

MODEL LAWS ON SECURITY AND DEFENSE



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Editors` notes

The book that we are presenting to experts and the general public contains five model laws in the field of defense and security of the State Union of Serbia and Montenegro.

The first among them regulates procedures and instruments for the democratic and civilian control of the Army of Serbia and Montenegro. The first version was drafted by Miroslav Hadzic, Bogoljub Milosavljevic and Ilija Babic. It was preceded by a decision of the Defense Committee of the Parliament of Serbia and Montenegro establishing a working group for the drafting of the law. The OSCE Mission in Serbia and Montenegro has supported the project.

The model law was subsequently improved and amended at several meetings of the Committee that were attended, in addition to the members of parliament, by experts from governmental and non-governmental organizations as well as by members of the Assembly's professional service. At the meeting of 16 March 2006 the Committee adopted a draft text of the Law on Democratic and Civilian Control of the Army of Serbia and Montenegro and decided to be the proposer of this Law. The Committee also decided to organize a public debate in mid April 2006.

By publishing a draft text of this law, the Centre for Civil-Military Relations wishes to contribute to the success of the public debate. We take this opportunity to express our gratitude to the Committee for giving its approval.

The main beneficiaries will be the future readers of this book. Namely, by proposing procedures, instruments and competences in democratic civilian control of the SMN Armed Forces, the way was

paved for a modern and democratic regulation of relations between the society and the armed forces in SMN, i.e. in Serbia, and thereby for regulating the security field as well.

The underlying principles of the remaining four model laws contained in this book testify to it. *Model Law on the Supreme Defense Council* as well as the *Model Law on Civilian Service* have been drafted by Miroslav Hadzic, Bogoljub Milosavljevic and Milorad Timotic. They were at the same time the leaders of the team of experts of the Centre. The Model Law on the method of determining and handling classified information of relevance to national defense has been drafted by Djordje Dozet and Goran Dolovic, while the Model Law on Private Security Related Services was drafted by Slobodan Miletic and Bogoljub Milosavljevic. All previous and final drafts of the laws have been verified, after thorough debates, at the meeting of the Team of Experts of the Center.

The entire project was implemented in cooperation and with the support of the Geneva Centre for Democratic Control of Armed Forces and with its support.

Belgrade, 4 April 2006

Editors

Chapter One

**THE PARLIAMENT OF
SERBIA AND MONTENEGRO
-Defense Committee-
The Committee Working Group**

DRAFT TEXT OF THE LAW ON DEMOCRATIC AND CIVILIAN CONTROL OF THE ARMY OF SERBIA AND MONTENEGRO¹

I BASIC PROVISIONS

Article 1

The present Law regulates: basic principles for exercising democratic and civilian control of the Army of Serbia and Montenegro (hereinafter referred to as: the Army), the entities exercising democratic and civilian control of the Army; rights, obligations and responsibilities of the entities in their exercise of democratic and civilian control of the Army and the method of exercising democratic and civilian control of the Army.

Article 2

Democratic and civilian control of the Army shall be based on the following principles:

1. constitutionality and legality;
2. respect for human and minority rights; and
3. respect of civil freedoms.

¹ The draft text of the Law has been prepared by the Working group of the Defense Committee of the Assembly of SCG in keeping with conclusions of the Committee adopted at the 10th session held on 16 February 2005

The principles referred to in paragraph 1 of this Article shall be exercised in accordance with the position of the institutions of the State Union and the tasks of the Army as stipulated in the Constitutional Charter of the State Union of Serbia and Montenegro (hereinafter referred to as: the Constitutional Charter) and in line with the principles of international law regulating the use of force, and also in conformity with this law, ratified international treaties and documents of the international organizations that Serbia and Montenegro is a member of.

Article 3

In the exercise of democratic and civilian control of the Army, the following shall be the guiding principles:

1. subordination and accountability of the Army to democratically elected civilian authorities of Serbia and Montenegro;
2. political, ideological and interest neutrality of the Army that implies prohibiting the exertion of influence by the Army and its members on the work and decisions of the civilian authorities, prohibiting organization and activities of political parties and movements within the Army, prohibiting Army members from wearing uniforms at party, political and religious gatherings, prohibiting them from expressing their own political, ideological and religious beliefs in the course of their work, prohibiting the introduction of political, ideological and religious contents in training programmes for the Army members as well as prohibiting the use of political, ideological and religious symbols and emblems, prohibiting the use of trade union and professional associations and activities of the Army members for achieving their interests and goals in contravention with the law, as well as incompatibility of work in the Army with carrying out electoral duties and working at other government authorities, territorial autonomy authorities and those of local self government;
3. an obligation of the Army to inform the public on the exercise of its duties;

4. an obligation of the entities exercising democratic and civilian control to inform the public on the results of that control;
5. professional responsibility and operational independence of professional Army members in the exercise of the tasks assigned to them and responsibilities of the managing and commanding Army authorities in performing their tasks as stipulated by the Constitutional Charter and the principles of international law regulating the use of force.

Article 4

Democratic and civilian control of the Army shall be exercised by the Parliament of Serbia and Montenegro (hereinafter referred to as: parliamentary control of the Army); the Supreme Defense Council, the Council of Ministers and the Minister of Defense (hereinafter referred to as the control of the Army by commanding authorities); as well as citizens, either directly or through the media, non-governmental organizations and other forms of associations of citizens.²

II PARLIAMENTARY CONTROL OF THE ARMY

Article 5

Parliamentary control of the Army shall be exercised directly or through the Defense Committee of the Parliament of Serbia and Montenegro (hereinafter referred to as: the Defense Committee).

Article 6

In the exercise of the Parliamentary control of the Army, the Defense Committee shall:

² It has been suggested to insert the following text as paragraph 2 of Article 4:

Democratic and civilian control of the Army is exercised also by the institutions of the member states, in keeping with the position of the member states within the State Union of Serbia and Montenegro as stipulated by the Constitutional Charter and in line with the Constitutions of the member states.

1. have an insight into and exercise control of the Ministry of Defense and of the exercise of the assignments of the Army, monitor the work of the Supreme Defense Council and the Council of Ministers within the competences pertaining to military issues and shall inform the Parliament thereof;
2. have an insight into and exercise control of the observance of political, ideological and interest neutrality of the Army;
3. have an insight into and exercise control of the respect for human and minority rights and civil freedoms in the Army;
4. discuss the reports on the work of the Ministry of Defense as well as of the Supreme Defense Council and the Council of Ministers regarding military issues falling within their competences;
5. launch initiatives, table model laws and make other proposals regarding military issues;
6. discuss and submit its opinion to the Parliament regarding ratification or cancellation of international treaties and agreements on military cooperation and the control of armament;
7. discuss and submit its opinion to the Parliament on the participation of professional Army members, civil defense personnel and employees of the Ministry of Defense in peace-keeping operations and other activities abroad in keeping with law;
8. discuss and submit its opinion to the Parliament on the proposed annual incomes and expenses required for the financing of the Army;
9. have an insight into and exercise control of the disbursement of funds and public procurement for the Army;
10. have an insight into and exercise control of the method of using and disposing the property necessary for the work of the Army;
11. review the situation in the army and submit its opinion to the Parliament, the Supreme Defense Council and the Council of Ministers and the Minister of Defense on proposed decisions regarding organization and formation, manpower, procurement, equipping and training of the Army;

12. have an insight into the work of organizations and enterprises producing, overhauling and trading in arms and military equipment;
13. discuss and submit an opinion to the Supreme Defense Council on the candidate for the Chief of General Staff of the Army.
14. discuss and submit an opinion to the Supreme Council of Defense regarding proposals for promotions, posting and appointment of military officers as generals and admirals in the Army;
15. submit a report to the Parliament regarding the results achieved in the exercise of the parliamentary control of the Army;
16. consider applications and petitions of citizens and Army members regarding violations of the principles referred to in Articles 2 and 3 of the present Law and propose measures to be taken by the Parliament, the Supreme Defense Council, the Council of Ministers and the Minister of Defense for resolving them.
17. submit to the Assembly, the Supreme Defense Council, the Council of Ministers and the Minister of Defense proposals for establishing the responsibility and the relief of duty of professional Army members and persons employed or working at the Ministry of Defense with special authorizations and responsibilities.

Article 7

Members of the Defense Committee and other persons taking part in its work are obliged to protect and keep classified information that they come across in the course of work of the Committee. The obligation shall remain even after the termination of their membership, i.e. after the termination of work of the Committee.

At its first meeting, members of the Defense Committee shall sign a statement on the secrecy obligation regarding state, official and military secret reading as follows:

“I hereby oblige myself to keep state, official and military secret that I might have access to in the course of my work at the Defense Committee and in connection with my work at the Committee. The obligation shall remain after the termination of my membership or the termination of work of the Committee”.

Article 8

The chairman of the Defense Committee has a duty to invite President of Serbia and Montenegro at the meeting of the Committee when issues falling within the competences of the Supreme Defense Council are discussed.

The Minister of Defense is obliged to accept the invitation to the meeting of the Committee. If he/she is unable to attend the meeting of the Committee, the Deputy Minister of Defense shall be obliged to attend the meeting.

The Chief of General Staff and other professional members of the Army and persons employed or working at the Ministry of Defense are obliged to accept the invitation to the meeting of the Defense Council when issues falling within their competences are discussed.

The invitations referred to in paragraph 3 of this Article shall be sent through the Minister of Defense who is obliged to ensure the attendance of the invited persons.

Scientists and experts in certain fields may also attend the meeting of the Defense Committee, upon an invitation, without the right to decide.

Article 9

When the Defense Committee believes that the President of Serbia and Montenegro, in his capacity of a member of the Supreme Defense Council, has violated provisions of the Constitutional Charter related to military issues, it will inform thereof the Parliament of Serbia and Montenegro.

Article 10

When the Defense Council believes that the President of the State Union, in his capacity of a member of the Supreme Defense Council,

has violated provisions of the Constitutional Charter, it shall inform thereof the Parliament of Serbia and Montenegro as well as assemblies of the member states.

III THE CONTROL OF THE ARMY BY ITS MANAGING AND COMMANDING AUTHORITIES

Article 11

The Control of the Army by its commanding and managing authorities shall be exercised in line with the principles referred to in Articles 2 and 3 of the present Law.

Article 12

President of Serbia and Montenegro, as a member of the Supreme Defense Council, the Council of Ministers and the Minister of Defense are accountable to the Parliament of Serbia and Montenegro for the exercise of control referred to in Article 11 of the present Law, in accordance with the powers set out by the Constitutional Charter and laws.

Article 13

The Supreme Defense Council shall inform the Parliament and the public of the results of the democratic and civilian control of the Army and the measures taken within its competences.

President of Serbia and Montenegro is obliged to submit to the Parliament of Serbia and Montenegro, upon its request, a report by the Supreme Defense Council on democratic and civilian control of the Army which the Supreme Defense Council has carried out within its competences, in keeping with the principles referred to in Articles 2 and 3 of the present Law.

Article 14

The Council of Ministers shall inform the Parliament of Serbia and Montenegro and the public on the results of the democratic and civil-

ian control of the Army, exercised in keeping with the principles referred to in Articles 2 and 3 of the present Law and the measures taken to that effect.

The Council of Ministers is obliged to submit to the Parliament of Serbia and Montenegro once a year, and at its request, a report on establishing and implementing Serbia and Montenegro's policy regarding military issues,

At the request of the Parliament of Serbia and Montenegro the Council of Ministers is obliged to submit the information and data on activities carried out with regard to military issues.

Article 15

In managing the Army, the Minister of Defense shall exercise control over the performance of assignments of the Army and shall be obliged to inform the Parliament, the Supreme Defense Council and general public on coordination and implementation of the established defense policy and managing of the Army.

Article 16

The Minister of Defense is obliged, at least once in six months, to submit to the Defense Committee a report on the situation in the Army, combat readiness of the Army and the exercise of regular and emergency tasks by the Army, as well as other reports as the occasion arises and always at the request of the Committee.

At the request of the Committee, the Minister of Defense shall be obliged to secure to its members an access to the premises and facilities, an insight into documents and to provide them with data and information related to the work of the Army, i.e. of the Ministry of Defense.

Article 17

The Minister of Defense is obliged regularly to inform the entities exercising the democratic and civilian control of the Army on the situation in the Army and main activities carried out in the exercise of Army assignments of relevance to democratic and civilian control of the Army.

The Minister of Defense is obliged immediately to inform the Defense Committee on emergency events in the Army, especially if any disturbances in the operation of the Army have occurred or might occur, and, in particular, if there have been any casualties or grave material damage.

In the case referred to in paragraph 2 of this Article, the Minister of Defense may request holding of an emergency meeting of the Defense Committee.

Article 18

The Minister of Defense is obliged to submit to the competent authority of a member state, regularly or at its request, the required information regarding the work of the Army, i.e. of the Ministry of Defense, of relevance to that member state.

IV CONTROL OF THE ARMY BY CITIZENS, THE MEDIA, NON-GOVERNMENTAL ORGANIZATIONS AND OTHER FORMS OF ASSOCIATIONS OF CITIZENS

Article 19

Citizens, the media, non-governmental organizations and other forms of associations of citizens have the right to request and to receive from the Army, i.e. the Ministry of Defense, relevant information that are important for the exercise of their rights in performing democratic and civilian control of the Army.

Article 20

The managing and commanding authorities of the Army ensure transparency of their work by imparting information to the media, issuing official publications, organizing conferences for the representatives of the media as well as by creating other conditions for acquainting the general public with their work.

Commanding and managing authorities of the Army are obliged to provide citizens and the public with the information related to the exercise of Army's assignments and the work of the Defense Ministry as may be necessary for the exercise of their control role, if they are not thereby disclosing state, military and official secrets or violating any human and minority rights and civil freedoms.

Article 21

Citizens, the media and other forms of associations of citizens may submit proposals and initiatives to the Defense Committee and commanding and managing authorities of the Army for the purpose of implementing and promoting democratic and civilian control of the Army.

If a citizen, a member of the Army as well as a person employed or working at the Ministry of Defense, believes that constitutionality and legality, human and minority rights and civil freedoms have been violated in the course of work of the Ministry of Defense and in the exercise of the Army's assignments, or that ideological and interest neutrality or professional and operative independence in exercising the assigned tasks have occurred, may notify thereof the Defense Committee and institutions of Serbia and Montenegro.

Nobody shall suffer any consequences owing to the exercise of rights referred to in paragraph 1 and 2 of this Article.

Article 22

The present Law shall enter into force on the 8th day upon the date of its publication in the "Official Gazette of Serbia and Montenegro".

Belgrade, 2 February 2006

Chapter Two

MODEL LAW ON THE SUPREME DEFENCE COUNCIL

Article 1

This law regulates the scope of authority of the Supreme Defence Council in the exercise of its role as defined by the Constitutional Charter of the State Union of Serbia and Montenegro and other questions of importance for its work.

Article 2

The Supreme Defence Council is the supreme commander of the Army of Serbia and Montenegro (hereinafter: the Army), has command of the Army and decides on its deployment.

The Supreme Defence Council decides by consensus and is authorised to:

- 1) propose to the Assembly of Serbia and Montenegro the proclamation and abolition of a state of war;
- 2) regulate and order readiness measures of the Army in the event of a state of emergency declared by a competent organ of authority of a member-state;
- 3) dispatch professional Army personnel to conduct peace-keeping operations and other activities in foreign countries in accordance with the law and decision of the Assembly of Serbia and Montenegro;
- 4) order Army units and institutions to, at the request of a competent organ of authority of a member-state, render assistance to civil defence authorities in the event of a natural disaster, technical-technological or other accident;

-
- 5) approve Army mobilisation plans and order general or partial mobilisation of the Army;
 - 6) approve the Plan of deployment of the Army and decide on the deployment of the Army in peacetime and in war;
 - 7) approve the Military Doctrine;
 - 8) establish the foundations of the organisation and formation, supply, equipment, training and development of the Army, as well as its strength;
 - 9) regulate the system of command in the Army and control its implementation;
 - 10) adopt rules and other regulations on the use of the Army;
 - 11) adopt rules and other regulations on the internal order and relations in the performance of military service;
 - 12) issue directives and by separate enactments transfer certain competences for directing the Army to the Minister of Defence;
 - 13) appoint the Chief of the General Staff of the Army, upon the proposal of the Minister of Defence and the prior acquired opinion of the Defence Committee of the Assembly of Serbia and Montenegro;
 - 14) promote and appoint military personnel to the ranks of general and admiral in the Army, upon the proposal of the Minister of Defence and the prior acquired opinion of the Defence Committee of the Assembly of Serbia and Montenegro;
 - 15) appoint military attaches and liaison officers to diplomatic and consular representations of Serbia and Montenegro and international organisations;
 - 16) perform other Army command activities in accordance with the law.

Article 3

In the conduct of activities referred to in Article 2 § 2 of this Law, the Supreme Defence Council performs the control and supervision of the activities of Army units and institutions.

In performing control and supervision of the activities of Army units and institutions, the Supreme Defence Council is authorised to:

1. request from the Minister of Defence and Chief of the General Staff of the Army reports, information and data about the activities of Army units and institutions;
2. control the combat readiness of the Army;
3. order the exercise of extraordinary and special inspectorial control and supervision of the activity of Army units and institutions;
4. order measures to rectify irregularities established in the work of Army units and institutions;
5. propose to institutions of the State Union of Serbia and Montenegro the undertaking of measures from their purview to promote the activity of Army units and institutions. .

Article 4

The Supreme Defence Council, in accordance with the Constitutional Charter of the State Union of Serbia and Montenegro and the law, informs the competent institutions of the State Union of Serbia and Montenegro about its work.

Article 5

The work of the Supreme Defence Council is accessible to the public.

The Supreme Defence Council ensures the accessibility of its work to the public by issuing information to the press and other information media, by holding conferences of Supreme Defence Council members with representative of the press and other information media and by creating other conditions for informing the public about the decisions, stands and activities of the Supreme Defence Council.

The Supreme Defence Council, in accordance with the law, determines which data and information from its activity must be classified as secret and which data and information may be made public or made available to the public upon the expiry of a certain period of time.

Article 6

In the performance of activities within its purview the Supreme Defence Council issues decisions, regulations, decrees, orders and other enactments and issues instructions and orders (hereinafter: enactments of the Supreme Defence Council).

Article 7

Draft enactments of the Supreme Defence Council, in accordance with the law, are prepared by the Minister of Defence and Chief of the General Staff of the Army.

The manner of publication, recording and keeping of the enactments of the Supreme Defence Council is defined by the Rules of Procedure of the Supreme Defence Council, in accordance with the law.

Article 8

The Minister of Defence and the Chief of the General Staff of the Army are responsible for implementing enactments of the Supreme Defence Council, in accordance with their competences.

From the moment of the proclamation of a state of war until its termination, responsibility for implementing enactments of the Supreme Defence Council concerning operational command and use of the Army rests directly with the Chief of the General Staff of the Army.

Article 9

The Supreme Defence Council works and makes decisions in session. Sessions of the Supreme Defence Council are convened and chaired by the President of Serbia and Montenegro.

The President of Serbia and Montenegro is obliged to convene a session of the Supreme Defence Council at the request of any member of the Supreme Defence Council.

The President of Serbia and Montenegro may convene a session of the Supreme Defence Council upon a proposal of the Assembly of Serbia and Montenegro, the Council of Ministers, the Assembly or Government of a member-state, and the Minister of Defence.

Article 10

An Office of the Supreme Defence Council shall be formed to perform professional and other activities for the needs of the Supreme Defence Council.

The activities, organisation and other issues of significance for the work of the Office of the Supreme Defence Council are determined by a decision of the Supreme Defence Council.

The decision referred to in § 2 of this Article and the decision on the appointment and termination of duty of the head of the Office are published in the *Official Gazette of Serbia and Montenegro*.

Article 11

The work of the Supreme Defence Council and its Office is funded from the financial resources for funding the competences of the State Union of Serbia and Montenegro.

Article 12

The Supreme Defence Council adopts its Rules of Procedure.

The Rules of Procedure of the Supreme Defence Council define in detail the manner of work of the Supreme Defence Council and other questions of significance for its work.

Article 13

This law shall come into effect on the eighth day following its publication in the *Official Gazette of Serbia and Montenegro*.

22 Nov 2005

Chapter Three

MODEL LAW ON THE METHOD OF DETERMINING AND HANDLING CLASSIFIED INFORMATION OF RELE- VANCE TO NATIONAL DEFENSE

I BASIC PROVISIONS

Article 1

The Law lays down types and periods of secrecy of information of relevance to national defense, classification criteria, competent authorities for determining types and periods of secrecy, keeping, using and records of classified information, measures for protection and the manner of handling classified information received as the result of international cooperation.

Article 2

Classified information of relevance to national defense shall be the information whose disclosure might cause damage to national defense and that has been at the same time determined as classified by competent authorities, marking the type of secrecy, as well as the information whose secrecy period has not elapsed.

For the purpose of the present Law, the information that may conceal the breach of the Constitution and laws as well of as of international conventions and agreements shall not be declared classified.

Article 3

According to the present Law, classified information of relevance to national defense the disclosure of which might cause damage shall primarily be the following:

-
- 1) assessments and plans important for national defense, defense system status assessments and army combat readiness assessments, decisions, orders and actions taken in the field of defense
 - 2) information on the facilities and installations of relevance to national defense
 - 3) information on the means of combat and other material resources, armament and military equipment and movable property intended for defense and
 - 4) information on the means and devices needed by the defense, that are currently being developed, researched and put into use.

Article 4

Any document containing classified information of relevance to national defense shall be conspicuously marked "defense" followed by the mark of the type of secrecy, date of the beginning of secrecy, secrecy period, the name of the authority, name and title of the authorized person that has determined the type and period of secrecy, and, if the secrecy had been determined on the proposal of some other body, the name of the proposing entity.

Any change in the type and period of secrecy, as well as in the name of the authority, name and the title of the authorized person who has introduced the change shall be conspicuously marked on any document referred to in paragraph 1 of this Article.

Article 5

All official and other persons disposing of classified information shall observe the secrecy obligation.

Article 6

Special records shall be kept of the classified information of relevance to national defense.

Article 7

Classified information of relevance to national defense shall be kept and used in line with the prescribed secrecy protection measures.

Article 8

All persons shall be obliged to inform the authority that has determined the secrecy of information of any identified irregularity regarding the protection of classified information or its disclosure as soon as possible.

The authority that has assigned secrecy to the information referred to in paragraph 1 of this Article shall be obliged to take immediate measures in order to remove these irregularities related to the protection of classified information, i.e. measures that would, in case of the disclosure of classified information, prevent or diminish damage that would occur by such disclosure. This authority shall also be obliged to inform competent authorities, depending on the level of harm to secrecy, circumstances and manner of compromising the secrecy, for the purpose of establishing possible criminal or disciplinary responsibility.

II TYPES AND PERIOD OF SECRECY

1. Types of secrecy

Article 9

Classified information of relevance to national defense may be marked as state, official or military secret.

Determining the type of secrecy shall be carried out on the basis of the content of classified information, its importance and damage that might occur in case of the unauthorized disclosure of such information.

Article 10

Classified information of relevance to national defense falling within the purview of the institutions of Serbia and Montenegro, government authorities of the member states, local self government authorities or legal persons of exceptional importance for the national defense, shall be marked state or official secret.

Classified information of relevance to national defense, and related to the preparations and activities of the Army for national defense, shall be marked military secret.

Article 11

Classified information whose disclosure might cause serious damage to national defense and security shall be marked state secret.

Classified information whose disclosure might cause damage to national defense and security shall be marked official secret.

Classified information whose disclosure might cause damage to the Army and its preparations for the defense of the country shall be marked military secrets.

2. Secrecy period

Article 12

Any information classified as secret must be assigned its secrecy period.

The date on the document containing classified information shall be deemed the beginning of the secrecy period.

Article 13

The maximum of 30 years of secrecy shall be observed in respect of the information marked as state secret.

The maximum of 10 years of secrecy shall be observed in respect of official or military secrets.

Secrecy periods shall be determined in full years and months or by determining the date until which the information shall be considered secret.

Article 14

By way of an exception, the periods referred to in Article 16 of the Law may be extended.

The competent authorities referred to in Article 20 of the Law may extend secrecy period by another 10 years in respect of information marked as state secret, but only for the information falling within their competences.

The Supreme Defense Council may extend secrecy period of information classified as military or official secrets by 5 years at the most.

The extension of the secrecy period referred to in paragraphs 2 and 3 of this Article may be determined by the competent authorities at their own initiative or upon the substantiated proposal of the author of the classified document. The proposal must be submitted at least nine months before the expiry of the established secrecy period.

The competent authority shall decide about the proposal within six months.

The authorities and persons disposing of the secret information or those using it shall be informed of the extension of the secrecy period, not later than three months before the expiry of the originally established secrecy period.

III DATA CLASSIFICATION CRITERIA

1. Classification criteria for determining a state secret

Article 15

The following shall constitute a state secret:

- 1) information on military, political, economic and other assessments that serve as a basis for national defense policy
- 2) information on the plan of general mobilization and that of organization of preparations for the defense of the institutions of Serbia and Montenegro, government authorities and other legal persons whose field of activity is of particular importance for the national defense
- 3) extracts from the National Defense Plan and programs for the development of legal persons of particular importance for national defense
- 4) plans for preparing and organization of the state territory for the purpose of national defense
- 5) information on the facilities of particular importance for national defense
- 6) scientific and technical inventions of particular relevance to national defense
- 7) information regarding the organization of communication systems, plans and means of cryptographic protection as well as those on prescribed norms and procedures for cryptographic protection.

2. Data classification criteria for determining an official secret

The following shall constitute a state secret:

- 1) An extract from the National Defense Plan and organization of the institutions of Serbia and Montenegro and government authorities of its member states in the event of war.
- 2) An extract from the National Defense Plan, mobilization plans and defense preparation plans for legal persons of exceptional importance for national defense
- 3) Organization of the communication systems, plans and means of cryptographic protection as well as prescribed norms and procedures for cryptographic protection at legal persons that are of exceptional importance for the national defense and
- 4) Scientific and technical inventions of relevance to national defense related to the activity of legal persons that are of exceptional importance for national defense.

3. Classification criteria for determining a military secret

Article 17

The following shall constitute a military secret:

- 1) plans for using the Army and its composite force
- 2) organization and formation of the Army war commands, institutions and units
- 3) mobilization documents of war units
- 4) work of operational centers and permanent operational rosters
- 5) information about the combat readiness of Army commands, institutions and Army units
- 6) plans for territorial organization for the purpose of defense and their implementation
- 7) special technical means and their usage as well as armament and military equipment of particular importance
- 8) scientific-research works and scientific and technical innovations of particular importance for arming and equipping the Army

- 9) assessments, projects and solutions for conducting military operations in some variants of defense as well as assessments of potential enemies and the likelihood of their using of armed forces
- 10) organization of communication systems, plans and means of cryptographic protection as well as the prescribed norms and procedures for conducting cryptographic protection, not marked as state secret
- 11) certain topographic operations and some topographic and special maps and
- 12) intelligence and counter-intelligence works and data of the military security service and military intelligence service, not established as state secret.

IV COMPETENT AUTHORITIES FOR DETERMINING TYPES AND PERIODS OF SECRECY

Article 18

The type and period of secrecy shall be determined at the moment of the creation of classified information, or at the moment of learning about the information, i.e., at the moment of making arrangements for the creation of such information.

If the authority which is not competent for determining the type and period of secrecy creates or begins to make arrangements for the creation of classified information, that information shall be considered of the same importance, in respect of its type and secrecy period, as the one indicated in the proposal for classification, and shall be deemed secret not longer than 60 days.

1. Competent authorities for determining state and official secret

Article 19

Classified information constituting state or official secret, as well as secrecy period shall be determined by the competent institutions of

Serbia and Montenegro, government authorities of the member states, local self government authorities as well as legal persons performing duties of particular importance for national defense.

Article 20

The classified information constituting a state secret may be determined by the President of Serbia and Montenegro and presidents of its member states, president of the Parliament of Serbia and Montenegro and presidents of the member state parliaments, President of the Council of Ministers of Serbia and Montenegro and Prime Ministers of the member states as well as by the Supreme Defense Council.

Article 21

Competent institutions and authorities referred to in Article 20 of the Law may determine as state secret the information falling within their competences.

The Supreme Defense Council may determine as state secret information falling within the competences of the Ministry of Defense, another state body or local self government authority or a legal person performing duties of particular importance for national defense, upon their proposal.

The proposal referred to in paragraph 2 of this Article shall be submitted immediately after the creation or learning thereof, that is, as soon as the arrangements have begun for the creation of classified information and it shall contain the classified information proposed to be marked as state secret, explanation of the importance of the information and the damage that might occur to national defense and security in case of the unauthorized disclosure of the information as well as the proposed length of the secrecy period.

The decision on the proposal referred to in paragraph 2 of this Article shall be issued within 30 days from the date of its submission.

Article 22

Classified information constituting official secret may be determined by the institutions of Serbia and Montenegro, government

authorities of the member states, local self government authorities and legal persons performing duties of particular importance for national defense, if the information is falling within their competence.

2. Competent authorities for determining a military secret

Article 23

Classified information that has the relevance of a military secret may be determined as such by the Minister of Defense, the Chief of Staff of the Army and department heads, i.e. superior officers, in institutions, commands and units directly subordinated to them.

The persons referred to in paragraph 1 of this Article may determine the secrecy of information marked as military secret for the information coming within the purview of the authority, that is, institution, command or unit that they command, i.e. manage.

The Minister of Defense, or a person authorized by him, may also determine the secrecy of information marked military secret for the information coming within the purview of another government authority, local self-government authority or the legal person performing duties of particular importance to national defense, at their proposal.

Commanders directly subordinated to the Chief of Staff may also determine the secrecy of information marked military secret for the information related to the purview of commands and units subordinated to them, at their proposal.

The proposal referred to in paragraphs 3 and 4 of this Article shall be put forward immediately after learning of or creating a secret piece of information, i.e. immediately after the commencement of the preparation for the creation thereof. It shall contain the piece of information proposed for being classified as military secret, an explanation of the importance of that information and damage to national defense and security that may be caused by the unauthorized disclosure of that information, as well as proposed duration of the secrecy period.

A decision on the proposal referred to in paragraph 5 of this Article shall be issued within 30 days from the day of the submission of the proposal.

3. Competent authorities for changing the type and period of secrecy

Article 24

The type and period of secrecy may be changed.

A change may apply to the entire information or to a part of the information classified as secret.

Article 25

The type and period of secrecy may be changed by the competent authority for determining the type and period of secrecy.

The change referred to in paragraph 1 of this Article may also be carried out by a competent senior authority.

Article 26

The competent authority which has changed the type and period of secrecy shall be obliged to promptly inform all the authorities disposing of such information to that effect.

Article 27

The authority disposing of the classified information determined as such by other authorities shall not change the type and period of secrecy, unless duly authorized by the present Law to do so.

Article 28

The change of the secrecy period for a piece of information shall also imply the cessation of the secrecy of that information prior to the expiry of the defined secrecy period or prior to the secrecy termination date.

Article 29

The competent authority may change the type and period of secrecy on its own initiative or at a substantiated proposal of the author or user of the information.

V KEEPING, USE AND RECORDS OF CLASSIFIED INFORMATION

1. Secrecy obligation

Article 30

The secrecy obligation with respect to classified information of relevance to national defense shall be generated at such point in time when the competent authority has determined the secrecy of information and indicated the type and period of secrecy on the document.

Article 31

The secrecy obligation shall end:

- 1) upon the expiry of the secrecy period or upon the expiry of the day until which the secrecy has been determined and
- 2) at the point when the competent authority has determined that the information no longer has the importance of a secret piece of information.

Article 32

The secrecy obligation shall be terminated also when the competent authority releases a person from the secrecy obligation.

A waiver from a secrecy obligation of relevance to national defense may be granted by the authority which has determined the secrecy of the information, and a waiver regarding an official or military secret may be also granted by the Supreme Defense Council.

A full or partial waiver from the secrecy obligation may be granted.

The partial waiver may apply to a part of the classified information or to a clearly specified authority or person to whom the classified information may be imparted fully or only partially.

2. The use of classified information

Article 33

Users of classified information of relevance to national defense may include, in addition to the authors of the document which contains classified information, other persons specified in the security clearance issued by the competent authority.

Article 34

The competent authority which has established the type and period of secrecy may allow certain public officers to use the classified information if that is necessary for the performance of their duties and if these duties are of relevance to national defense.

Article 35

The security clearance for the use of classified information of relevance to national defense may be issued to other persons as well, who need such information for the pursuance of scientific and research activities.

The security clearance referred to in paragraph 1 of this Article may be issued by the Assembly of Serbia and Montenegro, the Supreme Defense Council, while for the information marked military secret such clearance may be issued by the Minister of Defense as well.

The security clearance referred to in paragraph 1 of this Article shall contain a decision specifying whether the classified information made available for use may be published in a scientific-research paper and if so, whether this may be done only on the basis of approval granted by the authority issuing the security clearance, or without such approval, as well as the obligations of its user if new information of relevance to national defense has appeared in the course of scientific and research work.

Article 36

The security clearance for the use of information may be general – for all pieces of classified information determined by the same competent authority, or partial – only for precisely defined information, namely for the entire information or only for part of a specific piece of information.

The security clearance for the use of classified information of relevance to national defense may be granted by a general act issued by the competent authority to public officers employed in that authority on the jobs of relevance to national defense or by a specific act to precisely defined persons.

Article 37

Classified information of relevance to national defense may be used only in conformity with the prescribed measures for the protection of secrecy.

3. Records of classified information

Article 38

The authorities responsible for determining the type and period of secrecy shall keep records of the documents containing information that they have determined as secret.

Article 39

The records of classified information shall specifically contain: the marking of the document containing the classified information, the marking of the type of secrecy, secrecy period, name of the authority, name and title of the person who has determined the secrecy of the information, and if the secrecy has been established at the proposal of another authority also the name of the proposing entity, the number of the copies of the document, if there are more copies, the name of the authority and the public officer acquainted with the contents of the document, the date of destruction of certain copies of the document, as well as other data related to the drafting, submission and use of the document as deemed necessary on a case-by-case basis. Similarly, the records shall also include any change in the type and period of secrecy and in the name of the authority, the name and title of the person that effected the change.

VI MEASURES FOR PROTECTING CLASSIFIED INFORMATION

Article 40

The competent authority which has determined the type and period of secrecy shall be obliged to determine, directly or through the competent services or public officers in whom special powers

have been vested, the manner of organization, implementation and control of the application of the measures for the protection of the secrecy of information.

Article 41

The authorities and public officers disposing of or using classified information of relevance to national defense shall be obliged to implement the measures for the protection of secrecy in the manner prescribed by the authority that has determined the secrecy of the information.

Article 42

Measures for the protection of classified information shall include:

- 1) an assessment of the significance of the information, as well as the determination of the type and period of secrecy from the point of its creation
- 2) designation of the premises where classified information is to be processed, used and kept, the manner of securing these premises, the manner of its keeping and using, as well as the conditions under which this information may be taken out of the premises designated for work and storage
- 3) selection and designation of a person who shall work on specific duties and designation of persons who may be acquainted with classified information, the extent, conditions and manner of such acquainting, as well as the making of a written statement on his/her getting acquainted with such information and the secrecy obligation
- 4) ban on the unauthorized removal of classified documents and magnetic media containing classified information outside the premises designated for their processing, use and storage
- 5) ban on access by unauthorized persons to the premises designated for the processing, use and storage of classified information, to the facilities where weaponry and military equipment are stored or produced, as well as to other facilities of special importance to national defense

- 6) ban on unauthorized making of recordings and sketches of classified documents, as well as a ban on the bringing of recording devices into the premises and facilities where classified documents are kept
- 7) ban on exhibiting and presenting secret means of combat and other material resources to unauthorized persons, as well as on sharing the information on such means without a security clearance of the competent authority
- 8) determining of the methods and means for the transportation of technical material means and documents
- 9) application of cryptographic protection measures to information constituting a secret during its transmission by technical communication devices
- 10) determination and application of measures for physical and technical protection, as well as other protective measures
- 11) keeping of separate records on classified documents, their creation, movements, submission and use, persons acquainted with them that may use them, taking documents out of the premises designated for their storage, as well as on their number, numeration and possible destruction
- 12) ban on the publication of classified information without a security clearance of the competent authority
- 13) processing of classified information on protected computers and computer networks, definition of methods for their protection on computers against unauthorized access and electromagnetic radiation
- 14) ban on conversations about classified information if the secrecy of the conversations is not protected
- 15) designation of secret /encoded/ names for certain tasks and documents containing classified information
- 16) written handover of duty between persons handling documents containing classified information or guarding them, as well as the handover of such documents to authorized persons against the signature on the receipt acknowledgment and
- 17) control of implementation of the prescribed measures.

Article 43

Special measures for the protection of classified information of relevance to national defense, in keeping with the constitution and laws, shall be aimed at:

- 1) protecting means of combat and military equipment
- 2) protecting facilities intended for the needs of national defense
- 3) protecting jobs and tasks of particular relevance to national defense.

Article 44

The organization and implementation of the protective measures for weaponry and military equipment shall be carried out by the procurement party and the producer, namely the authority procuring the means and the user, i.e. holder of the means.

The procurement party shall be obliged to define the measures for the protection of weaponry and military equipment from the launch of the development or procurement of means to their handover for use or safekeeping.

The producer, or the authority which procures the means, shall be obliged to implement protective measures as defined by the procurement party, as well as to define other required protective measures relative to the concrete conditions, namely from the point of embarking upon business negotiations up to the delivery of the means to the procurement party.

As of the moment of its receipt, the user, i.e. holder, of the means shall be obliged to implement the prescribed or ordered protective measures, as well as to take other required protective measures depending on the concrete conditions.

Article 45

The organization and implementation of the protective measures for the facilities constructed for the needs of national defense shall begin with the launching of a proposal for the construction of such facility and shall last during its construction, as well as during its

use. These measures shall be implemented by the investor, designer, contractor and his sub-contractors, as well as the user of the facility.

The investor shall determine the measures for the protection of the facility from the point of the launching of the proposal for the construction of the facility up to the handover of the facility for use or guarding.

The designer shall be obliged to implement measures for the protection of the facility as defined by the investor from the point of entering into the business relation up to the handover of the facility for use or guarding.

The contractor and his sub-contractors shall be obliged to implement measures for the protection of the facility as defined by the investor from the point of submission of bids in a tender for the performance of construction works up to the handover of the constructed facility.

The user of the facility or the person entrusted with the task of guarding the facility shall implement measures for the protection of the facility from the point of its takeover.

Article 46

Special measures for the protection of classified information related to the protection of jobs and tasks of particular relevance to national defense shall be prescribed by the Council of Ministers of Serbia and Montenegro, while within the Army they shall be prescribed by the Minister of Defense.

VII CONFIDENTIAL INFORMATION RECEIVED AS A RESULT OF INTERNATIONAL EXCHANGE

Article 47

Classified information of relevance to national defense may be provided to foreigners in accordance with the concluded internation-

al treaties and upon approval of the Assembly of Serbia and Montenegro, or the Supreme Defense Council when the classified information concerned has been marked as military secret.

The provision of classified information for use by foreigners may be made conditional.

Article 48

The handling of the classified information obtained as a result of international cooperation by institutions of Serbia and Montenegro and authorities of the member states must be consistent with the type and level of secrecy determined by the author of the classified document.

Article 49

The Council of Ministers of Serbia and Montenegro shall prescribe in detail criteria, conditions and the method for international exchange of classified information.

VIII SUPERVISION OF IMPLEMENTATION OF THE LAW

Article 50

The supervision of the implementation of the Law in the section related to the determination of state or official secrets by institutions and government authorities referred to in Article 20 of the present Law shall be carried out by persons managing these institution or authorities.

The supervision of the implementation of the Law, in addition to the supervision referred to in paragraph 1 of this Article, shall be carried out by an authority responsible for the tasks of defense inspection.

The person managing the authority responsible for the tasks of defense inspection shall issue a separate authorization designating the persons who may carry out the supervision of the documents containing classified information.

Article 51

The inspection referred to in Article 54, paragraph 2, of the present Law may propose measures for the elimination of shortcomings and irregularities established in the course of the inspection.

If the established irregularities have not been eliminated within the given time limit the inspection shall inform the Supreme Defense Council, if the classified information concerned is marked state secret, or the Minister of Defense in other cases.

IX TRANSITIONAL AND FINAL PROVISIONS

Article 52

The authors of the existing documents containing classified information of relevance to national defense shall be obliged to harmonize them with this Law within six months from the day of its entry into force.

Article 53

The present Law shall enter into force on the eighth day from the date of its publication in the *Official Gazette of Serbia and Montenegro*.

Belgrade, 1 March 2006

Chapter Four

MODEL LAW ON CIVILIAN SERVICE

Chapter I

Basic provisions

The scope of the Law

Article 1

The Law regulates the manner of performing civilian service, exercise of the right to conscientious objection of persons subject to conscription, rights and obligations of civilian service registrants and of institutions in which civilian service is performed, as well as of the authority within whose purview falls the performance of civilian service.

The right to conscientious objection

Article 2

A conscientious objector, who for religious, moral, political, philosophic and other valid reasons of conscience wishes to substitute his military service with civilian one, shall be able to perform civilian service under conditions set out by present Law.

The duration of civilian service

Article 3

The duration of civilian service shall be nine months.

Basic terms

Article 4

For the purpose of the present Law:

- 1) civilian service is the service substituting military service and it shall be performed at civilian institutions in the manner and under conditions defined by the present Law;
- 2) the institution at which civilian service is performed shall be an institution, public enterprise or an organization carrying out scientific, educational, pedagogical, cultural, sports, social, health care, humanitarian and other activities of general interest as well as local self government authorities and units and those of territorial autonomy and government bodies of the member states designated by a decision of the Minister responsible for labour and employment affairs (**alternative: as determined by a decision of the Ministry, that is, of a department responsible for the civil defense service**);
- 3) a conscientious objector shall be a conscript (a recruit, a serving conscript and a person in the reserve forces) who for religious, moral, political, philosophic or other valid reasons of conscience wishes to substitute military service with the civilian one, under the conditions set out by the present Law;
- 4) a conscientious objection registrant shall be the person who has been recognized the conscientious objector status by the decision of the commission referred to in Article 9 of the Law and who has sound health status as defined by the labour relations regulations.

The obligation to inform about the right to conscientious objection

Article 5

The competent draft board is obliged to accompany the call-up papers with information on the right of the recruit to conscientious objection and the procedure for exercising that right.

The information referred to in paragraph 1 of the Article shall also be served on the conscript called up to perform military service.

Chapter II

Exercise of the right to conscientious objection

Submitting an application for civilian service

Article 6

A person wishing to exercise the right to conscientious objection shall submit a written application for civilian service within eight days from the date of the receipt of the call-up paper.

The application referred to in paragraph 1 of this Article shall be submitted to the draft board with which the applicant is registered.

The person who is already a serving conscript shall apply in writing for civilian service to the draft board with which he is registered, through his superior officer. The superior officer is obliged to refer the application to the draft board within seven days.

A person in reservist military service shall submit a written application for civilian service to the draft board with which he has been registered.

The draft board is obliged to deliver the application referred to in paragraphs 2 to 4 of this Article to the commission referred to in Article 9 of the present Law.

Application for civilian service

Article 7

In his application for civilian service a conscientious objector shall state his reasons for exercising the right to conscientious objection as well as the duties that he would like to perform and in what institution.

Obstacles for exercising the right to conscientious objection

Article 8

The following persons cannot exercise the right to conscientious objection:

- 1) a person possessing a permit for carrying, i.e. holding a weapon

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- 2) a person that has submitted a request for carrying, i.e. holding a weapon during the past three years,
 - 3) a person who has been convicted of a crime or offense with elements of violence.

Municipal commission

Article 9

An application for civilian service shall be decided by the commission in the municipality where the draft board with which the conscientious objector is registered is situated (the municipal commission).

The municipal commission shall be set up by the Municipal Assembly.

There are three members of the municipal commission, one of whom is a Bachelor of Law.

An application for civilian service shall be decided upon by the municipal commission within 30 days of the day of the receipt of the application. If the municipal commission approves an application for the civilian service, it shall designate an institution where the conscientious objector shall perform his civilian service and the date of the commencement of the service.

In deciding on an application for civilian service, the municipal commission shall be obliged to consider the list of institutions where civilian service can be performed. If such an institution or a vacancy within such institution does not exist, the municipal commission shall refer the civilian service registrant to the institution closest to his habitual residence to perform his civilian service.

Organization, terms of reference, the method of work, record keeping and other issues of relevance to the work of the municipal commission shall be regulated in detail in the Rules of Procedure adopted by the Minister responsible for labour and employment affairs (**alternative: minister, i.e. head of the department responsible for the civil defense service**).

Appeals against the decision

Article 10

A conscientious objector may file an appeal against the decision of the municipal commission within eight days as of the date of the receipt of the decision.

The appeal shall be submitted to the Minister responsible for labour and employment affairs (**alternative: minister, i.e. head of the department in charge of the civil defense service**), through the municipal commission. The appeal shall postpone the execution of the decision.

The decision on the appeal shall be made within 30 days as of the date of the receipt of the appeal.

An administrative procedure can be initiated against the decision on the appeal.

Chapter III Civilian service

Induction into civilian service

Article 11

A civilian service registrant is obliged to present himself to the institution where civilian service is to be performed at the time indicated in the decision referred to in Article 9 of the present Law.

If the civilian service registrant fails to enter civilian service without a valid reason at the time indicated in the decision referred to in Article 9 of the present Law, he shall be deemed as relinquishing his right to civilian service.

In the case mentioned in paragraph 2 of this Article, the institution to which the civilian service registrant has been referred shall immediately inform thereof the municipal commission, and the commission shall inform the draft board at which the person is registered.

The duration of civilian service

Article 12

Civilian service shall start on the day of attending the institution. Holidays and weekends are included in the duration of civilian service.

Suspension of civilian service on request

Article 13

A civilian service registrant may during the performance of his civilian service submit a written request for the suspension of his civilian service and for performing military service. The request shall be submitted to the municipal commission referred to in Article 9 of the present Law. The commission is obliged to bring a positive decision within 30 days and to submit its decision to the draft board at which the person has been registered within another seven days.

The draft board referred to in paragraph 1 of this Article shall determine the duration of military service according to law, with two days spent in civilian service calculated as one in military service.

The suspension of civilian service by virtue of law

Article 14

Civilian service of the civilian service registrant shall be suspended if during his services the obstacles referred to in item 3, Article 8 of the present Law, occur.

The decision on the suspension of civilian service referred to in paragraph 1 of the present Law shall be brought by the municipal commission, on the basis of a final court decision and it shall inform thereof the draft board with which the person has been registered.

Temporary suspension of civilian service

Article 15

A civilian service registrant may, upon his request made in writing, have his service temporarily suspended due to his temporary incapacity for performing the service owing to health problems, death or serious illness in the family, as well as in the case his family were faced with difficult material circumstances due to his absence.

Civilian service of a civilian service registrant may be suspended temporarily at the request of the competent Ministry, for his partic-

ipation at an international sports competition, international art manifestation, and scientific research or for other valid reasons.

The temporary suspension referred to in paragraphs 1 and 2 of this Article may last as long as reasons for that exist and not longer than one year. Regulations on determining the health status of conscripts shall apply in case of temporary suspension of civilian service owing to temporary health incapacity to perform the service.

The decisions on the temporary suspension referred to in paragraphs 1 and 2 of this Article shall be made by the Minister responsible for labour and employment affairs (**alternative: minister, i.e. head of the department for the civil defense service**).

Upon the expiry of the temporary suspension of civilian service, the civilian service registrant shall be sent back to complete his civilian service, at the latest by the end of the calendar year in which he becomes 30 years of age.

Transfer

Article 16

A civilian service registrant may be transferred to another institution, upon his written request or the request of the institution in which he is performing his civilian service.

The decision on the transfer is passed by the municipal commission that has approved the application on civilian service.

Striking off from the draft registration

Article 17

A civilian service registrant shall be struck off the draft registration after the completion of civilian service whereby his military service shall be terminated in keeping with the military service regulations.

Thereupon, a civilian service registrant shall be entered into the registry of conscientious objectors.

Chapter IV

The rights and obligations of civilian service registrants and of the institution

The rights of a civilian service registrant

Article 18

A civilian service registrant shall be entitled to a regular 15 days leave. Regular leave cannot be granted at the beginning of civilian service.

A civilian service registrant may be awarded additional leave of absence of up to 10 days in recognition of exceptional performance and the results achieved.

A civilian service registrant is entitled to a seven day emergency leave for private matters in case of: marriage, child birth, passing of an exam, death of a family member and in other similar cases. Emergency leaves for private matters may be granted on several occasions, but the time spent on a leave exceeding seven days shall be calculated as the time of the regular leave, unless that leave has been approved due to the death of a family member.

A decision on using regular, additional and emergency leaves shall be made by the head of the institution or the person authorized by him/her.

Obligations of a civilian service registrant

Article 19

A civilian service registrant is obliged to conscientiously perform his duties and assignments in keeping with general acts, working hours of the institution and the instructions of the person responsible for monitoring his work.

In case of non-fulfillment of his obligations referred to in paragraph 1 of this Article and in the case of unexcused absence from the training referred to in Article 23 of the present Law, the person responsible for monitoring the work of a civilian service registrant shall notify thereof the municipal commission referred to in Article 9 of the present Law.

The municipal commission may decide to extend the service time of the civilian service registrant referred to in paragraph 2 of this Article by 90 days.

The procedure for taking actions referred to in paragraph 3 of the Article shall be prescribed by the Minister responsible for labour and employment affairs (**alternative: Minister, i.e. head of the department for the civil defense affairs**), but the procedure must envisage the right to appeal of the civilian service registrant against whom the actions have been taken.

Rights and obligations of the institution

Article 20

Rights and obligations of the institution in which civilian service is performed and those of the Ministry responsible for labour and employment affairs (**alternative: Minister, i.e. head of the department for the civil defense affairs**) shall be regulated by a contract.

The institution in which civilian service is performed is obliged to secure monthly incomes to the civilian service registrant in the amount equal to the monthly incomes of the conscript in military service, as well as to cover traveling expenses in accordance with law and the general act of that institution.

The institution in which civilian service is performed shall cover the expenses of health care insurance of a civilian service registrant and shall be obliged to secure his health at work, protection of personal integrity, security and other forms of protection in keeping with law and the general act of that institution.

Duty to report

Article 21

The head of the institution, i.e. a person authorized by him/her to monitor the work of a civilian service registrant is obliged to submit a report in writing on the work of the civilian service registrant once a month to the municipal commission referred to in Article 9 of the present Law.

A duty to keep a record

Article 22

The head of the institution, i.e. a person authorized by him/her is obliged to keep a record of civilian service registrants. It shall contain data regarding their admission, assignment of duties, regular, additional and emergency leaves, work and training and the discharge from civilian service.

The institution shall submit the decision on the completion of the civilian service of the registrant to the municipal commission that has referred him to that service.

Training of civilian service registrant

Article 23

During his civilian service, a civilian service registrant shall be trained to carry out the work benefiting the community falling within the scope of work of the institution as well as to perform civil defense duties.

Training for performing the civil defense duties shall include professional training for performing the tasks of protecting and rescuing people, material and other goods in case of natural disasters, technical-technological accidents or war and the consequences thereof.

The training referred to in paragraph 2 of this Article shall be organized in the duration of 14 working days, i.e. 84 classes.

The program and the method of training shall be prescribed by the minister responsible for labour and employment affairs (**alternative: Minister, i.e. head of the department responsible for the civil defense affairs**).

Chapter V

Supervision of the law implementation

Article 24

The Ministry responsible for labour and employment affairs (**alternative: Ministry, i.e. department responsible for the civil**

defense affairs) shall supervise the implementation of the present Law.

In performing the supervision, the Ministry responsible for labour and employment affairs (**alternative: Ministry, i.e. department responsible for the civil defense affairs**) has rights and duties envisaged by the regulations on state administration governing the performance of delegated affairs.

Chapter VI

Transitional and final provisions

Passing the by-laws

Article 25

The Minister responsible for labour and employment affairs (**alternative: Minister, i.e. head of the department responsible for the civil defense affairs**) shall pass regulations for the implementation of the provisions of the present Law within six months as of the date of its entry into force.

Applicable laws

Article 26

The length of service for the persons who at the time of entry into force of the present Law performed civilian service as conscripts shall be that as set out by regulations applicable at the time of their referral to the civilian service.

Entry into force

Article 27

The present Law shall enter into force on the 8th day upon the date of its publication in the "Official Gazette of Serbia and Montenegro".

Chapter Five

MODEL LAW ON THE PROVISION OF PRIVATE SECURITY- RELATED ACTIVITY

I. BASIC PROVISIONS

The Scope of the Law

Article 1

This Law stipulates the requirements and methods for performing private security-related activity not falling within the scope of police or some other security service of the state or such activity by whose performance one protects safety of people and property beyond that provided by the state (hereinafter referred to as: security-related activity).

Security- related activity

Article 2

For the purpose of this Law security-related activity is an activity related to the protection of people and property.

Persons involved in the performance of the security-related activity shall take measures and actions provided by this Law for the purpose of discovering and preventing damaging and unlawful activities that undermine dignity and endanger physical integrity of persons and reduce the value of property under protection.

Content of security- related activity and forms of protection

Article 3

Security-related activity covers physical, technical and other forms of protective security of people and property.

This activity can be performed within different forms of protection, such as: the protection of persons, protection of property; transport and protection of pecuniary and other valuable shipments; protection of public assemblies, managing the work of the protective-surveillance center; design and installment of the protection systems.

Security-related activity may be provided, under the conditions stipulated by law, by commercial companies and individual entrepreneurs.

Duties of physical protection security referred to in paragraph 1 of this Article can be performed only within a protected facility, around the protected person within the spatial boundaries for the protection of which security men have been engaged, while in public places it can be performed only upon obtaining an authorization from the Ministry of the Interior (hereinafter referred to as: the Ministry) at the proposal of the competent local self government authority.

Guards and body guards may perform duties of physical security protection for a body corporate or an entrepreneur only if they are in its/his employ.

Only the means, devices and apparatus of the prescribed quality according to the norms of Serbia and Montenegro, can be used in providing security-related activity, and if such norms do not exist – according to the accepted rules of the engineering profession. Commercial companies and entrepreneurs who install, maintain and repair technical equipment during the warranty period shall be responsible for its proper operation.

Restrictions imposed on the security- related activity

Article 4

Commercial companies and entrepreneurs performing the security-related activity may not perform any other activity.

Commercial companies and entrepreneurs performing the security-related activity may not apply operational means and methods that are, according to special regulations, applied by the Ministry, the Security-Intelligence Agency and other authorities and special organizations.

Commercial companies and entrepreneurs referred to in paragraph 1 of this Article may not procure or use uniforms and emblems that are the same or similar, with regard to their colours, shapes, forms and other marks,

to the uniforms and emblems of the police, neither can they use vehicles and other means of transport and equipment whose graphic insignia and other emblems are the same or similar to the vehicles and other means of transport or equipment used by the police.

The Security Association

Article 5

In order to secure competency in performing the activity and to protect public interest, the commercial companies and entrepreneurs providing security must be associated within a Security Association (hereinafter referred to as: the Association).

Entities referred to in paragraph 1 of this Article shall become members of the Association on the date of the receipt of their licenses as provided by this Law.

In order to achieve the goals referred to in paragraph 1 of this Article, the Associations may be associated with other legal or natural persons, if it is in their interests to do so.

The Association shall be a natural person. It becomes a natural person by entering the Commercial Companies Register (hereinafter referred to as: the Register). The Association shall attach to its application for entering the Register its Statutes and an approval issued by the Government for exercising public powers.

The Association shall ensure competent performance of the security-related activity and it shall also protect public interests in this field.

The Statutes of the Association shall establish its internal organization, bodies and competencies, the scope of activity funded by the membership contribution and methods of exercising public powers.

The Government shall grant an approval for the Statutes of the Association in the field covering the exercise of public powers.

Administrative affairs and supervision

Article 6

Administrative affairs in the field of security-related activity provided by this Law and the supervision of the exercise of public powers according to this Law shall be performed by the Ministry.

Requirements for foreign legal and natural persons

Article 7

Foreign legal and natural persons who have acquired in their kin state the right to perform security-related activities may, in accordance with this law, exercise security-related activity in the Republic of Serbia on the basis of reciprocity and without being a member of an Association referred to in Article 5 of this Law.

Meanings of certain terms

Article 8

Certain terms used in this Law have the following meanings:

- 1) technical security systems are separate or functionally connected devices for monitoring movements within certain facility, area or space, independent identification and reporting of unauthorized presence or fire, transfer of alarm messages and the means of processing and filing away such messages (anti-burglary protection, access control, video surveillance of the area etc.);
- 2) mechanical security devices are single or functionally inter-connected devices specially designed for preventing or obstructing movements;
- 3) security system planning means developing the project for installing and building up of protection facilities, installations and spaces (studies, designs, announcement projects, acquisition of building licenses, execution of works or works executed, risk assessment etc);
- 4) constructing security systems includes direct application of security technical solutions and supervision thereof as well as inter-connection of the mechanical devices systems for security;
- 5) protection of persons means protection of life and limb of natural persons provided by security men – body guards;
- 6) the protection of property means protection of movable and immovable property from destruction, damaging and other detrimental effects with the use of protective, i.e., technical systems and mechanic devices according to the existing standards;

- 7) transport and protection of pecuniary and other valuable shipments means transport of pecuniary and other valuable shipments (gold, precious stones, works of art, securities and the like) with the help of security men and using special motor vehicles designed for that purpose;
- 8) protection of public assemblies means securing order at public assemblies and public manifestations with the help of security men and by using technical systems and mechanic devices for protection, in keeping with regulations on public assemblies;
- 9) physical security protection means providing protection by the prescribed security-related activity of the persons – security men, without greater use of technical means, but rather with their own physical strength, coercive measures and means and physical protection of facilities, property and things being transported from destruction, damaging, theft and other form of detrimental effects, as well as that of persons from endangering their lives, physical and mental integrity, privacy and personal rights as well as from other forms of threats to their personal safety;
- 10) technical security protection means creating technical conditions for preventing unlawful acts and direct use of technical means for securing facilities and property, things in transport and persons, in keeping with regulations and standards;
- 11) managing of the protective-surveillance center means management and permanent physical supervision of the installed technical systems and devices for the protection of property, facilities or a protected person as well as supervision via telecommunication lines of alarm signals performed within the protective -surveillance centre;
- 12) the entity commissioning the service is a natural or legal person that has concluded a written contract with a commercial company or an entrepreneur on the performance of certain tasks falling within the scope of security-related activity;
- 13) a license is a permit for providing security- related activity in the territory of the Republic of Serbia.

II. SECURITY-RELATED ACTIVITY

1. Security Association

Public powers and other tasks

Article 9

The Association shall carry out the following tasks as public powers:

- 1) implement vocational education curricula referred to in Article 20 of this Law,
- 2) determine personnel, material and spatial requirements and equipment for the implementation of the vocational education curricula;
- 3) keep records of vocational education referred to in Article 55 of this Law;
- 4) prepare draft List of the types of qualifications required for the performance of certain forms of security-related activities referred to in Article 3(2) of the Law (hereinafter referred to as: the List of the types of qualifications);
- 5) performs other duties stipulated by a separate law.

The Association shall perform the following duties:

- 1) determine the amount of the required membership contribution and other sources of financing in keeping with the Statutes;
- 2) supervise the work of its members;
- 3) manage the work of its members, adapt the development of technical means to its own technological achievements;
- 4) prepare the code of professional ethics and measures in case of its violation;
- 5) the Association shall work together with the authority in charge of standardization on drafting standards for all forms of security set out in this Law;
- 6) take part in the process of testing alarm systems and other protection devices together with competent authorities and institutions;

- 7) decide on behalf of security men as their employer on concluding collective agreements for security-related activity with a representative trade union;
- 8) represent the interests of members in the process of passing and implementing laws and other regulations in the field of security-related activity;
- 9) organize seminars, training courses and other forms of additional vocational education and training;
- 10) organize experts' meetings, fairs and other public manifestations in the field of security-related activity;
- 11) provide its members with professional assistance upon their request, study the situation in the field of security-related activity and determine development projects in the field of security-related activity;
- 12) carry out other tasks in keeping with its Statutes.

The Association is obliged to submit to the Minister a report on the exercise of public powers referred to in paragraph 1 of this Article by 30 March each year for the previous calendar year.

The Minister shall prescribe in detail the method of the exercise of public powers and personnel and material requirements for the exercise of public powers.

Means of Labour

Article 10

Means of labour of the Association shall be the following:

- 1) the required membership contribution
- 2) contributions necessary for the implementation of vocational education curriculum;
- 3) other sources of financing envisaged by the Statutes of the Association.

The required membership contributions shall be used for financing the services provided by the Association to its members that are not falling within the purview of public powers.

Those obliged to pay membership contributions are commercial companies and entrepreneurs who are members of the Association on

the basis of Article 5(1) of this Law and legal and natural persons who are members of the Association on the basis of Article 5(3) of this Law.

The base for the required membership contribution is the amount of money determined by the Assembly of the Association in proportion with the number of employees referred to in Articles 15-19 of this Law in a commercial company and/or employed by an entrepreneur as referred to in Article 5(1) of this Law. The rate of the required membership contribution shall be 15% of the established membership contribution base.

Legal and natural persons referred to in Article 5(3) of the Law shall pay the required membership contribution in a lump sum amounting to a half of the membership contribution referred to in paragraph 4 of this Article actually collected in the previous calendar year.

The rate of the required membership contribution and the lump sum may, upon the decision of the Assembly of the Association and in proportion with the scope of the tasks financed from the membership contributions, increase or decrease by 20 percent at the most.

The Government shall grant an approval for the decision of the Assembly of the Association regarding the amount of money for determining the base referred to in paragraph 4 of this Article and on the increase or decrease of the rate of the required membership contribution as well as the manner and date of its payment.

Financing vocational education

Article 11

The Minister shall, upon the proposal of the Association, prescribe the tariff determining the amount of the contribution for the implementation of the vocational education curricula.

The amount of contribution referred to in paragraph 1 of this Article shall be determined by the tariff bearing in mind the funds necessary for covering the costs of the implementation of the vocational education.

The amount of the contribution referred to in paragraph 1 of this Article shall be determined in relation to the rise in the cost of living in

the Republic, as determined by the Republic Bureau of Statistics (hereinafter referred to as: the Bureau of Statistics). The amount of the contribution may change if the rise in the cost of living is higher than 5 percent of the determined amount of contribution, i.e. of the last rise of the contribution.

The Association shall keep its books in accordance with the law regulating book keeping.

2. Licenses and requirements for performing security-related activities

a) general conditions

The license

Article 12

The right to perform security-related activity is acquired by the license.

The application for obtaining the license stipulating the exact form of protection referred to in Article 3(2) of this Law shall be submitted to the Ministry. Written evidence on the fulfillment of the requirements stipulated by this Law for obtaining the license, a certificate of registry or other proof of registration shall be submitted together with the application.

Licensing requirements

Article 13

The license referred to in Article 14 of this Law can be, on the request of the commercial company or an entrepreneur holding the licenses according to the present Law (hereinafter referred to as: license holder) modified if the holder has already fulfilled the requirements for the performance of any other form of the security-related activity referred to in Article 3(2) of this Law.

In exceptional cases the license may be issued to the Association of the pensioned workers of the Ministry in charge of the internal affairs or the Army of Serbia and Montenegro who used to work in this

field with special powers and duties and to the association of pensioners who used to be employed in the field of security and who have established an association and work in keeping with the regulations on the associations of citizens.

Beginning of operation and the security provision contract

Article 14

The license holder may begin to provide any form of protection listed in the license as of the date of obtaining the license.

The license holder must before he/it starts to perform security related activities referred to in paragraph 1 of this Article ensure protection against liability referred to in Article 28 of this Law.

The license holder shall conclude with the client commissioning security service a written security provision contract.

The security provision contract not concluded in a written form or that concluded with a commercial company, that is, an entrepreneur not holding a license referred to in paragraph 1 of this Article shall be deemed null and void.

The license holder may provide security services only with persons fulfilling the requirements set out in Articles 15, 16, 17, 18 or 19 of this Law.

b) special requirements

Responsible person

Article 15

The person responsible for providing security services on behalf of the license holder (hereinafter referred to as: responsible person) must fulfill the following requirements:

- 1) to complete the vocational education curricula
- 2) to be the holder of certificate of at least two year college mentioned in the List of Types of Qualifications
- 3) to make sure there are no impediments related public order (hereinafter referred to as: impediments related to public order);

- 4) to be citizen of Serbia and Montenegro
- 5) to have sound health status
- 6) to be fluent in the Serbian language
- 7) to have at least five years of work experience.

Security man

Article 16

The person working for the license holder and directly providing security services as guard, that is, security man, body guard or watch (hereinafter referred to as: security man) must fulfill the following requirements:

- 1) to complete the vocational education curricula;
- 2) to hold at least a high school degree as mentioned in the List of Types of Qualifications as a guard, security man, body guard or watch;
- 3) to make sure there are no impediments related to public order;
- 4) to be of a sound health status;
- 5) to be fluent in Serbian;

Security technician

Article 17

A person mounting or setting up security technical equipment and mechanical devices for the license holder (hereinafter referred to as: security technician) must fulfill the following requirements:

- 1) to complete the vocational education curricula;
- 2) to hold at least a high school degree as mentioned in the List of Types of Qualifications for security technician;
- 3) to make sure there are no impediments related to public order;
- 4) to be citizen of Serbia and Montenegro;
- 5) to be of a sound health status;
- 6) to be fluent in Serbian;

Licensed engineer of the security system

Article 18

The person who works for the license holder as engineer responsible for technical systems and mechanical security devices, that is, as manager responsible for that activity in keeping with the law regulating building up of the facility (hereinafter referred to as: licensed engineer of the security system) must fulfill the following requirements:

- 1) to complete the vocational education curricula;
- 2) to have at least a secondary school degree as mentioned in the List of Types of Qualifications as a guard, security man, body guard or watch;
- 3) to make sure there are no impediments related to public order;
- 4) to be of a sound health status;
- 5) to be fluent in Serbian;

Operator at the protective-surveillance center

Article 19

The person operating technical devices and equipment at the protective-surveillance center of the license holder (hereinafter referred to as: operator at the ZNC) must fulfill the following requirements:

- 1) to complete the vocational education curricula;
- 2) to have at least a high school degree as mentioned in the List of Types of Qualifications as a guard, security man, body guard or watch;
- 3) to make sure there are no impediments related to public order;
- 4) to be of a sound health status;
- 5) to be fluent in Serbian;

Compulsory vocational education

Article 20

Persons referred to in Articles 15 – 19 of this Law must be professionally trained in order to acquire or certify their competences and skills in the field of protection of people and property.

Competences and skills referred to in para.1 of this Article shall be acquired i.e., certified by completing a vocational education curricula referred to in Articles 15 – 19 (item 1) of this Law.

Vocational education curricula consist of a general and specific part. The general part includes common contents for the security-related activity and the specific part covers those contents related to specific security services referred to in Articles 15-19 this Law.

Vocational education curricula of the person responsible for security and the engineer responsible for the security system also includes knowledge of the work and organization of the Association and commercial companies and entrepreneurs performing security-related activity.

Costs of the vocational education shall be paid by the license holder or a person himself if he has not concluded a work contract with the license holder.

The Minister shall prescribe the curricula and method of provision of the vocational education.

The Association shall issue to the persons mentioned in paragraph 1 of this Article a certificate on the completion of vocational education.

c) licensing requirements

Protection of persons

Article 21

In order to be issued a license for providing protection of persons, a commercial company, i.e. an entrepreneur, shall fulfil the following requirements:

- 1) that there is a person responsible for the provision of security services;
- 2) that there are no impediments related to public order for owners, legal representatives and members of the supervisory body (the Supervisory Board, the Internal Auditor or others);
- 3) that it/he has at least five bodyguards;
- 4) that it/he has its own or contractually leased protective-surveillance centre;
- 5) that it/he is insured against liability for damage which might be inflicted in the course of its/his work.

Protection of property

Article 22

In order to be issued a license for providing protection of property, a commercial company, i.e. an entrepreneur, shall fulfil the following requirements:

- 1) that there is a person responsible for the provision of security services;
- 2) that there are no impediments related to public order for owners, legal representatives and members of the supervisory body;
- 3) that it/he has at least five guards, i.e. security men;
- 4) that it/he has its own or contractually leased protective-surveillance centre;
- 5) that it/he is insured against liability for damage which might be inflicted in the course of its/his work.

A commercial company, i.e. an entrepreneur, referred to in paragraph 1 of this Article shall have at least two security men on standby at all times for the purpose of continuously undertaking measures for the servicing of an alarm device or the person under protection in the case of a call for help.

The continuous undertaking of measures referred to in paragraph 2 of this Article shall be understood to mean the arrival of security men at the place where the alarm was activated, i.e. the place of the call for help from the person under protection (hereinafter referred to as: the intervention) and the taking of measures by security men in accordance with the terms stipulated in the present Law.

The security men referred to in paragraph 3 of this Article shall be trained professionals equipped for intervention in line with the curriculum determined by the Minister at the proposal of the Association.

Transport and protection of pecuniary and other valuable shipments

Article 23

In order to be issued a license for transport and protection of pecuniary or other valuable shipments, a commercial company, i.e. an entrepreneur, shall fulfil the following requirements:

- 1) that there is a person responsible for the provision of security services;
- 2) that there are no impediments related to public order for owners, legal representatives and members of the supervisory body;
- 3) that it/he has at least five security men;
- 4) that it/he has its own or contractually leased protective-surveillance centre;
- 5) that it/he has at least one vehicle suitable for transport of pecuniary or other valuable shipments;
- 6) that it/he is insured against liability for damage which might be inflicted in the course of its/his work.

The protective-surveillance centre referred to in paragraph 1, item 4), of this Article shall be obliged to have a surveillance system which enables constant readiness of vehicles for the transport of pecuniary and other valuable shipments within no less than a 200 km radius.

The security men who transport or secure pecuniary or other valuable shipments shall be equipped with the equipment enabling direct communication for the purpose of communicating with the protective-surveillance centre.

At the proposal of the Association and the competent bank and insurance company, the Minister shall prescribe the manner in which pecuniary and other valuable shipments are to be transported and secured.

Security at public assemblies

Article 24

In order to be issued a license for providing security at public assemblies, a commercial company, i.e. an entrepreneur, shall fulfil the requirements referred to in Article 22, items 1), 2), 4) and 5), of the present Law and have at least 30 security men.

The security men referred to in paragraph 1 of this Article shall be professionally trained in providing security at public assemblies, in line

with the curriculum determined by the Minister at the proposal of the Association.

The provisions of the present Law shall apply to the provision of security at public assemblies, unless otherwise provided for by regulations governing public assemblies.

Management of the protective-surveillance center

Article 25

In order to be issued a license for the management of the protective-surveillance center, a commercial company, i.e. an entrepreneur, shall fulfil the following requirements:

- 1) that there is a person responsible for the provision of security services;
- 2) that there are no impediments related to public order for owners, legal representatives and members of the supervisory body;
- 3) that it/he has at least five ZNC operators;
- 4) that it/he meets the standards of protection and protection-related quality standards;
- 5) that it/he is insured against liability for damage which might be inflicted in the course of its/his work.

The standards referred to in paragraph 1, item 4), of this Article shall be prescribed by the authority in charge of standardization at the proposal of the Minister and the Association.

Planning and constructing a security system

Article 26

In order to be issued a license for planning and constructing security systems, a commercial company, i.e. an entrepreneur, shall fulfil the following requirements:

- 1) that there is a person responsible for the provision of security services;
- 2) that there are no impediments related to public order for owners, legal representatives and members of the supervisory body;

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- 3) that it/he has at least one authorised security system engineer;
 - 4) that it/he has at least three security technicians;
 - 5) that it/he is insured against liability for damage which might be inflicted in the course of its/his work.

Impediments Related to Public Order

Article 27

The impediments related to public order referred to in Articles 15-19 and Articles 21-26 of the present Law shall exist:

- 1) if a person has a final conviction for a criminal offence prosecuted *ex officio*;
- 2) if a person was convicted by virtue of a final court ruling for a breach of peace with elements of violence.

If criminal proceedings, or proceedings for an offence with elements of violence, are in progress against the person referred to in paragraph 1 of this Article, the decision, provided that the person has fulfilled the requirements, be postponed pending the final judgment, i.e. court ruling in these proceedings.

If the prescribed time limit for the expunction of the conviction has expired, i.e. if more than three years have elapsed since the person referred to in paragraph 1 of this Article has been punished for an offence, it shall be deemed that there are no impediments related to public order.

Liability for Damage

Article 28

A license holder shall be liable for the damage inflicted by the persons referred to in Articles 15, 16, 17, 18 or 19 of the present Law, who perform for him the duties of providing security.

A license holder shall take out insurance before the commencement of the performance of the activity against liability for damage which could be inflicted upon the client who commissioned security services or upon the third party in relation to the provision of security services, with an insured amount which shall not be lower than

6,000,000 dinars for an individual accident, i.e. than 12,000,000 dinars for all the accidents in the course of a year.

A license holder shall make the provisions of the contract on insurance against liability publicly available.

d) activities incompatible with the security related activity

Ban on the conclusion of certain contracts

Article 29

A license holder shall not enter into a contract on the performance of duties or perform duties for which the police, military police, security services or judicial bodies are statutorily designated or authorised (prosecution of the perpetrators of criminal offences, the so-called debt collection and the like) or the duties for domestic and foreign police, defence, security or counterintelligence services.

A license holder shall not enter into contracts on the protection of persons or property if a contract on protection has already been concluded with another license holder for the same duties.

Professional secret

Article 30

The persons referred to in Articles 15 -19 of the present Law shall be obliged to keep confidential the duties they perform, i.e. which they have been entrusted with (a professional secret).

e) revocation and cessation of the license

Temporary revocation of the license

Article 31

If the Ministry, acting on its own initiative or based on a written proposal from the competent inspection services or the Association, has established that in the last year a license holder repeatedly (two or more times) breached the provisions of the present Law and reg-

ulations on the prevention of illegal labour and employment and unfair competition, it shall take a decision on the temporary revocation of the license.

The written proposal referred to in paragraph 1 of this Article shall contain the name of the firm or the forename and surname, the seat or the permanent residence of the license holder, as well as data on and a description of the offence.

The measures referred to in paragraph 1 of this Article may be pronounced for a period of three months.

An appeal against the decision referred to in paragraph 1 of this Article shall not have suspensive effect.

Revocation and prohibition of re-licensing

Article 32

The Ministry shall revoke the license from a license holder if:

- 1) it has established that it/he no longer fulfils the statutory requirements for the provision of security services;
- 2) it/he provides security services in contravention of the license;
- 3) it/he has been prohibited from the provision of security services by virtue of a final court ruling;
- 4) it/he acts in contravention of Articles 29 and 30 of the present Law;
- 5) it would be necessary to pronounce the measure of temporary revocation of the license against the license holder after such measure has already been pronounced twice against it/him.

The license holder shall submit to the Ministry the revoked license within eight days from the receipt of the final decision on the revocation of the license.

The decision on the revocation of the license for the reasons stated in paragraph 1, items 2), 4) and 5) of this Article shall contain also a prohibition of the re-issuance of the license for a period of three years from the day on which the decision on the revocation of the license has become final.

Cessation of the license

Article 33

The license shall cease:

- 1) if a license holder has stated in writing that it/he no longer wants to provide security services;
- 2) due to the termination of operation of a license holder in accordance with the law governing commercial companies;
- 3) due to the introduction of composition, bankruptcy or liquidation in accordance with the law governing composition, bankruptcy and liquidation.

3. Measures and Duties of Security Men

Measures taken by security men

Article 34

A security man may take the following measures in the performance of security-related duties:

- 1) to warn a person to leave the area, facility or space he protects (hereinafter referred to as: the protected area) if that person is not authorised to be there;
- 2) to verify the identity of the person at entry into, i.e. exit from, the protected area when that is necessary in order to protect people and property he secures, if required so by the rules in the protected area;
- 3) to inspect the surface of the clothes, the interior of the vehicle and luggage at entry into, i.e. exit from, the protected area, if that is necessary for the protection of people and property he secures and if the person concerned agrees to that;
- 4) to prevent a person from entering into, i.e. exiting from, the protected area if that person refuses the check referred to in item 3) of this paragraph, if he resists the establishing of his identity or if there are other reasons for which it is necessary to prevent entry into, i.e. exit from, the protected area;

- 5) to request the person who is a threat to the security of people and property or order in the protected area to immediately stop the endangerment or to leave the protected area;
- 6) to detain the person caught in the commission of a criminal offence prosecuted *ex officio* pending the arrival of the police;
- 7) to use means of restraint if there is no other way to detain the person referred to in item 6) of this paragraph;
- 8) to use physical force if there is no other way to prevent a person from entering into, i.e. exiting from, the protected area, to prevent direct endangerment of the lives of people or of the property he secures or to detain the person pending the arrival of the police;
- 9) to use systems for video surveillance and to keep records of rounds of the protected area.

A license holder shall be obliged to put a notice on the implementation of the measures related to the use of the video surveillance system referred to in paragraph 1, item 9) of this Article in a visible place in the protected area.

License holders shall maintain a database of recorded tapes made by the video surveillance system and of the rounds of the protected area. The database shall contain data on the recorded tapes made by the video surveillance system (video, i.e. audio recordings), the full name, place of permanent or habitual residence, number and type of the personal document, time of entry into and exit from the protected area and the reason for the entry into the protected area.

The data referred to in paragraph 3 of this Article shall be kept for not more than three months from the day of their generation, and then they shall be destroyed. In case there is a suspicion that a criminal offence has been committed, which is prosecuted *ex officio*, these data shall be kept for not more than one year, and then they shall be destroyed.

The application of the measures referred to in paragraph 1, items 3) and 4), of this Article shall not be allowed against an officer of a penitentiary, of the police, the army and other officers of government agencies and bodies of the territorial autonomy and local self-governments, who perform their official tasks in the protected area.

The possession or use of other means of coercion, protective objects, as well as dogs, horses or other animals in the performance of security-related duties shall be prohibited.

Principle of proportionality and legality

Article 35

The implementation of the measures referred to in Article 34 of the present Law shall be proportional to the lawful objective of their use. In the implementation of the measures no one shall be subjected to torture, inhuman or degrading treatment.

A security man shall act solely in the manner defined by the present Law in order to achieve the completion of his tasks with the least harmful consequences. If it is allowed to take several measures in the given circumstances, he shall first apply the measure which is the least harmful to the person. A security man shall stop applying measures when reasons for which they were applied have ceased to exist, or when he establishes that he would not be able to accomplish the task in that manner.

The restriction of movement of the person by prevention of entry (Article 62, paragraph 1, item 4) or by detaining the person pending the arrival of the police (Article 62, paragraph 1, item 6) shall not be longer than two hours. (*Translator's note: the number of the Article seems to be wrong*)

Firearms

Article 36

A security man shall be allowed to carry firearms during the discharge of security-related duties in conformity with the law on arms.

A license holder may procure prescribed short-barrel weapons for not more than half of the employed security men and shall be allowed to use only the weapons in his possession. It/he shall not entrust a natural person who has not fulfilled statutory requirements with the safekeeping of weapons, nor shall he allow such natural person to possess or carry weapons.

In the performance of his tasks, a security man shall be allowed to use firearms exclusively when he has no other way to:

- 1) protect the lives of people;
- 2) ward off a direct unlawful attack threatening his life or the life of the person he protects.

Before using firearms, a security man shall be obliged to warn, if possible under the circumstances, the person against whom he is to use firearms by crying out: "Stop, or I'll shoot!" and by firing a warning shot.

Calling the police, medical assistance

Article 37

A security man who has restricted the movement of a person (Article 34, paragraph 1, items 4) and 6), used means of restraint (Article 34, paragraph 1, item 7), used physical force (Article 34, paragraph 1, item 8) or firearms (Article 36, paragraph 3), shall be obliged to inform the police station in the area where these measures were applied, i.e. means used, to that effect.

If in the implementation of the measures, i.e. the use of the means referred to in paragraph 1 of this Article, a person has been physically injured in such a way that he needs medical assistance, a security man shall be obliged to ensure that he receives the mentioned assistance as soon as possible and to inform the police station to that effect.

A license holder shall be obliged to inform the police station in the area where these measures were applied, i.e. means used, to that effect not later than within 24 hours from the application of the measures, i.e. the use of the means referred to in paragraph 1 of this Article, in writing.

The written notification referred to in paragraph 3 of this Article shall contain the information referred to in Article 51, paragraph 2, items 3) and 4), of the present Law.

Reporting to the police

Article 38

If a security man has established in the discharge of security-related duties that a criminal offence is being prepared, committed or has

been committed, for which the perpetrator is prosecuted *ex officio*, he shall be obliged to inform the nearest police station to that effect in accordance with the Criminal Procedure Code or to report it to the competent government authority.

Regulation on the measures taken by security men

Article 39

The Minister shall more specifically prescribe the manner in which the measures taken by security men, as defined by the present Law, are to be applied.

Official identity badge

Article 40

The persons referred to in Articles 15 -19 of the present Law shall carry on them an official identity badge (hereinafter referred to as: the identity badge) during the performance of their tasks.

When the persons referred to in paragraph 1 of this Article perform their tasks in the clothes which are not visibly marked with the insignia of the license holder, and in doing so they invoke their tasks and measures for the application of which they are authorised, they shall be obliged to produce identity badges. In any event, these persons shall be obliged to produce their identity badges at the request of a police officer or an inspector for the security-related activity.

The Minister shall prescribe the forms and price of the identity badge referred to in paragraph 1 of this Article, as well as a procedure for the issuance of identity badges.

Types of identity badges and cessation of validity

Article 41

The identity badge shall be issued by the Ministry at the expense of its holder, bearing in mind the form of protection provided by the persons referred to in Articles 15 -19 of the present Law.

The person referred to in paragraph 1 of this Article whose employment with the license holder is to be terminated shall be obliged to return his identity badge to the Ministry. The license holder shall be obliged to inform the Ministry about the termination of employment of that person.

Working clothes and insignia

Article 42

Security men, security technicians and ZNC operators shall wear working clothes during the performance of the tasks, with the emblem of the license holder and insignia clearly indicating the tasks they perform.

Security men may also provide protection of property in precarious possession in plain clothes.

Bodyguards shall provide protection of persons in plain clothes.

4. Special duties of the systems for technical security protection and protective-surveillance centers

Technical protection system

Article 43

Technical means which are used for the provision of technical security protection in an area or a facility may be connected into systems of technical security protection (hereinafter referred to as: a technical protection system).

A technical protection system may include different integral forms of technical security protection with the appropriate technical means, and in particular: anti-burglary and anti-holdup equipment; protection against unauthorised access to the secured premises; protection against the importing of explosive, ionizing and other dangerous substances; protection against exporting, i.e. theft, of secured objects.

The technical protection system shall have an alarm centre of the system, from where all the signals are transmitted from that technical protection system.

Technical protection systems must be built, maintained and serviced in keeping with the regulations on the conditions and methods of the provision of technical protection.

Informing the police of certain criminal offences and misdemeanours

Article 44

The protective-surveillance centers referred to in Article 3, paragraph 2, of the present Law and alarm centers of the technical protection systems referred to in Article 43, paragraph 3, of the present Law, i.e. the alarm centres of license holders, shall be obliged to inform the police without delay of all the information that came to their knowledge, which points to a criminal offence, a perpetrator of a criminal offence, or objects which were used in, or created by, the commission of a criminal offence prosecuted *ex officio*, i.e. breaches of peace with elements of violence.

Intervention upon an alarm signal

Article 45

The license holder shall be obliged to ensure an intervention upon receiving an alarm signal.

An intervention upon an alarm signal shall be carried out by at least two duly armed security men.

5. Records on security-related activity

Types of records

Article 46

With respect to the performance of the security-related activity, the Ministry shall maintain:

- 1) the registry of license holders;
- 2) records of officials responsible for security;
- 3) records of guards, i.e. security men;
- 4) records of security technicians;

-
- 5) records of authorised security system engineers;
 - 6) records of ZNC operators.

Registry of license holders

Article 47

The registry of license holders shall include the following common information on each license holder:

- 1) registration number;
- 2) name of the firm;
- 3) seat;
- 4) number of the Registry docket;
- 5) reference number from the Registry;
- 6) activity code;
- 7) full name of the person authorised for representation;
- 8) number of the issued license;
- 9) date of issuance and revocation of each license.

The registry shall also include the logotype of the license holder, if he uses one.

Records of persons providing security services

Article 48

The records of officials responsible for security, guards, i.e. security men, security technicians, authorised security system engineers and ZNC operators (hereinafter referred to as: the records of persons providing security services) shall contain the following common information:

- 1) full name;
- 2) birth data (day, month, year, place of birth) and the citizen's personal identification number;
- 3) name of the firm of the license holder in whose employ a person is;
- 4) citizenship;
- 5) permanent, i.e. habitual, residence;
- 6) educational qualification of a person;

-
- 7) occupation;
 - 8) educational qualification according to the List of Types of Qualifications;
 - 9) prescribed proof of no criminal record;
 - 10) number of the identity badge;
 - 11) date of the completion of the vocational education curricula;
 - 12) number of the certificate on completed vocational education;
 - 13) date of issuance and revocation of the identity badge;
 - 14) date of the termination of employment;
 - 15) photograph of a person.

Data in the Registry and records

Article 49

The information referred to in Articles 47 and 48 of the present Law the Ministry shall collect directly from the person concerned.

The Ministry shall collect, process, store, forward and use the data required for the issuance of the license for the performance of the security-related activity and for the issuance of identity badges under the present Law.

When the Ministry collects data on individual legal and natural persons from the already existing bases of personal data, it shall not be obliged to inform the person concerned to that effect. The agencies, organisations and individuals in possession of the information referred to in Articles 47 and 48 of the present Law shall supply this information at the request of the Ministry.

The Ministry shall strike the license holder from the Registry referred to in Article 47 of the present Law if:

- 1) the validity of the license of the license holder for the performance of the security-related activity has ceased – on the day when the validity of its/his license has expired;
- 2) the license holder has been struck from the Registry – on the day of the striking from the Registry.

The information referred to in Articles 47 and 48 of the present Law may be forwarded to other government agencies as well, if they have requested so and if their request is linked solely to the activity performed by the license holder, i.e. the person providing security services.

The information referred to in paragraph 5 of this Article, shall also be forwarded to the Association, on the basis of a written request, for the purposes of exercising public powers stipulated by the present Law.

Information on change of data

Article 50

The license holder shall be obliged to inform the Ministry in writing of any change in the information referred to in Articles 47 and 48 of the present Law, within eight days from the day of the occurrence of the change.

Records kept by the license holder

Article 51

The license holder shall keep:

- 1) records of contracts on the provision of security services;
- 2) records of criminal offences that came to its/his knowledge;
- 3) records of detained persons;
- 4) records of the use of physical force and means of restraint.

The records referred to in paragraph 1 of this Article shall contain the following data:

- 1) records of contracts on the provision of security services: data on the client commissioning security services (the full name of a natural person, i.e. the name of the firm and seat of a legal person); data on the contract on the provision of security services (the ordinal number of the contract, date of its conclusion and date of its honouring); data on the form of protection (an indication of the form of protection referred to in Article 3, paragraph 2, of the present Law and a description of the scope and subject-matter of the contract);
- 2) records of criminal offences that came to its/his knowledge: information on how it/he has learnt of a criminal offence prosecuted *ex officio* (who supplied the information, on which date); facts on the criminal offence known to it/him: information on the probable perpetrator of the criminal offence (the full name, information on his birth and permanent, i.e. habitual, residence);

-
- 3) records of detained persons: data on the detained person (the full name, information on his birth and permanent, i.e. habitual, residence); the reason for his detention; the time and place of his detention; the time when the police were informed and the time when the detained person was handed over to the police; possible bodily injuries; the use of means of restraint;
 - 4) records of the use of physical force and means of restraint: data on the security man who used physical force, i.e. means of restraint (his full name, birth information, citizen's personal identification number, the name of the firm of the license holder with which/whom he is employed and its seat); the reason, method, place and time of the use of physical force, i.e. means of restraint; notification to the police station; possible bodily injuries.

Access to information in the records and its protection

Article 52

At the request of an inspector for the security-related activity, the license holder shall be obliged to enable access to the data from the records referred to in Article 79 of the present Law. (*Translator's note: this Law has 74 articles.*)

An inspector for the security-related activity shall protect the data from the records referred to in Article 51 of the present Law in accordance with the law governing personal data protection, and use them only in the performance of inspection under the present Law or for the fulfilment of obligations under another law.

Time limits for data keeping

Article 53

Certain pieces of data in the records referred to in Article 51 of the present Law shall be kept, namely:

- 1) in the records under item 1) – for five years after the conclusion of the contract;
- 2) in the records under item 2) – for five years after the entering of the data on the detected criminal offence;

-
- 3) in the records under item 3) – for five years after the entering of the data on the detention of a person;
 - 4) in the records under item 4) – for five years after the use of physical force.

Upon the expiry of the time limits referred to in paragraph 1 of this Article the license holder shall file these data in archives in keeping with the law on archival materials.

Storing of personal data

Article 54

Personal data shall be stored in the records referred to in Article 46 of the present Law until the termination of employment, i.e. revocation of the license from the license holder. These data shall be then filed in archives in keeping with the law on archival materials.

Upon the termination of employment, i.e. revocation of the license, in the records referred to in Article 46 of the present Law **only** the data on the full name, birth, name of the firm and its seat and the termination of employment, as well as the data on the revocation of the license and identity badge, shall be kept.

Records of vocational education

Article 55

The Association shall keep records of vocational education.

The records referred to in paragraph 1 of this Article shall include:

- 1) the contents and duration of certain forms of vocational education;
- 2) data on instructors for certain forms of vocational education (the full name, information on his birth and permanent, i.e. habitual, residence and the indication of the topic, i.e. subject, he taught);
- 3) data on persons who completed individual forms of vocational education (the full name, information on his birth and permanent, i.e. habitual, residence, the certificate of completed vocational education).

The personal data in the records referred to in paragraph 1 of this Article shall be stored for five years from the day when they were obtained. These data shall be then filed in archives in keeping with the law on archival materials.

III. SUPERVISION

Supervision competences

Article 56

Supervision of the implementation of the present Law and regulations passed on the basis of the present Law shall be carried out by the Ministry.

Supervision of the exercise of public powers

Article 57

If the Ministry has established in the supervision of the exercise of public powers under the present Law that the Association no longer fulfils the requirements laid down in the present Law for the exercise of public powers, or that it does not exercise public powers in the manner provided for by the present Law and regulations passed on the basis of the present Law, it shall set a time limit for the elimination of the established irregularities.

Each year before 31 March, the Association shall submit to the Ministry a report on its financial operations in the previous calendar year.

Inspection

Article 58

The Ministry shall perform inspection through inspectors for the security-related activity (hereinafter referred to as: inspectors).

An inspector shall independently perform tasks related to inspection, decide and issue decisions in the administrative procedure, as well as carry out other tasks for which he is authorised.

The police shall assist inspectors in the performance of their tasks, in accordance with the Law on Police.

Subject of inspection

Article 59

In the performance of inspection of the compliance with the regulations in the field of the security-related activity, an inspector shall in particular:

- 1) check status-related matters;
- 2) check professional duties;
- 3) check the existence and contents of the records kept by the license holder;
- 4) detect offences in the performance of the security-related activity referred to in Article 29 of the present Law;
- 5) participate in the performance of inspection with other government agencies and organisations and organisations with public powers.

The status-related matters referred to in paragraph 1, item 1), of this Article shall include in particular:

- 1) licenses for the provision of protection as defined by the present Law;
- 2) identity badges referred to in Article 40 of the present Law;
- 3) proof of the fulfilment of the requirements for the issuance of the license for provision of protection.

The professional duties referred to in paragraph 1, item 2), of this Article shall include in particular:

- 1) application of the measures and discharge of the duties by security men;
- 2) transport and protection of pecuniary and other valuable shipments;
- 3) notification of the police about the use of physical force, means of restraint, restriction of movement, bodily injuries and the use of firearms;
- 4) notification of the competent authority about a criminal offence;
- 5) wearing of working clothes;
- 6) carrying and safekeeping of firearms.

Powers in performing inspection

Article 60

In addition to the powers laid down in the law governing inspection, an inspector shall have the right and duty:

1) to set a time limit for the elimination of deficiencies, i.e. irregularities in the compliance with the regulations on the security-related activity;

2) to propose to the Ministry temporary or permanent revocation of the license where he has established the reasons referred to in Article 32, paragraph 1, items 1) and 4) of the present Law;

3) to request the responsible person to make a written statement regarding the subject of the inspection;

4) to take actions in accordance with the law on misdemeanours;

5) to press charges with the competent authority for criminal offences prosecuted *ex officio*.

An appeal may be lodged against a decision of the inspector referred to in paragraph 1, item 1), of this Article with the Minister within 15 days from the day when the decision was served.

The appeal against the decision of the inspector shall not have suspensive effect.

The Minister shall decide on the appeal within 30 days from the day of its lodging.

Participation of police in the performance of supervision

Article 61

The supervision of the compliance with the provisions of Articles 36, 37, 40 and 42 of the present Law shall be performed by the police.

Inspectors for security-related activity

Article 62

An inspector shall have a university degree in law or other social science, at least five years of work experience and a vocational exam for inspector.

A person shall prove that he holds powers to inspect by producing an official identity card of the inspector for security-related activity. Form of the identity card and its issuance procedure shall be prescribed by the Minister.

The Minister shall prescribe the substance and the method of examining an inspector at his vocational exam.

Regulation on inspection performance

Article 63

The Minister shall prescribe in more detail the method of performing inspection in the field of security-related activity.

Subsidiary application of regulations

Article 64

Unless otherwise stipulated by the present Law, the provisions of the law regulating inspection and the Law on General Administrative Procedure shall apply to the performance of inspection and to the inspector concerned.

IV. PENAL PROVISIONS

Offences for bodies corporate and entrepreneurs

Article 65

A fine from CSD 25,000 – 200,000 shall be imposed for an offence on any body corporate or entrepreneur if it/he:

- 1) performs duties of physical security protection in public places without the Ministry's authorisation (Article 3, paragraph 4);
- 2) engages as a guard or a bodyguard a person who is not in its/his employ (Article 3, paragraph 5);
- 3) fails to use the means, devices and apparatus of the prescribed quality according to the norms of Serbia and Montenegro and/or the accepted rules of the engineering profession or fails to ensure the safety of the installed technical equipment or its routine maintenance and repair during the warranty period (Article 3, paragraph 6);

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- 4) acts in contravention of Article 4 of the present Law;
 - 5) performs the security-related activity without the prescribed license or contrary to the license issued (Article 14, paragraph 1);
 - 6) fails to ensure protection against liability (Article 14, paragraph 2);
 - 7) provides security without a written contract or in contravention thereof (Article 14, paragraph 3);
 - 8) provides security services and uses persons in the process who do not fulfill the requirements for providing them (Article 14, paragraph 5);
 - 9) performs duties incompatible with the security-related activity (Article 29);
 - 10) fails to post in a visible place the provisions on the use of the video surveillance system (Article 34, paragraph 2);
 - 11) acts in contravention of Article 34, paragraph 4 of the present Law;
 - 12) acts in contravention of Article 34, paragraph 6 of the present Law;
 - 13) acts in contravention of Article 36, paragraph 2 of the present Law;
 - 14) fails to notify the police station on restricted movement, use of means of restraint, use of physical force, bodily injuries or use of firearms (Article 37, paragraph 3);
 - 15) does not possess an alarm center in the technical protection system (Article 43, paragraph 3);
 - 16) fails to inform the police from its protective-surveillance center or alarm center in the way prescribed by Article 44 of the present Law;
 - 17) fails to secure intervention upon (receipt of) an alarm signal (Article 45);
 - 18) fails to communicate to the Ministry the data under Articles 47 and 48 of the present Law (Article 50);
 - 19) fails to keep records that it/he is required to keep (Article 51);

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- 20) fails to show, at the inspector's request, the records it/he keeps for the security-related activity (Article 52, paragraph 1);
 - 21) fails to remove deficiencies within the term set by the Inspector (Article 60, paragraph 1, item 1).
- A fine from CSD 5,000 - 50,000 shall also be imposed on the responsible person in a commercial company or with the entrepreneur who commits an offence under paragraph 1 hereof.

Offences for security men

Article 66

A fine from CSD 5,000 – 50,000 shall be imposed on any security man who:

- 1) acts contrary to Article 34, paragraph 5 of the present Law;
- 2) acts contrary to Article 34, paragraph 6 of the present Law;
- 3) acts contrary to Article 37, paragraphs 1 or 2 of the present Law;
- 4) acts contrary to Article 38 of the present Law;
- 5) wears no identity badge when performing his duties (Article 40, paragraph 1);
- 6) does not produce his identity badge (Article 40, paragraph 2);
- 7) does not wear his working clothes (Article 42, paragraph 1).

A fine from CSD 5,000 – 50,000 shall be imposed on any security technician or operator at the ZNC who commits an offence under paragraph 1, items 3), 4), 5), 6) and 7) of this Article.

A fine from CSD 5,000 – 50,000 shall be imposed on the official responsible for security, the security man, the security technician, the authorised security system engineer or the ZNC operator who fails to return his identity badge to the Ministry (Article 41, paragraph 2).

Offences for individuals

Article 67

A fine of from CSD 10,000 – 100,000 shall be imposed for an offence on any individual who performs protective activity but does

not fulfill the requirements laid down by the present Law (Articles 15, 16, 17, 18 and 19).

Offences for the Association

Article 68

A fine of from CSD 25,000 – 200,000 shall be imposed for an offence on the Association if it is established that it does not carry out in the prescribed manner particular tasks of the Association for which it has obtained public authorisation.

A fine of from CSD 5,000 - 50,000 shall be also imposed on the responsible official at the Association if he commits the offence under paragraph 1 of this Article.

V. TRANSITIONAL AND FINAL PROVISIONS

Deadline for aligning security-related activity

Article 69

The entities registered for security-related activity must bring their organisation and activity into line with the present Law within one year of the entry into force of this Law and obtain the required licenses under this Law.

Deadline for establishing the Association

Article 70

The Security Association must be established in accordance with the present Law within 6 months upon its entry into force and within 3 months as of the date of its establishment the Association must establish a program for testing knowledge, the code of professional ethics, the form of the identity badge and set up the records as stipulated by the present Law.

Until the Association starts operations, the tasks of the Association referred to in Article 9, paragraph 1, items 1) – 5) and paragraph 2, items 2), 5), 6), and 9) of the present Law shall be carried out by the Ministry.

Deadline for appointing Inspectors

Article 71

The inspectors for security-related activity under Article 58 of the present Law shall be appointed from among the employees of the Ministry not later than within one year as of the entry into force of the present Law.

Pending the passage of the regulations mentioned in Article 62 paragraph 2 hereof the Inspector shall prove his identity by (producing) an authorisation (issued) by the Minister.

Deadline for passing the regulations

Article 72

The Minister shall pass the following regulations within 6 months of the effective date of the present Law:

- 1) the regulation on the method of exercise of public powers and personnel and material requirements for the exercise of public powers (Article 9, paragraph 4);
- 2) the regulation on the tariff for the implementation of the vocational education curricula for security-related activity (Article 11, paragraph 1);
- 3) the regulation on the curricula and method of provision of vocational education (Article 20, paragraph 4);
- 4) the regulation on the method of transportation and protection of pecuniary and other valuable shipments (Article 23, paragraph 4);
- 5) the regulation on how security men should undertake their measures (Article 39);
- 6) the regulation on the forms and price of identity badges and their issuance procedure (Article 40, paragraph 3);
- 7) the regulation on the form of the official identity card of the Inspector for security-related activity and its issuance procedure (Article 62, paragraph 2);
- 8) the regulation on the substance and method of examination of an inspector for security-related activity at his vocational exam (Article 62, paragraph 3);
- 9) the regulation on the method of supervision by any inspector in the field of security-related activity (Article 63).

**Confirmation that the requirements set by the
present Law have been fulfilled**

Article 73

It shall be deemed that the requirements set out in Article 16, paragraphs 1 and 2 of the present Law have also been fulfilled by anyone who, at the effective date of the present Law, is the holder of a certificate of completed primary education and has at least eight (8) years of work experience gained by directly providing protection service as a guard or security man, bodyguard or supervisor with the entity registered for security-related activity.

Entry into force of the present Law

Article 74

The present Law shall come into force on the 8th day upon the date of its publication in the *Official Gazette of the Republic of Serbia*.

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About the Centre

The Centre for Civil-Military Relations (CCMR) is a non-governmental, independent, non-profit and non-partisan association of citizens founded and registered in Belgrade in 1997.

Podsetnik za dizajnera (democracy – security – knowledge)

The Centre promotes the public and responsible participation of civil society in increasing the security of the citizens and state based on modern democracy principles, as well as security cooperation with neighbouring countries and Serbia's (SCG) integration into the Euro-Atlantic community.

Main objectives of the Centre are to:

- Strengthen the public control over the security sector and Serbia's (SCG) armed forces;
- Encourage the further development of security studies in Serbia (SCG);
- Contribute to the full protection of human rights in the armed forces;
- Cooperate with state bodies concerned with security sector reforms and the democratic civil control over the armed forces;
- Foster professional cooperation with domestic and foreign universities, institutes, and corresponding associations and organizations.

Activities

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Pursuant to its Statutes the **Centre** is managed by the Assembly, President, Executive Manager, Project Coordinator, Secretary and Supervisory Committee.

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