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\* When the Law on the Use of Serbian Armed Forces and other Forces of Defence took effect within multinational operations outside the borders of the Republic of Serbia ("The Official Gazette of the Republic of Serbia" no. 88/2009) on November 5, 2009, the point 9) of article 9, paragraph 2, and the point 12) of article 12, paragraph 2, became invalid, and the following wording was deleted: "pursuant to the decision of the National Assembly".

\*\* Stipulations from article 123 of the Law on Defence ("The Official Gazette of the Republic of Serbia" no. 116/2007, 88/2009 and 88/2009 – the other law) became invalid on January 1, 2010 when the Law on Data Confidentiality ("The Official Gazette of the Republic of Serbia" no. 104/2009) took effect.

## **LAW ON DEFENCE**

*("The Official Gazette of the Republic of Serbia", no. 116/2007, 88/2009, 88/2009 – law no. u 104/2009 - law no.)*

### **Chapter I BASIC STIPULATIONS**

#### **Article 1**

This Law is to regulate the Republic of Serbia Defence System, competence of state authorities and the Serbian Armed Forces within defence, rights and duties of state authorities, autonomous provinces, local self-administration units, citizens, companies, other legal entities and entrepreneurs within defence, as well as other questions relevant for defence.

#### **Article 2**

The Republic of Serbia defence is realized through engagement of the available human and material resources and it is provided through implementation of the Serbian Armed Forces and other forces of defence in protection of sovereignty, independence, territorial integrity and safety.

The basic goal of defence is to prevent attacks and to confront military and non-military challenges, risks and threats to the country safety and protection of citizens, material goods and living environment.

The Republic of Serbia defence is carried out through the unique system organizing preparations of citizens, state authorities, autonomous province bodies, bodies of local self-government units, companies, other legal entities and entrepreneurs for realization of the tasks of defence and operation and implementation of the Serbian Armed Forces and other forces of defence in realization and preservation of safety of the Republic of Serbia and its citizens.

The Republic of Serbia defence is to be carried out either individually or in cooperation with other countries within institutions of the national, regional and global safety system.

The defence system subjects are: citizens, state authorities, companies, other legal entities, entrepreneurs and the Serbian Armed Forces.

#### **Article 3**

Within the domain of defence, the Republic of Serbia establishes cooperation with other countries and international organizations and institutions of the national, regional and global safety system in establishment and preservation of the world peace and it also performs obligations arising from the United Nations membership and the obligations undertaken by the confirmed international agreements.

#### Article 4

Basic notions used in the present Law have the following meanings:

1) **defence system** is a part of the national safety system and a unique form organizing preparations for performance of defence tasks, implementation of measures and activities for work of citizens, state authorities, companies and other legal entities for implementation of the Serbian Armed Forces and other forces of defence in wartime and the state of emergency;

2) in a broad sense, **forces of defence** represent human and material potentials of the Republic of Serbia, while in the narrower sense, pursuant to the Law, they represent organized structures of the defence system subjects;

3) **military defence** is a part of the Republic of Serbia defence which encompasses institutions and activities for implementation and defence of military challenges, risks and threats to safety;

4) **civil defence** is a part of the unique defence system, organized to ensure successful operation of state authorities, autonomous province bodies and local self-administration units, companies and other legal entities, to protect and rescue and to provide living and work conditions to the citizens as well as to meet requirements of the forces of defence within the state of emergency and wartime;

4a) **civil protection** is an organized system the basic activity of which is protection, rescue and removal of consequences of natural catastrophes, technical and technological accidents and other considerable dangers that might endanger the citizens, material and cultural goods and living environment within peacetime and the state of emergency and wartime;

5) **The Serbian Armed Forces** is an organized armed force which defends the Republic of Serbia from foreign armed endangerment and carries out other missions and tasks in compliance with the Constitution, the Law and the international law principles regulating the use of force;

6) **the state of emergency** is the state of public menace which endangers existence of the state or citizens, and which is the consequence of military or non-military challenges, risks and safety threats;

7) **wartime** is the state of menace in which foreign armed operations endanger sovereignty, independence and territorial integrity of the country or peace in the region, requiring mobilization of forces and means of defence;

8) **preparations for defence** include activities of the forces of defence established on the stipulated defence strategy which are implemented in compliance with the defence plans;

9) **interests of defence** are: defence of the country and protection of the citizens, trust building, maintenance of safety and stability in the region, cooperation with international organizations and institutions and joining the national, regional and global safety institutions;

10) **military challenges, risks and safety threats** are manifested through: aggression, armed and other rebellions through the use of armed forces;

11) **non-military challenges, risks and safety threats** are manifested through: terrorism, organized crime, corruption, natural catastrophes, technical and technological and other accidents and dangers;

12) **human resources in defence** include demographic potential of the country liable to the defence obligation, capable of and trained for inclusion within the defence system;

13) **material resources in defence** include natural, economic, financial, informational and other potentials of the country, engaged for the needs of defence;

14) **the Republic of Serbia National Security Strategy** is the highest strategic document the realization of which protects national interests of the Republic of Serbia against safety challenges, risks and threats within various domains of social life;

15) **The Republic of Serbia Defence Strategy** is the highest strategic document within the domain of defence used to define attitudes concerning safety environment, defence interests, missions and tasks of the Serbian Armed Forces, and the defence system structures and functioning;

16) **The Serbian Armed Forces Doctrine** is the fundamental document defining general military activity options, organization, preparations, use and security of the Serbian Armed Forces within peacetime, wartime and the state of emergency, in accordance with the Constitution and the Republic of Serbia Defence Strategy;

17) **Long-Term Development Plan of the Republic of Serbia Defence System** is a defence planning document defining strategic options for development of the Republic of Serbia defence system, the required abilities of the Serbian Armed Forces, the content and dynamics of organizational changes, development of human and material resources, the defence system financing and other questions concerning the defence system functioning, in compliance with the missions and tasks with defence of the Republic of Serbia,

18) **Strategic Overview of the Republic of Serbia Defence** is the postulate strategic document defining mid-time defence planning, efficient management of defence resources, transparency of defence related business activities and building up assumptions for democratic and civil control, professionalization and efficiency of the Serbian Armed Forces when it comes to execution of distributed missions and tasks;

19) **the air traffic management system**, in a wider sense, encompasses the unique organization of services and units, facilities, equipment and means, skills, information and doctrine (regulations and procedures) established in order to provide safe and efficient movement of aircrafts in all maneuver phases and it consists of mutually interactive elements on the land and in the air; the **air traffic management system**, in a narrower sense, represents a part of the national safety system and the unique form of civil and military organization which is to control, protect and defend the air space, to regulate and monitor functioning of the system and to provide services within peacetime, wartime and the state of emergency;

20) **defence system management** is the process directing defence subjects in performance of their obligations and tasks;

21) **democratic and civil control of the Serbian Armed Forces** especially includes: control of the use and development of the Serbian Armed Forces, internal and external control of expenses for military needs, monitoring the Serbian Armed Forces preparation and informing the public thereof, providing free approach to the information of public importance and determination of the responsibility for performance of military duties in compliance with the law.

22) **transparency of defence related expenses** especially includes: suggestion, preparation, statement and control of the defence system expenses; presentation of the goals and tasks which require appropriate assets; submitting reports of the stipulated spending of assets and constant control of defence system expenses;

23) **multinational operations** are the activities undertaken within the collective security system and the collective defence system, in compliance with the international right and the confirmed international contracts.

## **Article 5**

Defence of the country is realized through:

- 1) organization and preparation of subjects of defence for performance of the tasks within wartime and the state of emergency;
- 2) undertaking measures and activities for the work of subjects of defence and the use of the Serbian Armed Forces and other forces of defence within wartime and the state of emergency until the final removal or termination of danger for the country;
- 3) undertaking measures and activities for protection and rescue of people and material goods and living environment within wartime and the state of emergency;
- 4) participation in multinational operations.

## **Article 6**

Preparation for defence is the right and the duty of subjects of defence to plan their preparations for realization of the defence tasks and to undertake measures and activities for work and the use of the Serbian Armed Forces and other forces of defence within wartime and the state of emergency.

Except for the preparations from paragraph 1 of the present Article, the Ministry of Defence and the Serbian Armed Forces are also to implement preparations for participation in multinational operations.

## **Article 7**

The basic strategic and doctrinal documentation within the domain of defence are: the Republic of Serbia National Security Strategy, the Republic of Serbia Defence Strategy and the Serbian Armed Forces Doctrine.

The basic methodical documentation within the domain of defence are: the Long-Term Development Plan of the Republic of Serbia Defence System, the Strategic Overview of the Republic of Serbia Defence and the Republic of Serbia Defence Plan.

## **Article 8**

The Serbian Armed Forces members undertake to obey the rules of the International Humanitarian Law regarding the treatment of the wounded and captives and protection of citizens as well as other rules of the above mentioned Law and international standards on the use of force, in accordance with the Constitution, the Law and the confirmed international contracts.

A member of the Serbian Armed Forces and other forces of defence has the right to refuse to obey the order requiring from him to act against the Constitution, the Law and the rules of the International Humanitarian Law.

## **Chapter II**

# **COMPETENCE OF THE STATE AUTHORITIES WITHIN THE DOMAIN OF DEFENCE**

### **National Assembly**

#### **Article 9\***

The National Assembly passes laws and other general deeds within the domain of defence and realizes democratic and civil control of the Serbian Armed Forces.

Within the domain of defence, the National Assembly is to:

- 1) decide upon war and peace and pronounce wartime and the state of emergency;
- 2) adopt the Republic of Serbia National Security Strategy;
- 3) adopt the Republic of Serbia Defence Strategy;
- 4) adopt the Long-Term Development Plan of the Republic of Serbia Defence System;
- 5) pass laws on confirmation of international contracts within the domain of defence and military cooperations;
- 6) prescribe measures of departure from human and minority rights within wartime and the state of emergency;
- 7) adopt annual reports of the Government concerning the defence preparations;
- 8) decide upon the use of the Serbian Armed Forces outside the Republic of Serbia borders;
- 9)\* *(no longer valid)*
- 10) decide upon the amount of assets for financing the needs of defence;
- 11) consider realization of the Republic of Serbia Defence Plan;
- 12) monitor operation of security services;
- 13) perform all other activities stipulated by the law.

#### **Article 10**

When the National Assembly is not in the position to meet:

- 1) the decision on wartime pronouncement is passed jointly with President of the Republic, President of the National Assembly and President of the Government;

2) the measures of deviation from human and minority rights within wartime guaranteed by the Constitution are jointly stipulated by the National Assembly President, The President of the Republic and President of the Government;

3) the decision upon pronouncement of the state of emergency is jointly passed by President of the Republic, the National Assembly President and President of the Government, under the same requirements as the National Assembly.

4) the measures deviating from human and minority rights within the state of emergency are to be prescribed by the Governmental stipulation, co-signed by President of the Republic.

## **President of the Republic**

### **Article 11**

In compliance with the Law, The President of the Republic is to command the Serbian Armed Forces.

Within the domain of defence, The President of the Republic is especially to:

1) submit the National Assembly the proposal for pronouncement of wartime and the state of emergency jointly with the Government;

2) consent to a draft of the Strategic Overview of the Republic of Serbia Defence;

3) adopt the Serbian Armed Forces Doctrine, based on the proposal of the Minister of Defence;

4) order implementation of the Republic of Serbia Defence Plan;

5) stipulate basic peacetime and wartime organizations of the Serbian Armed Forces, based on the proposal of the Minister of Defence;

6) adopt the Serbian Armed Forces Mobilization Plan;

7) order implementation of the alert measures and general and partial mobilization;

8) adopt the Plan of Use of the Serbian Armed Forces and order their use;

9) decide, in compliance with the Law, upon directing members of the Serbian Armed Forces to multinational operations, pursuant to the decision of the National Assembly;

10) pass guidelines for building up operative and functional capability of the Serbian Armed Forces;

11) appoint and suspend the superior of the Serbian Armed Forces General Office, in accordance with the opinion of the Minister of Defence;

12) pass the rules which refer to the use of the Serbian Armed Forces, as well as other rules stipulating interior order and rules of service within the Serbian Armed Forces;

13) perform other activities stipulated by the Law.

In order to perform activities from paragraph 1 of the present Article, The President of the Republic is to pass: acts, directives, orders, commands, guidelines, decisions, rules and other deeds.

The President of the Republic is to establish military cabinet for the defence-related activities within his own competence.

The President of the Republic is to pass his authorities within the domain of defence to the Minister of Defence, except for decision making regarding the use of the Serbian Armed Forces, decision making when it comes to appointments, promotions and suspensions of officers within the competence of the President of the Republic, pursuant to the Law and the authority to pass strategic and doctrinal and methodical documentation the passing of which is considerably in the domain of President of the Republic.

## **Government**

### **Article 12\***

The Government is to stipulate and manage the defence policy, to suggest and carry out defence-related laws and general deeds of the National Assembly.

The Government is especially to:

- 1) pass the proposal for pronouncement of wartime and the state of emergency to the National Assembly, jointly with the President of the Republic;
- 2) propose the National Assembly to adopt the Republic of Serbia National Security Strategy, the Republic of Serbia Defence Strategy, and the Long-Term Development Plan of the Republic of Serbia Defence System;
- 3) adopt the Strategic Overview of the Republic of Serbia Defence, pursuant to the proposal of the Minister of Defence;
- 4) adopt the Republic of Serbia Defence Plan, except for the Plan of Use of the Serbian Armed Forces and the Serbian Armed Forces Mobilization Plan;
- 5) propose the national Assembly to pass laws from the domain of defence, safety and the Serbian Armed Forces;
- 6) propose the national Assembly to pass the laws on acceptance of international contracts from the domain of defence and military cooperation;
- 7) pass guidelines for defence plan creation and prescribe instructions on the defence plan creation methodology, pursuant to the proposal of the Minister of Defence;
- 8) submit the defence preparation annual report to the National Assembly;
- 9) approve defence plans of the state management authorities and stipulate their organization for operation during wartime and the state of emergency;
- 10) prescribe alert state measures of the state authorities, autonomous province bodies, bodies of local self-government units, companies, other legal entities and entrepreneurs in case of wartime or the state of emergency;
- 11) propose implementation of the alert state measures and general and partial mobilization, except for the Serbian Armed Forces mobilization, to the President of the Republic;

- 12)\* decide, in compliance with the Law, on directing civil protection personnel and employees of the state management authorities to humanitarian and other activities abroad;
- 13) determine which legal entities are relevant for the Republic of Serbia defence;
- 14) determine products and services of special relevance for the Republic of Serbia defence;
- 15) decide upon rights and duties of the bodies engaged within the domain of spatial planning and construction of the facilities relevant for the Republic of Serbia defence and upon the kinds of investment facilities and spatial and urban plans relevant for the Republic of Serbia Defence;
- 16) decide upon establishment and dismissal of military education institutions and military scientific and research institutions and their inclusion within the educational and scientific and research system of the Republic of Serbia;
- 17) prescribe principles and criteria for internal organization and systematization of workplaces within the Ministry of Defence, pursuant to the proposal of the Minister of Defence;
- 18) prescribe criteria for distribution of citizens and material assets for the needs of defence and filling of vacancies within the Serbian Armed Forces, pursuant to the proposal of the Minister of Defence;
- 19) prescribe principles and criteria organizing cryptography services in the Republic of Serbia, at the proposal of the Ministry of Defence;
- 20) prescribe the manner and the procedure of mobilization implementation, except for the Serbian Armed Forces mobilization, as well as the manner and the procedure military, labour and material obligations within wartime and the state of emergency are carried out, and that at the proposal of the Minister of Defence;
- 21) prescribe the manner, procedure and measures of protection of confidential inventions relevant for defence, at the proposal of the Minister of Defence;
- 22) monitor and direct research, development, production and trade in arms and military equipment;
- 23) undertake measures for establishment, implementation, use, recovery and rearrangement of reserves for the needs of defence and provide assets for financing special defence tasks in case of wartime or the state of emergency, pursuant to the proposal of the Minister of Defence;
- 24) decide upon the number and organization of delegations of the Republic of Serbia defence abroad at the proposal of the Minister of Defence;
- 25) prescribe organization and operation of the monitoring and notification service
- 26) perform other business activities stipulated by the Law.

### **Article 13**

During wartime or the state of emergency, the Government will implement decisions of the National Assembly and President of the Republic, concerning the following:

- 1) operation of state authorities, autonomous province bodies, bodies of local self-government units, companies, other legal entities and entrepreneurs in the Republic of Serbia territory;



2) substitution of peacetime organization of the state authorities with the one stipulated for wartime or the state of emergency and their functioning according to the defence plans;

3) undertaking the measures for performance of international obligations concerning the treatment of war captives, foreign citizens and their property.

## **The Ministry of Defence**

### **Article 14**

The Ministry of Defence, within its own scope of activities, will propose and carry out the Defence policy, execute laws and international contracts, general deeds of the National Assembly and the Government and deeds of The President of the Republic from the domain of Defence.

The Ministry of Defence performs business activities which refer to:

- 1) assessment of risks and threats to the country safety;
- 2) development of a draft of the Republic of Serbia National Security Strategy, of the Republic of Serbia Defence Strategy and of the Long-Term Development Plan of the Republic of Serbia Defence System and accepting documentation for elaboration thereof;
- 3) development of a draft of the Serbian Armed Forces Doctrine;
- 4) development of a draft of the Strategic Overview of the Republic of Serbia Defence;
- 5) development of the Mid-Term Plan and Program of the defence system development;
- 6) development of a proposal of the annual report of the Government concerning defence preparation, provided that The President of the Republic has consented;
- 7) development of a draft law in the domain of defence, safety and the Serbian Armed Forces;
- 8) issuance of a draft law on confirmation of international contracts in the domain of defence and military cooperation;
- 9) establishment of the basis for negotiations and conclusion of international agreements in the domain of defence and military cooperation and their performance;
- 9a) conclusion of agreements in the domain of military education and training for defence of the country with competent ministries of other countries in compliance with the law;
- 10) planning and establishing international cooperation in the domain of defence and military cooperation;
- 11) coordinating draft making of the Republic of Serbia Defence Plan, in accordance with the Governmental instructions concerning the defence plan making methodology and its submitting to the Government for adoption;
- 12) proposing guidelines for creation of defence plans and instructions of the defence plan making methodology;

13) stipulation of the proposals of defence plans of other defence system forces, relevant for the Plan of Use of Serbian Armed Forces

14) planning, preparation and control of mobilization of citizens, state authorities, autonomous province bodies, bodies of local self-administration units, companies, other legal entities and entrepreneurs and the Serbian Armed Forces for performance of tasks within wartime;

15) making deeds and methodical documentation stipulating measures and activities for the work of citizens, state authorities, companies, other legal entities and entrepreneurs for the use of the Serbian Armed Forces and of other forces of defence within wartime and the state of emergency;

16) performance of military, labour and material obligation;

17) implementation of decisions of The President of the Republic concerning sending professional military persons to multinational operations and decisions of the Government concerning directing the staff of the civil protection and employees of the state administration authorities to humanitarian and other operations abroad;

18) planning and organizing civil and military relations in the domain of defence;

19) informational, cultural, museum, records and religious and other activities relevant for defence;

point 20) and 21) (*deleted*)

22) organization, modernization and promotion of telecommunication networks and cryptography means relevant for the Serbian Armed Forces and other state authorities;

23) consolidation of telecommunication-informational security, informational and telecommunication networks and means relevant for defence;

24) organizing and preparing a territory for the needs of defence;

25) research, development, production and trade in arms and military equipment;

26) providing equipment and arms for the Serbian Armed forces and other forces of defence, confidential purchase procedures and material provisions for the Serbian Armed Forces;

26a) regulation of the minimum-value public procurement procedure within commands, units and institutions of the Serbian Armed Forces, military units and institutions organizationally and functionally relevant for the Ministry of Defence;

27) planning, management, control and implementation of informational and safety activities relevant for defence, in compliance with the law regulating safety services and other regulations;

28) education and training for the work within the country defence and safety activities, planning, organization and military education activity;

29) development of the educational system relevant for defence and the Serbian Armed Forces;

30) consolidation of the military education system and the defence-relevant scientific and research activity with the secondary and university education system and the scientific and research activity in the Republic of Serbia;

31) planning, programming and development of the defence-related scientific and research and inventive activities;

31a) cartographic and geo-topographic security and defence system geo-topographic material making ;

32) the status and other questions of the Serbian Armed Forces;

33) passing deeds on organization of commands, units and institutions of the Serbian Armed Forces and deeds on organization of military units and military institutions, organizationally and functionally relevant for the Ministry of Defence;

34) establishment and dismissal of defence delegations and military representative offices, in compliance with the Governmental decision concerning the number and arrangement of the Republic of Serbia delegations and military representative offices abroad;

34a) establishment and organization of the financial service within the Ministry of Defence, commands, units and institutions of the Serbian Armed Forces, military units and military institutions organizationally and functionally related to the Ministry of Defence;

34b) organization and improvement of the informational system within the domain of material and financial business operations for the needs of financial reporting, in compliance with the accepted standards;

35) planning, programming, budget providing and implementing the financial plan for the needs of the Ministry of Defence, in compliance with the Law;

36) planning, organization, realization and control of material and financial business operations;

37) planning, organizing, monitoring and constructing military facilities, as well as investment-related maintenance of infrastructure facilities used by the Ministry of Defence and the Serbian Armed Forces;

38) provision, disposal, use, management and maintenance of immovable property for military needs, residential buildings, apartments, garages and offices for the needs of the Ministry of Defence and the Serbian Armed Forces and facilities for temporary accommodation of professional members of the Serbian Armed Forces and employees of the Ministry of Defence;

38a) ) provision, disposal, use, management and maintenance of immovable and movable belongings for representative needs of the Ministry of Defence and the Serbian Armed Forces in the country and abroad;

39) arrangement, planning, organization, implementation and control of safety and health at work, environmental protection and protection against fire and explosions, in compliance with the laws regulating these activities;

39a) arrangement, planning, organization, implementation and control of animal protection and health monitoring of production and trade of the foodstuff and objects commonly used within the Ministry of Defence and the Serbian Armed Forces;

39b) arrangement, planning, organization, implementation and control of metrological activities, in compliance with the laws regulating the relevant activity;

40) cooperation with other ministries and other state management authorities, autonomous province bodies and bodies of local self administration units when it comes to preparation and implementation of defence plans and performance of the defence-related activities;

41) organization, transfer and implementation of alert measures, mobilization and filling of vacancies within the state authorities, public services, bodies of local self-administration units, companies, other legal entities and entrepreneurs;

42) joint civil-military system of air-traffic management for the needs of defence;

42a) passing deeds on establishment of military-medical institution of the primary, secondary and tertiary level of medical protection;

43) other activities stipulated by the Law.

When performing the business activities from paragraph 2 of the present Article, the Minister of Defence will pass: orders, commands, acts, decisions, rules, guidelines, instructions, regulations and other deeds within his authorization by the present law and other laws.

So that the deeds passed by The President of the Republic might be performed, the Minister of Defence is to pass the following: order, commands, guidelines, decisions, rules and other deeds and he is also to be responsible for their performance.

Regulations from paragraph 3 and 4 of the present Article are to be published in "The Official Military Gazette", in the manner prescribed by the Minister of Defence.

#### **Article 14a**

The Ministry of Defence bears its own sign, symbols and other designations.

The Government is to more precisely regulate appearance and the manner of use of signs, symbols and other designations, marking and other elements of visual identity of the Ministry of Defence, and that at the proposal of the Minister of Defence.

The sign, symbol and other designations are not to be worn in the manner that might impair reputation of the Ministry of Defence.

### **The Serbian Armed Forces General Office**

#### **Article 15**

The Serbian Armed Forces General Office within the Ministry of Defence is to perform activities from its own competence, in compliance with the Law and authorizations of the President of the Republic and the Minister of Defence.

The Serbian Armed Forces General Office is to perform the activities concerning the following:

- 1) making functional doctrines and other rules of use of the Serbian Armed Forces;
- 2) making the Plan of Use of the Serbian Armed Forces;
- 3) making the Serbian Armed Forces Mobilization Plan;

- 4) establishment guidelines for building up operative and functional capability of the Serbian Armed Forces;
- 5) preparation of the deeds on organization of commands, units and institutions of the Serbian Armed Forces;
- 6) organization of the alert measures pursuant to the deeds of the President of the Republic or the Minister of Defence;
- 7) other business activities stipulated by the Law and the deeds of the President of the Republic or the Minister of Defence.

### **Inspection activities in the Domain of Defence**

#### **Article 16**

The Ministry of Defence is to perform inspection activities relevant for execution of the law within the domain of and of importance for defence, the regulations passed pursuant to the mentioned laws, as well as the plans and measures of the state authorities and organizations and the Serbian Armed Forces which refer to the following:

- 1) preparation for defence;
- 2) implementation of decisions and deeds of the defence system managing bodies;
- 3) inspection monitoring over the commands, units and institutions of the Serbian Armed Forces and bodies and institutions of the Ministry of Defence;
- 4) realization and consolidation of security organization of the telecommunication-informational system, cryptography and other forms of information protection;
- 5) inspection of the operative and functional capability of commands, units and institutions of the Serbian Armed Forces, based on the order of the President of the Republic;
- 6) legal and labour status of professional members of the Serbian Armed Forces;
- 6a) safety and health at work, protection against fire and explosions, environmental protection, animal protection and metrological activities;
- 7) other activities stipulated by the Law, at the request of the competent authorities.

Activities from paragraph 1 of the present Article are to be performed by the Defence Inspectorate, in compliance with the present Law and the regulations referring to the inspection monitoring.

#### **Article 17**

Performing inspection activities from Article 16 of the present Law, inspectors and persons authorized to perform inspection activities have the right to:

- 1) take insight in the documents referring to defence preparation of the forces of defence;
- 2) check implementation of decisions and deeds of the bodies managing the defence system;

- 3) perform additional inspection of operative and functional capability of commands, units and institutions of the Serbian Armed Forces, pursuant to the permission of the President of the Republic;
- 4) order removal of the flaws found within the defence plans or within implementation of the prescribed measures and activities for performance of the tasks from the domain of the Serbian Armed Forces defence Plan and individual plans;
- 5) order termination of the measures and activities which are not in compliance with the Law and the defence plans, until the competent court passes a decision;
- 6) order the commands, units and institutions of the Serbian Armed Forces and the state management authorities and other planning bearers to submit the report on their defence preparations;
- 7) order termination of the activities directly threatening or endangering life and health of people until the competent body has passed a decision;
- 8) submit proposals for instituting disciplinary, penalty, criminal or some other responsibility against persons in charge, in compliance with the Law;
- 9) provide professional support to the defence forces the preparations of which they control, and report the assessed circumstances and the measures undertaken to the competent authorities;
- 10) order removal of the confirmed breach of law and other regulations stipulating rights, obligations and responsibilities of professional members of the Serbian Armed Forces;
- 11) undertake all other measures they are authorized for by the Law and at the order of the competent authorities.

Subjects that have undergone the control are liable to act according to the findings of inspectors and persons authorized for inspection activities.

### **Article 18**

The Minister of Defence is to prescribe the elements, content and standards for assessment of: circumstances, operative and functional capabilities of the Serbian Armed Forces; operation of organizational parts of the Ministry of Defence and the Serbian Armed Forces; circumstances within the metrological activity; safety and health at work, protection against fire and explosion, protection of living environment and animals, as well as material and financial business operation of commands, units and institutions of the Serbian Armed Forces and organizational parts of the Ministry of Defence, pursuant to the guidelines passed by the President of the Republic.

The Defence Inspectorate is to regularly inform the President of the Republic and the Minister of Defence of the confirmed findings.

### **Article 19**

Inspection monitoring activities are to be carried out by the Defence Inspectorate, in compliance with the regulations passed by the Minister of Defence.

## **Intelligence and security activities relevant for defence**

### **Article 20**

Intelligence and security activities relevant for defence are:

- 1) intelligence activities which encompass: intelligence-operative and intelligence-investigation activities;
- 2) security business activities which encompass: general security, counter-intelligence and military and police activities.

Competence, tasks and activities of the bodies when performing intelligence-security activities relevant for defence, as well as of the administrative bodies within the Ministry of Defence, are stipulated by the law regulating security services and by other regulations.

### **Air traffic management for the needs of defence**

#### **Article 21**

The joint civil and military air-traffic management system, used for the needs of defence, include the following:

- 1) air space management and air observance and intelligence organization in coordination with other competent authorities and organizations;
- 2) air space control and protection organization;
- 3) preparation of security and regulatory requirements;
- 4) participation in the air traffic security national program preparation;
- 4a) participation in the search and rescue system preparation and organization;
- 5) organization of the territory and the air traffic management system protection from terrorist attacks in the air;
- 6) the system and aircraft equipment modernization and implementation of international standards in compliance with the training of pilots and the manner of aircraft management in order to increase air traffic security and air space use efficiency;
- 7) interoperability within the systems communication, navigation and air space investigation;
- 8) approval and monitoring of air space recording activities;
- 9) content, production manner and distribution of military aircraft informational package;
- 10) issuance of permissions for military aircraft facilities construction and compliance with the construction of civil aircraft facilities;
- 11) permissions to use military facilities for the need of foreign military aircrafts;
- 12) consent with the authority competent for transportation of dangerous substances and biological agents that may cause or transfer human and animal, arms and military equipment and the dual-use goods of within the Republic of Serbia air space;
- 13) organizing the aircraft search and rescue service;

- 14) implementation of international aircraft standards and recommendations within the civil and military cooperation and coordination;
- 15) organization of the air traffic management system within wartime and the state of emergency, In compliance with the Plan of use of the Serbian Armed Forces;
- 16) proposing regulations and other documentation in compliance with the air traffic regulations;
- 17) performance of other activities from the domain of the air traffic management system for the needs of defence.

### **International cooperation in the domain of defence and military cooperation**

#### **Article 22**

Ministry of Defence performs international cooperation activities in the domain of defence and military cooperation, in compliance with the Law and other regulations stipulating international cooperation and conclusion of international agreements.

Records of the confirmed international contracts within the domain of defence and military cooperation are kept with the Ministry of Defence, according to the instructions passed by the Minister of Defence.

The Ministry of Defence establishes international cooperation and organizes international military cooperation for the needs of the Serbian Armed Forces, according to the stipulated strategy and the defence policy.

Within the domain of cooperation from paragraph 3 of the present Article, the Ministry of Defence is to conclude agreements regulating questions of the joint interest within the domain of defence and military cooperation, while it is not to assume new obligations of the Republic of Serbia..

#### **Article 23**

Defence delegations and military representative offices are to perform diplomatic activities within the domain of defence and the Serbian Armed Forces.

The Minister of Defence is to pass the decision concerning establishment and dissolution of defence delegations and military representative offices.

Defence delegates and military representatives are appointed and dismissed by the Minister of Defence.

The Minister of Defence is to regulate terms and procedure for selecting and directing defence and the Serbian Armed Forces delegates and military representatives, work organization of defence delegations and military representatives, the financing manner and activities abroad.

## **Chapter III**

### **RIGHTS AND DUTIES OF THE STATE ADMINISTRATION AUTHORITIES AND OTHER BODIES WITHIN THE DOMAIN OF DEFENCE**



## **Ministries**

### **Article 24**

Within their domains, ministries are to perform laws from the domain of defence, regulations for the work within wartime and the state of emergency, general acts of the National Assembly and the Government, tasks stipulated by the Republic of Serbia Defence Plan and they are liable for treatment of the legal entities within their competence.

Ministries within the domain of defence:

- 1) make deeds and annexes for preparation of the Republic of Serbia Defence Plan, at the request of the Ministry of Defence, and in accordance with the plan making instructions and methodology;
- 2) provide stipulated capacities and compulsory reserves relevant for defence, in accordance with decisions and requests of the Government;
- 3) monitor preparations for defence within the domain of their competences and also take responsibility for implementation thereof;
- 4) create their defence plans and implement their own preparations for work within wartime and the state of emergency;
- 5) give methodological, professional and technical instruction for preparation of the defence of legal entities within the domain of their competence;
- 6) propose the Government stipulation of the responsibilities of companies, other legal entities and entrepreneurs relevant for the defence from the domain of its competence;
- 7) plan and implement civil protection and rescue measures, stipulated by the Law and the civil protection regulations;
- 8) train employees and undertake measures essential for successful functioning of economic and other activities within wartime and the state of emergency;
- 9) carry out alert measures within the state of emergency as well as other measures necessary to shift to wartime organization;
- 10) perform their business activities stipulated by the Law and the Republic of Serbia Defence Plan.

The bodies from paragraph 1 of the present Article are to directly perform defence tasks stipulated by the defence plan and decisions of the competent authorities.

### **Article 25**

The Ministry of Interior has special rights and duties within the domain of defence which refer to the following:

- 1) organization, preparation and plans for use of the Police within wartime and the state of emergency and for support of the Serbian Armed Forces defending the Republic of Serbia from military and non-military challenges and threats within the domain of the Serbian Armed Forces;

- 2) stipulation of the number of members and work organization of the Police within wartime and the state of emergency;
- 3) preparation of safety measures and measures of protection of the facilities relevant for defence, except for military facilities within wartime and the state of emergency;
- 4) performance of airborne surveillance and informing when securing state borders;
- 5) other activities stipulated by the Law.

### **Article 26**

Within wartime and the state of emergency, the state administration authorities implement laws, other regulations and general deeds of the National Assembly and the Government, which refer to the work wartime and the state of emergency.

Other state administration authorities are liable for preparations and functioning of the defence within the domains for which they have been established and for performance of defence tasks according to the orders of competent authorities.

### **Article 27**

State management authorities, companies, other legal entities and entrepreneurs are to submit the Ministry of Defence the data relevant for defence, and that from their own domain.

When performing defence activities, state administration authorities, autonomous province bodies and bodies of the local self-administration units cooperate in defence activities within their own domain.

### **Other state authorities**

### **Article 28**

Other state authorities (courts, prosecution offices etc.) are to organize and carry out preparations for their activities within wartime and the state of emergency and they are also to take responsibility for efficient work and implementation of regulations and protection of the guaranteed rights and freedoms of citizens within wartime and the state of emergency; therefore, the abovementioned authorities are to:

- 1) cooperate with competent ministries in preparation and establishment of the Republic of Serbia Defence Plan elements within their own domains;
- 2) plan and provide assets for the work within wartime and the state of emergency;
- 3) perform other tasks and activities within the domain of defence stipulated by the Republic of Serbia Defence Plan and general deeds of the National Assembly and the Government.

### **Autonomous province bodies and bodies of local self-administration units**

### **Article 29**

Within their domains, autonomous province bodies and bodies of local self-administrations units are liable for defence preparation as well as for preparations of companies, other legal entities and

entrepreneurs through which citizens' needs are directly satisfied or the Republic of Serbia Defence Plan tasks are realized.

Within their competences in the domain of defence, autonomous provinces, municipalities, towns and the city of Belgrade are to:

- 1) establish their defence plans which are constituent parts of the Republic of Serbia Defence Plan;
- 2) undertake measures consolidating preparations for defence of legal entities in the activities within their competence with defence preparations of the autonomous province and with the Republic of Serbia defence Plan;
- 3) undertake measures for the local self administration operation within wartime and the state of emergency;
- 4) implement alert measures and undertake other measures relevant for the switch to the wartime or to the state of emergency organization;
- 5) perform other activities stipulated by the Law.

Within wartime and the state of emergency, bodies from paragraph 1 of the present Article are to implement laws, other regulations and general acts of the National Assembly and the Government, as well as regulations passed within the competence of autonomous province bodies and bodies of local self-administration units.

## **Chapter IV**

### **SERBIAN ARMED FORCES**

#### **Article 30**

The Serbian Armed Forces are to defend the country from armed endangerment from abroad and to perform other missions and tasks, in compliance with the Constitution, the Law and the international law principles regulating the use of force.

#### **Article 31**

The Serbian Armed Forces are organized armed forces and the bearer of combat operations and all other forms of armed confrontations, the competence of which has been stipulated by the Constitution and the Law.

The Serbian Armed Forces unify all participants in combat operations and command all the forces making combat influences within wartime and the state of emergency, pursuant to the Law and in compliance with the Serbian Armed Forces Doctrine.

The Serbian Armed Forces Doctrine is established on the Republic of Serbia Defence Strategy.

#### **Article 32**

Preparations, organization, use and security of the Serbian Armed Forces are established on the stipulated security interests and needs of defence.

#### **Article 33**

All paramilitary organizations and associations performing the country defence activities are forbidden.

The use of the Serbian Armed Forces for party, ideological and religious purposes is forbidden.

The use of names, symbols and other designations of the Serbian Armed Forces is forbidden to legal entities, entrepreneurs and associations, except when permitted by the Minister of Defence.

#### **Article 34**

Development, modernization, equipment and arms of the Serbian Armed Forces as well as scientific and research and educational activities within the domain of defence are directed towards establishment of the efficient and professional Serbian Armed Forces trained to perform missions and tasks.

#### **Article 35**

In accordance with the Law and defence plans, the Serbian Armed Forces General Office, unit commands, institutions and other units of the Serbian Armed Forces are organized and prepared for defence and they provide the unity of its organization, preparation and influence.

#### **Article 36**

The Serbian Armed Forces General Office regularly controls and assesses operative and functional capabilities of subordinate commands, units and institutions of the Serbian Armed Forces, in accordance with the Law.

The Serbian Armed Forces General Office informs and reports the President of the Republic and the Minister of Defence of the work and circumstances within the Serbian Armed Forces.

#### **Article 37**

Commands, units and institutions of the Serbian Armed Forces are organized and prepared to perform the work within peacetime, wartime and the state of emergency.

#### **Article 38**

Commands, units and institutions of the Serbian Armed Forces are liable to develop their operative and functional capabilities, in accordance with the allocated missions and tasks.

#### **Article 39**

Provided that the borderline, border, life and health of persons and animals and material goods therein are threatened, at the joint proposal of the Minister of Interior and the Minister of Defence, and with the consent of the President of the Republic, the Government is to establish police and military forces for performance of the joint tasks.

Performing tasks from paragraph 1 of the present Article, police and military forces are subordinate to the Serbian Armed Forces superior, authorized by the President of the Republic, and that at the joint proposal of the Minister of Interior and the Minister of Defence.

#### **Article 40**

In case of endangering peace and safety in the world, members of the Serbian Armed Forces may, in compliance with the Law and the decision of the National Assembly, be sent to multinational operations outside of the Republic of Serbia borders.

#### **Article 41**

In case of large-scale natural and other catastrophes threatening to lives and health of people and animals and material goods, at the request of the bodies competent for protection and rescue of people and material goods, the Serbian Armed Forces units may be engaged to provide assistance to the citizens, in accordance with a special law.

#### **Filling of vacancies within the Serbian Armed Forces**

#### **Article 42**

The manner of filling of vacancies within the Serbian Armed Forces is regulated by a special law.

#### **Alert of the Serbian Armed Forces**

#### **Article 43**

Alert of the Serbian Armed Forces include undertaking of the measures increasing operative and functional abilities, essential for prevention and removal of the danger of challenge, risk and threats to safety.

The President of the Republic or the Minister of Defence, when authorized by the President of the Republic, is to order implementation of alert measures of the Serbian Armed Forces or parts of the Serbian Armed Forces.

Chief of the Serbian Armed Forces General Office, that is superior of the competent command of the Serbian Armed Forces, pursuant to the special authorization issued by the President of the Republic, and that in order to protect and rescue people, material and cultural goods from natural catastrophes, technical-technological accidents and catastrophes, consequences of terrorism and other considerable accidents, may order implementation of the state of alert and the use of parts of the Serbian Armed Forces, in order to remove harmful consequences that might arise from non-military threats to safety.

#### **The Serbian Armed Forces Logistic Support**

#### **Article 44**

Management of the defence resources relevant for the Serbian Armed Forces Logistic Support is realized within the system of planning, programming, budgeting and financing of defence.

The Minister of Defence is to stipulate material and financial business activities with the Serbian Armed Forces and to control expenses of the Serbian Armed Forces, in accordance with the regulations regulating material and financial business activities and control for budgetary beneficiaries.

#### **Article 45**

The Serbian Armed Forces Logistic Support is realized through the function satisfying its needs within the following activities:

- 1) production, modernization and maintenance of arms and military equipment;
- 2) supply of arms and military equipment and other assets;
- 3) general logistic needs;
- 4) designing, construction and maintenance of the infrastructure facilities;
- 5) transportation of people and assets;
- 6) health protection, health safety and protection at work, veterinary protection, environmental protection, protection against fire and explosions and other protection.

By-law regulations are to regulate the logistic support activities.

The logistic support activities from paragraph 1 of the present Article may be provided by the military institutions organizationally and functionally connected with the Ministry of Defence with the legal entity status or without it.

The Minister of Defence is to regulate the manner of work, performance of business activities and management of the institutions from paragraph 3 of the present Article and to stipulate military institutions that may acquire the legal entity status in compliance with the Law.

#### **Article 46**

The Ministry of Defence is to purchase arms and military equipment for the needs of the Serbian Armed Forces, pursuant to the Law and the confirmed international conventions, contracts and agreements on trade in arms, military equipment and dual-use goods.

Providing the Serbian Armed Forces logistic support within the domain of their competence, the Ministry of Defence is to cooperate with other ministries and state administration authorities

## **Chapter V**

# **RIGHTS AND DUTIES OF CITIZENS WITHIN THE DOMAIN OF DEFENCE**

#### **Article 47**

Defending the country, citizens have the right and the duty to perform their military, labour and material obligation and to participate in the civil protection, in compliance with the Law, decisions of the competent authorities and plans of defence.

Citizens within their basic appointments from paragraph 1 of the present Article may also be appointed to other duties relevant for defence, according to decision of the competent bodies.

#### **Military obligation**

#### **Article 48**

Military obligation is the right and the duty of the citizens to get prepared and trained to participate in defence.

The citizens are to perform their duty under the requirements and in the manner prescribed by the special law.

A conscript, who due to his religious, moral or some other justified reasons wants to substitute his military duty with the civil service, will have the opportunity to do his duty within the civil service, under the requirements and in the manner prescribed by the Law.

#### **Article 49**

The Ministry of Defence is to provide military duty to be done, in compliance with the Law and the military duty regulations.

### **Labour obligation**

#### **Article 50**

Within wartime and the state of emergency, labour obligation is to be introduced in the state authorities, autonomous province bodies, bodies of local self-administration units, companies, other legal entities, as well as entrepreneurs.

Labour obligation consists of performance of the defence activities and tasks, in accordance with the Republic of Serbia Defence Plan.

#### **Article 51**

All the citizens capable of work, 18 to 65 years of age (men), that is 60 years of age (women), who have not been appointed to the service within the Serbian Armed Forces, are liable to the labour obligation.

Members of the interior affair bodies are to do their labour service with the relevant body.

The records stipulated by the Minister of Defence is to be kept so that duties from paragraph 1 of the present Article might fulfilled.

#### **Article 52**

In case of wartime or the state of emergency, employed persons are to continue to perform activities at their workplaces, provided that they have not been called to the service within the Serbian Armed Forces or appointed to some other activities and tasks, in compliance with the Law.

Persons from paragraph 1 of the present article that have been appointed to other tasks and activities or to other legal entities are to act according to the schedule provided.

While doing the labour duty, persons from paragraph 2 of the present Article engaged within state authorities, legal entities and the Serbian Armed Forces have the right to the compensation due to the work engagement, in accordance with the Law and other regulations regulating work relations.

#### **Article 53**

Labour duty obligors are to be appointed within their places of work or residence.

In case there are not enough persons trained to perform particular types of jobs within the territory of the place, persons from the places territorially belonging to the same municipality or town are also to be called to such jobs.

In case the measures from paragraph 1 and 2 of this Article fail to provide sufficient number of persons for particular jobs, persons from the places territorially belonging to another municipality or town may be called.

State authorities, companies, other legal entities within which labour duty obligors are appointed, as well as entrepreneurs, are to provide requirements and assets for fulfillment of the labour obligation.

#### **Article 54**

At their own request or at the request of the competent body, capability of the citizens to fulfill their labour obligations is determined in health institutions, in compliance with the regulation on general and special capability of workers.

#### **Article 55**

A parent individually exercising parental rights over a child under 15 years of age, a child with developmental disorders, or over a full age child the parental right over which has been prolonged to only one parent, is not liable to the labour obligation.

A parents whose child is under 15 years of age, a parent of and under-age child with developmental disorder or a parent of a full-age child over which the parental right has been prolonged provided that parents exercise their parental rights jointly while the second parent is engaged in defence activities, is not liable to the labour duty.

Stipulations from paragraph 1 of the present Article also apply to the guardian or the foster parent of an under-age child, that is of a full-age child deprived of the work capability.

The following persons are not liable to the labour obligation as well:

- 1) a spouse or an extra-marital partner or some other adult family member of the guardian or the foster-parent or the foster parent of a child under 15 years of age or an under-age child with developmental disorders, provided that the guardian or the foster parent is engaged in the defence activities;
- 2) a woman during pregnancy;
- 3) a person whose spouse or an extra-marital partner is the beneficiary of someone else's care and support;
- 4) a person incapable of work.

#### **Article 56**

In accordance with the law, administrative bodies and legal entities take care of organization and performance of the stipulated labour obligation in the territory of autonomous provinces, municipalities, towns and the city of Belgrade, when it comes to the activities within the competence of the relevant bodies.



Regulations on the manner the labour obligation is organized and fulfilled are passed by the Government.

### **Material obligation**

#### **Article 57**

Within wartime and the state of emergency, material obligation of the citizens is to be stipulated in accordance with the Law and the regulations which refer to the wartime and the state of emergency.

Owners of the belongings are to fulfill their material obligation for the needs of defence of the country.

#### **Article 58**

Belongings and material goods relevant for defence of the country are distributed according to the wartime schedule for the needs of the Serbian Armed Forces, state authorities, companies and other legal entities, in accordance with regulations on the criteria for distribution of the citizens and with the standards of belongings for the needs of filling of vacancies within the Serbian Armed Forces and other needs relevant for defence of the country.

#### **Article 59**

Belongings and material goods relevant for defence of the country, the procedure and the manner of their recording, compensation for the use of such assets and other questions relevant for fulfillment of the material obligation, are regulated by the special law and regulations for their fulfillment.

### **Procedure for exercising rights and duties of the citizens in the domain of defence**

#### **Article 60**

The citizens stipulated to fulfill their military, labour or material obligation that is the obligation to participate in the civil protection, are liable to act according to the orders of the competent authorities.

#### **Article 61**

Based on the special law, the procedure and the manner of performance of military, labour, or material obligation of the citizens and legal entities are regulated by the Government.

## **Chapter VI RIGHTS AND DUTIES OF COMPANIES, OTHER LEGAL ENTITIES AND ENTREPRENEURS WITHIN THE DOMAIN OF DEFENCE**

#### **Article 62**

When performing their activities, companies, other legal entities and entrepreneurs are liable also to perform the activities relevant for defence of the country which include plan making, organizing, preparation and training for the work in case of war or the state of emergency and they are also to ensure the scope of production and to provide services within the activities which they have been registered for, on the level stipulated by the defence plans and decisions of the competent authorities.

Companies, other legal entities and entrepreneurs, organizations, services and other subjects which are to surveil, inform and alarm, protect and rescue people, animals and material goods, and that within the scope of their own activities, are to proceed with the relevant activities within wartime and the state of emergency, in accordance with the Republic of Serbia Defence Plan.

### **Article 63**

Stipulations of the present Law on Material Obligation of the Citizens refer to the obligations of legal entities and entrepreneurs as well.

### **Products and service of special interest for defence**

### **Article 64**

During peacetime, companies and other entrepreneurs are liable to make plans of the wartime and the state of emergency work measures that are to provide performance of the production, that is service providing activities, in accordance with the needs stipulated by the Republic of Serbia Defence Plan.

### **Article 65**

Pursuant to the decision of the Government, the competent state administration authorities may require companies, other legal entities and entrepreneurs to provide priority production, product supply or provision of the services relevant for defence of the country, when performing their activities.

Mutual rights and obligations of the state administration authorities and companies, other legal entities or entrepreneurs concerning production and product supply or provision of services from paragraph 1 of the present Article, are to be stipulated by a special contract.

### **Article 66**

Without the consent of the competent state management authority, companies, other legal entities and entrepreneurs from Article 65, paragraph 2 of the present Law, are not to change purposes of production-technology wholes engaged in production or provision of services of the special relevance. државне управе.

At the proposal of the Ministry of Defence, the Government is to establish public companies engaged in the activities from paragraph 1 of the present Article, in order to meet the needs within the domain of defence.

### **Facilities of special relevance for defence**

### **Article 67**

Facilities of special relevance for defence of the country are: large technical-technological systems, facilities within which the defence-relevant objects that is services are produced or stored that is provided, facilities within which state authorities and legal entities of special relevance for defence of the country are placed, as well as particular infrastructural facilities.

Facilities or parts of the facilities from paragraph 1 of the present article, as well as the measures for their protection are stipulated by the special regulation of the Government, at the proposal of the Minister of Defence.

### **Special obligations in facility construction**

## **Article 68**

When designing, constructing and reconstructing investment facilities relevant for defence of the country and when making spatial and urbanistic plans, legal and physical entities – investors, are to meet special requirements and requests in terms of the needs of defence of the country.

When designing and constructing facilities relevant for defence, especially public shelters, investors are to meet the standards of facility approachability for the persons with disabilities, children and the elderly.

Obligations for the shelter designing, construction and reconstruction prescribed by the special law.

Companies, other legal and physical entities authorized for preparation and performance of spatial and urbanistic plans, as well as the bodies passing such plans, are to act in accordance with the prescribed measures and requirements of the Minister of Defence, in order to protect the country and prevent its destruction.

## **Article 69**

Fuel stations, warehouses and other facilities used for storage of flammable fluids and gases as well as warehouses and facilities used for storage of explosive substances, are to be constructed only at the distance sufficient not to harm safety of the citizens, purposeful use of military and other facilities, installations and appliances used for the needs of defence.

The body competent for the construction permit issuance is to provide consent of the Ministry of Defence before it has issued the permit for construction and reconstruction of the facilities and plants located near the facility, installations and appliances intended for defence and of special relevance thereof.

## **Article 70**

When selecting, constructing and developing large technical systems within the domain of telecommunications, informatics, transportation, electroenergetics, water management and within other domains relevant for defence of the country, as well as when providing technical assets relevant for their operation, investors are to coordinate them with the needs of defence of the country and to inform the Ministry of Defence about the relevant programs.

At the request of the Ministry of Defence, the investor, that is the owner, is to coordinate the systems from paragraph 1 of the present Article with the needs relevant for defence of the country.

The Government is to stipulate systems and technical assets from paragraph 1 of the present Article and to prescribe the procedure for informing about the selection, construction and development of the relevant system, technical assets procurement and setting the requirements from paragraph 2 of the present Article.

## **Scientific and research work relevant for defence**

## **Article 71**

The Ministry of Defence and the state management authorities competent for science are to regulate scientific and research fields relevant for defence, security and general interest of the Republic of Serbia, in accordance with the Law regulating the domain of scientific and research activity.

Legal entities engaged in scientific and research work and development from paragraph 1 of the present Article, are to submit results from such researches to the Ministry of Defence.

The Ministry of Defence may use data from paragraph 2 of the present Article exclusively for defence of the country and approve their use therefore.

The procedure for exercising moral and property rights by holders of the right to intellectual property relevant for defence is regulated by the Minister of Defence, in accordance with the intellectual property regulations.

### **Standardization and typification relevant for defence**

#### **Article 72**

Within standardization and typification of products and services, facilities and appliances of special relevance for defence of the country, the body competent for standardization and typification is to adjust them to the needs of defence of the country and to provide consent of the Ministry of Defence thereto.

The Minister of Defence is to regulate organization, criteria, records and the manner the activities concerning standardization and typification of products and service, facilities and appliances of special relevance for defence, consolidation determination and technical and inspection monitoring, and that in accordance with the present and other laws.

The Government is to approve import and export of the products and appliances from paragraph 1 of the present Article.

### **Defence obligations of special legal entities**

#### **Article 73**

During wartime and the state of emergency as well as during the Serbian Armed Forces mobilization, within the domain of road traffic, railroad traffic, air-traffic and the domestic fairway traffic and within the post-telegraph-telephone traffic and other telecommunication systems, legal entities are primarily to perform the services stipulated by the Ministry of Defence.

Actual costs of the services from paragraph 1 of the present Article are to be compensated to the legal entities.

The Government is to pass regulations on the kinds of services, setting the compensation amount of actual expenses and the manner of their payment.

#### **Article 74**

When passing the forest husbandry fundamentals, the legal entities managing the special-purpose forests relevant for defence of the country are to meet the requirements set forth by the Ministry of Defence or by other bodies utilizing the forest for the need of defence of the country.

The Government is to stipulate special-purpose forests relevant for defence of the country.

#### **Article 75**

Within their regular activities, legal entities from the domain of public information, electronic and print media, are to timely and truthfully inform the citizens within wartime or the state of emergency, in accordance with the Law and the public information regulations.

The Ministry of Defence and the state authorities are liable to make available all publically relevant information and data from the domain of defence to the public, in accordance with the Law and the regulations on the free access to the publically relevant information.

Legal entities from paragraph 1 of the present article are to transfer defence-related urgent statements of the state authorities.

### **Citizen associations**

#### **Article 76**

Citizen associations may establish programs of their operation on the activities within the domains relevant for defence.

Based on the previously stipulated criteria, the Government and the Ministry of Defence may take part in financing of the projects and activities within the domains relevant for defence.

At the proposal of the Ministry of Defence, the Government is to prescribe the criteria and the procedure for appropriation of the assets from paragraph 2 of the present Article.

## **Chapter VII CIVIL PROTECTION**

#### **Article 77**

Civil protection is organized, prepared and implemented as a system of protection and rescue of people, animals, material and cultural goods from natural catastrophes, technical and technological accidents and catastrophes, terroristic consequences, war and other major accidents, and all in accordance with valid regulations, principles and requirements of the Protocol Additional to the Geneva Convention and with other international humanitarian right rules, as well as with the confirmed international contracts.

Civil protection within wartime and the state of emergency is organized and functiones as a part of the defence system.

#### **Article 78**

Civil protection system consists of: personal and mutual protection, civil protection measures and tasks, bodies of the civil protection management and conduct, legal entities equipped and trained for protection and rescue, civil protection units and the system for surveillance, informing and alarming.

Competences of state authorities within protection from natural catastrophes, technical and technological accidents and catastrophes are to be detrmind in a special manner by the law regulating the protection and rescue domain.

Elements of the civil protection system, as well as the competence and internal arrangement of a special organization managing business activities of protection and rescue, are to be prescribed by a special law.

## **Article 79**

The system for surveillance, informing and alarming is organized so that the citizens, competent bodies, companies, other legal entities and entrepreneurs within the zone of endangerment and the protection and rescue forces might be surveilled, informed in time and alarmed as well as in order to reveal and monitor all kinds of dangers that might be harmful to health and life of people and animals, living environment, material, cultural and other goods.

## **Article 80**

Rights and duties of the citizens relevant for their participation in protection and rescue of people, animals, material, cultural and other goods and living environment and the measures and activities undertaken by the civil protection bodies, are all stipulated by the Law.

# **Chapter VIII**

## **SPECIAL PROCEDURES AND MEASURES**

### **Defence plan preparations**

## **Article 81**

Defence preparations in the Republic of Serbia are organized, planned and implemented so that tasks might be performed and the influence of defence forces might be efficient and unique.

The Republic of Serbia is to use its defence plan to stipulate tasks of all defence subjects, in terms of organization of forces, assets, measures and procedures for operation of the state authorities and implementation of the Serbian Armed Forces and other forces of defence within wartime and the state of emergency.

The Republic of Serbia is to use its defence plan to stipulate: alert measures; the use of the Serbian Armed Forces; mobilization tasks and measures; operation of the civil protection, surveillance and informing and provision of commandment and management of the use of telecommunication means; the state authorities organization and operation; tasks and obligations of legal entities and entrepreneurs in production and service provision and other measures and activities relevant for defence of the Republic of Serbia within wartime and the state of emergency.

The Ministry of Defence is to prepare the Republic of Serbia Defence Plan and to propose it to the Government, except for the annexes from the domains prepared by the state management authorities, within the domain of which fall the relevant plans.

The authorities from paragraph 4 of the present article are to prepare annexes to the Republic of Serbia Defence Plan for the state authorities and the state administration authorities, autonomous province bodies, bodies of the local self-administration units, companies and other legal entities relevant for defence of the Republic.

The Serbian Armed Forces Mobilization Plan and the Plan of Use of the Serbian Armed Forces are made by the Serbian Armed Forces General Office, while they are proposed to the President of the Republic by the Minister of Defence.

Persons performing the defence planning activities and those managing defence plans within the state authorities, autonomous province bodies, local self-administration units, companies, other legal entities and entrepreneurs relevant for defence, are to undergo the security check.

The Government is to regulate the manner and the procedure the obligation from paragraph 1 of the present article is to be fulfilled and the defence preparation is to be organized.

## **Article 82**

Legal entities relevant for the Republic of Serbia defence and legal entities with the tasks and obligation to perform production and provide services in case of wartime or the state of emergency are to make plans of: the measures ensuring performance of the relevant production and services, procurement of raw material, semi-finished products, energy and other necessities in accordance with the Republic of Serbia Defence plan, that is with special tasks and obligations; the necessary number of workers to perform the tasks and services; the protection of workers and material and other goods, as well as other measures.

Apart from making plans of the measures from paragraph 1 of the present Article in order to fulfill their obligations within wartime and the state of emergency, legal entities and services equipped and trained for protection and rescue as well as legal entities with special obligations in the domain of surveillance and informing and with other obligations stipulated by the Law and other deeds of competent authorities of the Republic, are also to make special plans providing performance of their obligations in case of natural and other major catastrophes within peacetime.

Measures from paragraph 1 and 2 of the present Article are to be stipulated by the legal entity manager.

## **Article 83**

At peacetime, autonomous provinces, municipalities, towns and the city of Belgrade make plans for realization of their operations within wartime and the state of emergency, by which they elaborate upon fulfillment of the defence tasks and obligations stipulated by the Law and arising from the Republic of Serbia Defence Plan concerning protection and rescue of people and material goods on its own territory and determine obligations of the legal entities within its competence, in accordance with the Law and their statute.

## **Article 84**

Legal entities, the basic economic or social activity of which includes improvement of operative capabilities of defence forces, are to make development plans in accordance with the Long-Term Development Plan of the Republic of Serbia Defence System.

Excerpts from the plans from paragraph 1 of the present article make a constituent part of the Republic of Serbia Defence Plan.

The Government is to determine legal entities from paragraph 1 of the present Article which are to develop their defence development plans.

## **Article 85**

Development plans and defence plans have to be consolidated.

Defence planning subjects are to consolidate defence plans, in accordance with the changes and the needs that have occurred.

## **Article 86**

In accordance with their competences within the domain of defence, the Ministry of Defence and the state management authorities are to monitor implementation of defence preparations within the defence system and to submit annual reports to the Government thereof.

The state management authorities are to submit the report from paragraph 1 of the present Article to the Government, and that through the Ministry of Defence.

At least once a year, the Minister of Defence is to provide the President of the Republic and the Government with the report of operative and functional capabilities of the Serbian Armed Forces for fulfillment of the attributed missions and tasks.

At least once a year, the Government informs the National Assembly of the defence preparations in the Republic.

### **Proposal for pronouncement of wartime or the state of emergency**

#### **Article 87**

When the National Assembly determines that all conditions have been fulfilled, based on the joint proposal of the President of the Republic and the Government, it is to pass a decision on pronouncement of wartime or the state of emergency.

#### **Article 88**

The joint proposal for pronouncement of wartime or the state of emergency is to be determined based on assessment of the risk and the threats to safety of the Republic and its citizens.

The assessment from paragraph 1 of the present Article, simultaneously submitted to the President of the Republic and the President of the Government by the Minister of Defence, is to contain estimation of endangerment and the consequences that have resulted therefrom or that are yet to occur.

The state of emergency can also be pronounced on a part of the Republic of Serbia territory.

### **Decision on pronouncement of wartime or the state of emergency**

#### **Article 89**

Decision on pronouncement of wartime or the state of emergency is published in accordance with the Law and it is simultaneously submitted to the President of the Republic and to the Government.

The area of the Republic of Serbia in which the state of emergency has been pronounced is to be stipulated by the decision on pronouncement of the state of emergency, provided that it is pronounced on the part of the endangered territory of the Republic of Serbia.

### **Implementation of defence plans within wartime and the state of emergency**

#### **Article 90**

After the National Assembly has passed the decision pronouncing wartime or the state of emergency, the President of the Republic is to order implementation of the Republic of Serbia Defence Plan.

#### **Article 91**



Within wartime or the state of emergency, deviation from the human and minority rights guaranteed by the Constitution can be ordered, but only to the extent and within the scope prescribed by the National Assembly.

The President of the Republic can also order other measures for which he has been authorized by the Law.

## **Article 92**

After the President of the Republic has issued orders on implementation of the Republic of Serbia Defence Plan:

- 1) citizens, state authorities, companies, other legal entities and entrepreneurs act in accordance with the obligations stipulated by the mobilization plans concerning fulfillment of defence tasks and with the decisions of the National Assembly and the Government;
- 2) state authorities, companies, other legal entities and entrepreneurs undertake measures and activities for work and performance of their activities within wartime or the state of emergency;
- 3) The Serbian Armed Forces are to act in accordance with the Armed Forces Mobilization Plan, with the Plan of Use of the Armed Forces and with the decisions of the President of the Republic.

## **Decision on termination of wartime or the state of emergency**

### **Article 93**

After the circumstances which caused pronouncement of wartime or the state of emergency have ceased, the President of the Republic and the President of the Government are to submit the National Assembly the proposal to pass a decision on termination of wartime or the state of emergency.

After the decision from paragraph 1 of the present Article has been passed, all orders and other deeds for undertaking of the ordered measures will no longer be valid.

Validity of the orders and other deeds from paragraph 2 of the present Article can be terminated by the President of the Republic before the decision on termination of wartime or the state of emergency is passed.

## **Alert and mobilization measures**

### **Article 94**

The President of the Republic is to order alert and mobilization measures in order to prevent and remove dangers threatening security of the Republic of Serbia and its citizens.

The Government is to order undertaking of the measures and activities necessary for fulfillment of obligations of the Republic of Serbia taken over by membership within the United Nations and by the confirmed international contracts within the domain of defence.

### **Article 95**

In case of an attack on the country, all citizens in the country and abroad, commands, units and institutions of the Serbian Armed Forces and representatives of the state authorities and legal entities

are to act according to the stipulated schedule and the obligations stipulated by the Republic of Serbia Defence Plan.

#### **Article 96**

Within the territory in which the state of emergency has been pronounced, all subjects of defence are to undertake measures from the domain of their competence, during the state of emergency, in accordance with orders and other deeds of the President of the Republic, the Government and other competent bodies.

#### **Article 97**

Mobilization means that all defence system subjects are to switch from the peacetime organization and circumstances to the wartime organization and work conditions.

In terms of a range, there is general and partial mobilization, and it is to be informed of by means of announcement or by an individual call.

#### **Article 98**

General Mobilization includes all defence system subjects to which defence duties have been defined and the wartime organization of which differs from their peacetime organization, as well as material assets for defence of the country.

#### **Article 99**

Partial mobilization includes the necessary part of the defence subject the wartime organization of which differs from the peacetime organization, as well as the material assets necessary to appropriately respond to challenges, risks and threats.

Mobilization is to be implemented according to the Republic of Serbia Defence Plan.

#### **Article 100**

Partial mobilization of the defence system subject and material assets for the need of defence of the country may be ordered to check fitness to carry out mobilization, within the stipulated exercises and control of the defence preparation organization.

The mobilization from paragraph 1 of the present article is to be ordered by the President of the Government to the citizens, state authorities, companies, other legal entities and entrepreneurs, as well as to material assets, while it is to be ordered by commanding superiors within the Serbian Armed Forces authorized by the President of the Republic to commands, the Serbian Armed Forces units and institutions and the military conscripts attributed within the Serbian Armed Forces.

#### **Article 101**

Implementation of mobilization is prescribed by a special regulation of the Government.

### **Confidential data protection measures**

#### **Article 102**

Confidential data concerning the defence system, marked as the data of special relevance for national security and the system of defence (according to the stipulations of a special law) are protected in accordance with the law.

## **Chapter IX**

### **DEFENCE FINANCING**

#### **Article 103**

From its own budget, the Republic of Serbia finances tasks and obligations within the domain of defence and the tasks set to companies, other legal entities as well as to entrepreneurs within the part exceeding the scope of their preparations.

From their budgets, autonomous provinces and local self-administration units finance tasks of defence stipulated as their rights and obligations.

From their own sources, companies, other legal entities, as well as entrepreneurs finance tasks of defence stipulated as their own rights and obligations.

#### **Assets for operation of the Ministry of Defence and the Serbian Armed Forces**

#### **Article 104**

Assets for operation of the Serbian Armed Forces are provided by the Ministry of Defence within the Republic of Serbia budget.

The Ministry of Defence can realize additional assets providing services in compliance with the Law and other regulations.

Within the approved appropriations, the Minister of Defence is to appropriate monetary assets to organizational units of the Ministry of Defence, commands, units and institutions of the Serbian Armed Forces, as well as to military units and military institutions organizationally and functionally connected with the Ministry of Defence.

By a special regulation, the Minister of Defence is to regulate material and financial business operations within the Ministry of Defence and the Serbian Armed Forces, in accordance with the regulations regulating material and financial business operations of budgetary beneficiaries.

#### **Special-purpose assets**

#### **Article 105**

Immovable special-purpose objects are: land, buildings, underground and overground facilities with ancillary infrastructure, used within the Ministry of Defence and the Serbian Armed Forces for military needs, as well as other immovable objects within the military circle.

Immovables from paragraph 1 of the present Article are within the possession of the Republic of Serbia.

The procurement, disposal, usage, management, maintenance and record keeping manner of the objects from paragraph 1 of the present Article is prescribed by the Minister of Defence.

Apart from the cases of their regular use, approach to the special-purpose objects is allowed only based on the previously provided approval of the Minister of Defence.

Rights to the special-purpose immovables used by the Ministry of Defence and the Serbian Armed Forces are recorded within the registry book of immovables and rights over them, in accordance with the Law and within the military registry of immovables, in the manner prescribed by the Minister of Defence.

### **Article 106**

Movable special-purpose objects are: arms and military equipment; transportation means (aircrafts, vessels, railroad vehicles, motor vehicles etc.) used for business needs; equipment and consumable material (computer systems, telecommunication means and laboratory equipment) used by the Ministry of Defence for military needs.

The Minister of Defence, or the person authorized by him, is to decide upon procurement and disposal of movable objects from paragraph 1 of the present Article, under the requirements prescribed by the Law on the Assets Possessed by the Republic of Serbia.

The Minister of Defence is to prescribe the kinds of movable objects from paragraph 1 of the present Article, their manner of use, management and maintenance as well as the terms for their use and storage.

### **Article 106a**

Biological special-purpose assets are: animals used for business, animals for scientific-research, biomedical and educational purposes as well as other animals, pursuant to the special decision of the Minister of Defence.

The procurement, record keeping, disposal and usage manner of the biological assets from paragraph 1 of the present Article is prescribed by the Minister of Defence.

### **Assets for developmental needs**

### **Article 107**

The Republic of Serbia may establish budgetary funds for development of the defence industry capacities and production programs relevant for development, arms and military equipment modernization and defence power strengthening.

A budgetary fund may be established for provision of the assets financing residential needs of professional members of the Serbian Armed Forces and employees of the Ministry of Defence.

The funds from paragraph 1 and 2 of the present Article are established for the undetermined and the determined time period, based on a special law.

## **Chapter X**

# **RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF EMPLOYEES OF THE MINISTRY OF DEFENCE**

### **Article 108**

State administration activities within the Ministry of Defence are performed by state offices, appointees and professional military persons, distributed within the Ministry of Defence.

Principles of internal organization and workplace systematization within the Ministry of Defence are regulated by the Government.

#### **Article 109**

A constituent part of the Rulebook on internal organization and systematization of workplaces within the Ministry of Defence make annexes containing systematized workplaces of professional members of the Serbian Armed Forces distributed within the Ministry of Defence and military units and military institutions within which activities from the competence of the Ministry of Defence are not performed, but which are organizationally and functionally connected with the Ministry of Defence.

#### **Article 110**

Employment within the Ministry of Defence may be established by a person who, apart from general requirements for establishment of an employment within state authorities also has to meet special requirement prescribed for professional military persons, stipulated by the Minister of Defence.

A professional military person whose service within the Serbian Armed Forces has expired, according to the needs of service, may be directly admitted to the Ministry of Defence as a state official that is as an appointee to a vacant place.

#### **Article 111**

Due to special work requirements, difficulties and the nature of tasks and activities, at the proposal of the Minister of Defence, the Government is to use a special deed to increase salaries by 20% in comparison with salaries of the employed, appointed and authorized persons and persons with a good standing within other ministries.

#### **Article 111a**

The Minister of Defence stipulated the manner of the criteria to solve residential needs of employees within the Ministry of Defence and the Serbian Armed Forces, in compliance of the Government.

## **Chapter XI PENALTY PROVISIONS**

#### **Article 112**

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

- 1) it has failed to obey the order of the person authorized for inspection activities (Article 17 paragraph 2);
- 2) it has failed to submit the Ministry of Defence the data relevant for defence of the own scope of activity (Article 27 paragraph 1);
- 3) it has failed to submit the competent authority the data from the program of its scientific-research work and development or of its scientific-research achievements or findings relevant for defence of the

country, or if it has failed to submit the data, it disposes of, relevant for defence of the country, to the competent authority for introspection or for use (Article 71);

4) the body authorized for standardization and typification of products and services, facilities or devices of special relevance for defence of the country fails to provide consent of the Ministry of Defence (Article 72 paragraph 1).

The person in charge with a legal entity is to be punished by the fine of RSD 10,000 to 20,000 for the offence from paragraph 1 of the present Article.

The person within a state authority, whose responsibility has been determined by the competent body, is to be punished by the fine of RSD 10,000 to 20,000 for the offence from paragraph 1 of the present Article.

### **Article 113**

A legal entity is to be punished for offence by the fine of RSD 50,000 to 500,000 provided that:

1) it fails to primarily provide services relevant for defence of the country, when requested by the competent body (Article 65);

2) it changes the purpose of the production-technological whole used for production of objects or provision of services relevant for defence of the country, without the consent of the competent body (Article 66 paragraph 1);

3) the user of the facility of special relevance for defence fails to undertake the measures prescribed for defence of such objects (Article 67 paragraph 2);

4) ако се при пројектовању, изградњи и реконструкцији инвестиционих објеката и склоништа и изради просторних и урбанистичких планова не придржава посебних услова и захтева у погледу одбране или не поступа у складу с посебним мерама и захтевима Министарства одбране (Article 68);

5) it fails to provide initial transportation that is to perform services for the needs of the Serbian Armed Forces during the wartime or the state of emergency or during the Serbian Armed Forces mobilization (Article 73);

6) it fails to consolidate its preparations and performance of other tasks and activities with the Republic of Serbia Defence Plan and with decisions and requirements of the competent bodies (Article 82 paragraph 1);

7) it fails to make development plans (Article 84 paragraph 1);

8) it fails to adjust defence plans to the changes and the needs that have occurred (Article 85 paragraph 2);

9) it fails to submit the reports of implementation of defence preparations to the competent body (Article 86 paragraph 2).

The person in charge with a legal entity is to be punished by the fine of RSD 20,000 to 35,000 for the offence from paragraph 1 of the present Article.

The person within a state authority, whose responsibility has been determined by the competent body, is to be punished by the fine of RSD 20,000 to 35,000 for the offence from paragraph 1 of the present Article.

#### **Article 114**

A legal entity is to be punished for offence by the fine of RSD 500,000.00 to 1,000,000.00 provided that:

- 1) when performing its regular activities it fails to perform activities of defence of the country concerning plan making, organization, preparation and training for the work within wartime or the state of emergency (Article 62 paragraph 1);
- 2) it fails to make plans of the measures for the work within wartime or the state of emergency, which ensure production that is service activities, in accordance with the needs stipulated by the Republic of Serbia Defence Plan (Article 64);
- 3) the competent body has failed to provide consent of the Ministry of Defence prior to the issuance of the permit for construction and reconstruction of facilities and plants placed near the facilities, installations and devices that are used or relevant for defence (Article 69 paragraph 2);
- 4) when choosing, constructing or developing large systems relevant for defence of the country or when providing technical assets relevant for operation of the system, it fails to adjust the mentioned system to the needs of defence of the country, or if it fails to inform the competent body of the program of construction and development or if it fails to act according to the request of the competent body (Article 70 paragraph 1 and 2);
- 5) it imports or exports a product, an object or a device of special relevance for defence of the country, without the previous permission or against the issued permission (Article 72 paragraph 2);
- 6) it fails to act according to the request of the competent body when passing fundamentals of husbandry of the special-purpose forests for the needs of defence of the country, when the competent body requests so, or if it fails to stick to such request (Article 74);
- 7) it fails to perform the obligation of informing the citizens, according to the manner prescribed (Article 75);
- 8) it fails to make special plans which ensure fulfillment of its obligations in case of natural catastrophes and other considerable catastrophes at peacetime (Article 82 paragraph 2);
- 9) it fails to fulfill its obligations from the Republic of Serbia Defence Plan or if it fails to act in accordance with decisions of the National Assembly, the Government and the President of the Republic within wartime or the state of emergency, or if it fails to undertake the stipulated measures for work and performance of own activity within such circumstances (Article 92);
- 10) after it has found out about an attack, it fails to act according to the obligations stipulated by the Republic of Serbia Defence Plan, without waiting for the competent body to give order (Article 95);
- 11) it fails to undertake measures from the domain of its competence, in accordance with orders and other deeds of the President of the Republic, that is of the competent authorities, in accordance with the orders and other deeds of the President of the Republic, that is the competent bodies, in the territory in which the state of emergency has been pronounced

12) it fails to undertake the measures prescribed for protection of confidential data (Article 102);

13) it emphasizes and bears the sign, symbols and other marks of the Ministry of Defence in the manner that impairs reputation of the Ministry of Defence (Article 14a);

14) it uses the name, symbols and other marks of the Serbian Armed Forces without the previous permission issued thereof by the Minister of Defence (Article 33 paragraph 3).

The fines from paragraph 1, points 13) and 14) of the present Article apply to associations as well.

The person in charge with a legal entity is to be punished by the fine of RSD 35,000 to 50,000 for the offence from paragraph 1 of the present Article.

The person within a state authority, whose responsibility has been determined by the competent body, is to be punished by the fine of RSD 35,000 to 50,000 for the offence from paragraph 1 of the present Article.

### **Article 115**

An entrepreneur is to be punished for offence by the fine of RSD 300,000.00 to 500,000.00 provided that:

1) he fails to make plans of the measures for the work within wartime and the state of emergency which provide performance of the production or service activity, in accordance with the needs stipulated by the Republic of Serbia Defence Plan (Article 64);

2) he fails to perform obligations concerning priority production and services in accordance with the contract, and that at the request of the competent bodies (Article 65);

3) without the previous consent of the competent body, he changes the purpose of the production-technology whole used for production or provision of services relevant for defence of the country (Article 66 paragraph 1);

4) he fails to meet special requirements and requests relevant for defence or fails to act according to the prescribed measures and requirements of the Ministry of Defence, when designing, constructing and reconstructing the investment facilities and developing spatial and urbanistic plans (Article 68 paragraph 3);

5) he emphasizes and bears the sign, symbols and other marks of the Ministry of Defence in the manner that impairs reputation of the Ministry of Defence (Article 14a);

6) he uses the name, symbols and other marks of the Serbian Armed Forces without the previous permission issued thereof by the Minister of Defence (Article 33 paragraph 3).

### **Article 116**

A citizen is to be punished for offence by the fine of RSD 10,000.00 to 50,000.00 provided that:

1) he fails to act by the schedule for other obligations within wartime or the state of emergency, according to the decision of the competent body (Article 47 paragraph 2);

2) he fails to proceed to perform activities within his own workplace, once wartime or the state of emergency has ceased (Article 52 paragraph 1);



3) he refuses to act according to the changed schedule or after he has been distributed within other legal entities, once wartime or the state of emergency has been pronounced (Article 52 paragraph 2);

4) he fails to act according to the order of the competent body once military, labour or material obligation that is the obligation of participating within civil protection has been determined (Article 60).

#### **Article 117**

For default of defence activities and tasks, for acting against the law and decisions of the competent body and for other activities with elements of a criminal act, the responsibility is to be determined in accordance with the criminal responsibility regulations.

## **Chapter XII**

### **INTERIM AND FINAL PROVISIONS**

#### **Article 118**

The Government and other state administration authorities authorized by the present Law to pass regulations concerning performance thereof, are to pass such regulations within 90 days after the present Law has taken effect.

The Government is to pass the Republic of Serbia Defence Plan within a year after the present Law has taken effect.

Regulations passed so that the Law on Defence might be performed ("The Official Gazette of the Federal Republic of Yugoslavia", no. 43/94, 11/95, 28/96, 44/99 and 3/02) are to stay in effect until regulations for performance of the present Law have been passed, except for the stipulations which are against the present Law or other laws.

#### **Article 119**

The Ministry of Defence and other state administration authorities are to consolidate their organization and the work on performing defence activities and tasks, in accordance with the present Law, within 90 days after it has taken effect.

When the present Law has taken effect, the Ministry of Defence and the Serbian Armed Forces are to proceed the use of special-purpose assets for the needs of defence and the Serbian Armed Forces.

#### **Article 120**

In case of endangerment of the Republic of Serbia and its citizens, the Defence Plan of the State Union of Serbia and Montenegro is to apply until the Republic of Serbia defence Plan is passed.

#### **Article 121**

Autonomous province bodies, companies, other legal entities, as well as entrepreneurs, are to consolidate their general deeds and defence plans, in accordance with the present Law and the regulations passed pursuant to it, and that within six months after the regulations from Article 118 of the present Law have been passed.

#### **Article 122**

Stipulations of Articles 26 to 30 and Article 39 of the Law on Defence ("The Official Gazzete of the Federal Republic of Yugoslavia", no. 43/94, 11/95, 28/96, 44/99 and 3/02) as well as the by-laws for their performance are to be in effect until the regulations on material obligation of citizens and legal entities have been passed.

#### **Article 123\*\***

*(No longer valid)*

#### **Article 124**

Stipulations of Articles 49 to 66 of the Law on Defence ("The Official Gazzete of the Federal Republic of Yugoslavia", no. 43/94, 11/95, 28/96, 44/99 and 3/02) as well as the by-laws for their performance are to be in effect until the regulations on civil protection have been passed.

Regulations passed pursuant to Articles 73 to 86 of the Law on Defence ("The Official Gazzete of the Republic of Serbia", no. 45/91, 58/91, 53/93, 67/93 and 48/94) are to remain in effect until the Law on Civil Protection has been passed.

#### **Article 125**

In order to inform the public of legal changes within the domain of defence and the Serbian Armed Forces and within other laws concerning safety of the country and international cooperation within the domain of defence and military cooperation, the Ministry of Defence is to publish information with the list of laws and explanations of legal changes for the public, twice a year.

Within six days after the present Law has taken effect, the Ministry of Defence is to publish the actual information from paragraph 1 of the present Article.

#### **Article 126**

Once the present law takes effect, the following will be no longer valid:

1) The Law on Defence ("The Official Gazzete of the Federal Republic of Yugoslavia", no. 43/94, 11/95, 28/96, 44/99 and 3/02), except for stipulations of art. 26 to 30 and Article 39, stipulations of the Chapter VI – Security and Measures of Protection (art. 67 to 86) and stipulations of art. 49 to 66, which are to remain in effect until special laws are passed;

2) The Law on Measures in Case of the State of Emergency ("The Official Gazzete of the Republic of Serbia", number 19/91);

3) The Law on Defence ("The Official Gazzete of the Republic of Serbia", no. 45/91, 58/91, 53/93, 67/93 and 48/94), except for stipulations of the Chapter VI – Civil Protection (art. 73 to 86), koje which are to remain in effect until the Law on Civil Protection is passed.

#### **Article 127**

The present Law is to take effect on the eighth day after it has been published in "The Official Gazzete of the Republic of Serbia".



# THE LAW ON DEFENCE

(„The Official Gazette of the Republic of Serbia“, no. 116/2007, 88/2009, 88/2009 - another law and 104/2009 - another law)

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