military reserve person, due to illness or some other justified reason, cannot come at the place and time stipulated in the call, he will thereof inform the territorial body which has called him, immediately on receiving the call or on finding out about it from the general call, and provided that the reason occurs later, immediately after he has found out about the relevant reason.

Provided that a recruit, that is a military reserve person, fails to answer the call and to justify his absence, he will be conveyed by force.

In accordance with the Law, the territorial body will draw a conveyance conclusion, while police officers of the Ministry of Interior will execute the conveyance conclusion order, in compliance with the law.

Article 12

A military conscript who has submitted the Serbian citizenship release request and informed the territorial body thereof will not be called to do his military duty until the decision about the request has been passed in compliance with the law.

Exempt from the stipulation from paragraph 1 of this Article, a recruit who has submitted the Serbian citizenship release request will be called for military service provided that he has turned 27 in the current calendar year, that is, provided that he has submitted the request during the state of emergency or the wartime.

A military conscript to whom residence abroad has been approved will not be called to do his military duty until the expiry of the approved residence.

A military conscript who has acquired citizenship of some other contry, apart from Serbian citizenship, and who resides abroad and has informed thereof the competent diplomatic-consular representative body, will not be called to do his military duty until the end of September of the calendar year in which he turns 26.

Military conscription

Article 13

Military conscription is the duty of every military conscript to perform his obligations and orders, prescribed by the Ministry of Defence, concerning registration within the military records, medical and other examinations and psychological investigations, recruitment, sending to military service duty within the Serbian Armed Forces and other obligations prescribed for recruits.

Military conscription will take effect in the calendar year Serbian citizen has turned 18 and it will last until he has commenced to do his military service duty, that is until he has been transferred to the military reserve, if the military service duty has been regulated otherwise, or until military duty has been terminated according to stipulations from Article 9 of the present Law.

The Minister of defence is to pass Guidelines for conscription and filling vacancies within the Serbian Armed Forces, at peace- and wartime.

Article 14

Military conscription is carried out through:

- 1) registration within the military records;
- 2) medical and other examinations and psychological investigations;
- 3) military conscription;
- 4) sendral to military service duty within the Serbian Armed Forces or the civil service;
- 5) other obligations prescribed by the present Law.

Article 15

Recruits which have turned 18 in the relevant year, as well as older recruits who have not been registered within the records due to particular reasons, are to be registered within the military records at the beginning of the calendar year.

A recruit residing abroad will be registered within the records of the competent diplomatic-consular representative body of the Republic of Serbia, which will then inform the territorial body thereof.

Article 16

At the request of the Ministry of Defence, medical and other examinations and psychological investigations from Article 14 of the present Law will be carried out by the authorized military and

civil health institutions, appointed jointly by the Minister of Defence and the Minister of Health (hereinafter: the authorized health institutions).

Mutual rights and obligations of the Ministry of Defence and the health institutions, except military ones, in which examinations and investigations are to be carried out, will be stipulated by the agreement.

The compensation for services of the authorized health institutions is to be stipulated by the Government, based on the proposal of the Minister of Defence, with the previously acquired opinion of the Minister of Health.

The agreement from paragraph 2 of the present Article is to be signed by the Minister of Defence, or the person authorized by him, and by the Minister of Health, that is the person authorized by him.

Article 17

Medical and other examinations and psychological investigations assessing the ability to perform one's military service and military conscription are to be carried out not later than six months before the conscript's military service duty but no sooner than the calendar year in which the military conscript has turned 19.

Military conscripts sent to special units of the Serbian Armed Forces and reserve officer candidates are to undergo safety test.

The Minister of Defence is to pass regulations of the military conscript safety test.

Article 18

Military conscription committees established by the Ministry of Defence are to carry out military conscription.

A military conscription committee consists of minimum three members, at least one of which has to be a medical doctor.

The number of military conscription committees is liable to changes, depending on the number of military conscripts.

Article 19

A military conscription committee assesses capability of a military conscript for the military service duty, it determines the service based on the acquired qualifications, knowledge, skills and findings from the previously carried out medical and other examinations, as well as the medical examination during the military conscription.

A military conscription committee may give the following assessment:

- 1) capable of military service;
- 2) temporarily incapable of military service;
- 3) incapable of military service.

Military service capability assessment may be given exclusively based on the medical and other examinations and physical investigations that have been carried out in an authorized health institution.

The service determined during the military conscription procedure, may be altered exclusively by the military conscription committee in order to fill vacancies within the Serbian Armed Forces or due to the change in the military conscript's health capability, additionally acquired qualifications or changes in occupation or acquisition of the knowledge relevant for the Serbian Armed Forces.

Article 20

A military conscript assessed as temporarily incapable of military service will undergo medical and other examinations and psychological investigations one more time, once temporary incapability has terminated.

Temporary incapability may not be determined to last longer than until the end of the calendar year in which the military conscript turns 27.

Temporary incapability may be determined for the period from one to three years at each military conscription.

A military conscript may be assessed temporarily incapable for military service only twice.

At the third military conscription, the military conscription committee is to give the final assessment of the military conscript's military service capability.

Article 21

At the proposal of the territorial body, a military conscript that has been assessed incapable of military service, will undergo the new examination which is to consist of the additionally determined data relevant for the military service capability or of the acquired medical data stating that the incapability assessment is not in accordance with the determined state of facts.

The decision of repeated examination of the person from paragraph 1 of the present Article is to be passed by the Minister of Defence or a person authorized by him.

Article 22

In order to provide necessary level of filling vacancies within the Serbian Armed Forces, military conscription may also be carried out during wartime, in accordance with the regulations which send to the state of emergency.

In order to carry out military conscription during wartime, the Military conscription Plan for the first year of war is to be prepared and developed in peacetime.

The order for filling vacancies within the Serbian Armed Forces during wartime is carried out executed according to the territorial principle, and only in certain cases extraterritorially.

Article 23

Regulations concerning parameters assessing health capability of military conscripts for military service and medical and other examinations and psychological investigations of military conscripts for military service will be passed by the Government, and that at the proposal of the Minister of Defence.

Regulations concerning operating manner of military conscription committees and requirements for determination of services within which the military conscript is to do his military service duty will be passed by the Minister of Defence.

Military Service Duty

Article 24

Military service duty is to be done through one's military service within the Serbian Armed Forces, with or without weapons.

Military service duty with or without weapons is to last for six months.

Article 25

A military conscript assessed capable of military service, in accordance with Article 19 of the present Law, is to be sent to do his military service duty once he has turned 19.

Sendral of military conscripts to do their military service duty is issued by the Minister of Defence or the person authorized by him, in compliance with the Plan for filling vacancies within the Serbian Armed Forces.

Article 26

A military conscript enrolled at a faculty, or some other high education school or vocational studies will be sent to do his military service duty once he has graduated from the faculty, that is from some other high education school or vocational studies, and that not later than by the end of September of the calendar year he turns 27.

For every university year, the military conscript from paragraph 1 of the present Article has to provide the territorial body with the evidence that he has enrolled the faculty, or some other high education institution or vocational studies, and that by the end of November of the current year.

Article 27

A military conscript who demands to be sent to do his military duty or to complete it, will be sent within six months from the day he has submitted the request, but no sooner than in the year he turns 19.

A military conscript who returns in the country after the permitted temporary residence abroad and asks to be sent to do his military duty will be sent to do so the first term that follows.

Article 28

Minister of Defence prescribes the requirements according to which military service duty is done by: a military conscript who is a scientific worker and researcher, the one working on scientific, research and developmental project of special importance for the Republic of Serbia, a top sportsman and the Republic of Serbia representation member who achieves top sports results and an artist who has provided high-level contribution to the culture of the Republic of Serbia.

The competent Ministry is to determine status of the military conscript from paragraph 1 of the present Article.

Article 29

A military conscript can be sent to do his military service duty until the end of the calendar year he has turned 27.

Exempt from the stipulation from paragraph 1 of the present Article, a military conscript proved not to have fulfilled his obligations prescribed by the present Law, so that he has not been sent to do his military service duty until the end of the calendar year he has turned 27, will be sent to do his military service duty not later than till the end of the calendar year he turns 30, and the decision thereof will be passed by the territorial body.

Article 30

A university education military conscript can be chosen as an attendant of the reserve officer course, provided that he meets the requirements prescribed for the military conscripts that are sent to special units of the Serbian Armed Forces.

Territorial bodies select military conscripts according to the annual education plan.

The selection manner and requirements, the selective procedure of the military conscripts that are to attend further education for reserve officers are prescribed by the Minister of Defence, in accordance with the needs of service and regulations on military education.

Article 31

When making selection of the reserve officer course attendants, the military conscripts who are military grant beneficiaries, those graduated from a particular school with more success and those who are younger, will have the priority.

Once selected as a reserve officer course attendant, the military conscript will be determined a service in compliance with the list of vocations and occupations relevant for service determining, that is the service and military and recorded speciality of the military conscript.

Article 32

The following military conscripts will not be sent to do their military service duty:

- 1) those finally sentenced to the minority prison or the unconditional prison sentence due to the criminal action (until he has served his sentence and paroled);
- 2) those punished by a corrective measure or a safety measure including compulsory psychiatric treatment and hospitalization within a health institution (during the validity of the implemented measure);
- 3) those against whom criminal procedures have been instituted due to the criminal actions pursued according to the legal duty, except for the criminal act of military duty evasion.

Military conscripts from paragraph 1, point 1) and 2) of the present Article can be sent to do their military service duty, based on the previously acquired opinion from the institution in which they used to be treated or to serve their prison sentence, based on their behaviour while serving prison sentence or during the treatment, and that until the end of the calendar year they have turned 30.

Article 33

Conscientious objection is submitted to the territorial body within the military conscript records of which the relevant military conscript is registered, and that within eight days from the reception day of the call to do ones military service duty.

The right to do military service duty without weapons cannot be exercised by the following military conscripts:

- 1) those who have the licence to carry and possess weapons;
- 2) those who have applied for the licence to carry and possess weapons during the last three years;
- 3) those who have been finally convicted of a criminal action for which one is pursued according to the legal duty or for a criminal action with elements of violence that is pursued according to the legal duty;
- 4) those upon whom a final punishment has been passed for causing or participating in riots and fights and against whom a criminal procedure has been instituted for a criminal act pursued according to legal duty, except for the criminal act of military duty evasion.

Article 34

Head offices, units and institutions of the Serbian Armed Forces, in which military service duty is done without weapons, are to be determined by the Minister of Defence at the proposal of the Head of the Serbian Armed Forces General Staff.

Article 35

Military conscripts who do their military service duty without weapons are appointed duties and tasks which do not require them to carry and use weapons.

When it comes to other rights and duties, they are equal to the military conscripts who do their military service duty with weapons.

Article 36

A soldier who has done his military service duty is released from the Serbian Armed Forces and becomes a military reserve person, while under the requirements prescribed by the law, he can also become a reserve noncommissioned officer.

Under the law-prescribed requirements, a military conscript free of doing military service duty is to be transferred to the Serbian Armed Force military reserve, in accordance with his education and work experience.

Article 37

Regular leave of absence of a soldier doing his military service duty with or without weapons will last for 10 days.

The competent senior may award a soldier doing his military service duty with or without weapons for special effort, work and results, with the 10-day leave of absence.

Each time a soldier donates blood, he will get two days of absence, excluding the day of blood donating.

The deed on regular, awarded and the blood donation-based leave of absence is passed by the competent senior, while the duration of the allowed leave of absence from paragraphs 1, 2 and 3 of the present Article will be calculated within the time spent doing ones military service duty.

Article 38

Soldiers doing their military service duty may be punished by a disciplinary measure forbidding them to stay within particular rooms in the military facility, for the period of time of 15 days, provided that they have behaved against the obligation of doing their military service duty prescribed by the law, the Rule of Service and other regulations, orders and other deeds of the competent seniors concerning the service.

Breach of the military discipline sanctioned by the measure forbidding the stay within particular rooms in the military facility, as well as the procedure of passing a disciplinary measure, are more precisely stipulated by the President of the Republic, and at the proposal of the Minister of Defence.

Postponement, termination and freedom from the military service duty

Article 39

Military service duty is to be postponed for the following military conscripts:

- 1) who, in accordance with the law regulating protection of family members of the persons who, during their regular military service become family providers (while such circumstances are in effect);
- 2) the family member, provided that the other member of the same family is already doing his military service duty (until the mentioned member has done his military service duty);
- 3) provided that, due to death or a serious disease within the family (a spouse, children born in the marriage or extra-marital relationship, children adopted or taken for support, and the closest relatives on condition that they live in the same household), or if due to natural catastrophes the military conscript's family befalls very difficult financial circumstances after he has been sent to do his military service duty (until the mentioned circumstances are in force);
- 4) who have established their employment as apprentices (until the expiry of the apprenticeship);
- 5) who have been employed to the indefinite period of time, but who cannot commence their work at the stipulated time due to the military service duty, as well as those employed for a definite period of time who have the evidence that they are to be employed to the indefinite period of time after expiry of the stipulated time period, which does not exceed one year;
- 6) who do not have, within their households, other family members able to provide for the family, while certain agricultural work cannot be postponed;
- 7) who have returned from abroad in order to do their military service duty, but who cannot provide care of their families until the day they are to be sent to the Serbian Armed Forces.

Military conscripts from paragraph 1 of the present Article are to apply to the territorial body, within which they have been registered, within eight days after they have received the call for the military duty service. Conscripts residing abroad can submit their applications to the territorial body through the diplomatic-consular representative body of the Republic of Serbia.

Military service duty of the military conscripts from paragraph 1 of the present Article is to be postponed until the end of September of the calendar year they turn 27 at the latest.

Article 40

At the request of the competent Ministry, military service duty is to be postponed for the following military conscripts:

- 1) a scientific worker and researcher, working on scientific, research and developmental projects of a special relevance for the Republic of Serbia;
- 2) a top sportsman and the Republic of Serbia representation member, due to the participation in the world and European contests and the Olympic Games;
- 3) an artist, so that he might take part in manifestations relevant for the Republic of Serbia.

Military service duty of the conscript from paragraph 1 of the present Article is to be postponed until the end of September of the calendar year he turns 27 at the latest.

The request from paragraph 1 of the present Article is to be submitted to the Ministry of Defence, and that within 15 days after reception of the call.

Article 41

Military service duty is to be terminated for the following military conscripts:

- 1) who have been assessed as temporarily incapable of military service (during their incapability);
- 2) finally sentenced, during their military service duty, to the minority prison or to the unconditional prison sentence and whose imprisonment should start (until the sentence has been served);
- 3) against whom criminal proceedings have been instituted, during the military service duty, for criminal actions pursued based on the legal duty, committed prior to or during their military service duty (until termination of the criminal proceedings), except for the criminal action of military duty evasion ;
- 4) admitted to a military school or a school of internal affairs, and that within three days from the day the unit have received the decision of their admittance to the school;
- 5) admitted to specialist studies or further post-graduate education in the country or abroad, during the education and within June of the calendar year they have turned 30 at the latest.

A soldier assessed as incapable of military service is to be released from his military service duty within three days from the day the finding, assessment and opinion of the competent military and medical commission have become legally binding.

Article 42

Military service duty of a soldier may be terminated at his own request, due to a natural catastrophe, death or serious disease of a family member, provided that his family would get into difficult circumstances in the case of his absence, and that until the mentioned reasons are in effect and within a year at the latest.

Pursuant to the explained request of the competent Ministry, military service duty of a soldier may be terminated for a soldier, a scientific worker and researcher (so that he might take part in the scientific, research and developmental projects of special importance for the Republic of Serbia), a top sportsman and the Republic of Serbia representation memeber (so that he might take part in world and Euopean contests and the Olimpic Games) and an artist (so that he might take part in artistic events relevant for the Republic of Serbia), until the mentioned reasons are in effect, and until the end of June of the calendr year the military conscript has turned 27.

The request from paragraph 1 and 2 of the present Article is to be submitted to the senior of the unit equal to the brigade commander rank or of the one within which the soldier does his military service duty.

Article 43

A soldier whose military service duty has been terminated pursuant to the stipulations of Article 41, paragraph 1, points 1) to 4) and Article 42 of the present Law, is to be sent to complete his military service duty as soon as the reasons for termination thereof have ceased, and within the end of September of the calendar year in which he has turned 27.

Exempt from the stipulation from paragraph 1 of the present Article, a soldier whose military service duty has been terminated is not to be sent to complete it, provided that there are less than 30 outstanding days until the completion of his military service duty.

A soldier from paragraph 2 of the present Article is to be transferred to the military reserve, by the decision of the Ministry of Defence, on the day his military service duty has been terminated..

Exempt from the stipulation from paragraph 3 of the present Article, a soldier from Article 41, paragraph 1, point 1) of the present Law, is to be transferred to the military reserve once his health condition has been reexamined and he has been assessed capable of military service.

Article 44

The time a Military Academy cadet spends at the Military Academy studies, after the first six months, is to be calculated as the time (in days) spent on military service duty.

Article 45

The following military conscripts are to be freed from their military service duty:

- 1) those assessed incapable of military service;
- 2) those who have acquired citizenship of the Republic of Serbia by admittance or based on international agreements, provided that they have done their military service duty in the country the citizens of which they used to be, or if they have turned 27;
- 3) who, apart from citizenship of the Republic of Serbia, also have citizenship of some other country in which they have done their military service duty;
- 4) who have become professional military persons, in compliance with the Law;
- 5) who have graduated from the Criminal-Police Academy and become authorized officers of the Ministry of Interior;

6) who have graduated from appropriate schools, that is courses within the Ministry of Interior and become authorized officers and who have spent at least two years working in that capacity, all in compliance with the law.

Article 46

Military service duty does not include the following:

- 1) the time spent on medical treatment or sick leave due to the disability induced in order to avoid military service duty or to be allocated a less demanding duty (provided the mentioned has been determined by the verdict of the competent court);
- 2) the time spent on arbitrary leave of absence or desertation from the Serbian Armed Forces, lasting at least 24 continuous hours;
- 3) the time during which a soldier has been denied freedom and detained by the bodies of the Ministry of Interior and the time of imprisonment by which he has been punished during the criminal proceedings (provided that the abovementioned time is included within the punishment for the committed criminal action);
- 4) the time of the disciplinary measure prohibiting movements outside the special rooms within the military facility, that is prison, passed by the competent military senior or military-disciplinary court, according to the military discipline regulations, the total duration of which exceeds two days.

Special rights based on the military service duty with weapons

Article 47

A soldier doing his military service duty with weapons, in compliance with the present Law, is to be provided with additional financial allowance from Article 91 of the Law on the Serbian Armed Forces.

The amount of additional allowance is to be determined by the Minister of Defence, at the proposal of the Serbian Armed Forces General Office.

Military reserve

Article 48

Military reserve includes:

- 1) the military reserve of the Serbian Armed Forces;
- 2) the civil protection reserve and other forces of defence;
- 3) undistributed military conscripts.

The following military conscripts are liable to do serve within the military reserve:

- 1) those who have done their military service duty;
- 2) those who have done their military service duty otherwise, pursuant to stipulations of the present Law (provided that they have been assessed capable of military service);

3) registered women military conscripts.

Military reserve military conscripts are recorded as reserve officers, reserve non-commissioned officers and soldiers in reserve.

The civil protection reserve and reserves of other forces of defence are composed of the persons who have done their military duty through the civil service and, when necessary, of the military conscripts within the Serbian Armed Forces wartime posting.

Article 49

Duties of military service persons are to take effect as soon as they have been dismissed from the military service duty or the civil service, as soon as the military service duty or the military reserve has been served otherwise, that is as soon as the professional military service has terminated, and they are to last until the end of the calendar year in which a military conscript (men) turns 60.

Duties of women military service persons are to take effect at the beginning of the calendar year in which they have turned 19 and they are to last until the end of the calendar year they turn 50.

Exempt from the stipulations from paragraphs 1 and 2 of the present Article, the following are not to be called for exercises: a pregnant woman, a military conscript whose spouse has already been called for military exercises, a single parent (provided that he/she has a child under 15 years of age) and a woman whose husband has not been called to military exercises (provided that they have a child under 10 years of age).

During the state of emergency or wartime, President of the Republic may prolongue duration of duties of military reserve persons, reserve non-commissioned officers and reserve officers, even after the deadline from paragraphs 1 and 2 of the present Article has expired.

In case of the state of emergency or wartime, President of the Republic may give order and keep within the Serbian Armed Forces and the civil service, as military reserve persons, the soldiers whose military service and civil service have expired, in accordance with the present Law, and that immediately after they have done their military service duty or civil service.

Article 50

The military conscripts who have done their military service duty, but still have postings within the Ministry of Interior, are not to be called to military exercises but they are rather to do their duties in compliance with the Police Law.

Article 51

Military reserve persons may be called for military exercises and civil protection exercises.

Military reserve persons may be called for the exercises lasting up to 90 days during a single year.

Military duty within the military reserve is to be done through participation of military conscripts in military exercises, courses and other forms of military and civil training and through performance of other duties prescribed by the present law and other laws, and in case of emergency or wartime, through joining the Serbian Armed Forces, engagement within the civil protection, performance of particular military duties and activities within other forces of defence.

Exceptionally, during the state of emergency or wartime, President of the Republic may give order and call to military exercises the following persons:

- 1) the military reserve persons that have completed the exercises of the duration prescribed by paragraph 2 of the present Article;
- 2) the military reserve persons that have completed the year of age from Article 49, paragraph 1 and 2 of the present Law.

Article 52

Military exercises are to be terminated or postponed at the personal request of a military reserve person if:

- 1) he is ill (until the next call after recovery from that illness);
- 2) another family member from the same household is simultaneously being called or is already doing his military service duty (until he has returned);
- 3) he has exams to sit for during the military exercise and if the military exercise would prevent him from completing the school year (if there is such a reason);
- 4) he undergoes preparations for participation at European and world sports competitions and the Olympic Games during the exercise;
- 5) he takes part in international scientific, research and artistic manifestations or he should perform other activities of the great relevance for the Republic of Serbia (until the relevant manifestations and activities are in effect);
- 6) a household would get into difficult material or social circumstances due to death or a severe disease within the household, that is due to natural catastrophes, provided that a family member has to go to military exercises (until such circumstances within the household are in effect).

Provided that there is a contagious disease in the place of residence of a military reserve person, his military exercise is to be postponed until the contagious disease is in effect.

If required by a state authority, company, or some other legal entity and entrepreneur with which a military reserve person is employed, his exercises may be postponed due to the needs of service that cannot be postponed (until there is such a need).

Exercises lasting more than three days may be postponed to an agricultural worker or some other person individually performing agricultural activities, due to the works which cannot be postponed, provided that there is no other member within the household capable of providing assets.

Article 53

Requests for the military exercise postponement are submitted to the territorial body within which the person is registered, and that within eight days after reception of the exercise call.

A competent senior of the Serbian Armed Forces is to decide upon postponement and termination of the training, exercise or engagement of military conscripts from the active reserve.

Provided that postponement has been required due to the reasons named in Article 52, paragraph 1, point 1), 4), 5) and 6) of the present Law, it can be submitted as soon as the reason for postponement has occurred.

Decision on termination of exercises of a military reserve person is to be passed by a competent senior of the Serbian Armed Forces, acting as the independent battalion commander or a higher-rank person, that is the competent person of a civil protection body or a state authority.

Article 54

Active reserve represents a trained army of the Serbian Armed Forces, engaged to fill vacancies in units of the Serbian Armed Forces and the Ministry of Defence, so that activities may be performed within the stipulated time limit, whose rights and obligations have been regulated by the law and by the concluded agreement.

Active reserve persons have their wartime postings within commands, units and institutions of the Serbian Armed Forces and the Ministry of Defence with whom they have concluded agreement on engagement in the capacity of the active reserve members.

Active reserve members are to be engaged in the tasks concerning maintenance of operative and functional ability, trainings, engagement in missions and other tasks, in compliance with the concluded agreement. Through planned and intensive trainings and fitness of active reserve members, a higher level of qualification is to be achieved when compared to the persons from the passive reserve, in order to fill vacancies in commands, units and institutions of the Serbian Armed Forces for which a higher degree of operative and functional ability has been stipulated.

During the calendar year, active reserve members are called to regular trainings, lasting up to 45 days, to perform preparations for the missions and tasks up to three months and in missions up to six months.

Passive reserve is composed of the military reserve members with wartime postings within commands, units and institutions of the Serbian Armed Forces, the Ministry of Defence, state authorities, civil protection and other forces of defence.

Passive reserve members are generally distributed according to the territorial principle.

Passive reserve members are also engaged in performance of the tasks concerning providing aid for the citizens and rescuing material goods endangered by natural catastrophes and other accidents.

Passive reserve members are called to the training, lasting up to 15 days, during the calendar year.

Article 55

Vacancies within the Serbian Armed Forces are filled based on the public open competition. General requirements for service within the active reserve are prescribed by the Government, and that at the proposal of the Minister of Defence.

Special requirements are stipulated by the Ministry of Defence at the proposal of the Serbian Armed Forces General Office, while they are more precisely defined in the open competition, depending on the needs of the service and the approved plan.

An active reserve member may be a military conscript fulfilling the stipulated general requirements from paragraph 1 of the present Article as well as special requirements stipulated by the open

competition concerning: military and professional training and qualifications, speciality, further education, medical – psychological and physical abilities and safety requirements for engagement on the formational position for which the agreement is concluded.

Number and structure of the persons (according to the rank, military service, service, speciality and units) with whom the agreement on active reserve engagement may be concluded, at the proposal of the senior of the Serbian Armed Forces General Office, is to be sanctioned by the Minister of Defence for each calendar year.

With the required number of persons fulfilling general and special requirements, the agreement on general active reserve and the individual agreement on performance of actual tasks relevant for defence or the needs of the Serbian Armed Forces, are to be signed.

Article 56

Requirements, time, manner and activities of engagement, rights and obligations during performance of professional activities within the Ministry of Defence and military duties within the Serbian Armed Forces are to be regulated by the active reserve agreement.

A military conscript admitted into the active reserve is to conclude the typical agreement, with a brigade-rank unit or a higher one, on the active reserve service. The agreement is concluded to the time period of two years and it can be extended until the year the relevant person has turned 45 (for soldiers and non-commissioned officers, that is 55 (for officers). The agreement is to regulate mutual obligations, rights and duties.

Relevant elements of the agreement from paragraph 1 of the present Article are prescribed by the Minister of Defence, based on the proposal of the senior of the Serbian Armed Forces General Office.

Article 57

Individual agreements on engagement for performance of actual missions and tasks relevant for defence and performance of military duties are concluded pursuant to the stipulated needs of the Ministry of Defence and the Serbian Armed Forces.

The Serbian Armed Forces General Office stipulates and keeps records of the specialities for which active reserve persons may be engaged.

Individual agreements are concluded in accordance with the requirements stipulated by regulations on the Serbian Armed Forces and the Agreement on engagement within the active reserve.

Article 58

At his own or at the territorial body's request, the military reserve person whose health condition has altered is to be referred to medical and other examinations and psychological investigations so that his capability of military service might be determined.

The decision on military service capability assessment and the military service change, that is the service of the person from paragraph 1 of the present Article, is to be registered in the medical booklet and military record book of the military reserve person.

Article 59

According to the needs of filling vacancies within the Serbian Armed Forces and the needs of civil protection and other forces of defence, the Serbian Armed Forces wartime posting and the posting within the civil protection and other forces of defence, during the time of emergency and wartime, are to be determined.

Postings within the civil protection and other forces of defence are to be determined and pronounced for the persons within the military reserve who have done their military service duty without weapons and in the civil service.

Wartime posting data are permanent.

A military reserve person is not allowed to join the foreign armed forces service or to establish any kind of relation with these forces, without previous approval from the Minister of defence.

Article 60

The military unit senior in the capacity of a battalion commander and the senior a civil protection body or a state authority that has established a civil protection unit, acting in the above mentioned capacity as well, are to submit the request calling all military conscripts for training, military exercises and performance of the mission and tasks to a territorial body of the Ministry of Defence, within 60 days prior to the day the military conscripts are stipulated to turn in, at the latest.

The territorial body within which a military conscript is registered is to call military conscripts after the senior body has issued its consent, while it is to submit calls to military conscripts within 30 days before the day the military conscripts are stipulated to turn in.

There is no time limit from paragraphs 1 and 2 of the present Article of the call of military conscripts for mobilization readiness exercise and mobilization, both in the state of emergency and wartime.

Residence of military military conscripts abroad

Article 61

A military conscript or a military reserve person intending to stay abroad longer than six months is liable to contact the territorial body of the Ministry of Defence within which it is registered and to provide approval from the Ministry of Defence.

The permission for residence abroad is not to be issued to a military conscript or a person within the military reserve if:

- 1) he has been called to do his military duty service;
- 2) a state of emergency or wartime has been declared;
- 3) he has been under legal investigation or an infringement or criminal procedure has been instituted against him for the action against constitutional regulations and safety of the Republic of Serbia, state authorities and the Serbian Armed Forces prescribed by the Criminal Code;
- 4) he has evaded military conscript duty due to his own guilt.

The permission for residence abroad is issued to the military conscript provided that there are no obstacles prescribed in paragraph 2 of the present article, and that up to two years and not later than until the end of June of the calendar year in which the conscript turns 27.

Exempt from the stipulation from paragraph 3 of the present Article, when justified, the permission for residence abroad may be issued until the end of the calendar year in which the military conscript turns 30.

The manner, requirements and the procedure for issuance of the permission from paragraph 1 of the present Article is to be prescribed by the Minister of Defence.

Article 62

A military conscript is to exercise his right and obligations abroad through the competent diplomatic-consular representative body of the Republic of Serbia abroad, in compliance with special regulations and the present Law.

So that persons from paragraph 1 of the present Article might fulfill their military obligations, diplomatic-consular representative bodies of the Republic of Serbia abroad are liable to keep special records of military conscripts, prescribed by the present Law and regulations for its implementation,

A permission for permanent residence, that is for extension of temporary residence abroad, is to be issued to a military conscript residing abroad by the diplomatic-consular representative body of the Republic of Serbia within which the military conscript is registered.

Before the decision upon residence abroad has been passed, the diplomatic-consular representative body of the Republic of Serbia is to acquire data on the obstacles from Article 61, paragraph 2 of the present Law, from the territorial body within which the military conscript is registered.

The permission for residence abroad is issued by the diplomatic-consular representative body of the Republic of Serbia not later than the end of June of the calendar year the military conscript turns 30.

Article 63

In accordance with safety risks and threats and due to the needs of defence and safety of the country, a special law may partially limit travel and residence abroad to the military conscripts of particular categories or specialities which are especially important for defence of the country and filling vacancies within the Serbian Armed Forces, civil protection and other forces of defence.

Article 64

A military conscript, that is a person within the military reserve who has travelled abroad to stay more than a year, is liable to register with the competent diplomatic-consular representative body in order to be registered within the military records kept by the diplomatic-consular representative body, and that within 30 days from the day he has crossed the state borders.

A person residing abroad is liable to apply to the diplomatic-consular representative office of the Republic of Serbia so that he might be registered within the military records, and that in the year he turns 18.

Data from the records of military conscripts from paragraph 2 of the present Article are to be submitted to the competent territorial body according to the military conscript's latest place of residence or stay before he has gone abroad, while consolidation and updating with the data from the unique records of military conscripts is carried out once a year.

Article 65

A military conscript who has not done his military service duty according to the manner prescribed, is not to get the consent for release from citizenship of the Republic of Serbia.

Article 66

A person with dual citizenship is a military conscript of the Republic of Serbia, who, apart from citizenship of the Republic of Serbia also has citizenship of some other country with which the international agreement has been confirmed under the condition of mutuality.

A military conscript with dual citizenship who has not done his military service duty in the other country, but who has returned and decided to permanently settle on the territory of the Republic of Serbia, is sent to do his military service duty in compliance with the present Law.

A military conscript with dual citizenship who has not done his military service duty in either country he is the citizen of, and who has turned 27 and permanently resides abroad, is to be transferred, by the decision of the territorial body and by the legal duty, to the military reserve in the capacity of a military reserve person who has done his military service duty within the civil service.

A military conscript with dual citizenship who has done his military service duty in the other country is to be transferred to the military reserve.

The original document and the certified translation into Serbian of the evidence on citizenship of the other country and the certificate proving that the military service duty has been done in that country, are to be submitted to the territorial body in the place the data on the person are kept within the records or through the diplomatic-consular representative bodies of the Republic of Serbia.

Compensations for fulfillment of military duty

Article 67

A military conscript, that is a military reserve person, called to do his military service duty, has the right to compensation of expenses for public transportation from the place of residence to the place of reporting for fulfillment of military duty.

A soldier doing his military service duty with or without weapons is to pay his own transportation expenses while using his regular and awarded leave of absence and dismissal, that is termination of military service.

Article 68

An employed military reserve person that has been called to do his military service duty within the military reserve, is to be provided with compensation at the amount of three average salaries over the period of three months prior to the call, during performance of the mentioned duty, unless otherwise stipulated by the special law.

A person within military reserve that individually performs a registered economic or some other professional activity, is to be provided with compensation at the amount of the base for which he pays contribution for own social insurance that is compulsory, during his service within the military reserve.

A military reserve person who is unemployed or who individually performs a registered economic or some other professional activity, a registered agricultural worker, or a person within the military reserve that receives pension or financial compensation due to temporary unemployment, is to be

provided with compensation at the amount prescribed by the Government, during the service within the military reserve which he has been called for.

During his military service, a reserve officer, that is a reserve non-commissioned officer is to be provided with a salary and special compensations, stipulated, according to stipulations of the Law on the Serbian Armed Forces, for a professional officer, that is for a non-commissioned officer of the same rank and on the same duty.

To a military reserve person called to exercises also belong free food and accommodation, provided that the exercises last more than eight hours.

The amount and the manner of payment for the military service duty is prescribed by the Government, and that at the proposal of the Minister of Defence.

Article 69

Apart from the compensations prescribed by the agreement, the active reserve member is also to get financial compensation at the amount stipulated by the Minister of Defence, for each month the agreement is in effect.

The compensation from paragraph 1 of the present Article does not belong to the active reserve member during the time he is provided with the salary for engagement within the active reserve.

Article 70

During the engagement, apart from the regular annual training, rights and obligations of active reserve military conscripts, arising from their employment with the employer, are to halt, under the requirements stipulated by the Labour Act.

The Minister of Defence, or a person authorized by him, and the employer from paragraph 1 of the present Article are to conclude the agreement on business cooperation for performance of business activities relevant for defence, in compliance with the Law.

The Ministry of Defence keeps special records of the concluded active reserve agreements and agreements on employment for definite time concluded with the selected persons and agreements on business cooperation with their employers.

Due to engagement within the military service, an active reserve member's employment cannot be terminated, nor can he find himself in unequal circumstances in comparison with other employees in terms of exercising the rights based on employment.

Records of military conscripts

Article 71

The Ministry of Defence keeps unique records of military conscripts.

Territorial bodies keep special records of military conscripts during the military conscription, the military reserve duty and the duty of military reserve persons, for the territory for which they have been established.

Article 72

A military conscript is to be recorded according to the place of residence.

A military conscript employed for indefinite time in the territory in which he does not have the residence is registered according to the place in which he is employed for indefinite time, provided that he has registered his residence in that place.

Article 73

Records of the military conscripts residing abroad for more than a year are kept by diplomatic-consular representative offices.

Article 74

At the request of a territorial body, the state authorities, bodies of autonomous provinces, local self-administration bodies, companies and other legal entities are to submit data necessary for keeping records as well as to update data on the executed changes within the records under their competence.

Article 75

A military record book is to be issued to the military conscript registered within the records.

A military record book is a personal, public document used by a military conscript to prove his military service duty and his identity while in service.

A military record book is not to be taken out of the Republic of Serbia.

The military record book form and the manner of its issuance is prescribed by the Minister of Defence.

Article 76

Within eight days after their occurrence, military conscripts and military reserve persons are liable to inform the territorial body, within the records of which they are registered, of the following changes:

- 1) change of the place of residence (the new address);
- 2) change of the place of stay;
- 3) every change in the health condition relevant for the military service capability;
- 4) the kind and the place of performance of the registered individual or entrepreneurial activity, that is some other professional or other activity;
- 5) the return from the military service duty;
- 6) the loss of the military record book;
- 7) enrollment and re-enrollment of a school year;
- 8) other data relevant for performance of the military service duty.

Persons from paragraph 1 of the present Article are liable to provide information about the residence abroad which lasts more than three months, and that within eight days prior to the departure, while the return from abroad is to be informed of within eight days after the arrival in the place of residence.

Article 77

Pursuant to decisions of the competent bodies and the records kept based on the legal duty and verdicts of the court concerning criminal actions against state authorities and the Serbian Armed Forces, the state authorities, that is the competent court, are to inform the territorial body within the records of which military conscripts are registered, within 15 days from the day the change has occurred, and that:

1) of the change in personal name, acquisition and termination of citizenship of the Republic of Serbia – the authority which has passed the absolute order thereof;

2) of institution, termination or intermission of the criminal proceedings due to a criminal action for which he is pursued based on the legal duty, of the final verdict to the minority prison sentence, prison sentence or a fine, on the finally passed institutional corrective measure or safety measures of compulsory treatment of alcoholics and drug addicts within a medical or some other specialized organization and of their sending to do the minority prison sentence or sentence – the competent court.

3) of the prison sentence passed due to an offence – the body which has passed the sentence;

4) of dismissal from imprisonment or the minority prison – the body, that is the institution which has released a military conscript from imprisonment.

The body which has made records of the fact of death within the death registry is to submit the death notice or death pronouncement of a missing military conscript to the territorial body within the records of which the relevant person used to be registered.

A company, legal entity or an organization which has been mediator employing a military conscript abroad or engaging him in the works abroad for more than three months, is to inform the territorial body thereof, within eight days after the military conscript has gone abroad.

Provided that a military conscript is absent/missing from the place of residence or stay, due to unknown reasons and for more than three months, a family member, who used to live with him in the same household, is to report the matter, and if the military conscript used to live separate from his family and was employed, his absence is to be reported by a person in charge in the state authority and the legal entity keeping records of employed persons, that is the person independently performing business activities, with whom the missing military conscript is employed.

The persons named in paragraph 4 of the present Article are to submit the report of a military conscript missing due to unknown reasons within eight months after three months of his absence.

Article 78

The instructions on keeping records of military conscripts is passed by the Minister of Defence.

Administrative procedure

Article 79

The decision on fulfillment of military duty is passed by the territorial body within the records of which the person is registered.

The territorial body of second-instance of the Ministry of Defence is to decide upon the appeal against the decision from paragraph 1 of the present Article.

The senior of a command, unit or institution of the Serbian Armed Forces acting as the battalion commander or the senior of the same or higher rank is to pass the decision on fulfillment of military duty by soldiers from the unit or the institution that he has command over.

The senior of a command, unit or institution of the Serbian Armed Forces, the immediately superior senior that has passed the final decision, is to act upon the appeal against the decision of the senior from paragraph 3 of the present Article.

The appeal submitted against the passed decision concerning fulfillment of military duty is not to postpone implementation of the relevant decision.

The territorial body of the second instance is to decide upon the appeal against the military conscription committee.

Legal dispute is to be instituted against the decision of the appeal against the decision of the military conscription committee

The appeal against the decision of the diplomatic-consular representative body of the Republic of Serbia concerning fulfillment of military duty of the military conscript residing abroad is to be decided upon by the Minister of Defence or the person authorized by him.

Supervision

Article 80

Military duty and regularity of the work of first- and second-instance bodies deciding upon rights and duties of military conscripts are to be supervised and controlled by the Ministry of Defence.

Article 81

Special fees for the briefs concerning fulfillment of military duty are to be effected in compliance with the Law.

III LABOUR OBLIGATION

Article 82

Labour obligation is the right and the duty of the Republic of Serbia citizens performed at workplaces, that is in particular activities and tasks in the state of emergency or wartime, in accordance with the Defence Plan of the Republic of Serbia.

Bodies of local self-administration units are liable to provide immediate fulfillment of the needs of citizens within the state of emergency or wartime through publicly-owned corporations, companies, other legal entities and entrepreneurs within the territory of their competence.

Article 83

Citizens are to fulfill their labour obligation in compliance with the laws and by-law regulations organizing the domain of defence, civil protection and work.

At the proposal of the Minister of Defence, regulations concerning the manner and procedure of performance of labour obligation is to be passed by the Government.

Labour obligation within the state authorities and legal entities relevant for defence

Article 84

A work obligor is to perform his labour obligation through performance of activities and tasks within state authorities, companies, other legal entities and with entrepreneurs in the activities of special importance for defence and protection and rescue (hereinafter: state authorities and legal entities), to which he has been allocated according to the War Organization and Systematization Act, the list of duties and the Plan of filling of vacancies, and based on the request or order of the competent state authority in accordance with the regulations on defence, civil protection, Defence Plan of the Republic of Serbia and protection and rescue plans.

The distribution of work obligors from paragraph 1 of the present article is to be considered their war postings.

Article 85

A work obligor is to be allocated a posting at his place of work or residence.

Exempt from the stipulation from paragraph 1 of the present Article, a work obligor may be distributed outside the place of work or residence, provided that there are not enough obligors at the seat of a state authority or a legal entity for filling of vacancies within the war systematization.

Article 86

A work obligor is distributed within and by the decision of the following:

- 1) a state authority – the manager managing the authority or the person authorized by him;
- 2) administrative bodies – the manager of the body or the person authorized by him;
- 3) a legal entity – director or the person authorized by him;
- 4) an entrepreneur – the person in charge.

A military conscript, in terms of paragraph 1 of the present Article, is to be distributed in accordance with the Plan of filling of vacancies provided by the territorial body.

Article 87

In case of the announcement of war or the state of emergency, the employment of an employee is to be terminated provided that he fails to act according to the decision on distribution within the state authority and the legal entity of special importance for defence.

An employee whose labour obligation has not been determined is to answer the call of the state authority or the legal entity with which he is employed, as well as the call of the territorial body in order to be engaged within performance of his labour obligation.

Article 88

Territorial bodies keep records of the work obligors with particular war postings within state authorities and legal entities.

At the request of the bodies from paragraph 1 of the present Article, state authorities and legal entities are liable to submit their War Organization and Systematization Acts and provide relevant data on war obligors.

Labour obligation within the labour obligation units

Article 89

From the work obligors without war postings, the territorial body may arrange labour obligation units for performance of necessity works for the need of defence, the Serbian Armed Forces and civil protection in the state of emergency or wartime.

Article 90

Interior units of the Ministry of Defence, commands, units and institutions of the Serbian Armed Forces, state authorities and legal entities with the tasks stipulated by the Defence Plan are to submit requests to the territorial body for engagement of the labour obligation units. .

Article 91

Labour obligation units are to be engaged in the state of emergency and wartime only.

Exempt from the stipulation from paragraph 1 of the present Article, and in order to exercise and test the capability for performance of tasks within the state of emergency and wartime, labour obligation units can be called to the training within exercises and controls at peacetime too.

The decision to call and control labour obligation units is to be passed by the Minister of Defence.

Article 92

Food, accommodation, health and other care for the members of labour obligation units during their engagement are to be provided by the state authority, legal entity or command, a unit or institution of the Serbian Armed Forces and the Ministry of Defence, for the needs of which the works are carried out.

A work obligor engaged for performance of the works has the right to the compensation from Article 68 of the present Law.

Article 93

The labour obligation units are to be dissolved after the works have been carried out.

Article 94

The records on engagement of labour obligation units is kept by the territorial body.

IV MATERIAL OBLIGATION

Article 95

Material obligation is the right and the obligation of the Republic of Serbia citizens, companies, other legal entities and entrepreneurs with the seat at the territory of the Republic of Serbia, to temporarily surrender movable and immovable belongings in their possession, determined as the belongings of a special purpose for the needs of defence, the Serbian Armed Forces and civil protection (hereinafter: for the needs of defence) to the state authorities, the Serbian Armed Forces and civil protection, in return for particular compensation.

Article 96

Material obligation for the needs of defence of the country is to be fulfilled by the owners of belongings. The belongings may be within the possession of citizens, companies, other legal entities and entrepreneurs (hereinafter: the owners of belongings).

Article 97

Material obligation is to be fulfilled within the state of emergency and wartime.

Exempt from paragraph 1 of the present article, material obligation is to be fulfilled at peacetime with the purpose of protection and rescue, through examination, control and use of the belongings within the military exercise.

The Minister of defence is to pass the decision on the material obligation control at peacetime.

At the proposal of the Minister of Defence, the Government is to pass regulations on the manner and procedure of fulfillment of material obligation.

Article 98

All citizens of the Republic of Serbia, domestic and foreign legal entities registered for fulfillment of the activities, stipulated by the Law as the activities relevant for defence of the Republic of Serbia, are liable to the material obligation at peacetime and in the state of emergency and wartime

Diplomats and representatives of international organizations are not liable to the material obligation.

Article 99

Material obligation is to be fulfilled according to the needs of the Serbian Armed Forces and other needs of defence of the country (hereinafter: the beneficiaries of belongings).

In terms of the stipulations of the present Law, other needs of defence of the country are: the needs of state authorities, civil protection, companies, other legal entities and entrepreneurs determined by the Governmental stipulation to have the priority in production and supply of products or in provision of services of special importance for defence of the country.

Article 100

The fulfillment of material obligation is ensured by the Ministry of Defence through territorial bodies in accordance with the Law and decisions of the competent bodies which refer to the work at the state of emergency and wartime.

Article 101

The belongings are surrendered, used and then returned with the prescribed compensation for their temporary use and compensation of the damage in case of their damage or destruction in the procedure prescribed by the present law, respecting the property right guaranteed by the Constitution.

Article 102

Belongings from the inventory of the Ministry of Defence are not to be distributed provided that:

- 1) it would prevent the owner from performing life functions, such as transportation of the disabled and diseased;
- 2) it would prevent the owner from performing activities, within the scope endangering his existence;
- 3) it would prevent the most essential performance of the activities of the special public interest;
- 4) it would prevent performance of the minimum economic activity;
- 5) it would cause considerable deterioration in living conditions of the citizens.

Belongings and records thereof

Article 103

For the needs of defence of the country, the owners of belongings are liable to surrender the following:

- 1) motor, transportation and special vehicles, vehicles of all kinds and capacities;
- 2) construction machines and other machines for construction and engineering works of all kinds and purposes;
- 3) connection means and appliances;
- 4) vessels, harbours, ports and sailing installations, supply, maintenance and overhaul of vessels;
- 5) aircrafts and airports: aircrafts of all kinds and purposes, airports with hangars and other facilities and devices for air traffic organization and control, air-traffic operating material warehouses, earth radio-navigation devices and equipment for maintenance of connections and flight control;
- 6) fuel stations and warehouses: gas stations, operating fuel and lubricant stations, bottle filling stations for acetylene, oxygene and propane-butane, stations for maintenance of fire-extinguishers, pumps, compressor stations and water aggregates, generating stations, warehouses for storage of mining - explosive means, warehouses for storage of spare parts, reproductive and consumable material, food and fodder warehouses, equipment and other materials;
- 7) stations for service and technical examination of motor vehicles and telecommunication devices, as well as their overhaul plants with pertaining equipment, machinery, devices, installations, instruments and laboratory equipment;
- 8) means and devices for print preparations and recording;
- 9) riding, pulling and load cattle with pertaining accessories and equipment;

- 10) facilities and land with devices, equipment and installations;
- 11) other necessary objects (products and services of special interest for defence of the country).

Article 104

So that material obligation might be performed in an organized and appropriate manner, records is kept.

The record keeping procedure and manner from paragraph 1 of the present Article are prescribed by the Minister of Defence.

Article 105

The inventory of belongings from Article 103 of the present Law is made and they are taken care of by territorial bodies, based on the records kept with the state administration authorities competent for property, internal affairs and public revenues, as well as other state authorities.

Article 106

The owners of belongings are liable to give data and documentation concerning belongings from Article 103 of the present Law to the territorial body for inspection and to enable examination of the belongings in order to make inventory and keep records of them.

Provided that the records of certain belongings from paragraph 1 of the present Article is not kept or the data from the records are incomplete, the territorial body is to examine all belongings and make records thereof.

Article 107

Provided that the owners of belongings are left without the belongings from the inventory list or if they become technically defective or useless or if vital technical changes occur on them, the mentioned owners are liable to inform the territorial body thereof, either immediately or within 15 days at the latest, providing an appropriate evidence from the authorized service of the changes that have occurred.

Article 108

Belongings are distributed so that vacancies within war units and commands of the Serbian Armed Forces are primarily filled.

Filling of vacancies provide maximum typization of belongings for the needs of units of the Serbian Armed Forces and for other needs concerning defence of the country.

Merging material obligation and war posting of the person, that is the handler of belongings, is carried out if the material means requires special knowledge on handling.

Article 109

The belongings prescribed for the needs of defence of the country are distributed according to a particular war distribution for the needs of the Serbian Armed Forces and other needs of defence of the country stipulated in Article 99 of the present Law, in compliance with regulations on the criteria and

posting of citizens and normatives of the belongings for the needs of filling of vacancies of the Serbian Armed Forces and other needs of defence of the country passed by the Government at the proposal of the Minister of Defence.

The manner of takeover of the belongings

Article 110

The user of belongings is liable to tak them over so that the request for their examination or use in a military exercises might be submitted to the territorial body in time, and the owner of belongings might be called to fulfill his material obligation 30 days prior to the day stipulated for handover at the latest.

Deadline from paragraph 1 of the present Article refers to submitting of the request in case of the state of war or emergency.

Article 111

Belongings for the needs of defence are to be taken over by the user to whom they have been distributed pursuant to the approved Plan of filling of vacancies within the territorial body.

Article 112

The territorial body is to submit the owner of belongings the call containing the following information: name of the belongings that are to be handed over, name of the user, the notice informing that belongings might be handed over by the person who is their owner and the warning about the responsibility of the owner of belongings in case he fails to respond to the call.

The territorial body is to institute infringement procedure against the owner of belongings, provided that he has failed to respond and hand over the belongings for the needs of performance of exercises.

The territorial bodi is to immediately institute criminal procedure against the owner of belongings who has failed to respond to the call and hand over the belongings for the needs of the user of belongings after the state of emergency o wartime has been announced.

Article 113

The owner of belongings who has received the call from the territorial body for the needs of examination or a military exercise, may ask fulfillment of the obligation to be postponed, within eight days from the day he has received the call, and that:

- 1) if handover of the belongings would cause damage to the owner of belongings based on default of obligations and activities from previously signed agreements;
- 2) if considerable economic damage would be incurred upon him;
- 3) if the requested vehicle is the only one within the family of the owner who also has children under 16 years of age.

Article 114

The owner hands the belongings over in operating condition, at the place and time stipulated by the call.

Provided that, at the time stipulated for handover, the belongings happen not to be with the owner or to be at such a distance that they cannot be handed over to the user in time, the owner is to hand over some other belongings of similar characteristics insted.

Provided that the owner does not have other appropriate belongings, he is to immediately inform the territorial body thereof, which is then to provide distribution and direction to other appropriate belongings.

Article 115

The user's authorized person or the committee for reception of belongings is to make records, in three copies, in which identification data and the state of facts, especially data on possible failures and damages determined by the examination, are to be recorded.

Article 116

When taking over the belongings, the authorized person or representative of the committee for reception of the belongings is to inform the owner, that is the person who has handed over the belongings of the place and time of their return. That notice is to be entered within the records from Article 115 of the present Law.

Provided that neither time nor place of return of the belongings can be predicted at the time of their takeover, or if the owner refuses to receive the copy of the records, the user of belongings is to inform the owner of belongings thereof in time and in writing.

Article 117

When returning the belongings, the authorized person or the committee for reception of belongings is to make records of handover of the belongings to the owner in his or the presence of the person authorized by him to take the belongings over.

A copy of the records on the return of belongings is to be submitted to the territorial body keeping records of the belongings.

Compensation of travel expenss

Article 118

Belongings for the user's needs are transported and taken over by the owner of belongings, that is by the person authorized by him.

Transportation and takeover of the belongings are compensated to the owner of belongings as transportation expenses at the actual amount and daily travel fee due to the handover and takeover of the belongings at the amount determined by the stipulations of compensation of the expenses of state officers and appointees.

Compensation for the use of belongings

Article 119

The owner of belongings is to get compensation for the use of the belongings from the inventory.

Compensation for the use of belongings (tariffs) from paragraph 1 of the present Article is to be stipulated by the Government at the proposal of the Minister of Defence.

Article 120

The owner has the right to the compensation for the use of belongings from the moment of their handover to the moment of their return.

The compensation for the use of belongings is to be paid out not later than within 45 days from the day they have been returned to the owner.

The compensation for the use of movable and immovable belongings is to be paid out on the monthly basis, provided that the owner's existence is endangered or his economic activity prevented by his material obligation.

Procedure determining compensation for damaged, destroyed or missing belongings

Article 121

If the taken over immovable or movable property is damaged, destroyed or lost during the state of emergency or wartime, the owner of the belongings is to be provided with the compensation at the actual amount of the belongings at the time of their takeover, noted within the records on turnover of the belongings.

Provided that the value of the belongings has not been noted within the records of the turned over belongings, the owner of the belongings is entitled to the compensation at the amount of the average market value of the belongings on the territory of the takeover.

In case of a dispute concerning the value of belongings or if the determined value of belongings is not realistic, the territorial body is to institute the expertise procedure, unless the extra-judicial settlement has been achieved.

The owner of belongings dissatisfied with the determined value of the belongings from paragraph 3 of the present Article may institute the procedure before the competent court.

Provided that the belongings have been damaged during their use, the use is to repair and hand them over to the owner in the operating state.

Article 122

The procedure for determination of compensation for damaged, destroyed or missing belongings is instituted by legal duty by the user of belongings, while it can also be instituted at the request of the owner of belongings.

Compensation for damaged, destroyed or missing belongings is determined by the committee composed of the president and a particular number of members, established by the user of belongings.

Article 123

The committee for determination of the compensation for damaged, destroyed or missing belongings is liable to inform the owner of the time and place of its work, so that he might indirectly declare about the circumstances relevant for assessment of the damage incurred upon him.

The committee is to suggest engagement of an expert from the list of court experts in order to assess the damage incurred.

Provided that the belongings from the inventory list have been insured, the damage is to be assessed by the insurance company.

Article 124

The committee is to assess the damage and the circumstances under which the damage has been incurred, to assess the market value of belongings and to propose the manner in which the damage is to be compensated.

When it comes to assessment and compensation of the damage, the committee is to make the records containing all the data relevant for assessment of the damage and the manner of its compensation.

Article 125

In accordance with the law, the competent state authority can decrease the annual tax, stipulated for the relevant belongings, to the owner of belongings whose belongings have been distributed according to the plan of filling of vacancies for the needs of defence of the country.

V PENALTY PROVISIONS

Article 126

A military conscript or a military reserve person is to be punished by the fine of RSD 10,000 to 50,000 or by the confinement up to 60 days, provided that, against this Law and without any justifiable reason, he has failed to answer the call of the territorial body to come at a particular time and place particularly stipulated in the call, to be registered within the military records, the call of military conscription, for military service duty, as well as the calls for medical and other examinations and investigations (Article 11 and 51 of the present Law), for military exercises and other trainings within the military reserve accepted as the performance of military exercises.

Article 127

A military conscript or a military reserve person is to be punished by the fine of RSD 10,000 to 50,000 or by the confinement up to 30 days provided that:

- 1) he has taken his military record book outside of the Republic of Serbia (Article 75 of the present Law);
- 2) he has failed to inform the territorial body, within the military records of which he is registered, about the changes from Article 76 of the present Law.

Article 128

A company, legal entity or an organization which has been a mediator employing a military conscript abroad is to be punished by the fine of RSD 35,000 to 350,000 for the offence provided that it has failed to inform the territorial body (Article 77, paragraph 3) thereof, and that within eight days after the military conscript has gone abroad.

The person in charge in a company, legal entity or an organization is to be punished for the offence from paragraph 1 of the present Article by the fine of RSD 10,000 to 50,000.

Article 129

The person in charge in a state authority is to be punished by the fine of RSD 10,000 to 100,000, provided that it has failed to inform the territorial body of the changes with the military conscript from Article 77, paragraph 1 of the present Law, within 15 days from occurrence of the change.

Article 130

A company, other legal entity or a person individually performing the activity with which the military conscript is employed, is to be punished by the fine of RSD 40,000 to 400,000 provided that:

1) at the request of the territorial body he fails to provide necessary data of military conscripts for assessment of capability of military service and determination of the military service, service and individual duties within the Armed Forces of the Republic of Serbia (Article 74 of the present law);

2) he fails to inform the territorial body of absence of the military conscript allocated to it (Article 77, paragraph 4 and 5 of the present Law), due to unknown reasons, within the stipulated deadline.

The person in charge in a company or some other legal entity is to be punished by the fine of RSD 10,000 to 100,000 for the offence from paragraph 1 of the present Article.

A household member is to be punished by the fine of RSD 10,000 to 30,000 for the offence from paragraph 1 of the present Article.

Article 131

By the fine of RSD 10,000 to 50,000 the following persons are to be punished for the offence:

1) manager or a person authorized by him, provided that he has failed to make a decision on distribution of work obligors (Article 86, paragraph 1, point 1) and 2) of the present Law);

2) director or a person authorized by him, provided that he has failed to make a decision on distribution of work obligors (Article 86, paragraph 1, point 3) of the present Law);

3) a person in charge, provided that he has failed to act according to the decision of the territorial body (Article 91, paragraph 2 of the present Law).

Article 132

The owner of belongings is to be punished for offence by the fine of RSD 10,000 to 50,000 provided that:

1) he has failed to over the belongings for the need of defence of the country (Article 103 of the present Law);

2) he has failed to submit the belongings to a particular place and in the condition which enables the use which they are intended for (Article 114 of the present law), when requested by the territorial body.

A legal entity is to be punished by the fine of RSD 300,000 to 1,000,000 for the offence from paragraph 1 of the present Article.

The person in charge with a legal entity is to be punished by the fine of RSD 20,000 to 50,000 for the offence from paragraph 1 of the present Article.

An entrepreneur is to be punished by the fine of RSD 200,000 to 500,000 for the offence from paragraph 1 of the present Article.

Article 133

The owner of belongings is to be punished for offence by the fine of RSD 10,000 to 40,000 provided that:

1) he has failed to submit data and documentation of the belongings from Article 103 of the present Law to the territorial body when requested by it for inspection or if he has prevented it from examining the belongings in order to make inventory and keep records (Article 106 of the present Law);

2) he has failed to inform the territorial body of changes on the belongings (Article 107 of the present Law);

3) he has failed to inform the territorial body that he does not have appropriate belongings (Article 107 of the present Law).

A legal entity is also to be punished by the fine of RSD 150,000 to 450,000 for the offence from paragraph 1 of the present Article.

The person in charge with a legal entity is to be punished by the fine of RSD 20,000 to 50,000 for the offence from paragraph 1 of the present Article.

An entrepreneur is to be punished by the fine of RSD 100,000 to 300,000 for the offence from paragraph 1 of the present Article.

Article 134

A legal entity is to be punished for offence by the fine of RSD 50,000 to 250,000 provided that:

1) as the user of belongings, it has failed to make records of the received belongings (Article 115, paragraph 1 of the present Law);

2) as the user of belongings, it has failed to inform the user of belongings of the time and place of the return of the belongings (Article 116, paragraph 2 of the present law);

3) he has failed to inform the owner of belongings on the time and place of work of the committee for determination of the compensation for damaged, destroyed or missing belongings (Article 123, paragraph 1 of the present law).

The person in charge with a legal entity is to be punished by the fine of RSD 20,000 to 50,000 for the offence from paragraph 1 of the present Article.

The person in charge with a state authority is to be punished by the fine of RSD 20,000 to 50,000 for the offence from paragraph 1 of the present Article.

VI INTERIM AND FINAL PROVISIONS

Article 135

As soon as the present Law takes effect, a soldier doing his military service duty is to proceed doing it in compliance with the stipulations according to which he has begun his service at first place.

The military conscription procedure and calls of military conscripts that have not been terminated are to terminate in compliance with the stipulations of the present Law.

Until measures for assessment of health capability of military conscripts for military service have been passed and until medical and other examinations have been carried out, a military conscript assessed as partially capable of military service is to be sent to do his military service duty with the Armed Forces of the Republic of Serbia, and after that he is to be sent to assessment of his military service capability.

The National Assembly of the Republic of Serbia is to suspend military service duty after the Serbian Armed Forces have been completely professionalized. After the suspension, the military service duty is to be done based on the volunteer principle, in compliance with stipulations of the present Law.

Stipulations of the present Law concerning the military conscription and the military service duty are to be implemented with the person willing to volunteer their military service with weapons in the Serbian Armed Forces.

At the proposal of the Government, the National Assembly of the Republic of Serbia can re-activate the military service duty in compliance with stipulations of the present Law.

After the Serbian Armed Forces have been professionalized, and during the state of emergency or wartime, President of the Republic can decide upon the re-establishment of the military service duty that can last until the state of emergency or the wartime has terminated.

Article 136

A military conscript that turns 27 on the day the present Law takes effect, assessed by the military conscription committee as temporarily incapable of military service, is to be referred to the final assessment of his health capability, and his further status pursuant to the stipulations of the present Law is to be regulated in accordance with assessment of the military service capability

Article 137

A military conscript that turns 27 on the day the present Law takes effect, determined by the territorial body to have evaded military service duty, is to be sent to the military service duty at the first referral term.

A military conscript that turns 27 on the day the present Law takes effect, determined by the territorial body, within the law-prescribed procedure, not to have evaded military duty, is to be provided with the possibility to do his military service duty in compliance with the present Law, and until the end of the calendar year in which he turns 30 at the latest.

Article 138

A military conscript that turns 30 on the day the present Law takes effect, determined by the territorial body not to have evaded military duty, is to be acquitted of the military service duty and transferred to the military reserve by means of the decision.

A military conscript that turns 30 on the day the present Law takes effect, determined by the territorial body to have evaded military duty, is to be acquitted of the military service duty and transferred to the military reserve by means of the decision while the law-prescribed measures are to be undertaken as the consequence of his failure to perform military duty.

Article 139

Stipulations of the Law on Obligations are to be implemented in the legal relations relevant for takeover of the belongings and the procedure of determination of the compensation for damaged, destroyed or missing belongings that have not been regulated by the present Law.

Article 140

Supervision of implementation of the present Law and other regulations of the military, work and material obligation is to be carried out by the Defence Inspectorate.

The Defence Inspectorate is to carry out supervising activities in compliance with the law and stipulations passed by the Minister of Defence.

Article 141

Regulations for implementation of the present Law are to be passed within six months after it has taken effect.

Article 142

As soon as the present Law has taken effect, the following stipulations are no longer to be valid: stipulations from Article 26 and 27, stipulations from the chapter XVII – Military Duty (article 279 to 336) and stipulations from chapter XIX – Penalty Provision (article 340 to 345) of the Law on the Yugoslav Armed Forces ("The Official Gazette of the Federal Republic of Yugoslavia" no. 43/94, 28/96, 44/99, 74/99, 3/02 and 37/02, "The Official Gazette of Serbia and Montenegro" no. 7/05 and 44/05 and "The Official Gazette of the Republic of Serbia" no. 116/07), Regulation on Military Service Duty ("The Official Gazette of the Federal Republic of Yugoslavia" no. 36/94 and 7/98, "The Official Gazette of Serbia and Montenegro" no. 37/03 and 4/05 and "The Official Gazette of the Republic of Serbia" no. 6/07 and 86/07), Regulation on Organization and Performance of Material Obligation ("The Official Gazette of the Federal Republic of Yugoslavia" no. 36/98, 32/99 and 9/01) and Regulation on Organization and Performance of Labour obligation ("The Official Gazette of the Federal Republic of Yugoslavia" no. 36/98 and 20/99).

Article 143

This Law is to take effect on the day of its publishment in "The Official Gazette of the Republic of Serbia".