

REPUBLIC OF SERBIA

LAW ON BORDER CONTROL

Belgrade, 2018

LAW ON BORDER CONTROL

Note: This is a true translation of the original Law,
but it is not legally binding.

Original title:

ZAKON O GRANIČNOJ KONTROLI

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LAW ON BORDER CONTROL*

I. INTRODUCTORY PROVISIONS

Scope of the Law

Article 1

This Law shall regulate border control, police powers in carrying out border control, as well as cooperation between the state administration authorities in charge of integrated border control.

Border Control

Article 2

Border control, within the meaning of this Law, includes surveillance of state border, border checks and analysis of the risks relating to threats to border security, which shall be carried out by police officers.

The purpose of carrying out border control shall be:

- 1) to secure the state border;
- 2) protection of human life and health and environment;
- 3) to prevent committing and to uncover and solve criminal offenses and misdemeanours;
- 4) to prevent irregular migrations;
- 5) to prevent and uncover other activities and actions which constitute threats to public order and peace, legal order and public security.

Meanings of Individual Expressions

Article 3

The expressions used in this Law shall have the following meaning:

1) **the state border** is an imaginary vertical plane running along the borderline on the surface of the Earth and separating the territory of the Republic of Serbia, its land, inner waters, airspace and ground below the surface of the Earth from the territory of neighbouring states. In terms of border checks, the state border shall also be considered to be the areas of border crossing points on airports and ports across which the international traffic is carried out;

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2) **the Border Police Directorate** (hereinafter referred to as: the **border police**) is the organisational unit of the Police Directorate with the Ministry of Interior (hereinafter: the Ministry), which is directly performing the tasks of border control;

3) **a border check** is the control of persons and travel documents, control of the means of transport and control of objects that is performed during the fixed opening hours in the territory of the border crossing point, in relation to the intended crossing of the state border or immediately after crossing of state border and other control of circulation of persons, goods, services, means of transport, animals and plants across the state border which is specified by the law;

4) **borderline** is the marked or imaginary line along which the state border runs on the surface of the Earth;

5) **second line border checks** are additional checks of persons, means of transport and objects which are carried out in a specific location, away from the location intended for border check;

6) **state border surveillance** shall be the set of powers, actions and measures which are carried out along the state border, between the border crossing points and at the border crossing points outside of the fixed opening hours, with a view to countering cross-border crime, preventing unauthorised crossing of the state border and protecting of its inviolability, carrying out border authorisations' control, and taking measures, actions and carrying out authorisations against persons who have crossed the state border illegally or abused border authorisations;

7) **shared border crossing point** is a border crossing point situated in the territory of the Republic of Serbia or in the territory of a neighbouring state, at which the police officers of the border police and the police officers of the neighbouring state carry out border checks immediately one after another, in accordance with their national law and the pursuant to the provisions of an international treaty;

8) **integrated border management** is a set of measures and activities taken by the state administration authorities competent for border management, in compliance with the applicable laws, strategies and other acts;

9) **irregular migrations** are each movement of population from one state to another, which is not in accordance with the applicable legal regulations, as well as the stay which is contrary to the applicable legal regulations;

10) **non-military challenges, risks and threats to state border** are terrorism, organized crime, corruption, migrant crisis, natural disaster, technical and technological and other accidents and dangers;

11) **an air carrier** is a company with a valid operating licence or an adequate document permitting it to conduct public air service;

12) **an operator** is a legal or natural person which as the owner or user manages and conducts relevant business activity in airports (possesses the certificate, permit for use or consent), railway, ports and passenger ports open to international traffic;

13) **cruising trips** are voyages during which the vessel follows the voyage itinerary in accordance with a predetermined program, which includes a program of tourist activities in the various ports and passenger ports open to international traffic, and which normally neither takes passengers on nor allows passengers to disembark during the voyage.

The Use of Gender Sensitive Language

Article 4

All the expressions signifying persons in this Law shall pertain equally to persons of male and female sex, irrespective of the grammatical gender used.

II. THE STATE BORDER AND BORDERLINE

Demarcation of the State Border

Article 5

The state border shall be determined by an international treaty.

The Ministry in charge of foreign affairs shall, in cooperation with other competent state administration authorities, initiate the procedure and coordinate conducting of negotiations on demarcation and conclusion of international treaties on demarcation of the state border, participate in the procedure of their ratification and monitor their implementation, keep the original copies of the international treaties on state borders of the Republic of Serbia.

Marking of the Borderline

Article 6

The borderline shall be marked with border signs.

The type, shape and the method of placing these border signs shall be laid down by an international treaty.

The Ministry in charge of foreign affairs shall, in cooperation with other competent state administration authorities, initiate the procedure and coordinate conducting of negotiations on conclusion of international treaties on marking, renewal and maintenance of border signs and on clearing the borderline in order that it is visible, participate in the procedure of ratification thereof, monitors and coordinates the work on implementation thereof, draw up and keep original documentation on state borders of the Republic of Serbia.

The technical tasks relating to marking, renewal and maintenance of border signs and clearing of borderline, as well as surveying of the state border and maintenance of register of state border shall be conducted by the state administration authorities competent for engineering geodesy and state surveying.

Marking the Distance of the State Border

Article 7

Special boards with inscriptions and signs warning of approaching of the borderline shall be placed to mark the distance of the state border on roads and other communications in the vicinity of the state border.

Special boards and signs referred to in paragraph 1 of this Article, at the request of the border police, shall be placed and maintained by the state administration authority competent for organisation of the transport system.

It shall be forbidden to place other boards or signs which would reduce visibility or modify the meaning of such marks and signs in any other manner on the special boards and signs referred to in paragraph 1 of this Article.

Obligation of Owners or Users of Land along the Borderline

Article 8

The owners or users of land along the borderline shall be obliged to provide for free passage for placing and maintenance of border marks, boards and signs referred to in Articles 6 and 7 of this Law and other signs along the state border.

Visibility of Borderline and Prohibition of Activities along the Borderline

Article 9

The borderline should be cleared of trees, shrubs and other vegetation which can reduce visibility of border marks and the direction of borderline running in compliance with the international treaties. Clearing of the borderline shall be carried out by the state administration authorities competent for engineering geodesy and state surveying.

Due to the visibility of the borderline, sowing of certain species of agricultural crops and/or planting of certain species of fruits and trees and other vegetation at the distance of 100 metres from the borderline, and where this is called for by the reasons related to security – at a greater distance as well.

Where this is called for by the reasons related to security or where this is necessary for the protection of public order and peace, prevention of spreading infectious diseases or protection of the Republic of Serbia, sailing, hunting, fishing, over-flight of aircrafts, movement, remaining and settling in certain parts of the territory of the Republic of Serbia along the borderline can be prohibited or restricted.

The areas referred to in paragraphs 2 and 3 of this Article in which certain restrictions and prohibitions are implemented shall be determined by the Government, at the proposal of the Ministry.

The prohibition or restriction referred to in paragraphs 2 and 3 of this Article can last until there are reasons for which they were introduced. On the prohibition or restriction referred to in paragraph 3 of this Article, as well as on their suspension, the competent authority of the neighbouring state shall be notified through diplomatic channels.

Hunting at the distance up to 300 metres from the borderline must be announced in writing to the border police 48 hours before the beginning of the hunt at the latest and ending of hunt must be announced in writing as well, within 12 hours upon the end of the hunt.

Designing of Space along the State Border

Article 10

The holder of activities relating to production of spatial or urban plan shall be obliged to, additionally acquire the consent from the Ministry in the procedure of adoption of spatial or urban plans, whereby space designing at the distance of up to 100 metres from the borderline is planned.

The consent for the adoption of spatial and urban plan referred to in paragraph 1 of this Article shall not be issued if the planned spatial design would present a threat to borderline security and visibility of the borderline.

In the procedure of issuing location conditions and construction permit, for construction facilities in the area up to 100 metres from the borderline, the competent authority shall be obliged to acquire the consent from the Ministry.

The consent referred to in paragraph 3 of this Article shall not be issued if the construction facility could obstruct conducting of border control or where that is contrary to an international treaty.

Blocking

Article 11

In traffic communications, roads and areas which are not used for lawful crossing of state border, means for blocking can be used in order to prevent illegal crossing of state border outside of the location of the border crossing point.

The Government, at the proposal of the Ministry and Ministry in charge of foreign affairs, shall pass the decision whereby it shall specify the traffic communications, roads and areas to be blocked.

Implementation of the Government decision on blocking shall be within the purview of Republic Directorate for the Property of the Republic of Serbia.

III. CROSSING OF STATE BORDERS AND BORDER CROSSING POINT

Crossing of State Borders

Article 12

Crossing of state border shall be each movement of people across the state border.

The state border shall be crossed at a border crossing point with the valid travel document or another document prescribed for state border crossing, during the opening hours of the border crossing point and in compliance with an international treaty.

The opening hours of the border crossing points which are not open 24 hours a day must be clearly indicated with special boards.

Border Authorisation

Article 13

For crossing of state border outside of a border crossing point, outside of the fixed opening hours of the border crossing point and outside of the established method of crossing, unless where regulated otherwise by an international treaty and where there is a justified interest, subject to approval of the competent authority of the neighbouring state, the border police may issue a border authorisation.

The border authorisation referred to in paragraph 1 of this Article shall be issued with the consent of the administration authority competent for customs tasks and of other competent authorities.

The border authorisation shall not be issued where the state border crossing of persons would have a negative impact on carrying out of border control and security of state border.

The border authorisation shall be issued with the validity period of up to one year.

The border authorisation shall be withdrawn in case of abuse or cessation of reasons for which it has been issued.

Crossing of State Border in case of a Natural Disaster

Article 14

The state border may be crossed outside of a border crossing point and outside of the fixed opening hours of the state border crossing in case of a natural disaster (fires, flooding,

earthquakes or other unforeseeable disasters), i.e. where thus determined by an international treaty.

In the case of a disaster referred to in paragraph 1 of this Article, the state border can be crossed at any time and in any place. The persons who have crossed the state border in a case of a natural disaster shall be obliged to notify the police thereof, without delay.

Border Crossing Point

Article 15

A border crossing point is a place designated for crossing of state border in road, railway, air and waterborne traffic.

A border crossing point can be permanent, seasonal and provisional.

A permanent border crossing point shall be the place designated for crossing of state border during the entire year.

A seasonal border crossing point shall be the place designated for crossing of state border in a certain period of the year.

A provisional border crossing point is the place designated for temporary crossing of the state border.

Border Crossing Points for International and Border Traffic

Article 16

A border crossing point for international traffic shall be the place designated for crossing of the state border by the nationals of the Republic of Serbia and foreign nationals.

A border crossing point for border traffic shall be the place at which the nationals of the Republic of Serbia from the certain territory of the Republic of Serbia cross the state border in order to stay in a certain zone of the neighbouring state, and/or at which the nationals of the neighbouring state from the certain territory of such state cross the state border in order to stay in a certain zone of the Republic of Serbia, in compliance with an international treaty.

Determining of Border Crossing Points

Article 17

The conditions and procedure for opening and closing of border crossing points, their categorisation, time and method of crossing of the state border shall be determined by the Government.

The border crossing points with neighbouring states shall be determined in compliance with the international treaties.

Determining of a Provisional Border Crossing Point

Article 18

By way of exception, a provisional border crossing point can be determined by means of a decision by the Minister in charge of home affairs, with the consent of the Ministers in charge of finances, foreign affairs, traffic, as well as of the competent authority of the neighbouring state, where this is necessary for the purpose of:

- 1) conducting culture, religious, scientific, sports and tourist activities;
- 2) redirecting the traffic;

- 3) carrying out exercises of the competent state authorities;
- 4) agricultural activities and economic activities where there is economic interest for that;
- 5) conducting activities arising from the international treaties.

The provisional border crossing point through which the waterborne or air traffic is conducted can be opened in a port, passenger port open to international traffic and/or airport only.

Where determining of a provisional border crossing point is necessary for agricultural activities, in addition to the consents referred to in paragraph 1 of this Article, it shall be necessary to obtain prior consent from the Minister in charge of agriculture.

The decision referred to in paragraph 1 of this Article shall specify the time and method of operation of the provisional border crossing point and other conditions for crossing of state border.

The provisional border crossing point can be opened for a time period of up to three months during one calendar year, and where it is determined for conducting agricultural works – for the duration of such works, and/or until there is justified interest for that.

The conditions for and method of passing of the decision referred to in paragraph 1 of this Article shall be prescribed by the Government.

Arrangement and Equipping of Border Crossing Points

Article 19

The border crossing points must be arranged and equipped in such a manner as to ensure safe and efficient carrying out of border control, in compliance with the international standards.

The conditions that a border crossing point must fulfil in respect of the rooms, devices, equipment, infrastructure, sufficient number of employees and other material and technical means necessary for operation of a border crossing point shall be prescribed by the Government, at the proposal of the Ministry.

Obligations of the Operators, Owners and Users of the Means of Transport

Article 20

The operator shall be obliged to ensure all the necessary conditions so that the border control can be conducted smoothly, in compliance with the provisions of the law.

The airport operator referred to in paragraph 1 of this Article shall be obliged to construct or designate and arrange the space for accommodation of foreigners who do not fulfil conditions for entry into the country in compliance with the separate law.

The costs of arrangement and equipping of border crossing points at an airport, in a port or a passenger port open to international traffic and on the railway, in compliance with paragraphs 1 and 2 of this Article shall be borne by the operator. The space, rooms and conditions required for carrying out of border control shall be provided by the operator without compensation, except for the equipment for carrying out border control.

The costs of construction, arrangement, equipping and routine maintenance of the border crossing points which are not covered by the paragraph 3 of this Article shall be borne by the Republic Directorate for the Property of the Republic of Serbia.

The Area of a Border Crossing Point

Article 21

The area of a border crossing point shall be of particular significance for security.

The area of a border crossing point shall include the space required for carrying out of border control, as well as the immediate surroundings with the facilities required for smooth and safe operation of traffic.

The area of a border crossing point shall be determined by means of a decision of the Ministry, with the consent from the competent state administration authorities from the system of integrated border management.

In the shared border crossing points, the area of a border crossing point shall be determined in compliance with an international treaty.

Marking of Border Crossing Points

Article 22

The border crossing point and its area shall be marked with the prescribed marking and other signs, where the inscriptions can be written, in addition to the language and alphabet which are in official use, in the Latin alphabet in foreign languages.

The marking and other signs referred to in paragraph 1 of this Article, at the request of the Ministry, shall be placed and maintained by the Republic Directorate for the Property of the Republic of Serbia.

By way of exception from paragraph 2 of this Article, making and other signs at the border crossing point and its area at an airport, in a port or passenger port open to international traffic and in a railway station, at the request of the Ministry, shall be placed and maintained by the operator.

Restrictions in Construction and Placing of Facilities

Article 23

The construction, placing of facilities, change of their intended use, as well as fitting of installations, equipment and devices in the area of a border crossing point must not obstruct carrying out of border control.

In the procedure of issuing of location conditions, construction and exploitation permits for the facilities in area of a border crossing point, the competent administration authority shall be obliged to acquire a prior consent from the Ministry.

Exceptionally, the investor or design engineer may acquire consent from the Ministry for the works referred to in paragraph 1 of this Article, where this has not been done in the course of issuing of location conditions, construction and exploitation permit for the facilities in the area of a border crossing point.

The investor shall be obliged to acquire prior consent from the Ministry for the commencement of works referred to in paragraph 1 of this Article. In the application for issuing of the consent for the commencement of works, the investor shall be obliged to indicate the time of commencement of works and the time limit for their completion. For some justified reasons, the Ministry may restrict the time period for conducting of works in the procedure of consent issuing.

The consent referred to in paragraphs 2 and 3 of this Article shall not be issued or the works shall be limited in respect of the time, where the facilities, equipment, devices or works could obstruct carrying out of border control and security measures at the state border.

Movement and Staying in the Area of a Border Crossing Point

Article 24

In the area of a border crossing point movement and staying shall be allowed to the officials, employees at the border crossing point and other persons who have the prescribed permit for that, as well as to the persons intending to cross the state border or have already crossed it, and are being kept at the area of the border crossing point due to the border control.

The employees at the border crossing point and other persons who have the prescribed permit, as well as to the persons intending to cross the state border or have already crossed it may move and stay in the space designated for that and shall be obliged to act in accordance with special markings, boards, horizontal and vertical signs, order and instructions of the police officers.

Permission for Movement and Staying in the Area of a Border Crossing Point

Article 25

The permission for movement and staying in the area of a border crossing point shall be issued to persons who are continuously conducting a business activity in the area of a border crossing point or to other persons with proper reasons for that, and the provisional permit shall be issued to persons who conduct temporary business activities or to other persons with proper reasons.

The permission for movement and staying in the area of a border crossing point of the persons who are continuously conducting a business activity in the area of a border crossing point shall be issued with the validity term of up to two years.

For the purpose of conducting a temporary business activity, as well as when it is necessary to enable movement and staying in the area of a border crossing point of a shorter duration, a provisional permission shall be issued with the validity term of up to 60 days.

The permission referred to in paragraph 1 of this Article shall be issued by the organisational unit of the Ministry competent for the border crossing point for which the permission is requested.

The person to which a permission or a provisional permission for movement and staying in the area of a border crossing point is issued shall be obliged to carry the permission with them and to present it for inspection at the request of a police officer during their stay in the area of a border crossing point, except at the airport border crossing points.

Procedure for Issuing and Withdrawal of Permission

Article 26

The permission and provisional permission for movement and staying in the area of a border crossing point shall be issued at a written request of a person, i.e. at the request of the master of a vessel, aircraft or train. The person may additionally submit the written request through the operator or another employer with which the person to which such permission is to be issued is employed.

The operator or another employer with which the person is employed must not enable the employee to perform tasks prior to obtaining the permission for movement in the area of the border crossing point.

The permission and provisional permission referred to in Article 25 of this Law shall not be issued:

1) to a person for which the existence of a security obstruction is determined, in the course of the security check prescribed by the Law on Police;

2) to a person who has been sanctioned over the past three years, from the date of submission of application for permission issuing, for a misdemeanour from the customs law or for a misdemeanour provided for by this Law, except for the misdemeanour referred to in Article 71, paragraph 1, point 4) of this Law;

3) in order to prevent spreading of infectious diseases;

4) where that is necessary for the safety protection of property of other persons, public order and peace or for the security of state border or defence of the Republic of Serbia.

Where it is determined that a reason due to which the permission would not be issued has occurred with the person to whom the permission or provisional permission is issued, a decision shall be passed whereby the permission will be withdrawn.

An appeal can be filed with the Ministry against the decision whereby the application for issuing of the permission or provisional permission is rejected or whereby a permission or provisional permission issued is withdrawn.

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

IV. BORDER CONTROL

1. Competence for Implementation of Border Control

Competence

Article 27

The Ministry shall be competent for carrying out of border control.

The tasks relating to border control shall be carried out by the border police.

Exercising of Powers and Implementation of Measures and Actions

Article 28

A police officer with the border police (hereinafter referred to as: the police officer) in the course of performing the tasks relating to border control may exercise the powers provided for by this Law and by another law whereby the objective is achieved with minimum adverse consequences, with the use of technical means and devices.

When exercising these powers, the police officers shall implement the actions prescribed by this Law and by another law.

A measure shall mean a single action or a set of actions taken by the border police independently, in cooperation with other organisational units of the Ministry or with other state administration authorities, with the aim of implementing border control.

Border Control in the State of Increased Risk

Article 29

If indications and events show that there is an increased risk of non-military challenges, risks and threats which may lead to jeopardising of state border, public security, persons and

property in the narrower and broader area within the state border, police officers, means and equipment of other organisational units of the Ministry, as well as the members, means and equipment of the Serbian Armed Forces can additionally be deployed in the provision of assistance to the border police in the tasks relating to border control.

The decision on implementation of measures and deployment of police officers, means and equipment of other organisational units of the Ministry shall be passed by the Minister in charge of home affairs at the proposal of the Police Director.

The decision on implementation of measures and deployment of the members, means and equipment of the Serbian Armed Forces shall be passed by the President of the Republic of Serbia, at the joint proposal of the Minister in charge of home affairs and the Minister in charge of defence.

In the case of deployment referred to in paragraph 3 of this Article, the border police shall draw up the deployment plan.

The Ministry of Interior shall be competent for coordinated implementation of the deployment plan.

In the case of deployment referred to in paragraph 1 of this Article, the deployed police officers and members of the Serbian Armed Forces may exercise the powers and carry out actions provided for by this Law and by other laws.

Impartiality, Non-discrimination, Humaneness, Respect of Human Rights

Article 30

In exercising their powers referred to in this Law and other laws, the police officers shall act impartially, while providing equal legal protection to everyone and acting without discrimination on any grounds.

In exercising their police powers, the police officers shall act humanely and respect the dignity, reputation and honour of each person, human and minority rights and freedoms of citizens, by giving priority to the rights of the vulnerable person compared to the same rights of the person who is jeopardizing such rights and by taking into account the rights of the third persons.

2. Surveillance of State Border

Powers in Performance of Tasks Relating to the Surveillance of State Border

Article 31

The surveillance of state border shall be carried out on land, rivers, lakes and canals, by exercising the powers and carrying out the actions and measures by the police officers of the border police, directly or by using the technical means and devices.

Rights and Obligations of Owners or Users of Land along the Borderline

Article 32

The owner or user of land along the borderline shall be obliged to enable free passage and movement, including the use of all types of means of transport to the police officers for the purpose of performing the tasks relating to surveillance of state border.

Border Incidents and Violations of State Border

Article 33

A border incident shall be an activity of foreign nationals and state authorities in the territory of the Republic of Serbia, which is not in compliance with the international treaty or regulations of the Republic of Serbia, as well as any other jeopardizing of inviolability of state border and environment in the area surrounding the state border by the nationals and members of state authorities of the neighbouring state.

The violation of state border shall be each infringement of inviolability of state border.

The Ministry shall ascertain the border incidents and violations of state border.

A border incident and a violation of state border shall be resolved in compliance with the law, an international treaty and/or by diplomatic channels, where there is no international treaty.

3. Border Checks

Carrying out of Border Checks

Article 34

The border checks shall be the checks on:

- 1) persons and documents;
- 2) objects;
- 3) means of transport.

Article 35

The border checks shall be performed in the area of a border crossing point.

Where circumstances allow the implementation of the law, in air and waterborne traffic, by way of exception, at the request of the customer, the border checks can be performed outside of the area of a border crossing point, in which case the costs of such border check shall be borne by the customer.

The border checks or a part of such checks can additionally be performed in the territory of another state, providing that this is in compliance with an international treaty.

Checks on Persons

Article 36

On the occasion of a border check on persons, the police officer shall be authorized to:

- 1) examine the travel or other documents prescribed for crossing of state border and to process the data from the travel and other documents;
- 2) check and/or establish identity of the persons crossing the state border and carry out the check in the records maintained by the Ministry and other state administration authorities, as well as by the international organisations;
- 3) take the persons' fingerprints of all the fingers and the palm prints and other biometric data, where there is doubt as to the identity and/or the authenticity of the travel or another document prescribed for crossing of state border and perform a verification thereof;

- 4) check whether the person fulfils conditions for entry into the Republic of Serbia and/or for departure from the Republic of Serbia;
- 5) check the purpose of traveling for the persons;
- 6) perform an examination of the persons, where it is not possible to perform a check on the persons, which shall not include the examination of body cavities;
- 7) not to allow the person to leave the area of the border crossing point until completion of the border checks;
- 8) issue warnings and orders with the aim of conducting a correct, unobstructed and efficient border check;
- 9) authenticates crossing of state border and/or inserts in the travel or another document prescribed for crossing of state border information on entry and exit, as well as information on refusal of entry, information on carrying in and transfer of firearms and ammunition and other pieces of information of significance for the border check.

Carrying out of a border check shall not be time limited.

Check on Objects and Means of Transport

Article 37

The check on objects shall include the check of objects that the person carries with him and/or transports in the means of transport.

The police officers shall be authorized to request from the persons to show the objects that they have with them and to perform examination thereof with the aim of detecting the things and objects whose carrying over the state border is prohibited or restricted by means of a separate regulation or for the purpose of determining the identity thereof.

A check of a means of transport shall include:

- 1) the internal and external examination of the means of transport;
- 2) the examination of the means of transport, including disassembling of certain parts of the means of transport, where there are grounds for suspicion that the person operating the means of transport transports stowaways and prohibited objects that are indicative of their identity or of the identity of other passengers in the means of transport, and for the purpose of preventing illegal activities on the state border;
- 3) the examination of documents for the use and operation of the means of transport and processing of data from such documents;
- 4) the check in the records maintained by the Ministry and other state administration authorities, as well as by the international organisations.

Rules on Examination of Objects and Means of Transport

Article 38

The person who operates the means of transport or the person whose things are being checked shall be present during the examination.

Prior to the beginning of the check, the police officer shall request from the persons referred to in paragraph 1 of this Article to declare whether they possess the objects that are objects of a criminal act or misdemeanour or the carrying of which over the state border are subject to a special regime.

At the request of the person operating the means of transport or of the persons in the possession of which the objects are, the police officer shall issue a certificate of the examination of the means of transport and of the objects.

Compliance with other Regulations

Article 39

When in the course of a check on persons, objects or means of transport, a police officer finds objects that need to be confiscated according to the provisions of the code regulating the criminal proceedings and/or the laws regulating misdemeanours or objects which are necessary for conducting of a criminal or misdemeanour proceedings, the police officer shall carry on with the procedure in accordance with the provisions of these laws.

When in the course of a check on persons, objects or means of transport, a police officer finds objects that are not necessary for conducting of a criminal or misdemeanour proceedings within the scope of competence of the Ministry and which are within the scope of competence of other state authorities, the further procedure shall be carried on by other competent authorities.

The Basic Border Checks

Article 40

The nationals of the Republic of Serbia and the foreigners who are authorized to cross the state border of the Republic of Serbia in compliance with an international treaty with the identity card shall be subject to the basic border checks, unless where prescribed otherwise by this Law.

The basic border check shall be the check of:

1) the identity of the person based on the inspection of the travel document or another document envisaged for crossing of state border, which shall comprise of an efficient and straightforward check of the travel document, where necessary by means of verification in the records on the travel documents issued, stolen, misappropriated, lost and invalidated travel documents or other documents envisaged for crossing of state border, as well as establishing any signs of counterfeiting;

2) information on persons in the records maintained by the Ministry and other state administration authorities, as well as by the international organisations;

3) the means of transport and verification in the records of means of transport maintained by the Ministry and other state administration authorities.

The checks referred to in paragraph 2 of this Article can additionally be carried out by using the technical means.

Detailed Border Checks

Article 41

The persons who are not covered by Article 40, paragraph 1 of this Law, as well as the persons for whom there are grounds for suspicion that they may jeopardise the security of state border, public security, public policy and public health or that they will abuse their stay in the territory of the Republic of Serbia shall, in addition to the basic check, be subject to a detailed border check on the occasion of crossing the state border of the Republic of Serbia.

Where this is called for by the reasons of security, the border police may, over a certain period of time, conduct the detailed border checks on all the persons that are crossing the state border of the Republic of Serbia.

Where the circumstances allow that and if the person requests that, a detailed border check shall be conducted in a separate area.

The second line of check shall include actions that can be performed in specially designated place at the border crossing point, which shall not be the place at which the border checks of all the persons are conducted.

On the occasion of a detailed check, the person subject to such check on the second line of the check shall be informed of the reason, purpose and procedure of such check.

The Scope of a Detailed Border Check

Article 42

A detailed border check shall comprise the examination:

- 1) of the validity and authenticity of the travel or another document prescribed for crossing of state border;
- 2) of the conditions for entry for the foreigners prescribed by the separate law;
- 3) that the foreigner has not exceeded the duration of authorized stay;
- 4) of authenticity of the allegations relating to the place of departure, place of intended stay, means that can be lawfully acquired, other circumstances in relation to the purpose of travel and, where necessary, of the corresponding supporting document;
- 5) of the possession of required financial means for stay, for the return to the country of origin or transit to a third country in which his admittance is guaranteed;
- 6) that the person, his means of transport and objects he is carrying with him are not likely to jeopardise the security of the state border, public policy and public health.

The check referred to in paragraph 1 of this Article shall additionally include the check of information on alerts issued for persons and objects, in the records maintained by the Ministry and by other state administration authorities, as well as the international organisations, as well as taking actions based on such alerts.

Duties of Persons on the Occasion of Crossing of the State Border

Article 43

On the occasion of crossing the state border, a person shall be obliged:

- 1) to present for inspection the documents prescribed for crossing of state border;
- 2) to subject himself to the border check;
- 3) not to leave the area of the border crossing point until the border check is performed;
- 4) not to circumvent or attempt to circumvent the border check.

The person referred to in paragraph 1 of this Article shall be obliged to, at the request of the police officer, provide additional explanations relating to information and documentation referred to in Articles 40 and 41 of this Law in relation to crossing of state border and to act in compliance with the issued alerts and orders.

The person operating the means of transport in which he crosses the state border shall be obliged to stop the means of transport in the designated area of the border crossing point in which the border check is carried out and to, following the completed check, leave the area of the border crossing point in the means of transport without delay.

The person operating the means of transport in which he crosses the state border shall be obliged to act in accordance with the vertical and horizontal signs placed at the border crossing point.

Duties of Operators, Owners and Users of Means of Transport

Article 44

The operator of an aircraft, the owner or user of a means of transport and/or the person operating the means of transport shall be obliged to provide the necessary conditions for conducting of border checks during the course of carrying-out of the border check.

The operator and/or master of the vessel, the driver of the motor vehicle and another person operating the means of transport shall be obliged to ensure that the passengers do not leave the means of transport and the area of the border crossing point until the border check prescribed by this Law is completed and/or that following the completed border check other persons do not go aboard or disembark.

Derogation from the Border Check Regime

Article 45

In the case of exceptional and unforeseen circumstances which have led to traffic of such intensity that the waiting time at the border crossing point becomes excessive, despite that all the organisational and other resources have been exhausted, it shall be possible to introduce a measure derogating from the border check regime.

The measure referred to in paragraph 1 of this Article shall comprise of the omission of certain actions on the occasion of carrying out of border checks and it shall be introduced gradually and it shall last as long as the circumstances that have caused it last. On the occasion of implementation of the measure derogating from the border check regime, no records on the persons and means of transport on which the border check is carried out shall be maintained, and the check referred to in Article 41 shall be undertaken upon the assessment of the police officer performing the border check.

The decision on imposition of the measure referred to in paragraph 1 of this Article shall be passed by the police officer who manages the border checks at the border crossing point, of which he shall notify the border authority of the neighbouring country.

The police officer referred to in paragraph 3 of this Article shall determine the priority objectives of the border check which need to be adjusted to the concrete conditions, so that such check is successful.

When determining the priority objectives for the border checks, the check on entry movements shall, as a rule, be given priority over the checks on country exit movements.

During the course of implementation of the measure referred to in paragraph 1 of this Article, the police officer shall affix the impression of the stamp in the travel document on entry into the Republic of Serbia and on exit from the Republic of Serbia.

Transport of Arms and Ammunition across the State Border

Article 46

Arms and ammunition can be transported across the state border in compliance with the provisions of the law regulating the field of acquiring, keeping and carrying arms and ammunition.

Arms and ammunition can be transported across the state border with the valid travel document only.

Stamping of the Crossing of State Border

Article 47

Crossing of the state border shall be stamped in the travel document with the impression of the stamp, unless where prescribed otherwise by an international treaty.

The impression of the entry or exit stamp shall be affixed to the travel document:

- 1) of a foreigner in which the valid visa is included in compliance with the visa regime of the Republic of Serbia;
- 2) of a foreigner to whom a visa is issued at the border crossing point;
- 3) of a foreigner who is not subject to a visa requirement for entry;
- 4) of a national of the Republic of Serbia on the occasion of exit from the Republic of Serbia, and at the personal request on the occasion of entry into the Republic of Serbia as well.

To the persons who are crossing the state border with the identity card, at their request, the police officer shall be obliged to issue a certificate which shall serve as proof of their entry into the Republic of Serbia and/or of their exit from the Republic of Serbia.

Exemption from Obligation to Affix the Impression of the Stamp

Article 48

By way of exception from Article 47 of this Law, the impression of the stamp on entry and/or exit shall not be affixed to:

- 1) the travel document of a representative of another state and members of its delegation whose arrival has been officially announced through diplomatic channels;
- 2) the licences of aircraft crew members;
- 3) the travel documents of crew members and passengers of a cruise ships who are subject to checks in compliance with Article 63 of this Law;
- 4) the travel document of a foreigner, at his request, if that may cause serious problems to the foreigner, where the fact of entry or exit, personal data and number of the travel document shall be recorded on a separate sheet which shall be handed over to the foreigner;
- 5) the travel documents of the crews of passenger and goods trains on international connections.

4. Special Rules for Border Checks on Certain Categories of Persons

Persons Exempt from Border Checks

Article 49

Border checks shall not be carried out on the representatives of other states and members of their delegations when their entry into the Republic of Serbia and departure from the Republic of Serbia have been announced to the Ministry through diplomatic channels.

Border Checks on Pilots and Other Crew Members

Article 50

The members of the crew of the aircraft possessing the crew member certificate issued in compliance with separate regulations, in the course of their duties, shall be subject to the border check referred to in Article 40 of this Law.

The checks on persons referred to in paragraph 1 of this Article shall be carried out before the checks on passengers or, where the circumstances allow, at special locations set aside for the purpose.

The persons referred to in paragraph 1 of this Article, in the course of their duties, may:

- 1) embark and disembark in the stop-over airport;
- 2) enter the territory of a populated place of their stop-over.

Border Checks of Ship-Owners

Article 51

The ship-owners, and/or crew members of a foreign ship in inland navigation, holders of certificates of discharge or another document issued in compliance with the regulations of the state whose flag they fly, who disembark in order to stay in the area of the port and/or passenger port open to international traffic in which the ship has called shall not be subject to border checks on condition that they appear on the crew list of the ship on board of which they embarked, which has previously been submitted to the border police for carrying out of border checks.

In compliance with the assessment of threats to security of the state border and protection from irregular migrations, the ship-owners referred to in paragraph 1 of this Article shall be subject to border checks prior to their going ashore.

If the ship-owner referred to in paragraph 1 of this Article presents a threat to security of the state border, public policy and public health, he may be prohibited from going ashore.

The ship-owner referred to in paragraph 1 of this Article who intends to stay outside of the place situated in the vicinity of the port and/or the passenger port open to international traffic must fulfil the conditions for entry into the territory of the Republic of Serbia in compliance with a separate regulation.

Provisions of this Law on border control of seamen, shall additionally apply to seafarers, holders of seafarers' identification card.

Border Check of the Persons with Diplomatic Status

Article 52

The holders of a diplomatic or official passport issued in compliance with the regulations of their respective states, as well as the holders of documents for crossing of state border issued by the international organisations shall be subject to the basic border check and may be given priority and privileges on the occasion of conducting of such check over other travellers, if it is a case of an official trip which can be proven.

A person referred to in paragraph 1 of this Article shall not provide proof of necessary means of subsistence, in compliance with a separate law.

The police officer may require the person who invokes privileges and immunities pursuant to international law to provide evidence whereby his diplomatic status is corroborated.

The accredited members of diplomatic and consular missions to the Republic of Serbia and their family members shall be authorized to cross the state border based on a special identity card which is issued in compliance with a separate law and ratified international treaties.

When the police officer establishes that there are obstructions for entry of the persons referred to in paragraphs 1 and 4 of this Article into Republic of Serbia, he shall not refuse such persons entry without prior consultation with the state administration authority competent for foreign affairs.

Cross-border Workers

Article 53

The cross-border workers who are often crossing the state border at the same border crossing point shall be subject to border check referred to in Article 40 of this Law.

By way of exception from paragraph 1 of this Article, the persons who are well known to the police officer owing to their frequent crossing of state border at the same border crossing point and for whom it has been determined by means of checks of the relevant records that there are no obstructions for crossing of state border, shall be subject to occasional border checks with the aim of determining that:

- 1) they possess the relevant documents for crossing of state border;
- 2) they fulfil the conditions for entry into the Republic of Serbia in compliance with separate regulations.

A thorough check referred to in Article 41 of this Law can occasionally be carried out on the persons referred to in paragraph 1 of this Article, without notice.

Underage Persons

Article 54

On the occasion of border checks of the underage persons, the police officer shall pay special attention to whether the underage person is travelling alone or accompanied by another person.

For crossing of the state border, an underage person, a national of the Republic of Serbia by the age of 16, when travelling alone or accompanied by another person who is not his/her parent or legal representative, must possess the certified consent from both his/her parents, where they are exercising their parental right jointly, or from the legal representative.

5. Border Checks in International Railway, Air and Waterborne Traffic

Border Check in International Railway Traffic

Article 55

On the board of trains in international traffic, border check shall be carried out on the passengers and staff who are crossing the state border, as well as on the staff on goods trains and empty trains.

The checks referred to in paragraph 1 of this Article shall be performed in the first railway station of arrival or in the last railway station of departure or on board of the train during riding until crossing of the state border.

By way of exception from paragraph 1 of this Article, with a view to faster operation of railway passenger traffic, border checks, in compliance with the international treaty, can be performed on the board of the train during riding to the first railway station in the territory of the neighbouring state.

The police officer, on the occasion of carrying out of a border check, may carry out the check of cavities in carriages with the assistance of the railway staff in order to detect any concealed persons and objects subject to border checks.

A train operating in international traffic which is entering the Republic of Serbia, i.e. which is exiting the Republic of Serbia, must not stop in the part of the rail line between the

state border and the border crossing point, except where this is necessary due to regulation of railway traffic and in case of force majeure.

If a train operating in international traffic which has crossed the state border stops on the open line outside of the area of a border crossing point, the railway staff shall be obliged to take the necessary measures with the aim of preventing boarding and/or disembarking of persons from the train and to immediately notify the border police of such stopping.

Border Check in International Air Traffic

Article 56

The border check of persons in the international air traffic shall be conducted at the airport, at the place designated for such purpose.

The border check on persons in air traffic can additionally be performed by using the technical devices for automatic check of identity and establishing conditions for state border crossing.

The operator shall be obliged to take measures for directing the passengers to the facilities designated for conducting border check.

By way of exception from the paragraph 1 of this Article, the border checks can be performed on the platform on the occasion of exiting the aeroplane, based on an analysis of the risks from the threat to the border security.

The pilot-in-command of the aircraft used for the purposes of non-commercial flights in international traffic shall be obliged to, prior to the take-off, deliver the flight plan and the general declaration to the border police.

Following the border check, the police officer shall affix the impression of the stamp on the general declaration as well.

International Transit Circulation

Article 57

The border checks shall, as a rule, not be performed in international transit air traffic after landing of the aircraft in the airport if the passengers do not leave the aircraft or remain in the space intended for passenger transit.

Additional checks can be undertaken for security reasons where there is suspicion of abuse of regulations on transit visa on the flights referred to in paragraph 1 of this Article.

Border checks shall be performed on persons who are leaving the aircraft and are in the transit zone if that is duly justified based on the analysis of the risks from threats to border security, as well as in the case of a check of possession of airport transit visa.

Obligations of Carriers in Air Traffic

Article 58

An air carrier shall be obliged to, at the request of the border police, immediately upon completion of the check-in of passengers for a flight, deliver to the border police at the border crossing point at which the passengers will enter the Republic of Serbia complete and accurate information on passengers.

Information referred to in paragraph 1 of this Article shall comprise: the name and surname, the number and type of the travel document, citizenship, date of birth, name of the border crossing point at which they will enter the Republic of Serbia, designation of the flight, time of departure and arrival, the total number of passengers and the place of embarkation.

Information referred to in paragraph 1 of this Article shall be collected and delivered by electronic means, and in cases where such delivery is not possible, collection and delivery of such information shall be carried out in another adequate manner.

The air carrier shall notify the passenger of the delivery of information to the border police and of the processing of their personal data referred to in paragraph 1 of this Article, in compliance with the regulation governing protection of personal data.

*Landing of Aircrafts Outside of the Place Designated
for International Air Traffic*

Article 59

When in the cases of force majeure or imminent danger or on the instructions of the authorities competent for air traffic, an aircraft in international traffic must land on a landing ground which is not a border crossing point, the aircraft may continue its flight only after authorisation from the border police and the administration authority in charge of the customs.

State Border Crossing Regime in International Waterborne Traffic

Article 60

The border check of vessels in international traffic on an international waterway shall be carried out at the border crossing point open to international river traffic.

The Government, at the proposal of the Ministry in charge of traffic with the consent from the competent state authorities in charge of border management, shall pass an act whereby it shall determine the regime of border checks for foreign and domestic vessels and the border crossing points at which the checks will be carried out.

Upon a completed border check, the foreign vessels in international traffic on inland waterways of the Republic of Serbia may dock outside of the location of a border crossing point, except in the case of force majeure, on the basis of the decision which is to be passed by the competent port authority, whereby it shall authorize docking of the vessel outside of the border crossing point in compliance with the law regulating navigation and ports in inland waterways, upon prior consent from the border police and the state administration authority in charge of the customs.

The persons and crew members who are coming to the Republic of Serbia on board of vessels or who are going abroad from the Republic of Serbia may disembark and/or embark only in the area of the border crossing point for international waterborne traffic, unless where determined otherwise by an international treaty.

The master of a vessel in international traffic must not accept or take on board a person without a valid document prescribed for crossing of state border or embark or disembark persons outside of the area of a border crossing point, except in the case of rescuing the persons.

Border Checks in International Waterborne Traffic

Article 61

The border check of a vessel in international traffic shall be carried out in the area of the border crossing point or on board of the vessel. In compliance with an international treaty, the border check can additionally be carried out during voyage or upon the vessel's docking on the territory of another state.

The master or manager of the vessel, upon arrival from a foreign country and before departure to a foreign country, shall be obliged to hand in to the border police a transcript of the

crew list and list of passengers on board of the vessel in two copies and present for inspection their documents prescribed for crossing of state border, unless where regulated otherwise by an international treaty or another regulation.

It shall be established by means of the check referred to in paragraph 2 of this Article whether the crew members and the passengers fulfil the conditions for entry into the Republic of Serbia or for the exit from the Republic of Serbia, in compliance with this or a separate law.

If the person who does not fulfil conditions for entry into the Republic of Serbia disembarks the vessel in the port or passenger port open to international traffic without authorisation of the border police, the master, manager or ship-owner shall bear the costs of stay and removal of persons from the Republic of Serbia.

A copy of the transcript of the crew list and list of passengers referred to in paragraph 2 of this Article shall be stamped by the police officer carrying out the border check by affixing the impression of the stamp and he shall return it to the master of the vessel who shall be obliged to present it at the request of the police during the stay in the port of passenger port open to international traffic.

The master or manager of the vessel and/or the ship-owner shall notify the border police, where possible even before arrival of the vessel in the port, passenger port open to international traffic or the border crossing point, of the presence on board of stowaways. The master of the vessel shall remain responsible for the stowaways.

The master of the vessel shall be obliged to notify in a timely manner the police officers carrying the border checks and the competent port authorities of the vessel's departure.

Derogations from the Regime of State Border Crossing in International Waterborne Traffic

Article 62

Where, due to force majeure, a vessel docks in a place other than a border crossing point, the master or manager of the vessel shall be obliged to notify the port authority and the border police thereof without delay.

The master or manager of the vessel referred to in paragraph 1 of this Article must not board or disembark the persons, except in case of rescuing those persons.

The master or manager of the vessel referred to in paragraph 1 of this Article shall be obliged to deliver a copy of the transcript of crew list and list of passengers to the border police.

Procedure of Border Check on a Cruise Ship

Article 63

The master of the cruise ship or the ship-owner and/or the authorised person shall be obliged to deliver to the border police the itinerary and the program of the cruise 24 hours before the arrival at the border crossing point at the latest.

Following the arrival to the area of the border crossing point or before the departure from the area of the border crossing point, the crew members and the passengers shall be subject to border checks on the basis of the transcript of the crew list and list of passengers on board of the vessel.

The name and surname of the passenger, the date of birth, citizenship and the number and type of the travel document and where necessary the number of the visa shall be entered in the list of passengers.

The master of the vessel or the ship-owner and/or the authorized person shall deliver the transcript of the crew list referred to in paragraph 2 of this Article to the border police 24 hours before the arrival at the border crossing point at the latest.

The impression of the stamp shall be affixed to the transcript of the crew list and list of passengers referred to in paragraph 2 of this Article. The passengers who go ashore shall be subjected to border check in compliance with this Law, except where, according to the risk analysis of the threats relating to border security, there is no need to carry out the border check.

*Issuing of Authorisations for Movement for the Crew Members
Who do not Have Visas*

Article 64

An authorisation for movement in the area of a populated place in which a border crossing point or an airport is located can be issued to a member of the crew of a foreign vessel, who does not have the required visa, and who can prove his status with the identification document referred to in Article 51 of this Law or who has been included in the transcript of the crew list and list of passengers, as well as to a member of the crew of a foreign aircraft, who does not have the required visa, and who possess the document of the crew member issued in compliance with the international standards, during the stay of the vessel and/or aircraft in the area of the border crossing point.

The authorisations referred to in paragraph 1 of this Article shall be issued by the border police station of relevant jurisdiction, at the request of the master of a foreign vessel and/or the pilot-in-command of the aircraft, for the duration of the stay of the vessel or aircraft, for up to 90 days at the maximum.

The crew member referred to in paragraph 1 of this Article must not move in the area in which a border crossing point or an airport is located without authorisation.

6. Risk Analysis Relating to the Threats to Border Security

Article 65

The risk analysis relating to the threats to border security shall be a method of work whereby, on the basis of available information, risks and threats to security of the state border are established, based on which activities in respect of border control are directed.

The risk analysis relating to the threats to border security shall be performed for individual areas and for the border as a whole.

**V. THE TASKS OF THE BORDER POLICE OUTSIDE OF THE AREA
OF A BORDER CROSSING POINT**

Article 66

Outside of the area of a border crossing point in the territory of the Republic of Serbia, the police officer shall, on the basis of the analyses of risks relating to threats to border security, and for the purpose of detecting and solving of criminal offences and misdemeanours in the field of cross-border crime and irregular migrations, carry out detailed border checks.

In the course of performing the tasks referred to in paragraph 1 of this Article, the police officer shall exercise the powers prescribed by this Law and by another law.

In the course of performing the tasks referred to in paragraph 1 of this Article, the police officer does not stamp the travel document.

VI. INTERNATIONAL BORDER COOPERATION

Article 67

International cooperation shall be realized on the basis of an international treaty.

VII. RECORDS

Types of Records

Article 68

For the needs of carrying out of border control, the border police shall maintain the records on:

- 1) the persons and means of transport on which the border checks have been carried out;
- 2) the persons and means of transport to which crossing of the state border has been refused;
- 3) the persons for which the procedure of identity establishing has been carried out;
- 4) the persons to which the border authorisations referred to in Article 13 of this Law are issued;
- 5) the persons whose applications for issuing of border authorisations have been rejected or whose border authorisations have been withdrawn (Article 13 of this Law);
- 6) the persons to which permissions for movement and staying in the area of a border crossing point referred to in Article 25 of this Law have been issued;
- 7) the persons whose applications for issuing of permissions have been refused or whose permissions have been withdrawn in the case referred to in Article 26 of this Law;
- 8) the issued authorisations referred to in Article 64 of this Law for movement in the area of a populated place in which the border crossing point or an airport is situated;
- 9) the persons who have submitted applications for issuing of approvals and persons to which the approvals referred to Article 10 and Article 23 of this Law have been issued;
- 10) the border incidents and violations of state border;
- 11) the announcements of hunting along the borderline;
- 12) the persons to which the documents within the scope of work of the border police have been issued;
- 13) the persons against which other measures and actions were taken by the police officers with the border police in compliance with the powers referred to in this Law;
- 14) the persons and means of transport on which the data set originating from conducting video surveillance is maintained.

Provisions of the law regulating records and processing of data in the field of home affairs shall apply to processing of personal data in the records referred to in paragraph 1 of this Article which are maintained by the Ministry and/or by the border police, as well as to the

contents, updating and deletion of such records, time limits for data keeping and protection measures.

In order to efficiently carry out the border control, and for the purpose of facilitated movement of persons across the state border, the Information System for Border Control (hereinafter: the ISBC) shall be established.

VIII. SUPERVISION OF IMPLEMENTATION OF THE LAW

Article 69

The Ministry shall supervise the implementation of this Law.

IX. PENAL PROVISIONS

Article 70

The fine ranging from 200,000 to 2,000,000 dinars shall be imposed for a misdemeanour against the legal person:

1) if they place on the special boards for warnings and signs other boards or signs whereby visibility of the boards and signs which are warning of the borderline is reduced (Article 7, paragraph 3);

2) if they does not provide for free passage for the purpose of placing and maintaining the border marks, boards and signs referred to in Articles 6 and 7 of this Law and of other markings along the state border (Article 8);

3) if they sow certain species of agricultural crops and/or plants certain species of fruits and trees and other vegetation (Article 9, paragraph 2);

4) if they conduct sailing, hunting, fishing, over-flight of aircrafts, movement or remains along the borderline (Article 9, paragraph 3);

5) if they, without a written announcement to the border police 48 hours before the beginning of the hunt, hunt in the designated zone along the borderline or if they fail to announce the end of the hunt in writing 12 hours after the end of the hunt at the latest (Article 9, paragraph 6);

6) if they, in the procedure of drawing up of the spatial or urban plan whereby arrangement of space at the distance of 100 metres from the borderline is planned, fail to acquire the prior consent from the Ministry (Article 10);

7) if they fail to construct in the airport or set aside and arrange the space for accommodation of foreigners who do not fulfil the conditions for entry into the country in compliance with the separate law (Article 20, paragraph 2);

8) if they, in the procedure of issuing of location conditions, construction and exploitation permit for the facilities located in the area of a border crossing point, fail to acquire the prior consent from the Ministry (Article 23, paragraph 2);

9) if they, for the beginning of works on construction, placing of facilities, change of their intended purpose, as well as fitting of installation, equipment and devices in the area of a border crossing point, fails to acquire the prior consent from Ministry (Article 23, paragraphs 1 and 4);

- 10) if they enable the employee to perform the tasks before obtaining the permission for movement in the area of a border crossing point (Article 26);
- 11) if they fail to enable free passage and movement, including the use of all types of the means of transport to a police officer for the purpose of performing the tasks relating to the surveillance of the state border (Article 32);
- 12) if the means of transport leaves the area of a border crossing point before the completion of the border check prescribed by this Law (Article 43, paragraph 3);
- 13) if they, in the course of carrying out of the border check, fail to ensure the necessary conditions for carrying out of the border check (Article 44, paragraph 1);
- 14) if they fail to ensure that the passengers do not leave the area of a border crossing point before completion of control and/or that following a completed control no other persons can embark or disembark (Article 44, paragraph 2);
- 15) if the train, when entering or departing from the Republic of Serbia, except in the case of force majeure or where that is necessary for the purpose of railway traffic regulation, stops in the part of the line in between the state border and the border crossing point (Article 55, paragraph 5);
- 16) if the railway staff of the train which has crossed the state border in international traffic fails to without delay notify the border police of such stopping of the train on the open line outside of the area of a border crossing point and fails to secure the train or fails to take the necessary measures in order to prevent entering and/or exiting of persons from the train (Article 55, paragraph 6);
- 17) if they fail to take measures for directing the passengers to the rooms designated for conducting border check (Article 56, paragraph 3);
- 18) if the pilot-in-command of the aircraft used for the purposes of non-commercial flights in international traffic, prior to the take-off, does not deliver the flight plan and the general declaration to the border police (Article 56, paragraph 5);
- 19) if they, immediately upon completion of the check-in of passengers for a flight, fail to deliver to the border police at the border crossing point at which the passengers will enter the Republic of Serbia, at their request, complete and accurate information on the passengers (Article 58, paragraph 1);
- 20) if the pilot-in-command of the aircraft in the international traffic, who due to the force majeure or emergency, lands outside of the location designated for international air traffic, continues the flight without an authorisation from the border police and the administration authority competent for customs (Article 59);
- 21) if the master of the vessel fails to act in compliance with the provisions of Article 60, paragraph 2 of this Law;
- 22) if the master of the vessel embarks or disembarks the persons or crew members outside of the area of a border crossing point (Article 60, paragraph 4);
- 23) if the master of the vessel accepts and takes on board of the vessel the persons without valid documents prescribed for crossing of the state border or embarks or disembarks persons outside of a border crossing point, except in the case of rescuing of persons (Article 60, paragraph 5);
- 24) if the master of the vessel upon arrival from a foreign country or before departure to a foreign country fails to hand in to the border police a transcript of the crew list and list of passenger on board of the vessel and/or fails to present for inspection their documents prescribed for crossing of the state border (Article 61, paragraph 2);
- 25) if the master of the vessel during the stay in the port or the passenger port open to international traffic at the request of police fails to produce a certified copy of the transcript of the crew list and list of passengers on board of the vessel (Article 61, paragraph 5);

26) if the master of the vessel, following the arrival of the vessel in the port, passenger port open to international traffic or the area of a border crossing point fails to notify the border police of the presence of the stowaways on board of the vessel (Article 61, paragraph 6);

27) if the master of the vessel fails to notify in a timely manner the police officers carrying out the border checks of the departure of the vessel (Article 61, paragraph 7);

28) if the master of the vessel facility acts contrary to the provision of Article 62, paragraphs 1 and 2 of this Law;

29) if the master or manager of the vessel which has, due to force majeure, docked at the place where no border crossing point is located, fails to deliver to the border police, and/or to the nearest, a copy of the transcript of the crew list and list of passengers (Article 62, paragraph 3);

30) if the master of the cruise ship or the ship-owner and/or the authorized person fails to deliver to the border police the itinerary and the program of the cruise, 24 hours prior to the arrival at the border crossing point at the latest (Article 63, paragraph 1);

31) if the master of the vessel or the ship-owner and/or the authorized person does not deliver to the border police the transcript of the crew list and the list of passengers on board of the vessel 24 hours prior to the arrival at the border crossing point at the latest (Article 63, paragraph 4);

32) if a member of the crew of a foreign vessel, train or aircraft, who does not possess the required visa, during the stay of the vessel, train or aircraft in the area of the border crossing point and/or port or passenger port open to international traffic, moves without the required authorisation in the area of a populated place in which the border crossing point and/or the port or passenger port open to international transport is located (Article 64).

The responsible person with the legal person shall be sanctioned for the misdemeanour referred to in paragraph 1 of this Article with a fine ranging from 20,000 to 150,000 dinars.

The responsible person with the administration authority shall be sanctioned for the misdemeanour referred to in paragraph 1, point 8) of this Article with a fine ranging from 20,000 to 150,000 dinars.

The entrepreneur shall additionally be sanctioned for the misdemeanour referred to in paragraph 1, point 20) of this Article with a fine ranging from 20,000 to 200,000 dinars.

The fine ranging from 20,000 to 150,000 dinars shall be additionally imposed against the natural person for the misdemeanour referred to in paragraph 1, points 1), 2), 3), 4), 5), 8), 9), 11), 13), 14), 18), 19), 21), 22), 23), 24), 25), 26), 27), 28), 29), 30), 31) and 32) of this Article.

For the misdemeanour referred to in paragraph 1, points 10) and 21) of this Article, protective measure of the ban on pursuit of certain business activities for up to six months can additionally be imposed.

Article 71

The fine ranging from 10,000 to 100,000 dinars or a prison sentence of up to 30 days shall be imposed for a misdemeanour against a natural person if he:

1) crosses or attempts to cross the state border outside of the designated border crossing point, outside of the opening hours at the border crossing point or contrary to the intended purpose of the border crossing point, or if he crosses or attempts to cross the state border at a state border crossing without the valid travel or other document prescribed for crossing of state border (Article 12, paragraph 2);

2) crosses the state border outside of the border crossing point because of the force majeure, and fails to immediately notify police of that (Article 14);

3) moves and stays in the area of a border crossing point without the required permission or does not act in compliance with the special markings, boards, horizontal and vertical signs, orders and instructions of the police officers (Article 24);

4) during his stay in the area of a border crossing point does not carry with him the permission or does not present the same for inspection at the request of a police officer (Article 25, paragraph 5);

5) does not present for inspection the prescribed documents for crossing of state border or does not subject himself to the border check or leaves the area of the border crossing point prior to completion of the border check or circumvents, and/or attempts to circumvent the border check (Article 43, paragraph 1);

6) if at the request of a police officer, does not provide additional explanations relating to information and documentation referred to in Articles 40 and 41 of this Law in relation to crossing of state border and does not act in accordance with the alerts issued and orders given by the police officers (Article 43, paragraph 2);

7) does not stop the means of transport in the designated area of the border crossing point at which the border check is carried out or following a completed check does not leave the area of the border crossing point with the means of transport (Article 43, paragraph 3);

8) operates the means of transport in which he crosses the state border and does not act in compliance with the vertical and horizontal signs placed at the border crossing point (Article 43, paragraph 4).

X. TRANSITIONAL AND FINAL PROVISIONS

Passing of By-laws

Article 72

The Minister shall pass the regulations governing in more detail:

1) the form, contents and method of placing of special markings, boards and signs for marking the distance from the state border, border crossing point, opening hours of the border crossing point, area of the border crossing point;

2) the method of conduct of the border police on the occasion of establishing and resolving of a border incident and violation of state border;

3) the appearance and contents of the form and method of announcement of the beginning and of the end of hunt along the borderline;

4) the appearance and contents of the form of application for issuing border authorisation and of the border authorisation and the method of issuing thereof;

5) the method of submission of applications and issuing of approvals for the arrangement of space along the state border;

6) the method of submission of applications and issuing of approvals for the construction, placement of facilities, changes of their intended purpose, as well as fitting of installation, equipment and devices in the area of a border crossing point and prior approval for the beginning of works in the area of a border crossing point;

7) the contents of the application for issuing, method of issuing and withdrawal, appearance and contents of documents envisaged by this Law;

8) the method for conducting surveillance of state border and method of issuing, appearance and contents of acts that the police officers draw up on the occasion of performing the tasks relating to surveillance of state border;

9) the method of carrying out of border checks and method of issuing, appearance and contents of acts that the police officers draw up on the occasion of performing the tasks relating to border checks;

10) the contents, appearance of stamp and method of inclusion of information on the transfer of arms and ammunition across the state border in the travel document;

11) the contents, appearance of the stamp and special designations and method of inclusion of information on entry and departure, on denial of entry/departure, other information of significance for border check in the travel document;

12) the appearance, contents of the certificate form referred to in Article 47 of this Law and the form of the separate sheet referred to in Article 48 of this Law.

Implementing regulations for this Law shall be adopted within one year from the date of entry into force of this Law.

The regulation referred to in Article 60, paragraph 2 of this Law shall be adopted within two years from the entry into force of this Law.

Until the adoption of regulation referred to in paragraph 1 of this Article, regulations that were in force until the entry into force of this Law shall apply, providing that they are not contrary to the provisions of this Law.

Harmonisation of Work of Operators, Managers and the Republic Directorate for the Property of the Republic Of Serbia

Article 73

The operator of the airport, port, passenger port open to international transport and the manager of railway infrastructure shall be obliged to fulfil the obligations in respect of the organisation and equipping of the border crossing points within one year from the date of entry into force of this Law.

The Republic Directorate for the Property of the Republic of Serbia shall take the necessary measures to ensure conditions for implementation of competence laid down by this Law within one year from the date of entry into force of this Law.

Termination of Validity of the Law

Article 74

The Law on the Protection of State Border (Službeni glasnik RS, Nos. 97/08 and 20/15 – other law) shall cease to be in force on the date of entry into force of this Law.

Entry into Force of the Law

Article 75

This Law shall enter into force on the eighth day from the day of its publication in the Službeni glasnik Republike Srbije.