

REPUBLIC OF SERBIA

**LAW
ON POLICE**

Belgrade, 2019

LAW ON POLICE

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but it is not legally binding.

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ZAKON O POLICIJI

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LAW ON POLICE*

I BASIC PROVISIONS

Scope of the Law

Article 1

This Law shall govern the internal affairs, organisation and competence of the Ministry of Interior (hereinafter: the Ministry), police tasks, organisation and competence of the Police, as well as other issues significant for the operation of the Police and the Ministry.

Notion of Internal Affairs

Article 2

Internal affairs shall be the affairs of state administration, specified by the law and performed by the Ministry, the performance of which ensures and improves the safety of citizens and property, provides support to the rule of law and ensures the realisation of human and minority rights and freedoms specified by the Constitution and the law, as well as other related affairs falling within the defined scope and competence of the Ministry.

Police

Article 3

The Police, for the purpose of this Law, shall present the organized manner of performance of legally governed affairs, comprising police officers who, while performing the police and other internal affairs, protect and improve the safety of citizens and property, abiding by the human and minority rights and freedoms, guaranteed by the Constitution, and other protected values within a democratic society, with the possibility of applying means of coercion, based on the Constitution and the law.

The right to the use of the term “Police” shall solely belong to the Ministry and the Ministry of Defense.

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Article 4

The Minister of Interior (hereinafter: the Minister) shall prescribe the manner of performing internal affairs within the provisions of this Law.

Prevention of Discrimination

Article 5

The employees at the Ministry and the Police shall be obliged to treat everyone equally, regardless of their race, sex or national origin, their differences stemming from the social origin, birth, religion, political or other beliefs or affiliations, gender and gender identity, financial standing, culture, language, age and psychological or physical disability.

Information on Operation of the Ministry

Article 6

The operation of the Ministry shall be public.

The Ministry shall regularly inform the public of its operation in a timely and complete manner, except in cases of undertaking measures and actions in line with the law governing the criminal procedure or when it would disable the smooth operational work of the Police, or if it would:

- 1) breach the regulation on data secrecy;
- 2) damage the dignity of citizens;
- 3) jeopardise the right to individual freedom and safety.

Once a year, and within three months at the latest following the end of the calendar year, the Ministry shall publish:

- 1) the report on the state of safety in the Republic of Serbia, which shall, in a transparent and public manner, inform the public on the safety assessment, trends in criminal movements and other safety phenomena significant for the safety and rights of citizens;
- 2) report on the operation of the Ministry which shall, in a transparent and public manner, inform the public of the development of the police, statistical data on performed activities and achieved results.

Apart from the report referred to in paragraph 3 of this Article, the Ministry shall be obliged to publish, on its website, the quarterly information on its operation, adopted by the competent Committee on Internal Affairs of the National Assembly of the Republic of Serbia.

Use of Gender-Sensitive Language

Article 7

All the expressions in this Law shall have equal gender meaning, regardless of whether they are used in masculine or feminine gender, and shall refer equally to the male and female sex.

II ORGANISATION AND COMPETENCE OF THE MINISTRY

Organisation of the Ministry

Article 8

Internal organisational units shall be established for the performance of tasks falling within the competence of the Ministry.

Article 9

The Government shall prescribe the principles for the internal organisation of the Ministry, as well as the types of organisational units, headquarters and territories for which such units are to be established.

By means of the Rulebook on Internal Organisation and Job Classification, and upon the previously obtained approval of the Government, the Minister shall determine the scope and categorisation of the organisational units of the Ministry, the number, job classification, type, i.e. status and description of job positions, the job positions envisaging special requirements for their filling, the manner of governance, planning and performance of tasks.

Employees at the Ministry

Article 10

The employees at the Ministry shall be police officers, civil servants and state employees.

Police officers shall be:

- 1) persons performing police tasks in the capacity of authorised official persons and exercising police powers and measures and actions (authorised official persons – AOP);
- 2) persons with special duties performing other internal affairs directly pertaining to the police tasks and the tasks of protection and rescue (persons with special duties – SD).

Police officers in the capacity of authorised official persons must have at least completed a basic level of police training.

Civil servants shall be the persons who, acting in such capacity, perform other tasks falling within the scope of the Ministry and related general, legal, information, material and financial, accounting and administrative tasks.

State employees shall be the persons who, acting in such capacity, perform the accompanying support and technical tasks.

Competence of the Ministry

Article 11

For the purpose of organising tasks and creating operating conditions within the Ministry, the Ministry shall, in line with its scope and competences, do the following:

- 1) provide developmental, organisational, staffing and other conditions for the operation of the Ministry, prepare proposals, implement and monitor the realisation of the strategic acts, draw up the programme and the work plan of the Ministry and regularly, once a year, inform the public of its implementation;
- 2) carry out the human resource management function in line with the strategic acts and abiding by the principles of equal opportunities, govern, in line with the law, the specific characteristics of labour and labour relations, career development of the employees, create

conditions for advancements, awarding and legal protection to all employees regardless of the differences referred to in Article 5 of this Law, organise and carry out the professional qualification and training of attendees and employees, carry out health and psychological measures of prevention of employees;

3) ensure regular cooperation with the authorities and bodies which are legally authorised for external control of the Police, as well as with the various forms of associations;

4) organise and provide the conditions for independent performance of internal control tasks;

5) carry out the tasks of protection and rescue of people, material and cultural goods and the environment against natural hazards, technical and technological disasters, accidents and catastrophes, consequences of terrorism, war and other large-scale disasters;

6) carry out the protection against fires and explosions;

7) control the trade in and transport of arms, ammunition, explosive and other hazardous substances;

8) perform the tasks of planning, construction, use, maintenance and ensuring smooth functioning of the information and telecommunication systems of the Ministry, including the systems of video surveillance and systems of cryptography protection;

9) perform the tasks of planning and implementation of protection of the information and telecommunication systems of the Ministry, as well as detection and prevention of their disturbance;

10) ensure smooth use of the telecommunication and information systems of the Ministry by the bodies of the state administration, the bodies of territorial autonomy and the bodies of the local self-government unit, as well as of the public enterprises in line with the signed treaties, legal regulation and special plans;

11) establish the standards for the special-purpose equipment and material and technical means, perform the procurement and maintenance thereof;

12) work on the implementation of the international cooperation in the field of internal affairs;

13) conduct procedures and perform tasks which aim to create conditions for the work of the Police and the Ministry, which refer to the financial and accounting affairs and the budget-related affairs, the procurement affairs, property and other material affairs, including the affairs of construction and maintenance of facilities, exploitation and maintenance of vehicles, affairs ensuring food and accommodation;

14) carry out other tasks in line with the law.

Article 12

The Ministry shall provide assumptions for operational independence. The Police shall be operationally independent of other state authorities in the performance of police tasks and other statutory tasks for which the Police shall be responsible.

Operational independence of the Police shall not refer to the duties of the Police defined by the law governing criminal and misdemeanour proceedings.

The Ministry shall provide organisational assumptions for the operation of the Police, in line with the adopted public policies and strategic acts of the National Assembly and the Government, and especially for the reinforcement of trust between the public and the Police, for the development of the police ethics and professionalism, as well as for the prevention and suppression of corruption within the Police.

Preparations for Operation in Case of State of Emergency or State of War

Article 13

The Ministry shall, in line with its scope set forth by the law, and in the line with the regulations in the field of defence, carry out preparations for action during the state of emergency or state of war.

During the state of emergency or war, the Ministry shall perform the tasks falling within its scope by adapting its organisation, forms and methods of operation to the newly occurred changes in line with the law and acts adopted for the purpose of removing the state of emergency, i.e. state of war.

The Ministry shall plan the use of material and technical equipment, infrastructure, land and facilities of the Ministry during the state of emergency or war.

Competence of the Minister

Article 14

Apart from the rights and duties defined by the law governing the operation of state administration, the Minister may, in line with the provisions of this Law, request special reports pertaining to the operation of the Police and other organisational units of the Ministry, and in regard to the measures and actions which the Police may undertake in line with the Criminal Procedure Code, he/she may request special reports solely for the purpose of acting upon the request of the public prosecutor, i.e. the court.

The Chief of Police and other managers at the strategic level within the Ministry shall be obliged to file semi-annual and annual progress reports to the Minister, within fifteen days.

III COOPERATION OF THE MINISTRY

Cooperation with Security Services

Article 15

The Ministry shall directly cooperate with the security services of the Republic of Serbia through information exchange and technical cooperation, in line with the law.

The cooperation referred to in paragraph 1 of this Article shall be based on the rights and duties defined by the Constitution, the law and other regulations and general acts, and on special forms of organisation and mutual notification during the performance of common tasks.

Cooperation with Other Authorities

Article 16

The Ministry shall, in line with the law, directly cooperate with the state administration authorities, other authorities, authorities of territorial autonomy, local self-government units and holders of public powers.

Cooperation with Citizens Providing Assistance to the Ministry

Article 17

The Ministry shall directly cooperate with the citizens who provide assistance in the performance of police tasks.

The citizen who, either independently or upon request of a police officer, during direct provision of assistance to a police officer, at the place of an event, is either injured or falls ill, and is therefore absent from work, i.e. becomes unfit for work, has the rights stemming from the health, pension and disability insurance under the conditions set forth for a police officer.

The costs of health, pension and disability insurance referred to in paragraph 2 of this Article shall be borne by the Ministry.

Should a citizen lose his/her life during the provision of assistance for the performance of police tasks, his/her family shall have all the rights stemming from pension insurance as the family of the police officer who died during the performance of or in regard to the performance of police tasks.

A citizen who suffers damage during the provision of assistance for the performance of police tasks shall be legally entitled to reimbursement of material damages which he/she suffered due to the provision of assistance.

If criminal or offense proceedings in relation to the provision of assistance have been initiated against the citizen due to the assistance he/she provided for the performance of police tasks, the Ministry shall be obliged to provide him/her with legal and other necessary aid in relation to the conduct of proceedings.

The Ministry shall be accountable for the damages which the citizen causes to third parties during the provision of assistance for the performance of police tasks.

Relation between Police, Public Prosecutor and Court

Article 18

During pre-investigation and investigation proceedings, the Police shall exercise the police powers defined by the Criminal Procedure Code and it shall act by order and requests of the public prosecutor and court.

In misdemeanour proceedings, the Police shall act by orders of the Misdemeanour Court.

International Cooperation and Engagement

Article 19

The Ministry shall establish international cooperation at the level of ministers and ministries' representatives, with competent foreign authorities, international and other organizations, in line with the law.

At an operational level, the Police shall cooperate with foreign and international police services on the basis of the ratified international agreement and concluded special international agreements on police cooperation while abiding by the principle of reciprocity, as well as on the basis of membership in international police organisations.

International police cooperation shall encompass the police tasks performed by the competent organisational units of the Ministry in cooperation with the competent institutions of other states and cooperation with the foreign police services.

Within the cooperation referred to in paragraph 3 of this Article, the Ministry may, in line with the applicable regulation and ratified international agreements and special international agreements on police cooperation, exchange data and information, undertake measures against terrorism, organised crime, illegal migrations and other forms of international crime and disturbance of border security, establish common working bodies, refer the employees of the Ministry to training and education abroad, conduct trainings in the country for the needs of the police of the foreign state or an international organisation, in cooperation with the police of other states, i.e. international organisations.

Article 20

The Ministry may second its representative outside the territory of the Republic of Serbia for the purpose of engagement with a diplomatic and consular representative office of the Republic of Serbia or with an international organisation for the purpose of realising cooperation in the field of security.

The Government shall prescribe the criteria and manner of selecting the representatives to be seconded, their number, as well as other issues significant for the performance of internal affairs outside the territory of the Republic of Serbia.

Participation in Multi-national Operations Abroad

Article 21

Upon request of international organisations of which the Republic of Serbia is a member, or on the basis of a ratified international agreement, the employees at the Ministry may participate in the performance of police tasks and other tasks abroad based on a decision of the competent authority – adopted in line with the law.

IV ORGANISATION AND COMPETENCE OF THE POLICE

Organisation of the Police

Police Directorate

Article 22

The Police Directorate shall be established for the performance of police and other internal affairs.

The Police Directorate comprises organisational units at its headquarters – administrations, centres, units, the special unit and specialised police units, and outside its headquarters – the Police Administration for the City of Belgrade, regional police administrations (hereinafter: the police administrations) and police stations.

The Special Anti-terrorist Unit shall be a special police unit.

Special police units within the headquarters of the Police Directorate shall be the Gendarmerie, the Helicopter unit and the Protection Unit and the Unit for Securing Specific Persons and Facilities, and the Police Brigade within the Police Administration for the City of Belgrade as well as the Intervention Unit 92.

For the purpose of performing police and other tasks in line with the specific characteristics of certain regions, the internal organisational units may also be established for coordinating the operation of police administrations and police stations in the regions for which they are established.

Notwithstanding the act specified in Article 9, paragraph 2 of this Law, the organization and the scope of the special and separate police units, the job classification, the types, i.e. the status and the description of the work positions of their members, the special conditions for admission and work, special equipment, resources and armament used for the performance of tasks, stemming from the scope of the units thereof, shall be prescribed by the Government.

Article 23

The organisational units at the Police Directorate headquarters, the Police Administration for the City of Belgrade and the police administrations shall be established so that they are operatively and functionally connected with the appropriate organisational units and tasks in such a manner that the related police tasks falling within their scope are performed at the central, regional and local level.

The Chief of Police shall govern the Police Directorate.

The management and responsibility at the Police Directorate shall be based on the principle of single command and subordination.

The special unit and specialised police units shall be engaged based on the decision of the head of the relevant organisational unit.

For the engagement of the Gendarmerie, the head of the organisational unit shall obtain prior approval of the Chief of Police.

Notwithstanding paras. 4 and 5 of this Article, the Special Anti-terrorist Unit, the Helicopter Unit and the Gendarmerie shall, upon engagement which encompasses the use of one or several squads with the maximum capacity, be engaged based on the decision of the head of the relevant organisational unit, with prior approval obtained from the Chief of Police and prior approval obtained from the Minister.

The engagement proposal shall contain the safety assessment and the plan of activities.

In case of urgency, the plan of activities may be submitted subsequently, but not later than 24 hours from the moment of engagement.

Competence of the Police

Activities of the Police Directorate

Article 24

The Police Directorate shall:

- 1) prepare the strategic assessment of public safety, in cooperation with the organizational unit competent for strategic planning;
- 2) adopt the strategic plan of the Police;
- 3) take part in the preparation of the staffing plan, as well as on the establishment of professional training and development programmes in cooperation with the organisational unit competent for managing human resources;
- 4) comply and guide the operation of the police administrations and organisational units within the headquarters;

- 5) perform the oversight and instructional activities in the operation of the police administrations and organisational units within the headquarters;
- 6) directly participate in the performance of specific, more complex tasks falling within the scope of police administrations;
- 7) ensure the implementation of international agreements on police cooperation and other international acts for which it is competent;
- 8) perform the tasks of international operational police cooperation;
- 9) create necessary conditions for maintaining and improving capabilities and readiness of the Police to respond in case of increased risk, emergency situations, state of emergency and state of war;
- 10) work on the resolution of status issues of citizens and issuing of public documents falling within their scope;
- 11) contribute to the security and police, as well as educational and instructional activities in police tasks.

Activities of the Police Administration

Article 25

The activities of the police administration shall be to:

- 1) directly perform police and other internal affairs and create local cooperation in the territory of the municipality, i.e. city where its headquarters are located;
- 2) prepare the operational public security assessment in line with the act referred to in Article 24, item 1 of this Law;
- 3) adopt the operational plan of the police administration in line with the act referred to in Article 24, item 2 of this Law;
- 4) harmonise, coordinate and guide the work of police stations/field offices and ensure the creation of local cooperation and accountability;
- 5) perform the oversight and instructional activities in the operation of its organisational units;
- 6) participate, when needed, in the performance of tasks falling within the scope of police stations;
- 7) undertake protection measures for specific persons and facilities;
- 7a) ensure regular and urgent informing and reporting of the Police Directorate on phenomena and events on its territory;
- 8) to the assembly of the municipality of the local self-government, i.e. to the assembly of the city municipality at the territory where it is located, file a report on the work and the state of safety, once a year;
- 9) perform other tasks set forth by special laws, other regulations and general acts.

Activities of the Police Station

Article 26

The police station shall directly perform police and other internal affairs and establish cooperation in the territory of the municipality for which it has been established within the police administration.

The police station shall submit the information on the operation and state of security, once a year, to the municipal assembly of the local self-government in the territory where it is located.

Community Policing

Article 27

The police shall develop cooperation and partnership with citizens and other community entities for the purpose of performing police tasks and resolving local security priorities and coordinate the common interests and the need to create a favourable security atmosphere within the community, i.e. the establishment of a safe democratic society.

The police shall provide support to the operation of counselling bodies within the units of the local self-government for the purpose of developing prevention of crime and realisation of other security needs of the community.

The police shall develop professional capacities, competences and ethics of police officers for socially responsible response of the police service, whereby fully observing the human and minority rights and freedoms and protection of all vulnerable groups.

Police Action in Case of Domestic Violence

Article 28

If domestic violence, i.e. threat of domestic violence has been reported, the police officers shall be obliged, in cooperation with other competent authorities, to immediately undertake necessary measures and activities in line with the law, in order to prevent, i.e. stop violence which may result in infliction of bodily injuries or deprivation of life.

Police Action in Case of Increased Risk

Article 29

In case of indications or events which imply that increased risk to the state of public security might occur, as well as that the security of people or property might be threaten to a greater extent, which would require partial or full preparedness of police officers and engagement of all technical resources and equipment in a part of the territory of the Republic of Serbia, the Minister shall, upon proposal of the Chief of Police, order the performance of tasks appropriate for the arisen circumstances.

Upon the request of the Government or the competent Committee for Internal Affairs of the National Assembly, the Minister shall file a report on the state of public security and performance of Police tasks in the arisen circumstances.

V POLICE TASKS

Types of Police Tasks

Article 30

The police tasks shall be part of the internal affairs performed by the Police, by applying police powers, measures and actions.

The police tasks shall be performed for the purpose of realizing safety protection of life, rights and civil freedoms, protection of property, as well as support to the rule of law.

The police tasks, for the purpose of this Law, shall be:

- 1) crime prevention and improvement of safety within a community;
- 2) detection and resolution of criminal acts, providing evidence, analysis thereof, crime and forensic review by means of contemporary forensic methods and records and detection of property stemming from such criminal act;
- 3) detection and resolution of offences and economic infringements;
- 4) detection and arrest of perpetrators of criminal acts, infringements and other persons being searched for and bringing them to competent authorities;
- 5) maintaining public order, preventing violence on sports events, providing assistance in execution, in line with special laws;
- 6) regulating, controlling, providing assistance and surveillance in road traffic and other tasks specified in traffic safety regulations;
- 7) securing specific public gatherings, persons, authorities, facilities and spaces;
- 8) safety protection of certain individuals and facilities;
- 9) controlling the state boarder, tasks related to movement and stay of foreigners, asylum tasks, cross-border crime, irregular migrations and readmission;
- 10) execution of tasks defined by regulations on arms, private security and detective activities;
- 11) safety protection of the Ministry;
- 12) execution of other police duties and tasks set forth by the law and by-laws of the Ministry, adopted based on powers stemming from the law.

When performing police tasks specified in paragraph 3, of this Article, the police officers shall apply the powers, measures and actions set forth in the Criminal Procedure Code, Law on Misdemeanours and other laws.

The manner in which individual police tasks shall be performed, shall be more closely defined by the by-law adopted by the Minister.

The police tasks, exceptionally, for the purpose of this Law, shall imply the tasks of governing the organizational units within the Ministry.

Aim of Performing Police Tasks

Article 31

The police shall perform police tasks with the aim of and in such a manner so that it provides everyone with equal protection of security, rights and freedoms, by applying the law and the constitutional principle of the rule of law.

Principles of Performing Police Tasks

Article 32

The performance of police tasks shall be based on the principles of professionalism, depoliticisation, cooperation, cost-effectiveness and efficacy, legality in operation and proportionality in exercising of police powers, as well as on other principles governing the actions of the state administration authorities, actions of civil servants and procedures in administrative matters.

In the performance of police tasks, it shall be allowed to apply only those measures and means of coercion which have been specified by the law and which provide the desired result without any or with the minimum of harmful consequences for the person subjected to such measures.

Standards of Police Procedures

Article 33

When performing police tasks, the Police shall abide by the defined and achieved standards of police procedures, taking into consideration the internationally generally accepted standards of procedures, which refer to:

- 1) the obligation of serving citizens and the community;
- 2) the response to the citizens' needs and expectations;
- 3) observing legality and combating illegality;
- 4) realisation of human and minority rights and freedoms;
- 5) non-discrimination when performing police tasks;
- 6) proportionality when using means of coercion;
- 7) prohibition of torture and inhuman or degrading treatment;
- 8) provision of aid to injured persons;
- 9) abidance by professional conduct and integrity;
- 10) obligation of protecting secret data;
- 11) obligation of refusing illegal orders and reporting corruption.

Police Intelligence Model

Article 34

During the performance of police tasks, the Police shall apply the police intelligence model.

The police intelligence model represents a manner of managing police tasks, based on the crime and intelligence information.

The crime and intelligence information shall be a set of collected, assessed, processed and analysed data, which provide the basis for reaching decisions on the performance of police tasks.

Platform for Safe Electronic Communication, Exchange of Data and Information

Article 34a

The platform for safe electronic communication, exchange of data and information among state authorities, special organizational units of the state authorities and institutions, for the purpose of preventing organized crime and other forms of severe crime, shall be established within a special information and communication system of the Ministry in line with the

regulations which govern the records and the data processing in the area of internal affairs, as well as the technical capacities.

The platform referred to in paragraph 1 of this Article represents the basis for establishing a national crime-intelligence system.

Within the platform referred to in paragraph 1 of this Article, the recording of access shall be conducted, as well as the exchange of data on criminal acts in line with the law governing the suppression of organized crime, corruption and other especially severe criminal acts, with the application of measures of information security.

Protection of Rights and Provision of Legal Assistance to Citizens

Article 35

During the performance of police tasks, the Police shall be obliged to provide the citizens with the information and advice significant for their personal and property safety, as long as it does not contravene the law and does not jeopardize the performance of police tasks.

The citizen whose either personal or proprietary right has been infringed may address the Police for protection of such right if in the specific case no other legal protection is provide or if infringement of such right is in relation with his/her personal or property safety.

If the procedure aimed at protecting the right referred to in paragraph 2 of this Article falls under the competence of another authority, the Police shall be obliged, without any delay, to forward the request to the competent authority and inform the applicant thereof.

Duties and Rights of Police Officers when Performing Police Tasks

Official Weapons and Means of Coercion

Article 36

The police officer acting in the capacity of an authorised official person shall be obliged and shall have the right to carry official firearms and ammunition.

The police officer acting in the capacity of an authorised official person shall use the official firearms and ammunition, as well as other means of coercion under the conditions stipulated by this Law.

The police officer acting in the capacity of a person on special duties shall not have the right to carry official firearms and ammunition, nor apply means of coercion.

Types of firearms and ammunition, as well as means of coercion, i.e. equipment used by the police officers acting in the capacity of authorised official persons shall be prescribed by the Government.

Official Badge and Identification Card

Article 37

The Ministry shall issue an official badge and official identification card to police officers.

Deleted.

The police officer acting in the capacity of an authorised official person shall be issued an official badge along with the official identification card, which shall serve for identification

and proving of the capacity of the police officer when performing police tasks or exercising police powers.

A police officer engaged on special duties shall be issued an official identification card which shall serve for identification and proving of capacity of a police officer when performing tasks which are directly related to police tasks.

The official identification card may also be used for: access to and use of the information system of the Ministry, digital signing of documents, coding of official documents, physical access to facilities and areas, when higher level of protection is required and when identification is required, as well as for other purposes stipulated by the law.

The Ministry shall provide a civil servant with the official identification which shall solely serve for identification and proving the capacity of a civil servant for the work at the Ministry.

The layout, the form and contents of the official badge and official identification of the police officers, as well as the official identification of a civil servant shall be prescribed by the Government.

Article 38

A police officer shall be obliged to hand over to his/her immediate head the official firearm, ammunition, official identification card and official badge when, based on a decision of the competent health institution, he/she has been declared unfit for performing the tasks of a police officer due to an illness belonging to the group of mental illnesses and disorders, on the date of commencement of temporary work incapacity.

Should a police officer fail to act in line with paragraph 1 of this Article, the immediate head shall be obliged to temporarily seize the equipment referred to in paragraph 1 of this Article – on the day of learning about the temporary incapacity.

Upon termination of the temporary work incapacity, the police officer shall be returned the official firearms, ammunition, the official identification card and official badge – on the date of commencement of work.

The manner of seizure and returning of the retained firearms and ammunition, the official badge and identification card upon the onset and cessation of the reasons for temporary work incapacity due to an illness belonging to the group of mental illnesses and disorders shall be prescribed by the Minister.

Uniform and Insignia

Article 39

A police officer acting in the capacity of an authorised official person shall be entrusted with a uniform, insignia and other prescribed equipment.

The police officer referred to in paragraph 1 of this Article shall be obliged to wear the uniform with the insignia and accompanying equipment in a prescribed manner.

As a rule, the police officer acting in the capacity of an authorised official person who performs the police tasks in plain clothes, except for the official uniform shall not be entrusted with a uniform.

The police officer referred to in paragraph 3 of this Article shall be entitled to plain clothes.

The uniform of a police officer may also be worn, in a prescribed manner, by retired police officers at state occasions and ceremonies, professional gatherings and those of veterans, and at funerals of active and retired police officers.

The provisions of paras. 1 and 2 of this Article shall be duly applied to the members of the firefighting units, the attendees of the basic police training, students of the Academy of Criminalistic and Police studies and the trainees for the police officers in the status of authorized official persons who perform the police tasks, wearing a uniform.

Police officers and persons referred to in paragraph 6 of this Article shall have the exclusive right to wear a dark-blue uniform, unlike other state authorities and public enterprises, as well as the legal entities and natural persons, to whom the provisions of the private security apply.

The parts, appearance and wearing of the uniform, insignia on the uniform and other equipment for police officers shall be prescribed by the Government.

Duty of Police Officers

Article 40

A police officer shall be obliged to keep confidential the data he/she obtained during the performance of police tasks or due to the performance of police tasks, in line with the law.

The obligation to keep the data confidential shall continue upon termination of one's service with the Ministry.

The Minister or the person authorised by the Minister may absolve the police officer from the obligation to keep the data confidential for the purpose of conducting a court or administrative procedure in case such data are indispensable for determining the factual state and rendering a lawful decision in the subject procedure.

Article 41

The police officer shall be obliged to submit to the immediate head, in written form, the information he/she obtained while performing police tasks, taking police measures and actions, exercising police powers or in other manner.

The police officer shall be obliged to execute all orders of the superior police officer issued for the purpose of performing police tasks, apart from those which order the performance of an action which pose a criminal act.

In case a police officer considers the order unlawful due to other reasons, he/she shall be entitled to inform his/her immediate superior thereof.

Duties of Police Officers after Working Hours

Article 42

Police officers acting in the capacity of authorised official persons shall be obliged to perform police duties and exercise police powers after working hours as well, except in the case referred to in Article 38, paragraph 1 of this Law.

Police officers undertaking actions referred to in paragraph 1 of this Article shall exercise all rights arising from employment.

Article 43

A police officer shall be obliged, to undergo preventive medical examinations within specific health protection provided by the Ministry, and within it, the extraordinary medical examination at the proposal of the healthcare institution in which he/she is being treated or based on reasoned proposal of the manager.

The costs of the medical examination referred to in paragraph 1 of this Article shall be borne by the Ministry.

Duties of Police Officers in Realisation of International Police Cooperation

Article 44

Unless otherwise stipulated by an international agreement, when performing tasks abroad, police officers may exercise the powers and use the means envisaged by the international agreement under which cooperation is realised.

When performing activities in the territory of the Republic of Serbia, police officers of foreign and international police services may exercise only those powers envisaged by the international agreement under which cooperation is realised.

The implementation of activities of police officers of foreign and international police services shall be under the competence of the Ministry.

Code of Police Ethics

Article 45

A police officer shall be obliged to perform police tasks in line with the law, other regulations and rules of profession and in compliance with the provisions of the Code of Police Ethics.

The Code of Police Ethics shall be a set of rules on ethical conduct of police officers.

The Code of Police Ethics shall be prescribed by the Government within 60 days from the date of entry into force of this Law.

Conduct and Interpersonal Relations

Article 46

A police officer and other employees shall, both at work and outside work, be obliged to behave in such a manner so that they do not damage the reputation of the Ministry and other employees at the Ministry.

A more detailed manner of conduct, as well as the personal appearance of the police officers and other employees at the Ministry shall be prescribed by the Minister.

VI POLICE MEASURES AND ACTIONS

Police Measures and Actions

Article 47

When performing police tasks, the police officers acting in the capacity of authorised official persons shall apply police measures and actions in line with this Law and other laws.

Within the meaning of this Law, the police measures and actions shall be as follows:

- 1) protection of victims of criminal offences and other persons;
- 2) protection of identity data;

- 3) police observation, oversight;
- 4) special measures for ensuring public order;
- 5) recording in public places;
- 6) police assistance in enforcement and out-of-court settlement procedures;
- 7) polygraph testing;
- 8) reception of reports on committed criminal offences and misdemeanours;
- 9) search for persons and objects;
- 10) targeted search measures;
- 11) measures for elimination of immediate threat;
- 12) crime and forensic registration, taking of other samples and crime and forensic expertise and analyses;
- 13) public announcement of reward.

Protection of Victims of Criminal Offences and Other Persons

Article 48

The police shall, if and where justified reasons exist, take appropriate measures to protect a victim and other person who has provided or who may provide data important for criminal proceedings or a person who is related to the aforementioned persons, if they are threatened by the perpetrator of a criminal offence or other persons.

The measures referred to in paragraph 1 of this Article shall be taken in such a manner so as to fully protect the confidentiality of the identities of the victim and other persons.

The manner of protecting the persons referred to in paragraph 1 of this Article shall be prescribed by the Minister.

Protection of Identity Data

Article 49

The police shall protect the data the disclosure of which would threaten the physical integrity of a person.

When submitting a written report on the contents of information for the collection of which the Police is authorised in line with the law, a police officer may withhold the data on the identity of the person from whom he/she obtained such information if assessing that the disclosure of the identity would expose such a person to a serious threat to life, health, physical integrity or would therefore jeopardise the person's freedom and property, as well as in case it is a person who provides information and data in the procedures in which police powers are exercised.

The identity data of the person who provided information shall be deemed confidential and shall be handled in line with the law.

The protection of identity data shall not apply to the reports which the Police submit to the public prosecutor or the court in line with the law regulating the criminal or offense proceedings.

Police Observation, Oversight

Article 50

For the purpose of verifying the received information and preparing a proposal for the competent authorities in accordance with their legal powers, police officers may, prior to the existence of reasonable doubt that a criminal offence or misdemeanour has been committed, collect by direct police observation, oversight, the information and data useful for determining whether the basis for reasonable doubt has been created that a criminal offence or misdemeanour has been committed.

Observation shall be carried out in public and other accessible places, without encroaching on the right to privacy of any person.

The obtained information, which cannot be used in the proceedings and which is of no operational significance, shall be destroyed within a year.

Special Measures for Ensuring Public Law and Order

Article 51

Based on an order, and for the purpose of ensuring public law and order and protecting people's health and lives, the Minister may:

- 1) temporarily limit or prohibit movement in certain facilities, certain areas or in public places;
- 2) temporarily prohibit settlement in a certain area or departure from a certain area;
- 3) conduct temporary protection of citizens through their evacuation from a certain area or facility.

The measures referred to in paragraph 1 of this Article must be time-limited and they may remain in effect as long as the reasons due to which they have been imposed exist.

Recording in Public Places

Article 52

The police shall conduct surveillance and recording of a public place for the purpose of performing police tasks, by using the equipment for video and acoustic recordings and photographing in line with the regulation on records and data processing in the field of internal affairs.

In case of threat to people's lives and health or property during a public gathering, a police officer shall be authorised to record or photograph such public gathering.

For the purpose of exercising police powers, detecting and resolving misdemeanours and criminal acts, as well as of overseeing and analysing the performance of police tasks, the Police may make audio and video recording of the actions of the police officers.

For the purpose of achieving the objectives referred to in paras. 1 through 3 of this Article, a police officer may use transportation and other means with or without external Police insignia, with recording devices, as well as the devices for recording and recognising registration plates.

The Police must publicly announce its intention to conduct the activities referred to in paragraph 1 of this Article, unless undercover recording is being performed in line with the Criminal Procedure Code.

The data collected in the manner referred to in paras. 1 through 4 of this Article shall be kept in the prescribed records.

The data which cannot be used in the proceedings shall be destroyed within a year.

The manner of recording in a public place and the manner of announcing the intention of such recording shall be prescribed by the Minister.

Police Assistance in Enforcement and Out-of-Court Settlement Procedures

Article 53

If resistance is reasonably expected during the enforcement of an act of a state authority or a legal entity or a natural person holding public powers, i.e. authorised legal entity or natural person in the out-of-court settlement procedure (hereinafter: enforcement), the Police shall provide assistance to such authorities and persons upon their written request in order to ensure safe conduct of the enforcement procedure.

The amount of fee for the provision of police assistance to a legal entity or natural person referred to in paragraph 1 of this Article shall be set in line with the regulations relating to the services provided by the Ministry.

When providing assistance, police officers may exercise public powers prescribed by the law solely for the purpose of protecting lives, human and minority rights and freedoms of citizens and property, protecting public order, as well as preventing and detecting criminal offences and misdemeanours, i.e. collecting data on such offences and their perpetrators.

Article 54

Assistance during the enforcement procedure shall be provided by the Police based on a written request of the authorised entity referred to in Article 53, paragraph 1 of this Law, which shall be submitted to the territorially competent organisational unit of the Police five business days at the latest before the date set for enforcement.

The request for the provision of assistance must state the reasons due to which Police assistance is required, and must be accompanied with a copy of the act which needs to be enforced, along with the certificate of enforceability, evidence of the attempted enforcement without the provision of Police assistance and evidence of the engagement of the supporting services which are necessary for enforcement.

In urgent cases, the request referred to in paragraph 1 of this Article may also be submitted orally, provided that the written request is submitted within 48 hours.

The head of the police administration, i.e. the head of the police station shall decide on the engagement of the Police and the scope and manner of providing assistance in the enforcement procedure and shall inform the applicant thereof in a timely manner.

Prior to commencing the enforcement, the Police shall be obliged to warn the enforcee or other present persons that means of coercion shall be used against them if they impede or prevent enforcement.

Article 55

Prior to starting the provision of Police assistance, a police officer shall be entitled to conduct a security check, as well as search of the persons to whom the enforcement refers, through the database and records kept by the Ministry.

The police officer shall be obliged to temporarily seize the weapons and other objects conducive to threatening safety prior to enforcement, should it be determined that the person to whom the enforcement refers or another person who is a member of the household legally owns a weapon.

The police officer shall be obliged to return the objects referred to in paragraph 2 of this Article within 48 hours at the latest from the enforcement of the act, unless the person meets the requirements set forth by the regulations on weapons and ammunition.

The manner of providing assistance in enforcement procedures shall be prescribed by the Minister.

Provision of Police Assistance to Healthcare Workers

Article 56

When summoned by a doctor, police officers shall provide assistance to healthcare workers in the attempt to overpower the physical resistance of a person with mental disorders who, due to the mental disorders, seriously and directly endangers his/her own life, health or safety, i.e. life, health or safety of another person, and who should be placed in a psychiatric institution without his/her consent, as long as such a person demonstrates physical resistance and until he is given care and immediate threat of such a person is eliminated.

When summoned by the manager of a psychiatric institution or a healthcare worker who has been duly authorised by the manager, police officers shall, without delay, provide appropriate assistance in order to eliminate the immediate threat of a person with mental disorders who, due to such mental disorders, seriously and directly endangers his/her own life, health or safety, i.e. life, health or safety of another person or who may alienate, destroy or severely damage the property of the institution.

Notwithstanding paras. 1 and 2 of this Article, in case of a person for whom reasonable doubt exists that, due to the mental disorders, he/she shall seriously and directly endanger his/her own life, health or safety, i.e. life, health or safety of another person, police officers may, in urgent cases, bring him/her to the psychiatric institution the competence of which is established based on the permanent or temporary place of residence of such a person, i.e. based on the place where the person was found, without prior medical examination.

If, pursuant to paras. 1 and 2 of this Article, police assistance has been provided, the healthcare institution shall be obliged to submit a written request within 48 hours at the latest from the moment of submitting the oral request.

Polygraph Testing

Article 57

A police officer may, upon wilful approval of the person from whom he/she is seeking information, subject him/her to polygraph testing, having introduced him/her with the operation of the device and if such a person gives his/her written consent.

A minor may be subjected to polygraph testing upon his/her consent and upon the consent and presence of his/her parent, guardian or a trustworthy adult.

The police officer shall interrupt the performance of polygraph testing should the person from whom information is sought state that he/she withdraws the previously provided written consent.

The following may not be subjected to polygraph testing:

- 1) a person under the influence of alcohol, narcotics or other psychoactive substances;
- 2) a person with severe heart diseases or respiratory disturbance;
- 3) an extremely stressed person;
- 4) a person under the influence of tranquilizers;
- 5) a person showing obvious signs of mental illness, temporary mental disorder or other conditions preventing the testing;
- 6) a person who feels intensive physical pain;
- 7) a pregnant woman and a postpartum woman;
- 8) a person under the age of 14.

The manner in which polygraph testing is conducted, as well as the methodology of applying such testing shall be prescribed by the Minister.

Receipt of Reports on Committed Criminal Offences and Misdemeanours

Article 58

A police officer shall be obliged to receive a report on a committed criminal offence and misdemeanour.

The police officer shall immediately submit the received criminal report to the competent public prosecutor in line with the Criminal Procedure Code, and the report containing elements of a misdemeanour to the Police organisational unit competent for misdemeanour affairs.

Search for Persons and Objects

Article 59

The Police shall, immediately upon obtaining information, take measures of search for persons or objects.

The search shall be initiated by a wanted circular, police call for information and poster.

A wanted circular shall be announced in line with the Criminal Procedure Code and other law.

The police call for information shall be announced for:

- 1) a person reasonably suspected of having committed a criminal offence due to which he/she is being pursued *ex officio*;
- 2) a person for whom the misdemeanour court has issued a general order for bringing in;
- 3) proceeds of a criminal act or misdemeanour and proceeds which the Police is obliged to search for in line with special regulations;
- 4) a person who may provide the necessary information on a criminal offence or misdemeanour, perpetrator or assets resulting from crime or misdemeanour.

A poster shall be issued:

- 1) for a missing person;
- 2) for the purpose of determining the identity of the person unable to provide personal data or for the purpose of determining identity of a found, unknown corpse;
- 3) for the found or missing objects;
- 4) in other cases, in line with a special law.

If a person has been reported missing and there is reasonable doubt that such a person is a victim of a criminal act, police officers shall be obliged, without delay and in cooperation with other competent authorities, citizens' associations and citizens, to take measures and actions envisaged by this Law and other laws, for the purpose of finding the person.

Targeted Search Measures

Article 60

For the purpose of arresting and bringing before the competent authority the person who is reasonably suspected that he/she has committed a crime for which the law prescribes a prison sanction of four years or more and for whom warrant circular has been announced, as well as other persons for whom there is reasonable doubt that they are aiding the concealing of such person and in cases when police officers cannot arrest such a person using other measures or actions, i.e. if it would imply disproportionate difficulties, measure of targeted search may be taken against such a person, by applying special evidentiary activities in line with the Criminal Procedure Code.

Upon the proposal of the Chief of Police, targeted search measures shall be approved based on the decision of the President of the Supreme Court of Cassation, i.e. the judge of this Court who has been appointed to decide upon these proposals in case of absence of the president of the subject court (hereinafter: the authorised judge), within 24 hours from the submission of the proposal.

The proposal and decision referred to in paragraph 2 of this Article shall be made in written form.

The proposal shall contain the data and facts significant for deciding on the application of targeted search measures.

The approved measures may be applied for a period of six months at the longest, and based on a new proposal they may be extended once more, for a period of six months at the longest.

In case of rejection of the proposal, the President of the Supreme Court of Cassation, i.e. the authorised judge shall state the reasons for such rejection in the rationale of the decree.

When urgent reasons thus require, targeted search measures may be ordered by the decision of the Chief of Police, upon obtaining the prior oral consent of the President of the Supreme Court of Cassation, i.e. the authorised judge for the commencement of application of appropriate measures.

In this case, the written proposal referred to in paragraph 3 of this Article shall be submitted within 24 hours from obtaining the oral consent.

The decision to continue with the application of the appropriate measures, i.e. their suspension shall be rendered within 24 hours from the submission of the proposal.

The decision to suspend the appropriate measures must be justified in written form.

The data collected by means of targeted search measures cannot be used as evidence in criminal proceedings.

Upon finalisation of the targeted search, the subject data shall be submitted to the President of the Supreme Court of Cassation, i.e. the authorised judge, who shall be obliged to destroy them and to make a record thereof.

A closer manner of application of the targeted search shall be prescribed by the minister.

Police Measures for Elimination of Immediate Threat

Article 61

Police officers shall take urgent measures necessary for elimination of immediate threat to people and property, in cases when such measures cannot be taken by other competent authorities in a timely manner, of which they shall immediately inform such authorities.

Police officers shall provide assistance to the state administration authorities, authorities of the territorial autonomy and local self-government, legal entities and natural persons in case of general threat caused by natural hazards, epidemics or other forms of jeopardy.

In the tasks referred to in paras. 1 and 2 of this Article, police officers shall take part in the performance of a rescue function as well, and the provision of first aid to people and shell, in relation thereto, use the prescribed equipment and conduct trainings for police officers performing these duties.

For the purpose of achieving the objectives referred to in paras. 1 and 2 of this Article, the Chief of Police may also order other employees at the Ministry to take measures referred to in paras. 1 through 3 of this Article.

Crime and Forensic Registration, Taking Other Samples, and Crime and Forensic Expertise and Analyses

Article 62

The police officers of the competent organisational unit of the Police Directorate shall, when performing police tasks, be authorised to conduct crime and forensic registration, take other samples, conduct crime and forensic expertise and analyses and other evidence collecting in line with the Criminal Procedure Code and other laws and regulations.

A closer manner of conduct of police officers, when applying measures and actions referred to in paragraph 1 of this Article, shall be prescribed by the Minister.

Public Announcement of Reward

Article 63

The Police shall publicly announce a reward for the information provided with the purpose of:

- 1) detecting and arresting the person who has committed a criminal act with severe consequences;
- 2) finding a missing person;
- 3) solving other cases when such information is necessary.

The reward may be announced in the public media or in other suitable manner.

The right to a reward shall not be granted to the person who provided the information which is already known to the Police or if such information failed to achieve the aim of the announcement of reward.

The right to a reward shall neither be granted to police officers, nor their family members.

The manner of public announcement of a reward shall be prescribed by the Minister.

VII POLICE POWERS

Common Provisions on Police Powers

Types of Police Powers

Article 64

During the performance of police tasks, the police officers acting in the capacity of authorised official persons shall exercise the police powers defined by this Law and other law.

The police powers shall be the following:

- 1) warnings and orders;
- 2) verification and determination of the person's identity and object identification;
- 3) summons;
- 4) transfer;
- 5) detention of persons and temporary restriction of freedom of movement;
- 6) collection of information;
- 7) temporary seizure of objects;
- 8) search of premises, facilities, inspection of documentation and counter-terrorist search;
- 9) stopping and searching persons, objects and means of transportation;
- 10) securing and searching of crime scenes;
- 11) using other people's means of transportation and means of communication;
- 12) determining the presence of alcohol and/or psychoactive substances;
- 13) performance of security checks;
- 14) receipt of found items;
- 15) use of means of coercion;
- 16) other powers prescribed by the law.

The manner of exercising police powers referred to in paragraph 2 of this Article shall be prescribed by the Minister.

Conditions for Exercising Police Powers

Article 65

Prior to exercising police powers, a police officer shall be obliged to ensure that all legal requirements have been met for the exercise of powers and he/she shall be held accountable therefor.

The police officer shall exercise police powers at his/her own initiative, by the order of the superior officer, by the order of a public prosecutor or other competent authority issued in line with other special law.

When the superior officer is present, police powers shall be exercised upon his/her order, except in cases when there is no time to await such an order and action must be taken at one's own initiative without delay.

When exercising police powers, a police officer shall act in line with the law and other regulation and shall abide by the standards set forth by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Basic Principles on the Use of Force and Firearms by Law-Enforcement Officials, the European Code of Police Ethics and other international acts pertaining to the Police.

In the manner prescribed by the law, and if that is possible in the given situation and if it would not jeopardize the performance of a police task, the person subjected to police powers shall be entitled to be informed about the reasons for such action, to be allowed to explain the circumstances he/she deems significant thereto, to be informed of the identity of the police officer, who shall introduce himself/herself and show his/her identification, and to request the presence of the person he/she deems trustworthy.

Identification prior to the Exercise of Powers

Article 66

Prior to the exercise of police powers, the police officer shall identify himself/herself by presenting the official badge and official identification card, whereas the police officer wearing a uniform shall identify himself/herself solely upon the request of the person subjected to police powers.

Exceptionally, a police officer shall not identify himself/herself in the manner referred to in paragraph 1 of this Article in case the circumstances of the specific case in which the police powers are exercised indicate that it might jeopardize the achievement of a legal objective. In that case, the police officer shall, during the exercise of police powers, warn of his/her capacity by using the word: "Police".

Upon cessation of the circumstances referred to in paragraph 2 of this Article, the police officer shall identify himself/herself in the manner referred to in paragraph 1 of this Article.

Impartiality, Non-discrimination, Humane Treatment, Respect for Human Rights and Enabling Medical Assistance

Article 67

When exercising police powers, a police officer shall act impartially, providing each and everyone with equal legal protection and acting in a non-discriminatory manner towards people on any grounds.

When exercising police powers, a police officer shall act humanely and respect the dignity, reputation and honour of each and every person and other human and minority rights and freedoms of citizens, favouring the rights of the endangered person over equal rights of the person violating such rights, and being mindful of the third parties' rights.

When exercising police powers, a police officer shall, upon the request of the person subjected to police powers, enable the provision of medical assistance by a healthcare institution.

The costs of the provision of medical assistance referred to in paragraph 3 of this Article shall be borne by the Ministry.

Principle of Proportionality

Article 68

The exercise of police powers must be proportional to the need for which they are exercised.

The exercise of police powers must not cause greater harmful consequences than those which would occur if such powers had not been exercised.

Among a number of police powers, the one enabling the performance of the task with the least harmful consequences and in the shortest period of time shall be exercised.

The use of means of coercion shall be gradual, i.e. from the least to the most severe means of coercion and, in any case, with the minimum of force required.

Exercise of Powers against Military Personnel

Article 69

A police officer shall exercise the powers defined by this Law against military personnel and the members of the Security Information Agency, unless otherwise defined by a special regulation.

The military police, i.e. the Director of the Security Information Agency shall immediately be informed of the actions referred to in paragraph 1 of this Article.

Exercise of Powers against Minors

Article 70

Police powers against a minor shall be exercised by all police officers, except when collecting information in the capacity of a citizen (injured party, witness) and hearing of a minor in the capacity of a suspect, which shall be exercised by a police officer for minors.

A police officer for minors shall be the crime police officer performing the activities of prevention and suppression of juvenile crime, who has completed training in the field of child rights and juvenile criminal law.

The powers referred to in paragraph 1 of this Article shall also be exercised by another police officer who has completed training in the field of child rights and juvenile criminal law, if, due to the circumstances of the case, the police officer for minors cannot act.

Police officers wearing a uniform, who have completed training in the field of child rights and juvenile criminal law shall act against juvenile perpetrators of misdemeanours.

When exercising police powers, police officers shall be obliged to take care of the dignity of a minor person, his/her mental, emotional and other personal capacities, and to protect his/her privacy.

The manner and conditions of exercising police powers against minors shall be prescribed by the Minister of Interior, along with the consent of the minister competent for justice affairs.

*Exercise of Police Powers against Persons Enjoying Diplomatic
and Consular Immunity*

Article 71

A police officer shall be obliged to treat a person enjoying the diplomatic and consular immunity in line with ratified international agreements.

The police officer shall be obliged to inform, without delay, his/her immediate superior about the treatment of the person referred to in paragraph 1 of this Article.

Conditions and Manner of Exercising Certain Police Powers

Warning and Order

Conditions for Issuing Warnings

Article 72

A police officer shall warn a person who, due to his/her conduct, action or failure to act, may endanger his/her safety or the safety of another person or property, disturb public order or endanger the safety of road traffic or when it can be reasonably expected that such a person might commit or induce another person to commit a criminal offence or misdemeanour.

Conditions for Issuing Orders

Article 73

An order may be issued solely in regard to the conduct, i.e. activity and actions which directly affect the successful performance of police tasks.

Orders shall be issued for the purpose of:

- 1) removing threats to life and personal safety of people;
- 2) removing threats to property;
- 3) preventing the commission of criminal offences and misdemeanours, apprehending their perpetrators and detecting and securing traces to such offences which may serve as evidence;
- 4) maintaining public order or restoring public order;
- 5) ensuring road traffic safety;
- 6) preventing access to or detention in the premises or facilities where access is not allowed;
- 7) preventing and removing the consequences in case of general threat caused by natural hazards, epidemics or other forms of jeopardy to general safety;
- 8) preventing threats to safety of people and property in other cases defined by the law.

Manner of Issuing Warnings and Orders

Article 74

Warnings and orders shall be issued orally, in written form or in other appropriate manner, using light or audio signals, hand signals or similar means, whereas their meaning must be clearly expressed.

Conditions for Verifying Person's Identity

Article 75

Verification of a person's identity shall be exercised against a person who:

- 1) needs to be arrested, brought in, detained or referred to the competent state authority;
- 2) poses a threat which requires police action;
- 3) is being examined or searched or against whom other legally prescribed measures and actions are taken;
- 4) is found in another person's apartment, facility and other premises or means of transportation, which is being inspected and searched, if verification of identity is required;
- 5) makes unauthorised collection of data on a person, facility or premises which are security protected;
- 6) is found in an area or a facility where freedom of movement is temporarily restricted, if verification of identity is required;
- 7) reports the commission of a criminal offence or misdemeanour or the perpetrators of such offences, i.e. provides information of interest to the operation of the police;
- 8) due to his/her conduct, arouses suspicion that he/she might be the perpetrator of a criminal offence or misdemeanour, or that he/she intends to commit it or, due to his/her physical appearance, resembles the person being searched for;
- 9) is found on the scene of a criminal offence or misdemeanour;
- 10) is found at the place where, for security reasons, the identity of all persons or the majority of persons needs to be verified;
- 11) for whom public administration officials, legal entities and natural persons have provided a justified request.

The justified request referred to in paragraph 1, item 11) of this Article shall be deemed a request which clearly states that the official persons need the subject data in order to proceed in accordance with the law or that a right of natural persons have been violated.

A police officer shall be obliged to acquaint the person with the reasons for verification of his/her identity.

Notwithstanding paragraph 3 of this Article, a police officer may deny a person the information on the reasons for verifying his/her identity, if gathering information on a criminal offence which is prosecuted *ex officio* or if it could jeopardise the achievement of the verification objective.

Manner of Verifying Person's Identity

Article 76

Verification of the person's identity shall be carried out by insight into the personal identity card or other public document with a photograph or an electronic one, when the personal identity card is the holder of the real and electronic identity.

Notwithstanding paragraph 1 of this Article, the verification of the identity may be carried out based on the statement of the person whose identity has been verified.

A personal identity card shall be issued in a prescribed procedure to the person without a personal identity card, upon verifying that person's identity and the right to a personal identity card.

The verification of the identity may be carried out without the person's knowledge if reasonably suspected that such a person is the perpetrator of a criminal act, being pursued *ex officio*.

Determining Person's Identity

Article 77

A person's identity shall be determined when the person does not possess a prescribed document or when the authenticity of the document is doubted, or if his/her identity cannot be verified in any other manner, or based on a special request of the competent authority.

The identity shall be determined by using the data from forensic records, by applying methods and using the resources of the criminal tactics and forensics, medical and other appropriate expertise.

Upon completed determination of the identity, a report shall be prepared and forwarded to the requester of determination of the identity, in line with the law, whereas the police authorities of other states with which international police cooperation has been established based on ratified agreements shall be provided with direct data on the person, at their request, in line with the regulations defining the provision of personal data.

For the purpose of determining the identity of the person, the police shall be authorised to publicly publish the identikit picture, drawing, footage or description of such a person.

When identity cannot be determined in another manner, the police shall be authorised to publish the photograph of the person who cannot provide his/her personal data, i.e. the photograph of an unidentified corpse.

Identification of Objects

Article 78

Identification of objects shall be applied when the procedure requires determination and verification of the features and characteristics of such an object, as well as of the relationship between the person or event and the object.

The Police Directorate shall be authorised to publicly publish the photograph, drawing, footage or description of the object if this is significant for successful conduct of the object identification procedure.

Summons

Conditions and Manner of Summoning for an Interview

Article 79

A person who is reasonably assumed to possess the information required for the performance of police tasks may be summoned for an interview.

The summons must state the name, place and address of the organisational unit of the Police Directorate, the reason for summoning, the place and time of the interview, as well as the warning that a person may be brought in if failing to respond to the summons and, in case that person is a suspect, that he/she is entitled to a defence attorney.

When such information is known prior to issuing the summons, the summons shall, in addition to the Serbian language, also be prepared in another language and script in official use that the person uses. If this information is not known, upon the request of the person responding to the summons, he/she shall be informed of the contents of the summons in the relevant language.

A confirmation – delivery note shall be prepared on the summons served.

The person summoned in line with paras. 1 through 3 of this Article may be brought in if failing to respond to the summons only if having been warned thereof in the summons and in relation to police tasks referred to in Article 30, paragraph 2, items 1) through 5) of this Law.

Time When a Person Can Be Summoned

Article 80

A person located in his/her apartment may be summoned in the period from 6 a.m. to 10 p.m.

Exceptionally, if in the interest of the proceedings or by the order of the competent authority, a police officer may summon a person from whom information is requested outside the period envisaged by paragraph 1 of this Article.

Special Cases of Summons

Article 81

A police officer shall be authorised, in exceptional cases, to summon a person orally or using appropriate telecommunications means, whereby he/she shall be obliged to state the reason for such summons, and with the person's consent, he/she may transport the person to official premises.

Persons may, in exceptional cases, also be summoned through the public media when that is necessary because of risk of delay, for safety of action or in cases when a large number of people are being summoned.

A minor shall be summoned by means of a written summons sent to a parent or guardian.

Conveyance

Conveyance Based on a Written Warrant

Article 82

A person may be conveyed based on a written warrant of the competent judicial authority, i.e. a warrant following a decree on conveyance issued in administrative proceedings (hereinafter: the warrant).

Within the meaning of paragraph 1 of this Article, persons may be brought into the premises of the Ministry, of other competent state authority or to the location specified in the warrant.

A police officer shall serve a warrant to the person to be conveyed prior to conveyance.

If there is reasonable suspicion that a person will demonstrate resistance, the police officer shall serve him/her a warrant upon conveyance.

Prior to conveyance, the police officer shall be authorised to carry out the search of the person being conveyed, as well as to use the means of restraint during conveyance if conditions are met for doing so.

A person may be conveyed between 6 a.m. and 10 p.m.

In exceptional cases, when conveyance is necessary for the purpose of carrying out police tasks which cannot be delayed, and if this is in the interest of the procedure or by the order of an authorised authority, a person may be conveyed outside the period defined by paragraph 6 of this Article.

Conveyance may be carried out not earlier than six hours before the deadline set for conveyance if it has to be carried out in the territory of the police administration where the person was found.

When conveyance must be carried out outside the territory of the police administration where the person was found, conveyance may last no longer than 24 hours.

Conveyance without a Written Warrant

Article 83

A police officer may convey a person without a written warrant:

- 1) when the person's identity needs to be confirmed;
- 2) if the person is being searched for;
- 3) if the person needs to be detained in line with the law;
- 4) if the person failed to respond to the summons only in case he/she has been warned in the summons that he/she would be conveyed;
- 5) if the person was found in the commission of a criminal offence which is prosecutable *ex officio*, and for the purpose of hearing in the capacity of a suspect in line with the Criminal Procedure Code;
- 6) if conveyance or bringing in is prescribed by other law.

Persons not Subjected to the Provisions on Conveyance

Article 84

The provisions on conveyance shall not be applied to the person whose mobility is significantly limited due to an illness, infirmity or pregnancy, as well as when there are reasonable grounds to assume that such conveyance would significantly deteriorate the person's health.

The authority that issued the conveyance warrant shall be notified of the facts referred to in paragraph 1 of this Article, in written form.

The provisions on conveyance shall not apply against the person performing such tasks which cannot be interrupted as long as an appropriate replacement has been provided for.

The immediate manager of the police officer conducting the conveyance shall decide on the reasons referred to in paras. 1 and 3 of this Article for the provisions on conveyance not to be applied, and if such reasons have become known *in situ* – the decision shall be made by the police officer himself/herself, who shall then, without delay, inform his/her immediate manager.

Rights of a Person being Conveyed

Article 85

Prior to conveyance, the police officer shall be obliged in the language that the person understands, to inform the person being conveyed of the reasons for conveyance, of the right to notify the family or other persons, as well as of the right to a defence attorney.

Detention of a Person and Temporary Restriction of Freedom of Movement

Conditions for Detention

Article 86

A police officer shall detain a person in case when it is prescribed by another law.

The issuing of a decision on detention and acting upon an appeal lodged against such a decision shall be in line with the law based on which detention has been ordered.

Detention shall be terminated once the reasons for which it has been ordered cease, i.e. by the decision of a competent court.

If a military official has been detained, i.e. a member of a Security Information Agency, the military police, i.e. the Director of the Security Information Agency shall be notified thereof without delay.

Within the meaning of this Article, the time needed for a person extradited by foreign security services or by other authorities of the Republic of Serbia to be conveyed and extradited to the competent authority for further action shall not be deemed detention.

The manner of conduct of police officers towards conveyed and detained persons, as well as the conditions that the premises for detention need to meet, shall be prescribed by the Minister.

Rights in Case of Detention

Article 87

In line with the provisions of this Law which pertain to detention or when applying the law on protection of the state border or the law on road traffic safety, the person must be informed, in his/her native language or the language he/she understands, that he/she has been detained, as well as of the reasons for detention and he/she must be instructed that he/she is under no obligation to make a statement, and that he/she is entitled to appropriate legal assistance of a defence attorney who he/she may freely choose or that his/her closest ones shall be informed at his/her request.

If a person referred to in paragraph 1 of this Article is a foreigner, he/she must be instructed, in his/her native language or the language he/she understands, of the fact that, upon his/her request, the diplomatic and consular representative office of the country of his/her nationality shall be informed of his/her detention.

A police officer must postpone all further actions until the arrival of a defence attorney and for a period of two hours at the longest from the moment such a person was provided with the possibility of notifying the defence attorney.

Temporary Restriction of Freedom of Movement

Article 88

A police officer may, in line with the law, temporarily and no longer than eight hours from the moment of rendering such a decision, restrict freedom of movement to a person within a particular area or facility, and for the purpose of:

- 1) preventing the commission of criminal offences or misdemeanours;
- 2) finding and arresting the perpetrators of criminal offences or misdemeanours;
- 3) finding and arresting the persons being searched for;
- 4) finding traces and objects which may serve as evidence in criminal and misdemeanour proceedings.

The decision on temporary restriction of freedom of movement within a particular area or facility shall be rendered by the Chief of Police or the head of police administration, i.e. the person authorised by them to do so.

Temporary restriction of freedom of movement may not last longer than the realisation of the goal for the purpose of which the power thereof has been exercised.

For the restriction of freedom of movement lasting longer than eight hours, the approval of the competent court shall be required.

Special Conditions for Temporary Restriction of Freedom of Movement

Article 89

Based on the decision of the Chief of Police or the head of the police administration, i.e. the person they authorise, a police officer shall be authorised to temporarily restrict the freedom of movement and detention of persons found in a particular area or facility, or to remove such persons from a particular area or facility, in cases of threat to safety caused by natural hazards or epidemics or other cases necessary for the protection of rights to safety of persons and their property as long as such threat persists.

Article 90

Temporary restriction of freedom of movement and search for persons and objects shall be carried out by the application of police criminal and tactical activities comprising pursuit, search of particular facilities and areas, ambushes, raids and blocking of traffic and other surfaces.

Collecting Information

Article 91

A police officer may collect notifications, data and information from persons for the purpose of preventing, detecting and resolving criminal offences or misdemeanours and their perpetrators or for the performance of other police tasks in line with the law.

The person shall not be obliged to provide the requested information, unless such a refusal would pose a commission of a criminal act, of which the police officer shall be obliged to warn him/her.

The police officer shall make an official note on the information collected from citizens.

Temporary Seizure of Objects

Conditions for Temporary Seizure of Objects, Receipt and Record-keeping

Article 92

A police officer shall temporarily seize an object:

- 1) if circumstances of the case indicate that a particular object is intended for the commission of a criminal offence or misdemeanour, originates from or is the result of commission of a criminal offence or misdemeanour;
- 2) if the seizure of the object is required for the protection of general safety;
- 3) if the object is in the possession of a detained person or a person whose freedom has been restricted, and who may use it for self-infliction, attack or escape;
- 4) if that is specified by other law.

The police officer shall be obliged to issue a receipt on the temporary seizure of an object.

The receipt referred to in paragraph 2 of this Article must contain the data on the temporarily seized object, the data based on which the temporarily seized object may be differentiated from other objects, the data on the person from whom the object was seized, as well as the data on the police officer (name and surname, number of the official badge) who temporarily seized the object.

The data on temporarily seized objects shall be kept in special records.

Safekeeping and Returning Temporarily Seized Objects

Article 93

When due to the properties of the temporarily seized objects, their safekeeping in the premises of the Police is not possible or entails significant difficulties, the temporarily seized objects may be placed or secured in an appropriate manner, until rendering of a decision by the competent authority.

Under the conditions referred to in paragraph 1 of this Article, if the temporarily seized objects are entrusted to or placed for safekeeping at the Police, the storage costs shall be borne by the person from whom the object was temporarily seized.

When the reasons due to which the object was temporarily seized cease, the temporarily seized object shall be returned to the person from whom it was seized, unless otherwise prescribed by other law or decision of the competent authority.

The person referred to in paragraph 3 of this Article shall be summoned to take over the object within the deadline which cannot be shorter than one month.

The temporarily seized unexploded ordnances, mine explosive means, improvised explosive devices, as well as other means posing a threat to life and health of people shall, having undergone crime and forensic processing and expertise, be destroyed without delay and with the help of the competent authorities at the locations envisaged therefor.

Prior to the destruction of the object referred to in paragraph 5 of this Article, the approval of a competent public prosecutor or of another competent authority shall be obtained, and after the destruction a record thereof shall be prepared.

Sale of Temporarily Seized Objects

Article 94

Temporarily seized objects may be sold if the court or other administrative authority is not competent for further action, when:

- 1) the objects are in risk of deterioration or significant loss in value;
- 2) safekeeping and maintenance of the objects entails disproportionately high costs or difficulties.

A temporarily seized object may be sold when the summoned person fails to take it over within a specified deadline which cannot be shorter than a month, and if the person was informed that failure to claim the object would result in its sale.

The temporarily seized objects shall be sold at a public auction.

In case the temporarily seized object is an object significant for the county's cultural heritage, the institution competent for the protection of cultural goods shall be informed thereof prior to proceeding with the public auction.

If a temporarily seized object could not be sold at the held public auction, or if it was obvious that the costs of the auction would be disproportionate to the amount obtained from the sale or if there is a risk of deterioration of the object, the temporarily seized object shall be sold in free sale.

If a buyer cannot be found within one year, the temporarily seized object may be used as public property or destroyed.

Funds acquired by the sale of the temporarily seized object shall be the revenue of the budget of the Republic of Serbia.

The manner of sale, use or destruction of temporarily seized objects shall be prescribed by the Minister.

Search of Facilities, Assets, Premises and Documentation and Counter-diversion Search

Article 95

A police officer shall be authorised to enter and conduct the search of facilities, assets, premises and documentation, for the purpose of:

- 1) preventing the commission of a criminal offence;
- 2) arresting the perpetrator of a criminal offence;
- 3) acting upon an alert on the presence of an explosive device or eliminating other immediate and severe threat to people or property.

Article 96

If protection of safety of people and property needs to be provided, a specially trained police officer may perform a regular or extraordinary counter-diversion search of premises, facilities, assets, devices and other objects.

The counter-diversion search shall encompass the search or detection of explosive means or devices, as well as the chemical, biological, radiological, nuclear and other kind of search.

If it can be expected that threat to the safety of people and property may exist in the premises, facilities or assets, i.e. other place in the immediate vicinity, due to suspicious devices or objects, as well as that when such threat does occur, police officers may empty the

premises, facilities, assets, i.e. the place and prevent access to them, and search them either directly or by using technical equipment.

In the cases referred to in paragraph 3 of this Article, having found a suspicious device or object, and having neutralised it as well, a specially trained police officer may independently or with the assistance of the competent authorities, transport them, i.e. take measures *in situ* in order to destroy them, unless other manner of removing the direct and severe threat to safety of people and property exists.

When conducting a search, police officers may request from the competent authority to conduct supervision and take measures within its competence.

Specially trained police officers shall also be authorised to conduct a preventive counter-diversion search.

Upon the proposal of a specially trained police officer, who conducted the search, the competent organisational unit of the Police Directorate may provide other state authorities, legal entities and natural persons with general and individual written instructions for acting in the situations referred to in paragraph 3 of this Article.

Stopping and Searching Persons, Objects and Means of Transportation

Article 97

A police officer shall be authorised to stop and search a person, the objects the person is carrying with himself/herself, as well as the means of transportation:

- 1) when the person needs to be brought in;
- 2) when this is necessary for the purpose of finding the objects suitable for attack or self-infliction;
- 3) when undertaking measures of search for persons and objects;
- 4) when undertaking other measures and actions in line with the Criminal Procedure Code.

When stopping, prior to proceeding with the search referred to in paragraph 1 of this Article, a police officer shall inform the person whether he/she was stopped in order to conduct a search for preventive control purposes, or due to his/her or other person's misdemeanour or criminal offence or for other safety reasons.

Within the meaning of paragraph 1 of this Article, inspection of the clothing and footwear shall be deemed the search of a person.

The search of the means of transportation, within the meaning of paragraph 1 of this Article, shall be deemed the search of all open and closed spaces of the means of transportation and the objects being transported.

The search of objects which the person is carrying with himself/herself shall encompass the search of objects in the possession of the person or in his/her immediate vicinity or the object of the person upon whose order the objects thereof are being transported.

The search of a person must be carried out by a person of the same gender, except in cases when urgent search of a person is required for the purpose of seizing weapons or objects suitable for attack or self-infliction.

When conducting a search, police officers shall be authorised to use technical devices and a police dog.

When undertaking the measures referred to in paragraph 1 of this Article, a police officer shall be authorised to forcibly open the closed means of transportation or the object the person is carrying with himself/herself.

If it is probable that objects which may serve as evidence in criminal or misdemeanour proceedings are in physical possession of the person, or in the means of transportation or in the object the person is carrying with himself/herself, the police officer shall be authorised to detain the person until obtaining a search warrant, but for no longer than six hours.

Flag Check, Pursuit, Stopping, Detaining and Escorting a Vessel

Article 98

During the performance of police tasks on rivers and internal water courses, a police officer may, in line with special regulations, do the following:

- 1) check the vessel's flag;
- 2) stop the vessel;
- 3) examine the documentation of the vessel and persons on the vessel;
- 4) search the vessel;
- 5) pursue the vessel;
- 6) detain the vessel;
- 7) escort the vessel to the competent authority.

The pursuit of the vessel referred to in paragraph 1, item 5) of this Article may be initiated if the vessel fails to stop after being ordered to stop using a visible light, sound or signal of the international signalling code from a distance enabling the reception of such a call.

If the vessel being pursued fails to stop, the police officer shall be obliged to stop it using a manoeuvre or other means.

Securing and Searching the Crime Scene

Article 99

When a police officer learns of a commission of a criminal offence, misdemeanour or other event which requires direct observance for the purpose of determining or clarifying the facts, he/she shall be authorised to secure the crime scene until the arrival of an official person of the appropriate authority, to conduct the inspection or the reconstruction of events by applying the crime, tactical and forensic methods and means.

Exceptionally, a police officer may conduct the search of the crime scene for the purpose of protecting against destruction of the objects which may serve as evidence, detaining persons and detecting the perpetrator, assisting the injured party, as well as collecting the information pertaining to the criminal offence, misdemeanour or event, paying due attention not to disturb the crime scene.

Until the termination of the search, a police officer shall be authorised, for a period of six hours at the longest, to detain the person believed to be able to provide information important for the clarification of event or for the undertaking of rescue activities, if it is probable that the information might not be collected at a later stage or that the presence of the person who would be able to undertake the rescue activities could not be ensured.

For the purpose of protecting the victims of a criminal offence, the parties injured due to the misdemeanour or other event, and for the purpose of protecting the interests of the proceedings, a police officer shall be authorised to prohibit the recording of the crime scene.

The conduct of the police officers when applying the criminalistic-tactical and forensic methods and means, referred to in paragraph 1 hereof, shall be more closely defined by the by-law, passed by the minister, and which is in compliance with the Criminal Procedure Code and other laws and legal acts, governing the procedure of collection of material evidence.

*Use of Other People's Means of Transportation and Means
of Communication*

Article 100

A police officer may make use of the transportation means or means of communication belonging to a legal entity or natural person, in case he/she has no other means of transportation or communication required for the purpose of catching the directly pursued perpetrator of the criminal offence, or for the purpose of transporting to the nearest healthcare institution an injured person who is the victim of the criminal act, traffic accident, natural hazard or other unfortunate incident.

When exercising the powers referred to in paragraph 1 of this Article, a police officer shall mandatorily identify himself/herself using the official badge and the official identification card.

The owner of the means of transportation and the means of communication which the police officer is making use of shall be entitled to the reimbursement of costs and the damages incurred by such use, the amount of which cannot be lower than the market value.

Identifying the Presence of Alcohol and/or Psychoactive Substances

Article 101

For the purpose of determining the presence of alcohol and/or psychoactive substances in the body, a police officer may subject the person suspected of being the perpetrator of a criminal offence, misdemeanour or participant in an event (hereinafter: the perpetrator) to examination using appropriate means (alcometre, drug test, etc.).

The perpetrator shall be obliged, without delay, to act upon the order of the police officer and to enable the examination using appropriate means referred to in paragraph 1 of this Article.

If, due to obviously justified reasons, the examination prescribed in paragraph 1 of this Article cannot be conducted, the police officer may take the person for an expert examination to an appropriate healthcare institution.

The perpetrator shall be obliged to subject himself/herself to such examination.

Should the perpetrator, upon completed examination using appropriate means (alcometre, drug test, etc.), dispute the obtained results, he/she may request that a blood analysis, i.e. analysis of blood and urine or other bodily fluids be conducted at the appropriate institution, at his/her own expense.

The request shall be submitted in written form, *in situ*, and shall be entered in the records containing the examination findings.

In case the identification carried out in line with the provisions of this Article has determined that he/she is under the influence of alcohol and/or psychoactive substances, the costs of such identification shall be borne by the perpetrator.

The analysis of blood, urine and/or other bodily fluids for the purpose of identifying the content of alcohol and/or psychoactive substances in the body may be carried out by a reference healthcare institution or an accredited laboratory of the Ministry.

The healthcare institution or the accredited laboratory of the Ministry referred to in paragraph 8 of this Article shall be obliged to conduct the analysis of blood, i.e. blood and urine or other bodily fluids in a legal manner, in line with the rules of the profession and in a conscientious manner as well.

Performance of Security Checks

Article 102

A security check shall be a set of measures and actions determining the presence or non-existence of security impediments.

A security impediment shall be the fact disabling entry into employment and work at the Ministry, admission to professional education, qualification and development for the needs of the Police, i.e. other right when thus prescribed by a special law.

The security impediment has been more closely defined in Article 138 of this Law.

Unless otherwise prescribed by other regulation, a police officer shall be entitled to perform security checks:

- 1) on candidates to be employed at the Ministry;
- 2) on candidates for basic police training and training of fire-fighting units;
- 3) on candidates to be enrolled as students at a higher education institution for the needs of police education;
- 4) on employees of the Ministry;
- 5) for entry into employment with other state authorities, in line with the regulations governing the subject field, and at the request of such authorities;
- 6) on candidates for the performance of detective service tasks or of the security officers;
- 7) on candidates for holding and carrying firearms;
- 8) on persons being allowed access to particular facilities, i.e. places under special security protection;
- 8a) persons residing, working or staying under other basis in the immediate surroundings of the persons which are under security protection;
- 9) in other cases defined by a special law.

A security check shall be carried out at the request of a state authority or other person if the subject state authority or other person is authorised by law to process the requested type of data.

When conducting security checks, a police officer shall exercise all other powers prescribed by this Law and other regulations.

The data and records collected for the purpose of performing security checks shall represent data with a degree of secrecy in line with the regulations governing the subject field and shall be governed in line with the regulation on records and data processing in the field of internal affairs.

A police officer shall prepare a report on the performed security check, which shall be verified by the immediate manager.

The report on the conducted security check shall contain the collected data which shall determine the accuracy of data from the Questionnaire referred to in Article 142 of this Law, as well as other data which are significant for determining the existence or non-existence of the security impediment.

Receipt of Found Items

Article 103

A police officer shall be obliged to receive from the finder a found item which could jeopardize the safety of citizens, money or other valuables, i.e. a dangerous item (hereinafter:

the item), and to prepare a record thereof and issue a confirmation of delivery of the subject item to the finder.

The police shall be obliged to undertake all necessary measures for the safekeeping of the item and finding of the person who lost the item.

If the person who lost the item is known or is subsequently identified, the Police shall return the item. When due to the features of the item, safekeeping in the premises of the Police is not possible or entails significant difficulties, the Police shall hand over the subject item to the competent authority for safekeeping and further action, or shall destroyed it.

The provisions of this Law on temporarily seized objects shall apply to the procedure on items, and the more detailed manner of handling upon receipt of found items shall be prescribed by the Minister.

Police Powers to Order the Stay at the Reception Centre for Foreigners

Article 104

A foreigner who was denied entry into the country or against whom a security measure of banishment, a protective measure of removal from the country or measure of cancellation of stay and prohibition to return to the country were imposed, but who cannot be immediately removed, may, in line with the law governing the affairs related to foreigners, be ordered to stay under the surveillance of Police, at the facility designated for such purposes over the period required for his/her removal from the country.

During the period of stay, police officers shall be obliged to treat the foreigner with strict observance of ethical principles when performing police tasks.

Means of Coercion and Their Use

Types of Means of Coercion and Conditions for Their Use

Article 105

Within the meaning of this Law, the means of coercion shall be:

- 1) physical force;
- 2) spray can with sensitizing agent;
- 3) electromagnetic devices;
- 4) police baton;
- 5) means of restraint;
- 6) special vehicles;
- 7) police dogs;
- 8) police horses;
- 9) passage blocking means;
- 10) water cannons;
- 11) chemical agents;
- 12) special types of weapons and devices;
- 13) firearms.

A police officer shall use the means of coercion solely if the task cannot be performed in other manner, with due restraint and in proportion to the danger threatening the legally protected goods and values, i.e. to the gravity of the offence being prevented or combated.

A police officer shall at all times make use of the most lenient means of coercion which can achieve the legal objective, in proportion to the reason for such use and in the manner in which the official duty is performed without unnecessary damaging consequences.

Prior to the use of the means of coercion, a police officer shall warn the person against whom the means are to be used, if it is possible under the given circumstances and if it would not question the fulfilment of the official duty.

When using means of coercion, police officers shall be obliged to save human lives, ensure the least possible injury and material damage, and ensure that aid to an injured party or vulnerable person is provided as soon as possible, and that their closest ones are informed thereof without delay.

Police officers shall attend the training on the use of means of coercion, organised by the Ministry.

Use of Means of Coercion against a Group of Persons

Article 106

A police officer shall be authorised to issue an order to a group of persons to disperse if the group has gathered unlawfully or is acting unlawfully or its behaviour could entice violence or disturbance of public order.

Should the group fail to disperse, the following means of coercion may be used:

- 1) physical force;
- 2) spray can with sensitizing agent;
- 3) electromagnetic devices;
- 4) police baton;
- 5) special vehicles;
- 6) police dogs;
- 7) police horses;
- 8) water cannons;
- 9) chemical agents.

The means referred to in paragraph 2 of this Article may be used solely upon the order of the head of the police administration, i.e. the police officer authorised by the head.

As a rule, the authorisation referred to in paragraph 3 of this Article shall be provided in written form, and exceptionally in urgent cases, the authorisation may also be provided orally.

Restrictions on the Use of Means of Coercion

Article 107

Physical force cannot be used against persons under the age of 14, obviously ill and weak persons, persons with severe forms of disability and pregnant women whose pregnancy is visible or who warn of being pregnant.

Physical force and other means of coercion may be used against the persons referred to in paragraph 1 in exceptional cases and under the conditions defined by the law, if one of these

persons is posing a threat to the life of another person by using firearms, devices or other dangerous objects.

*Reporting, Control and Accountability in Relation to the Use
of Means of Coercion*

Article 108

A police officer shall file a report on each and every use of the means of coercion to the superior police officer as soon as possible, and within 24 hours at the latest from the moment of the use of means of coercion.

The report referred to in paragraph 1 of this Article shall contain the data on the means of coercion and against whom they have been used, the reasons and basis for the use thereof and other facts and circumstances significant for the assessment of justifiability and appropriateness of the use of means of coercion.

The justifiability and appropriateness of the use of means of coercion shall be assessed by an authorised police officer or a commission comprising at least three members.

In case of unjustified or inappropriate use of means of coercion, the authorised police officer or the commission referred to in paragraph 3 of this Article shall propose to the head of the organisational unit the undertaking of measures defined by the law.

The data on the number of cases of the use of means of coercion, classified by particular means of coercion, as well as the data on the number of cases of unjustified or inappropriate use of means of coercion and the measures undertaken in that regard, shall be an integral part of the report referred to in Article 6, paragraph 3 of this Law and shall be publicly available.

More detailed characteristics of the means of coercion, the manner of use of the means of coercion, the manner of assessing justifiability and appropriateness of their use, as well as the control and maintenance of records shall be prescribed by the Minister.

Legal and Other Assistance Pertaining to the Use of Means of Coercion

Article 109

When means of coercion have been used within the limits of the legally defined powers, the accountability of the police officer using them shall be excluded.

When criminal proceedings are conducted against a police officer due to the use of means of coercion referred to in paragraph 1 of this Article or taking of other measures and actions in the performance of police tasks, the Ministry shall provide him/her with free-of-charge legal and other necessary assistance in the course of the proceedings.

The Ministry shall also provide free-of-charge legal assistance to the citizen who provided assistance to the police officer, if criminal proceedings have been launched against him/her due to the action taken in relation to the provision of assistance.

The Ministry shall be obliged to provide all of the necessary medical, psychosocial and other necessary assistance to the police officer and the citizen who provided assistance to the police officer who used the means of coercion.

Provisions on Particular Means of Coercion

Physical Force

Article 110

Physical force may be used for the purpose of fending off an attack, overcoming resistance or preventing the self-infliction of persons.

Within the meaning of this Law, the use of various manoeuvres of martial arts or procedures similar to them on the body of another person forcing him/her to obey, when legally prescribed conditions thereof have been obtained, shall be deemed the use of physical force.

Each and every action taken for the purpose of injuring the attacked person or killing him/her, as well as an attempt to forcibly enter into the facility or premises surrounding the facility where entry has been prohibited or if attempting to distract a police officer and prevent him/her from performing an official action shall be deemed an assault.

Resistance shall imply any opposition to lawful official measures and actions which may be performed by disregarding orders, or by taking a kneeling, sitting, lying or similar position, i.e. passive resistance or by hiding or holding the face or the object, struggling, demonstrating an intent to attack a person or by taking similar actions, i.e. active resistance.

Physical force shall be used in line with the rules of self-defence skills, and the use of such force shall cease when the attack or resistance of the person against whom the force was used ceases.

Spray Can with Sensitizing Agent

Article 111

Spray cans with sensitizing agent may be used for the purpose of fending off an attack or overcoming active resistance of persons.

The use of spray cans with sensitizing agent, within the meaning of this Law, shall be deemed the use of spray dosages filled with tear gas or chemical substance of more lenient effect than tear gas, i.e. special-purpose substances of unbearable smell.

Electromagnetic Devices

Article 112

Electromagnetic devices may be used for the purpose of fending off an attack or overcoming active resistance of persons.

The use of electromagnetic devices, within the meaning of this Law, shall be the use of electric stun guns and electric baton, emitting an electromagnetic impulse of a short-term effect.

Police Baton

Article 113

The police baton may be used for the purpose of fending off an attack or overcoming resistance of a person, if the use of physical force was unsuccessful or the legal objective cannot be accomplished.

Inflicting a blow or applying manoeuvres on a person's body shall be deemed use of a police baton.

Blows inflicted by using a police baton must not be made in the area of the head, neck, spinal column, chest, stomach, genitals and joints, unless such blows are necessary for the purpose of protecting lives and bodies.

Means of Restraint

Article 114

The means of restraint may be used for the purpose of preventing attack, resistance, escape or self-infliction of persons.

As a rule, the use of means of restraint shall be deemed the tying of person's hands in front of the body or behind the back.

When the use of means of restraint referred to in paragraph 2 of this Article fails to achieve the purpose of tying, legs may be tied as well.

A police officer shall use the means referred to in paragraph 1 of this Article in such a manner that the means of restraint do not inflict unnecessary bodily pain or injury to the tied person.

Special Vehicles

Article 115

Special vehicles may be used for the purpose of restoring public order, blocking passage to persons and for the purpose of using chemical agents and firearms installed on such vehicles.

Discharging pressurised water with or without chemical agents, using installed firearms, removing obstacles and blocking passage to persons shall be deemed the use of special vehicles. When used, the special vehicles and their crews shall be protected by a necessary number of police officers.

The vehicles for discharging pressurised water, armoured vehicles with or without fitted barricades, helicopters, vehicles for removal of obstacles and other special-purpose vehicles shall be deemed special vehicles.

Installed firearms and chemical agents may be used solely under the conditions set forth by this Law.

Police Dog

Article 116

A police dog may be used as means of coercion, in cases when:

- 1) conditions have been met for the use of physical force or police baton;
- 2) conditions have been met for the use of firearms;
- 3) public order is being restored.

Releasing a dog towards a person and blocking of passage to persons using dogs shall be deemed the use of a police dog.

A police dog may be used:

- 1) with a protection muzzle and on a leash;
- 2) with a protection muzzle and without a leash;

- 3) without a protection muzzle and on a leash;
- 4) without a protection muzzle and without a leash.

Police Horse

Article 117

A police horse may be used as means of coercion, if conditions have been met for the use of physical force or police baton for the purpose of restoring public order or blocking passage to persons.

Riding a police horse or horses towards a person or persons for the purpose of their separation, suppression and blocking of passage to persons shall be deemed the use of a police horse.

Passage Blocking Means

Article 118

The means for forced stopping of vehicles and means for blocking the passage to persons shall be deemed passage blocking means.

When used, passage blocking means shall be protected by a necessary number of police officers, as set forth by their immediate superior.

Stopping Vehicles

Article 119

Means for forced stopping of vehicles may be used for the purpose of:

- 1) preventing the escape of a person found committing a criminal offence which is prosecutable *ex officio*;
- 2) preventing the escape of a person deprived of freedom or against whom an arrest warrant has been issued;
- 3) preventing illegal crossing of the state boarder by a vehicle;
- 4) preventing unauthorised access by a vehicle to the facility or area where the persons secured by a police officer are located;
- 5) preventing the escape of a traffic participant who has committed a severe misdemeanour in the field of traffic safety, i.e. severe misdemeanour with elements of violence or who has caused a traffic accident, and failed to respond to the signal of the police officer to stop the vehicle.

Means of forced stopping of vehicles shall be the devices intended for such purposes, including spike strips and other special-purpose means which can be used to forcibly stop a moving vehicle.

A prescribed traffic signalisation shall be placed in front of the placed means for forced stopping of vehicles, at an appropriate distance, in line with the regulations on road traffic safety, if the circumstances allow.

Blocking Passage to Persons

Article 120

Means for blocking the passage to persons may be used for cutting off and dividing the area when maintaining public order and securing public gatherings, for blocking a particular area or facility, i.e. limiting, prohibiting or directing movement of persons in public places, particular areas or roads.

Barricades, special vehicles, police dogs, police horses and other special-purpose means blocking the passage to persons shall be deemed means for blocking the passage to persons.

Water Cannons

Article 121

Water cannons may be used solely under the conditions defined for the use of means of coercion against a group of persons who by acting unlawfully may instigate violence.

A water cannon may be used so as to eject a concentrated or dispersed stream of water.

A concentrated stream of water may be used against persons from a distance which would not jeopardise their lives.

The water ejected by the devices referred to in paragraph 1 of this Article must be ecologically clean, and in exceptional cases it may contain the allowed concentrations of harmless chemical agents or colour solutions for the purpose of marking the persons disturbing public order.

Chemical Agents

Article 122

Chemical agents may be used for the purpose of fending off an attack and overcoming resistance, which cannot be provided by the use of physical force and police baton, for the purpose of restoring public order, and forcing persons to leave the closed premises, for resolving hostage situations, and in cases when conditions for the use of special types of arms and explosive devices or for the use of firearms have been met, as specified by this Law.

The use of tear gas for short-term use and chemical substances of more lenient effect, which, upon termination of effect, leave no consequences to the psychophysical and general state of health shall be deemed the use of chemical agents.

When using chemical agents in the vicinity of children's institutions and nursing homes, hospitals, elementary schools and busy traffic roads and highly flammable substances, special measures of protection shall be taken.

Chemical agents shall not be used against the persons found in the vicinity of explosive and flammable substances, at great heights and in similar places where human lives could be at jeopardy.

The decision on the use of chemical agents shall be rendered by the manager who directly, and in line with the plan, manages the engaged forces, and in case there is no such a plan, the approval of the Chief of Police must be obtained.

Special Types of Weapons and Devices

Article 123

Special types of weapons and explosive devices may be used only when conditions for the use of firearms defined by this Law have been met, in case the use of firearms is unsuccessful or when the legal objective cannot be achieved.

The use of explosive devices against minors and persons in crowds shall not be allowed.

The decision on the use of special types of weapons and explosive devices shall be rendered by the Chief of Police, based on the previously obtained approval of the Minister.

Firearms

Article 124

When performing police tasks, a police officer may use firearms solely if the legal objective of task enforcement cannot be achieved by using other means of coercion and when it is absolutely necessary to fend off a simultaneous, unlawful attack against himself/herself or another person, which poses a threat to his/her life or the life of another person.

An unlawful attack which poses a threat to the life of a police officer or the life of another person, within the meaning of paragraph 1 of this Article, shall imply the attack with firearms, imitation of firearms, dangerous tools or attack with another object, i.e. attack in other manner which may endanger the life of a police officer or the life of another person.

Even the sole drawing of firearms or an attempt to draw it shall be deemed an attack with firearms on a police officer within the meaning of paragraph 2 of this Article.

The movement with a firearm aimed at bringing it or placing it in a position for use shall be deemed drawing a firearm within the meaning of paragraph 3 of this Article, whereas the movement made towards a firearm shall be deemed an attempt to draw it.

The use of firearms shall not be allowed when posing a threat to the lives of other persons, unless the use of firearms is the only means for performing the tasks referred to in paragraph 1 of this Article.

The use of firearms shall not be allowed against minors, except when it is the only manner of defending against a direct attack or threat.

Warning Prior to the Use of Firearms

Article 125

Prior to the use of firearms, the police officer shall be obliged to give an order the person against whom the firearms shall be used by shouting: "Stop, police, I will shoot!".

In case the person fails to act upon such an order, the police officer shall warn him/her by firing a shot in the air, if this does not endanger the safety of people.

Notwithstanding paras. 1 and 2 of this Article, a police officer shall use the firearms without giving an order and without a warning shot, should it prejudice the defence against the attack or the removal of threat endangering his/her life or lives of other persons.

Use of Firearms against a Moving Vehicle

Article 126

A police officer must not use firearms against a moving vehicle, except when such a vehicle is used with the purpose of endangering lives or safety of a police officer or other person, or if firearms are used from such a vehicle with the purpose of endangering lives or safety of a police officer or other person.

Use of Firearms in Pursuit of Vessels

Article 127

When a vessel pursued on internal water courses needs to be stopped, the police may use firearms against such a vessel in order to stop it or disable the escape of persons for the purpose of conveying them to the competent authority, only if it failed to do so with the use of other, currently available means.

Other means referred to in paragraph 1 of this Article may be the sound or light signals, verbal warning, giving of orders and firing a warning shot under the condition that they do not represent a threat to other persons.

Firearms shall not be used if endangering lives of others or if this is not necessary to save or protect someone's life.

Use of Firearms against Animals

Article 128

Firearms may be used against animals only if an immediate threat of attack on life and body of a person or threat of endangering the life or health of people exists.

VIII HUMAN RESOURCES

Human Resource Management

Article 129

The function of human resource management within the Ministry shall be performed by the organisational unit for human resources.

The function of human resource management shall be equally applied in all organisational units of the Ministry and shall encompass the field of work which implies the preparation of the strategy and policies of human resources, analysis of tasks, preparation of the catalogue of job positions and descriptions, implementation of competitions, recruitment and candidate selection, career development and assessment of employees, employee training, collective negotiations and relations with trade unions, health and psychological prevention, occupational health and safety, labour relations, representations, disciplinary procedures, retirements and comprehensive monitoring of quality indicators of human resource management.

The rules and manner of managing human resources shall be prescribed by the Minister.

Article 130

The human resource management function shall be realised through:

- 1) professional planning, recruitment, selection and education when choosing and during the work of employees at the Ministry;
- 2) continuing education and reinforcement of professional ethics, integrity and credibility of employees at the Ministry;
- 3) establishment and development of a system of career advancement of the employees at the Ministry, based on the principle of managing competences and performance;
- 4) the protection and promotion of human and minority rights and freedoms and equality, as well as through the application of the Code of Police Ethics.

Training, Professional Qualification and Development

Article 131

For the purpose of this Law and for the purpose of career development, the training of the employees at the Ministry shall imply the acquisition and advancement of knowledge, skills and stances aimed to increasing the efficiency and effectiveness in performing police and other internal affairs.

The training referred to in paragraph 1 of this Article shall be carried out through the organisation of the organisational unit competent for human resource management tasks and it shall be planned and realised through professional qualification and development, based on the expressed needs of the organisational units of the Ministry, as well as based on the results obtained through the assessment system.

Professional qualification shall be realised through the basic police trainings, specialist trainings, trainings for the level management and basic-level police training.

The professional development of employees shall be planned and realised in line with the programme of professional development and within other forms of professional development.

The employees at the Ministry shall be entitled to be informed of the possibilities for professional development and qualification.

The Ministry may conduct a training, professional qualification and development of third parties, in line with the law.

Article 132

The attendees who successfully complete the basic police training shall be obliged to remain working at the Ministry for at least five years, whereas the attendees who successfully complete the specialist training or the training for a license, i.e. other form of specialist certificate, shall be obliged to remain working at the Ministry for a period of at least three years or to reimburse the costs of such professional qualification.

The criteria based on which the choice of candidates shall be carried out for the attendees of the basic police training and other forms of professional qualification, the rights, obligations and responsibilities of the training attendees, standards of professional training and development, monitoring, assessment, taking of the final exam and issuing of certificates, mentoring work within the basic and specialist training, self-evaluation and evaluation of the basic and specialist training and professional development, the publishing activity, provision of services to third parties and other issues related to the training and other rights shall be prescribed by the Government.

Article 133

Professional qualification and development at the Ministry shall be realised in line with appropriate training curricula and plans.

The training curricula referred to in paragraph 1 of this Article shall, based on the proposal of the head of the organizational unit competent for human resources, shall be issued by the minister, upon previously obtained approval of the head of the organizational unit at the seat of the Ministry, for the needs of which the training is being implemented.

The competent organizational unit for human resources shall, in line with the curricula referred to in paragraph 2 of this Article, prepare and implement the realization plans of particular forms of training.

For the needs of professional qualification and development, as well as for the needs of operation improvement, the Ministry shall enter into cooperation with the scientific and educational institutions and shall also be involved in scientific and research activities and publishing activity.

Vocational Education

Article 134

For the needs of the Ministry, vocational education shall be carried out in line with the regulations in the field of higher education.

The Ministry may second a police officer for education and development to a higher education institution within the country or abroad, in line with the needs of the Ministry.

The rights and obligations of the Ministry and the police officer who is seconded to vocational education shall be defined by an agreement.

Manner and Conditions of Entering into Employment

Manner of Entering into Employment

Article 135

The employment with the Ministry shall be entered into by means of a competition.

The employment with the Ministry may be entered into solely at positions which have been envisaged by the act on internal organization and job classification, which have not been occupied and in cases when the occupation of such a job vacancy is in line with the adopted staffing plan, rendered by the minister.

Notwithstanding paragraph 1 hereof, employment at the Ministry shall be entered into without a competition, in case of:

- 1) transfer of a civil servant based on the agreement of take-over from another state authority;
- 2) admission of candidates who have completed studies at higher-education institutions, which are formed in line with a special study program for the needs of the Ministry, and who have, during their studies, entered into an agreement, for any year of studies, or whose studies have been financed from the budget of the Republic of Serbia;
- 3) employment of spouses or children of the persons who have lost their lives or who were wounded during or in relation to the execution of the official duty, if fulfilling the working conditions for a specific position;

4) an act on internal organization and job classification that sets forth that a competition is not being conducted for specific positions.

Acting in line with paragraph 3 of this Article must fully correspond to the staffing plan.

The procedure and manner of competition conduct shall be prescribed by the Government.

Article 136

If a leading job position has been made vacant, at the proposal of the head of the organizational unit competent to request the occupation of the job vacancy, within 30 days from the date the position was made vacant, the organizational unit competent for human resource management shall, upon determining the fulfilment of the conditions for occupation of the position, open an internal competition for occupying such a job vacancy, which shall be displayed on the notice board of the organizational units.

Until the occupation of such a job vacancy, in line with paragraph 1 of this Article – an acting job holder shall be assigned to that job vacancy, upon the proposal of the competent manager.

While serving as a manager, the employee shall be entitled to all rights of the position to which he/she is being appointed to as the acting officer, if this is more favourable for him/her.

Employment Requirements

Article 137

In addition to the general requirements for entering into employment at a state authority, the person entering into employment with the Ministry must also fulfil special requirements, such as the following:

- 1) to be a citizen of the Republic of Serbia;
- 2) to have a registered permanent residence in the territory of the Republic of Serbia – for at least one year continuously prior to the date of filing the application for employment;
- 3) that there are no security-related impediments for performing the tasks within the Ministry;
- 4) to meet the requirements of the position, set forth by the act on internal organization and job classification.

Certain job positions, defined by the act referred to in Article 9, paragraph 2 and Article 22, paragraph 6 of this Law, may specify that a person entering into employment with the Ministry shall solely have the citizenship of the Republic of Serbia.

When entering into employment, the Ministry shall pay due attention to the national composition of the population, the appropriate presence of the members of national minorities and the knowledge of language and script which is officially used in the territory of the local self-government unit for which the organisational unit where the person is to be employed was established, for the purpose of achieving full equality between the members of the national minority and the citizens belonging to the majority.

Article 138

A person cannot be employed with the Ministry for whom, within the procedure of conducting a security check, the existence of a security impediment has been determined.

A security impediment for employment with the Ministry shall be deemed to exist if:

1) criminal proceedings are being administered against him/her for criminal offences prosecutable ex officio;

2) a person has been convicted of a criminal offence which is prosecutable ex officio;

3) such a person has been sentenced to imprisonment lasting longer than six months;

4) his/her employment at a state authority has been terminated due to a severe breach of official duty, i.e. severe violation of work duty, by means of a final decision of the competent authority;

5) his/her employment at a legal entity with public powers has been terminated due to a breach of a work obligation or disregard of work discipline;

6) such a person has been finally punished for the offences in the field of public order with elements of violence and for the offences in the field of regulations governing the procurement, maintenance and carrying of arms and munitions;

7) if a person, with his/her habits, behaviour and tendencies indicates that he/she will not be worthy of the work at the Ministry;

8) if a person being checked within the security check, provides false data about him/herself, for the purpose of concealing facts which would represent a security impediment.

The provisions of paragraph 2 of this Article, shall be duly applied for employment with the Ministry, outside the workplace, as well as for the admission of candidates to the basic police and the basic fire-fighting unit training and the admission of candidates for enrolment at a higher-education institution, for the needs of police education.

The data referred to in paragraph 2 of this Article shall be collected while conducting the security check procedure.

Article 139

The Ministry shall maintain a unique staffing record of police officers, other employees and candidates who are employed with the Ministry, in line with the regulation governing records and data processing in the field of internal affairs.

Security Check and Identification of the Existence of Security Impediments

Article 140

The assessment of existence or non-existence of security impediments, along with an explanation, shall be provided by the organizational unit which conducted the security check. The assessment with the explanation shall be served to the applicant of the request for the implementation of a security check, and it shall be provided for insight to the person it refers to, upon personal request.

The assessment on existence or non-existence of a security impediment, along with the explanation, in case of conducting security checks for the police officers of the Unit for security and protection of data, shall be provided by a special committee referred to in Article 141, paragraph 11 of this Law.

The collected data cannot be used for other purposes.

Levels of Security Checks

Article 141

The security check shall be carried out at three different levels.

The first level of security check shall be carried out for persons referred to in Article 102 of this Law.

The first level of security check shall imply the processing of data from the official records of the Ministry and collecting of data by direct operational and field work.

The second level security check shall be carried out for all middle-level managers for a period of five years.

The second level security check shall imply the processing of the data referred to in paragraph 3 of this Article, as well as full verification of data from the records of other state authorities, state administration authorities, provincial autonomy authorities, local self-government units and holders of public powers.

The third level security checks shall be carried out for state officials, appointed persons, i.e. managers of high and strategic level at the Ministry, for a period of four years.

The third level security checks shall imply the processing of the data referred to in paras. 3 and 5 of this Article, as well as of the data from the records of other security services.

Security checks may also be carried out for a shorter period of time in case of suspicion of existence of security impediments, and in other cases prescribed by the law.

The second and the third level of security check shall be carried out by the Internal Control Department.

The security check for police officers of the Internal Control Department shall be carried out by the Data Security and Protection Service.

The security check for police officers of the Data Security and Protection Service shall be carried out by the commission formed by means of the minister's act.

Manner of Conducting Security Checks

Article 142

The person subjected to a security check shall give his/her consent for the performance of the security check by filling in and signing the Identification Data Questionnaire (hereinafter referred to as: the Questionnaire).

The consent referred to in paragraph 1 of this Article refers to the check and data processing which relate to the questions provided in the Questionnaire, as well as the application of procedures required for the security checks set forth by this Law.

Exceptionally, the consent referred to in paragraph 1 of this Article will not be required when conducting a security check for the employees, as well as for access to certain facilities, i.e. places under special security protection and for the checking of persons residing, working or staying on other basis, in the immediate surroundings of the persons and facilities which are under security protection.

Should the person referred to in paragraph 1 of this Article refuse to fill in and sign the Identification Data Questionnaire, it shall be deemed that he/she has withdrawn from the employment procedure, from the admission to training for the performance of police officers' tasks, from the enrolment at a higher education institution for the needs of police education, or waived the rights under other regulation.

The Questionnaire referred to in Article 1 of this Article, depending on the level of the security check, may contain the following data: name and surname, as well as previous names

and surnames; citizen's personal identification number: date and place of birth; citizenship, previous citizenships and dual citizenships; permanent residence and place of residence, as well as previous permanent residence; marital status and person's family status; vocational education and occupation; data on the workplace and previous employments (especially on termination of employment due to violation of the work obligation with a legal entity bearing public powers or disregard of the work discipline); data pertaining to military service; data on criminal and misdemeanour punishments and the criminal and misdemeanour proceedings which are in due course; data on disciplinary procedures and imposed disciplinary measures; the contacts with the foreign police organizations, foreign security services and intelligence services, as well as data on the membership or participation in activities of organizations whose activities or objectives have been banned; data on prior security checks and the data on the security checks which other security services have available; data on liability in case of violation of regulations pertaining to data secrecy; data on proprietary rights over items entered into the public registry; medical data pertaining to addictions, i.e. mental illnesses; contact data (phone number and e-mail).

The layout and the contents of the Questionnaire form shall be prescribed by the minister.

The request for initiating the security check procedures for candidates to be admitted for employment with the Ministry or for engagements outside the employment with the Ministry, for admission of candidates to the basic police training and the basic training of fire-fighting units and for admission of candidates for enrolment at a higher education institutions for the needs of police education shall be filed by the Ministry's organizational unit competent for human resources.

The request for conducting security checks upon the requests of other authorities, i.e. legal entities, shall be filed by such authorities, i.e. persons in line with a special law.

The request for launching the security check procedure, referred to in this Article, shall be submitted enclosed with the Questionnaire for further action of the competent organizational unit of the Police Directorate in line with the permanent residence of the person who is being checked.

For the purpose of identifying the continuity of fulfilling the conditions for work at the Ministry, the request for initiating the security check procedure for employees shall be filed by their immediate manager, i.e. manager of the organizational unit to which the employee is seconded, in case of reasonable doubt that security impediments exist with such an employee.

The request referred to in paragraph 10 of this Article may also be filed by police officers of the Internal Control Department and the Data Security and Protection Service.

The request for initiating the security check procedure referred to in paragraph 10 hereof, shall be submitted for action to the organizational unit, i.e. special committee referred to in Article 141, paragraph 11 of this Law, which is in charge of these tasks.

Particular job positions at the Ministry, defined by the act referred to in Article 9, paragraph 2 of this Law, mandatorily entail polygraph testing during the performance of security checks.

Article 143

During the security check procedure, the data from the Questionnaire referred to in Article 142, paragraph 1 of this Law, shall be collected and the data on persons with whom the person being checked lives in common household, will be verified, upon their prior written approval, as well as other data significant for determining security impediments.

In case the person referred to in paragraph 1 of this Article refuses to provide written approval, Article 142, paragraph 4 of this Law shall be applied.

Article 144

A security check shall be, as a rule, be carried out according to the permanent residence, the place of residence, employment, schooling and other places in which the person being checked is moving and in the following manner:

- 1) by conducting an interview directly with the person being checked;
- 2) by direct observation of the police officer conducting the security check;
- 3) by direct discussions with other persons as deemed necessary by the police officer conducting the check;
- 4) by insight into public data, official records and collections of data kept by the competent authorities and institutions;
- 5) by checking data based on international police cooperation;
- 6) as needed, by checking data through other security services, in line with the law.

Should the person fail to commence working within one year from the date of the performed security check, the competent organizational unit conducting the employment procedure shall be obliged to request a repeated security check.

For the performance of security checks referred to in Article 102, paragraph 4, items 5), 6), and 7), a fee shall be paid in line with a special law.

Declaration on Duties and Rights and Taking an Oath

Article 145

When being accepted into service, a police officer shall be obliged to accept and sign the declaration on duties and rights of police officers.

On Police Day, police officers accepted into service in the previous year shall take the oath which states: *“I hereby swear to consistently abide by the Constitution and laws when performing police tasks and that I shall dedicate all of my efforts to preserve the safety, protection of human and minority rights and freedoms and to conscientiously and responsibly serve the citizens of the Republic of Serbia.”*

The manner of taking the oath by police officers shall be prescribed by the Minister.

Probationary Police Officers

Article 146

A probationary police officer shall be the person entering into employment for the first time within the relevant profession and is trained for independent work, or the person who has completed the basic police training.

A probationary police officer shall enter into employment in the capacity of a probationary police officer after the completed public competition.

A probationary police officer shall acquire the status of a police officer after having completed his/her probationary period and having passed a license exam.

During the probationary period, the probationary police officer acting in the capacity of an authorised official person shall be obliged to complete the basic level police training within one year at the latest from the date of entering into employment.

A probationary police officer’s employment shall be terminated if he/she fails to pass the license exam within the prescribed deadline.

The programme, procedure and manner of professional qualification of probationary police officers and the passing of the license exam shall be prescribed by the Government.

Types of Job Positions of Police Officers

Article 147

The job positions of police officers shall be divided into the managing and executive ones.

Article 148

The managing job positions of police officers shall be classified into four categories depending on the complexity of tasks, education, rank/title, degree of responsibility and decision-making powers, as well as independence at work, whereas the managing job positions shall be of:

- 1) a strategic level;
- 2) a high level;
- 3) a middle level;
- 4) an operational level.

The job positions referred to in paragraph 1 of this Article shall imply the management and commanding tasks which shall include: planning, organisation, coordination, control, assessment, analysis, work evaluation and informing, as well as other tasks significant for management and commanding at the requested level of competences.

The job positions referred to in paragraph 1 of this Article, as well as the executive job positions shall be all job positions which imply direct performance of police and other internal affairs, as well as advancement within the appropriate range of rank/title.

Advancement within the appropriate range of rank/title shall be carried out in line with the conditions referred to in Article 165 of this Law.

The classification criteria for job positions referred to in paragraph 1 of this Article shall be prescribed by the Government.

The Chief of Police

Article 149

The Chief of Police shall be appointed by the Government for a period of five years, upon the proposal of the Minister, and upon completed public competition and in the manner envisaged by the regulations on employment valid for the Ministry.

The Chief of Police may be elected for two consecutive terms of office at the maximum.

The Government may, at the proposal of the minister, appoint the chief of police for a second, consecutive term of office, without a public competition.

The Chief of Police may be a person who:

- 1) meets the general requirements for work at state authorities, prescribed by the law;
- 2) meets the special requirements prescribed by this Law and the act referred to in Article 9, paragraph 2 of this Law;
- 3) has a university degree with at least 300 ECTS;

4) has at least 15 years of completed service on police tasks, at managerial job positions.

The term of office of the Chief of Police shall expire upon the expiry of the time for which he/she was elected, when he/she no longer fulfils the conditions for election as the Chief of Police, upon termination of employment by force of law and due to other reasons in line with the law, resignation or dismissal.

The Chief of Police shall be discharged by the Government, based on a justified proposal of the Minister if failing to accomplish the work results within the competences prescribed for such a position.

The Chief of Police shall have a Deputy.

The Deputy Chief of Police may be a person meeting the requirements referred to in paragraph 3 of this Article.

For the purpose of assignment and discharge of the Deputy Chief of Police, the rules applicable for assignment and discharge of managers of the strategic and high level of the Police Directorate shall apply.

Assignment and Discharge of Managers of Strategic and High Level of the Police Directorate

Article 150

The managers of the strategic and high level of the Police Directorate shall be assigned as per conducted internal competition.

The manager referred to in paragraph 1 of this Article shall be assigned and discharged based on the decision rendered by the Minister, upon the proposal of the Chief of Police, and based on the report and ranking of candidates as per conducted internal competition.

The manager referred to in paragraph 1 of this Article shall be discharged if failing to accomplish work results within the competences of the job position.

The Minister may ask the Chief of Police to provide a proposal for the assignment of the manager referred to in paragraph 1 of this Article in case that such job position is vacant for a period longer than six months, i.e. the proposal for discharge of the manager referred to in paragraph 1 of this Article in case that he/she is failing to accomplish work results within the competences of the workplace.

The Chief of Police shall be obliged to submit the proposal referred to in paragraph 4 of this Article to the Minister within three months.

Assignment and Discharge of Managers of Middle and Operational Level of the Police Directorate

Article 151

The managers of the middle and operational level of the Police Directorate shall be assigned as per conducted internal competition.

The manager referred to in paragraph 1 of this Article shall be assigned by the decision of the Chief of Police, and upon the proposal of the immediate superior manager, and pursuant to the report and ranking of candidates as per conducted internal competition.

The manager referred to in paragraph 1 of this Article shall be discharged by the decision of the Chief of Police, and upon the proposal of the immediate senior manager, if he/she fails to accomplish work results within the competences of the job position.

Information on Job Vacancies

Article 152

The employees shall be entitled to be informed, by means of a notice board in organisational units, on job vacancies at the Ministry for which it is determined that there is a need for occupation.

The managers of the relevant organisational units shall be obliged to immediately notify the organisational unit competent for human resource affairs of each and every fact which has an effect on the occupation of job vacancies in the organisational unit they are managing.

The employees shall be obliged to notify the immediate manager of each and every intention to change job positions at the Ministry.

Working Hours

Organisation of Work

Article 153

The Police shall be thus organised that police tasks are performed 24 hours a day.

A working day, as a rule, shall last for eight hours. A working week shall last for five working days, i.e. 40 hours.

Notwithstanding paragraph 2 of this Article, for certain police officers, depending on the needs of the service, and in line with the local circumstances, i.e. when work is performed in shifts, at night or when the nature of work and organisation thereof thus requires, the Minister may prescribe a different organisation of work.

Special Work Schedule

Article 154

When performing police tasks, a police officer shall be obliged to work in line with a special work schedule (either daily or weekly) which shall be defined by the immediate manager.

The immediate manager referred to in paragraph 1 of this Article shall be obliged to notify the police officer of the schedule and the changes in the working hours schedule at least 24 hours prior to the change thereto.

For the purpose of paragraph 1 of this Article, a special work schedule shall imply:

- 1) work in shifts;
- 2) work in rotating shifts;
- 3) work on Saturdays, Sundays, holidays and other non-working days;
- 4) work at night;
- 5) frequent irregular hours;

- 6) overtime work;
- 7) stand-by duty;
- 8) working and staying in the field;
- 9) intervention-like engagement.

Work in shifts, i.e. working alternately in the periods of morning (first shift), afternoon (second shift) and night part of the day (third shift), for the purpose of this Law, shall imply a regular working cycle where an employee during a calendar month, within a regular month fund of working hours, performs his/her job alternately in one of the eight-hour cycles of the day (in the first, second or third eight-hour shift), at the job position for which a full 24-hour working activity is specified.

Work in rotating shifts, for the purpose of this Law, shall imply a regular working cycle where a police officer during a calendar month, within a regular monthly fund of working hours, performs his/her job alternately in the periods longer or shorter than eight hours, at the job position for which a full 24-hour working activity is specified (12-24 – 12-48 or similar).

Work at night, for the purpose of this Law, shall imply the regular working cycle when a police officer, during a calendar month, within a regular month fund of working hours, performs his/her job from 10 p.m. until 6 a.m. the following day.

Frequent irregular hours, i.e. working frequently irregular working hours, for the purpose of this Law, shall imply a regular working cycle when a police officer, during a calendar month, and within a regular monthly fund of working hours, performs his/her job alternately in the periods where time of work engagement cannot be set in advance, at a job position for which a full 24-hour working activity is specified.

Working and staying in the field, for the purpose of this Law, shall imply the work and stay of police officers in field conditions of life and work, or the work and stay of an employee, outside the place of work, for the purpose of performing police work and tasks, or conducting a training. A special schedule of work shall envisage the organization of the working hours and daily rest during the work and stay in the field.

The intervention-like engagement, for the purpose of this Law, shall imply the work and the stay of the police officer outside the regular place of work, in appropriate form at an appropriate location, with a specific task, in line with the approved plan of such engagement.

When reasons of security or the nature of the work itself thus require, the police officer working and staying in the field, i.e. those who have been engaged for the purpose of intervention, cannot leave the accommodation facility, i.e. the premises of the engagement.

For the purpose of this Law, daily rest during the time of stay in the field shall neither be deemed working hours, nor stand-by duty, nor is the police officer entitled to the right of salary increase, on such basis.

Overtime Work

Article 155

Overtime work, for the purpose of this Law, shall imply the work longer than full working time in case of force majeure, sudden increase in workload and in other cases when work which has not been planned needs to be completed within a set deadline.

As a rule, a police officer cannot work for more than 12 hours a day, including overtime work, whereby the actual overtime work may not last longer than eight hours a week.

Should a police officer spend at work 12 incessant hours a day, the overtime work may last until the finalisation of the commenced work at the longest, and for a maximum of additional four hours of overtime work.

In case of consent of the manager and the police officer, and in case of mutual agreement regarding the working hours schedule, the overtime hours may be calculated on a quarterly level as free hours, in relation 1:2, which may be used within six months at the latest from the expiry of the quarter when they were defined.

A manager shall be obliged, in case of overtime work, to provide the police officer with transportation, i.e. to reimburse the transportation costs from the place of residence to the place of performance of overtime work, and vice versa.

Stand-by Duty

Article 156

A police officer shall be obliged to be on stand-by when circumstances of the job and tasks thus require.

Stand-by implies the obligation of the police officer to be able, after the working hours, in line with a special schedule of work or stand-by order, to be in the state of required degree of preparedness which enables to respond to the call of the authorized manager, for work at a specific period of time and at a specific location.

The manner of determining preparedness, the content and the layout of the order for preparedness, shall be set forth by the minister.

Article 157

The work of the police officer called from stand-by duty to perform a job or a task shall be calculated as overtime work.

Re-scheduling of Working Hours

Article 158

The immediate manager may re-schedule the working hours when the nature of the activity, the organisation of work, better use of working means, more rational use of the working hours and the performance of a particular official duty within the set deadlines thus require.

The re-scheduling of working hours shall be carried out in line with the regulations on employment.

Article 159

A police officer working in line with a special working hours schedule, as referred to in this Law, can be set the use of the weekly rest period in other manner and in other period, under the condition that the daily and the weekly rest periods are provided within the scope defined by the law within a period which cannot exceed 30 days.

Rest Periods during Daily Work

Article 160

A police officer working in the regular working time regime shall be entitled to a rest period during the daily work lasting up to 30 minutes.

A police officer working for at least ten hours a day shall be entitled to a rest period during work lasting for up to 45 minutes.

The rest period referred to in paras. 1 and 2 of this Article may neither be used at the beginning nor at the end of the working hours.

The rest period referred to in paras. 1 and 2 of this Article shall be calculated as working hours.

The rest period referred to in paras. 1 and 2 of this Article shall be organised in the manner which ensures that work is not interrupted, in case the nature of work does not allow for interruption of work, as well as if work with clients is involved.

Article 161

When organising night work and work in shifts, the immediate manager shall be obliged to ensure daily rest to police officers lasting for at least 12 hours uninterruptedly.

When police tasks need to be performed in continuity, regular working hours of police officers performing such tasks may last longer than eight hours within a period of 24 hours, but not longer than 12 hours.

Article 162

A record shall be maintained of the police officers' work schedule.

The manner in which a police officer is appointed to work in line with a special schedule shall be prescribed by the Minister.

Work Longer than Full-time Working Hours, i.e. Longer than Overtime Work

Article 163

Exceptionally, the employee, and in particular the police officer shall be obliged to perform tasks by the order of the competent manager for a period longer than full-time working hours, i.e. longer than the time set for overtime work if necessary for successful and timely performance of official work which ensures direct protection of life and health of natural persons or protection of property of great value or of a protected facility, and provided that the employee, i.e. the police officer consents to it – and at the longest until the cessation of the immediate threat, i.e. until his/her replacement has been provided.

Deferment or Interruption of Annual Leave

Article 164

The Head of the internal organizational unit of the Ministry or the person he/she authorizes may defer or interrupt the use of the annual leave to a police officer with a written explanatory note at any moment or part of the day during the use of the annual leave or before its commencement, and for the purpose of performing police tasks which cannot endure deferment, whereas responsible fiscal management, rationality, functionality and efficacy will be taken into account.

In case referred to in paragraph 1 of this Article the police officer shall be entitled to the compensation of actual costs caused by deferment, i.e. interruption of the annual leave.

Career Development of Police Officers

Article 165

In line with the system of career development of police officers:

1) the rank/title assignment shall be in line with the tasks of the job position to which the employee is being assigned or transferred;

2) for the purpose of obtaining the following rank/title within the executive positions and in the same level of management, it is necessary to meet the requirement of the appropriate degree of education, as well as the necessary number of years of service spent in the previous rank/title, successfully completed professional trainings for the subject rank/title, as well as the appropriate annual grades;

3) for the purpose of obtaining the following rank/title of the immediate higher level of management, it is necessary to meet the requirement of the appropriate degree of education, as well as the necessary number of years of service spent in the previous rank/title, training for the appropriate level of management and successfully passed license exam for the rank/title, as well as the appropriate annual grades;

4) for the purpose of transferring to the operational i.e. the directly higher level of management, in acquired rank/title, training will be required for the relevant level of management as well as the successfully passed license exam for the directly higher level of management;

5) the rank of the General of Police shall be acquired in line with the rules of career development of police officers set for certain managerial job positions of the strategic and high level.

The time spent at the rank/title of lower vocational degree shall not be included when calculating the time necessary for promotion.

The years of service necessary for promotion to the following rank/title shall solely include the time effectively spent at the job position with the previous title/rank.

The career advancement is part of the career development and implies horizontal and vertical advancement.

The manner of obtaining rank/title at the Ministry and other issues regarding the use thereof, i.e. career development shall be prescribed by the Government, within 90 days from the date of entry into force of this Law.

Ranks and Titles of Police Officers and Members of Fire and Rescue Units

Article 166

Police officers acting in the capacity of authorized official persons shall have the following rank:

1) with secondary vocational degree – junior police sergeant, police sergeant and class I police sergeant;

2) with higher education at undergraduate academic studies in the scope of at least 180 ECTS, undergraduate vocational studies, i.e. studies lasting for at least three years – police sergeant major, class I police sergeant major and police second lieutenant;

3) with higher education at undergraduate academic studies in the scope of at least 240 ECTS, master academic studies, specialist academic studies, specialist vocational studies, master vocational studies, i.e. undergraduate studies lasting for at least four years or specialist studies at a faculty – police lieutenant, police captain, police major, police lieutenant colonel, police colonel and police general.

Police officers acting in capacity of persons with special duties shall have the following titles:

1) with secondary vocational degree – junior police clerk, police clerk and senior police clerk;

2) with higher education at undergraduate academic studies in the scope of at least 180 ECTS, undergraduate vocational studies, i.e. studies lasting for at least three years– junior police associate, police associate and independent police associate;

3) with higher education at undergraduate academic studies in the scope of at least 240 ECTS, master academic studies, specialist academic studies, specialist vocational studies, master vocational studies, i.e. undergraduate studies lasting for at least four years or specialist studies at a faculty – senior police associate, junior police adviser, police adviser, independent police adviser, senior police adviser and chief police adviser.

Members of firefighting and rescue units shall have the following ranks:

1) with secondary vocational degree – junior sergeant firefighter, sergeant firefighter and class I sergeant firefighter;

2) with higher education at undergraduate academic studies in the scope of at least 180 ECTS, undergraduate vocational studies, i.e. studies lasting for at least three years– junior sergeant major firefighter, sergeant major firefighter and class I sergeant major firefighter;

3) with higher education at undergraduate academic studies in the scope of at least 240 ECTS, master academic studies, specialist academic studies, specialist vocational studies, master vocational studies, i.e. undergraduate studies lasting for at least four years or specialist studies at a faculty – second lieutenant firefighter, lieutenant firefighter, captain firefighter, major firefighter, lieutenant colonel firefighter and colonel firefighter.

Performance Evaluation

Article 167

Work of the employees at the Ministry shall be evaluated annually, in two cycles with one final grade.

The positive grades shall be “satisfactory – 2”, “good – 3”, “excelling – 4” and “particularly excelling – 5”, and the negative grade shall be “unsatisfactory – 1”.

The promotion referred to in Article 165 of this Law may be achieved based on a triennial average grade which may not be lower than “excelling – 4”.

The criteria and manner of evaluating police officers and other employees at the Ministry shall be prescribed by the Government.

Tasks and Activities Incompatible with Police Tasks

Article 168

The employees at the Ministry may perform tasks and activities, outside the working hours, i.e. perform additional work, upon the approval of the head of the organizational unit to which the employee has been appointed, under the condition that such tasks and activities, i.e. additional work, have not been prescribed by the law governing the rights and obligations of the state officials as inconsistent tasks and activities, i.e. that they may cause a conflict of interest or affect the impartiality at work.

Notwithstanding Article 42, of this Law, when performing tasks and activities, i.e. additional work, referred to in paragraph 1 of this Article, the employees cannot invoke the status of police officers or the Ministry’s employees, nor can they make use of the official

identification card, arms or other means of the Ministry and cannot exercise the insurance rights due to injuries at work in the Ministry.

If needed, the employee shall be obliged to terminate the additional work and to make him/herself available to the organizational unit of the Ministry to which he/she has been appointed.

Any knowledge that they may gain through their additional work, and which refers to the commission of criminal actions, offences and other counter-legal actions and conduct, the employee shall be obliged to immediately inform the immediate manager and to report the event to the competent organizational unit of the Ministry.

Right to Trade Union, Professional and Other Forms of Organisation and Action

Article 169

Police officers and other employees shall have the right to trade union, professional and other forms of organisation and action in the manner specified by the law.

Police officers may not be members of political parties, may not organise into political parties, nor can they be politically active within the Ministry.

Police officers may not attend party meetings or other political gatherings in a uniform unless work engaged.

Acting in contravention of the provisions referred to in paras. 2 and 3 of this Article shall be the basis for launching the procedure for determining disciplinary accountability as referred to in the provisions of this Law regulating the disciplinary accountability of the employees at the Ministry.

Right to Strike

Article 170

The employees at the Ministry shall have the right to strike in line with the law and collective agreement and shall freely decide on their participation in a strike.

Police officers shall not have the right to strike in case of:

- 1) state of war, state of emergency, emergency situation or state of increased risk;
- 2) violent threat to the constitutional order of the Republic of Serbia;
- 3) declared natural hazard or immediate threat of its occurrence in the areas of two or more police administrations of the Ministry or in the entire territory of the Republic of Serbia;
- 4) other disasters and accidents impeding the normal course of life and endangering the safety of people and property;
- 5) in case that the employees are at job positions where there are no conditions for ensuring the minimum of the work process.

The job positions where the minimal work process is not provided, shall be governed by a special act of the minister.

The employees at the Ministry, except for the police officers referred to in paragraph 2 of this Article, may initiate a strike if minimal work process is provided, which ensures the safety of people and property or which is an indispensable condition for the life and work of citizens.

The manager of the organisational unit shall, ten days at the latest prior to the commencement of the strike, appoint the employees who shall be obliged to work at the time of

the strike for the purpose of ensuring the minimal work process, which cannot be less than 60% of the employees.

A warning strike shall be announced five days at the latest prior to the commencement of the strike, and the strike shall be announced by submitting the decision on going on strike 15 days at the latest prior to going on strike.

Enclosed with the decision on going on strike shall be the statement of the strike organiser on the manner of ensuring the minimal work process in line with paragraph 4 of this Article.

The decision on going on strike shall define the following: the requests of employees, the time of the commencement of the strike, the place of gathering of the strike participants (if the strike is manifested by the gathering of employees), and the strike committee which represent the employees' interests.

The representatives of the Ministry and strike committee shall be obliged, from the date of announcement of the strike until the actual finalisation of the strike, to negotiate for the purpose of reasonable and amicable resolution of the collective dispute, in line with the regulations on peaceful settlement of labour disputes and principles of mutual trust and protection of economic and social interests.

If strike is manifested by the gathering of employees, the strike shall be organised and the place of gathering shall be determined by applying the provisions of the law regulating public gatherings.

The police officers participating in strike may not carry weapons and other means of coercion during the strike.

Right to Augmented Duration of Years of Insurance Coverage

Article 171

Certain job positions, i.e. tasks at the Ministry, by applying special criteria and benchmarks, shall be defined as job positions for which the years of insurance, in effective duration, shall be calculated with augmented duration.

The job positions, i.e. tasks referred to in paragraph 1 of this Article, shall be determined in line with the regulations on pension and disability insurance.

Termination of Employment

Special Cases of Termination of Employment

Article 172

Apart from the cases of termination of employment by force of law as defined by other regulations, the employment of a police officer, i.e. other employees at the Ministry shall be terminated by the rule of law:

1) when determined that the data on fulfilment of the conditions for concluding the employment relation referred to in Article 137 of this Law, are false – on the date when the facts thereto have been determined;

2) when determined, based on a finally binding judgment, that he/she has been sentenced to prison sanction for at least six months – on the date of submitting the decision on termination of employment to the Ministry;

3) when determined, based on a finally binding judgment, that he/she has been sentenced to prison sanction for the following criminal offences: receiving bribery; giving bribery; trade in influence; domestic violence; abuse in relation to public procurement; abuse of office of responsible person; enabling abuse of exercise of asylum rights in a foreign state; abuse of office; office fraud; embezzlement; disclosure of a trade secret – on the date of submitting the decision on termination of employment to the Ministry.

The employment of a police officer, i.e. of the employee at the Ministry may also terminate:

1) if he/she was imposed a disciplinary measure of termination of employment for severe violations of official duty – on the date of finality of the decision on termination of employment;

2) if he/she has been two times consecutively marked with an annual negative grade - “unsatisfactory – 1” – on the date of finality of the decision on termination of employment;

3) if refusing to undergo the treatment for addiction diseases after the final assessment and opinion provided by the competent healthcare institution - on the date of finality of the decision on termination of employment.

An appeal shall not be allowed against the decision on termination of employment referred to in paragraph 1 of this Article.

Termination of Employment with Right to Old-age Pension

Article 173

The employment of a police officer may also be terminated prior to the fulfilment of general conditions for acquiring old-age pension, and in line with the regulations on pension and disability insurance.

Article 173a

Ceased to be valid (see Article 82 of the Law - 24/2018-95)

***NOTE OF THE PUBLISHER: Article 173a was applicable until 31 December 2018, when it ceased to be valid (see Article 82 of the Law – 24/2018-95)

Termination of Employment with Right to Disability Pension

Article 174

The employment of a police officer experiencing changes in the state of his/her health caused by an injury at work, occupational disease, injury outside work or because of a disease, which cannot be eliminated by treatment or medical rehabilitation and which make him/her unfit for professional performance of police tasks, shall be terminated with the Ministry, and he/she shall have the right to disability pension.

For the purpose of paragraph 1 of this Article, the existence of incapacity shall, in cooperation with the expertise authority of the Employee Pension and Disability Insurance Fund, be determined by the commission at the Institute for Health Protection of the Ministry’s employees, the members of which shall be appointed by the Minister.

For the purpose of acting as per appeal, the expertise authority of the Employee Pension and Disability Insurance Fund for second-instance proceedings shall be competent.

The modus operandi of the commissions referred to in paras. 2 and 3 of this Article shall be governed by the act which shall be jointly rendered by the Minister and the Minister competent for pension and disability insurance.

Right to Severance Pay

Article 175

The police officer realising the right to pension shall also be entitled to a severance pay in the amount of six monthly salaries, without taxes and contributions, received in the last six months.

Solidarity Aid

Article 176

Deleted.

Right to Financial and Other Assistance

Article 177

When celebrating state and other holidays and in cooperation with the Solidarity Assistance Fund, the Minister may establish the granting of financial assistance and other assistance to the families of those killed and heavily wounded police officers, as well as of other employees who died in line of duty or due to the performance of duty.

Awards and Honours

Article 178

For the exceptional results achieved in the performance of police tasks, as well as in maintaining and improving safety, i.e. for other work contribution, to the employees at the Ministry shall be granted awards and honours.

Awards and honours may also be granted to the authorities of the territorial autonomy and local self-government, other bodies and institutions, non-governmental and other organisations and individuals, as well as police officers of foreign states for the realised international police cooperation or successfully conducted actions in the field of combating international crime.

The types of awards and honours, the manner and procedure of granting, as well as criteria and benchmarks shall be prescribed by the Minister.

Health Care of Employees

Article 179

Police officers at the Ministry shall be provided with health care which shall be realised through specific and preventive health care.

Specific Health Care

Article 180

Police officers at the Ministry shall enjoy specific health care to the extent to which it is not provided by mandatory health insurance, and stems from working on the tasks for which, in line with the risk assessment act, the threat to life and health, responsibility and difficulty, the nature and special working conditions have a significant impact on the reduction of working capacity.

The specific health care at the Ministry, which refers to the provision of health services related to the previous medical examinations for enrolment into the educational institutions of the Ministry and into the higher education institution for the needs of police education, related to the entry into employment and transfer to another job position at the Ministry, to periodical, extraordinary, general check-ups and follow-up medical examinations for the purpose of determining professional and general work capacity for further performance of tasks and provision of professional, technical and staffing assistance to the organisational units of the Ministry in the performance of tasks and duties shall be carried out by the Institute for Health Care of the employees of the Ministry of Interior, in cooperation with the competent organisational unit of the Ministry in charge for human resources.

The manner of implementation and measures of specific health care shall be prescribed by the Minister.

The costs of the specific health care shall be borne by the Ministry, except in cases of provision of healthcare services in relation to the previous medical examinations for enrolment in educational institutions of the Ministry and to the higher education institution for the needs of police education, by concluding employment and relocation to another job position in the Ministry, by means of internal competition.

Article 180a

The employees in the Ministry, working on job positions for which health examinations are mandatory according to the criteria, standards, verifications and certificates defined by other law or by-law, and who are under the competence of other authorized (certified) institutions for conducting the examinations, shall be subject of the provisions of such law or by-law.

The costs of the health examination referred to in paragraph 1 of this Article shall be borne by the Ministry.

Preventive Health Care

Article 181

The preventive health care of police officers at the Ministry shall be organised and implemented by the Ministry's organisational unit competent for human resources.

Psychological Care and Support

Article 182

The employees at the Ministry shall be provided with psychological care which is realised through the psychological selection and classification and psychological prevention at primary, secondary and tertiary level.

The psychological care of employees shall be organised and implemented by the Ministry's organisational unit competent for human resources through the process of selection of staff at the time of entry into employment, enrolment in courses, career advancement in the service, classification and strategic staff planning.

The employees at the Ministry shall be provided psychological support, which shall be realized through the professional-counseling work.

The psychological support shall include the preservation, protection and improvement of the mental health of the employees, organized and conducted by the organizational unit of the Ministry competent for the human resource tasks.

The criteria and the modus operandi in the provision of psychological care and support for the employees shall be prescribed by the minister.

Article 183

The employees at the Ministry, when needed, may be referred to a relevant health care institution for testing on the presence of alcohol and/or psychoactive substances in the body, in the manner set forth by Article 101 of this Law.

The employee in the Ministry, when needed, may be referred to a relevant healthcare institution or an accredited laboratory of the Ministry for the testing on the presence of alcohol and/or psychoactive substances in the organism.

Testing may be either regular or extraordinary.

Testing shall be performed at the request of the manager of the organizational unit.

The costs of the testing referred to in paragraph 2 of this Article shall be borne by the Ministry.

Salaries and Other Earnings

Article 184

*The police officers** at the Ministry shall exercise their right to salary, increased salary, reimbursement of salary, reimbursement of costs and other earnings in line with this Law.

*Deleted.**

The salary of a *police officer** at the Ministry shall comprise the basic salary and increased salary.

The salary referred to in paragraph 1 of this Article shall include the defined taxes and contributions for *the police officer** at a monthly level.

The basic salary shall be determined by multiplying the base for calculation and payment of salaries with the salary coefficient.

The base for calculation and payment of salaries shall be determined by the decision of the Government.

*Civil servants and employees with the Ministry shall be entitled to salary, increased salary, salary compensation, compensation of costs and other emoluments in compliance with the regulations governing the said rights of civil servants and employees.**

* Published in the *Službeni glasnik RS*, No. 87/18 of 13 November 2018.

Commencement and Termination of the Right to Salary*

*Article 184a**

*Police officers shall be entitled to salary from the date of commencement of employment.**

*The right to salary shall be terminated for a police officer on the date of termination of employment.**

Salary Payment*

*Article 184b**

*Police officers shall be entitled to monthly salary.**

*The salary for the current month shall be paid by the end of the following month at the latest.**

Salary Groups and Salary Grades*

*Article 185**

*Police officers' posts with the Ministry shall be categorized by salary groups and salary grades.**

*Salary groups shall be the units defined by the general descriptions of posts within the Ministry indicating the position of a post within the structure of posts and jobs, and/or within the catalogue of posts with the Ministry.**

*Salary grades shall be units defined by the descriptions of posts indicating the position of a post within a salary group.**

*The posts of police officers with the Ministry are categorized in 13 salary groups within which they are categorized according to salary grades.**

*Categorization of posts according to salary groups and salary grades shall be performed based on the criteria for valuation of tasks to be performed within a post.**

*Tasks shall be valued based on the following criteria: complexity of a task, competencies, responsibility level, independence level in performance of a task and business communication.**

Salary Coefficient*

*Article 185a**

*A salary coefficient shall be the numeric factor of the impact of a labour activity for a specific post on the salary of the police officer holding such post.**

*The salary coefficient shall comprise of the sum of the basic and additional coefficients.**

*The basic coefficient shall be the coefficient of the salary grade within a salary group, and/or one numerical equivalent of a salary group and salary grade which is conveying specificity and complexity of a task, within the relevant salary group.**

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*Additional coefficient shall comprise of the coefficient of categorization and of the corrective coefficient.**

*The coefficient of categorization shall comprise of the coefficient of categorization of an organizational unit of the Ministry and of the coefficient of categorization of the post.**

*The coefficient of categorization of the organizational unit of the Ministry from the act referred to in Article 9, paragraph 2 of this Law shall be the numerical equivalent of the position of such organizational unit from the aspect of importance of their competencies within the Ministry with a view to protecting security, achieving protection and rescuing and performance of other internal affairs.**

*The coefficient of categorization of a post shall be the numerical value which is representing the requirements of a post which are not valued through the basic coefficient.**

*The coefficient of categorization of a post shall have the following sub-coefficients:**

*1. of the rank/grade;**

*2. organization of working time – which shall be determined in relation to the posts the description of which include the following within the organization of working time have:**

*– work in shifts,**

*– work in rotations,**

*– work in shifts and rotations or**

*– irregularity of work,**

*which can be presented as a numerical equivalent of such work;**

*3. benefits – which shall be determined within and in relation to the nomenclature of the category of posts and/or jobs with the Ministry, which involve insurance with effective duration which is calculated at an accelerated accrual rate.**

*The corrective coefficient shall be the numerical equivalent of the specificity of a job and/or of a post which is acquired based on permanent conditions for carrying out of tasks or other permanent circumstances, as well as based on the temporary conditions for work or other temporary circumstances occurring in the tasks of a relevant post, which are not taken into account in valuation of tasks of such post during carrying out of such tasks.**

*The corrective coefficient can be:**

*1. the corrective coefficient of the specificity of a task which shall be determined for individual posts, in which tasks are carried out under constant or temporary aggravated conditions, which are not taken into account in valuation of tasks;**

*2. the corrective coefficient for work in the posts described as tackling organized crime, terrorism, corruption and uncovering of war crimes, in the competent organizational units of criminal police;**

3. the corrective coefficient due to the market impacts and outflow of staff or retaining of expert staff, as well as the need of the Ministry for specific professions and educational

* Published in the *Službeni glasnik RS*, No. 87/18 of 13 November 2018.

*profiles which are necessary for unobstructed operation and performing of tasks within the competence of the Ministry. Once a year, the Ministry shall review the posts involving entitlement to this corrective coefficient.**

*The corrective coefficient referred to in paragraph 10, item 2 of this Article shall be the salary rise in compliance with the special laws regulating organization and competencies of public authorities in tacking organized crime, terrorism, corruption and uncovering of war crimes and shall exclude other salary rises on the same basis.**

*Article 185b**

*On the occasion of allocation and permanent transfers of police officers in compliance with the provisions of this Law, the salary coefficient for the post to which the police officer is allocated and/or transferred shall be determined.**

*The salary coefficient shall be determined by means of a decision by the Minister and/or by the person duly authorized by them.**

*Appeal against the decision on salary coefficient determined shall not have suspensive effect on enforcement of the decision.**

Pay Groups, Pay Grades and Coefficients

Article 185

The job positions at the Ministry shall be classified in line with the pay groups and pay grades.

Pay groups shall mean the ranges determined by general job descriptions at the Ministry which indicate the ranking of the job position within the structure of job positions and tasks, i.e. the catalogue of job positions at the Ministry.

Pay grades shall mean the ranges determined by job descriptions which indicate the ranking of the job position within the pay group.

Salary coefficient shall mean the numerical factor of influence of the work activity of a specific job position on the salary of the employee at the subject job position.

Salary coefficient shall consist of the sum of basic and additional coefficients.

Period of prior service, meal allowance during work and annual leave allowance shall be determined in line with the general regulation governing the salary system in the public sector.

Basic coefficients shall mean the pay group coefficient and the pay grade coefficient.

Pay group coefficient shall mean a numerical equivalent of specificity and complexity of performing the tasks of the relevant pay group.

Pay grade coefficient shall mean a numerical equivalent of evaluating the job position within the relevant pay group.

Additional coefficients shall mean the categorisation coefficient and the adjustment coefficient.

Categorization coefficient may be a categorization coefficient of the organizational unit of the Ministry and/or the categorization coefficient of the job.

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Adjustment coefficient shall mean a numerical equivalent of the specificity of the job realized based on permanent working conditions or other permanent circumstances, as well as on the temporary working conditions or other temporary circumstances which occur in relation to the tasks of the relevant job position, but which were not taken into consideration when evaluating the tasks of the subject job position.

Article 186

The Minister or the person he/she authorises may, for the additionally achieved contribution at work which significantly exceeds the standard of the regular level and the quality of work engagement, additionally increase the employee's coefficient of the basic salary by up to 20% in the month during which such a contribution was achieved.

The standard of the regular level and the quality of work engagement, as well as the criteria for excessively exceeding or diminishing the accomplished work results shall be prescribed by the Minister.

Increased Salary

Article 187

*A police officer** shall exercise the right to an increased salary in the amount defined by this Law, for the following:

1) night work – for each working hour in the amount of 28.6% of the value of the working hour of the basic salary, if such work has not been evaluated when determining the basic salary;

2) work on a holiday which is a non-working day – for each working hour in the amount of 121% of the value of the working hour of the basic salary;

3) overtime work – for each working hour spent working by the order of the competent manager and working longer than full time, in the amount of 28.6% of the value of the working hour of the basic salary;

4) stand-by duty – for each hour of stand-by duty, *in compliance with the special schedule of work or upon order*,* in the amount of 10% of the value of the working hour of the basic salary;

5) work in shifts, work in rotating shifts or other irregularity at work, which has not been evaluated in the basic salary – for each working hour in the amount of 28.6% of the value of the working hour of the basic salary, if working on the tasks for which the work in shifts or work in rotating shifts is occasionally performed;

6) replacing the manager:

(1) up to 10 working days – 10% of the basic salary,

(2) longer than 10 days – 15% of the basic salary;

7) *past service – based on the time spent at work for each full year of employment, in the amount of 0.5% of the basic salary.**

If conditions have been met concurrently on several bases for the supplement to the basic salary, the percentage of the increase may not be lower than the sum of percentages for each of the increase basis.

Retaining of Salaries*

*Article 187a**

* Published in the *Službeni glasnik RS*, No. 87/18 of 13 November 2018.

*A police officer whose basic salary, following allocation according to the act referred to in Article 9, paragraph 2 and Article 22, paragraph 6 of this Law to an equivalent post and upon application of the act referred to in Article 187d of this Law would differ from the basic salary paid to him/her until allocation, shall retain the basic salary that he/she has, until the basic salary that he/she has reaches the basic salary determined by the new system of valuation of tasks of the police officers (hereinafter: the determined basic salary).**

*Equivalent posts referred to in paragraph 1 of this Article, which by their name and/or tasks performed at such posts and other criteria correspond to the posts to which the police officers were allocated shall be determined by the Minister or by the person duly authorized by them.**

*Harmonization of the basic salary that the police officer has in the case referred to in paragraph 1 of this Article shall be performed by applying the calculation method for harmonisation.**

Calculation Method for Harmonisation*

*Article 187b**

*A calculation method for salary harmonization shall be the calculation method of a provisional numerical equivalent, which can be positive or negative, which shall be added to the coefficient of the determined basic salary for the purpose of presenting the difference between the basic salary that the police officer has and the determined basic salary.**

*The method referred to in paragraph 1 of this Article shall additionally be used for subsequent gradual harmonization of basic salary that the police officer has with the determined basic salary.**

*The calculation method for harmonization is not an integral part of salary coefficient and shall not be presented through the same, and its equivalent shall instead be presented in the calculation pay slip.**

*Further harmonization of the basic salary that the police officer has with the determined basic salary shall be carried out according to the available budget means allocated for salary rises in the Ministry.**

*The calculation method for harmonisation shall be applied until the amount of basic salary that the police officer has is equal to the determined basic salary amount in the system for valuation of police tasks for the post in question.**

Salary Determining on the Occasion of Allocation and Change of Post*

*Article 187v**

*The police officer that is allocated to another post compared to the post the tasks of which he/she has been performing on the occasion of allocation according to the act referred to in Article 9, paragraph 2 and Article 22, paragraph 6 of this Law, shall be entitled to the basic salary that police officers have in the post to which he/she is being allocated, which shall be achieved by applying the calculation method for harmonization.**

* Published in the *Službeni glasnik RS*, No. 87/18 of 13 November 2018.

*The police officer that is allocated on the occasion of commencing employment shall additionally be entitled to the basic salary that police officers in the post to which he/she is allocated have, achieved by applying the calculation method for harmonization, following his/her takeover from another employer and/or from another public authority, based on a final court judgment, following his/her passing of the traineeship exam, upon expiry of a period of stay of employment, following a suspension from work, following removal and in a procedure of enforcement of a disciplinary measure.**

*The police officer that is being transferred to another post shall be entitled to the basic salary that the police officers have in such post to which he/she is being transferred, achieved by applying the calculation method for harmonization.**

*A trainee shall be entitled to salary amounting to 80% of the basic salary that the police officers have in the post to which he/she is allocated, achieved by applying the calculation method for harmonization.**

*The basic salary that the police officers have at a post, achieved by applying the calculation method for harmonization shall be the sum of the basic and the additional coefficient for individual post, corrected by a numerical equivalent of the calculation method for harmonization achieved at the moment of allocation and/or transfer.**

Salary Determining on the Occasion of Allocation to a Newly Systematized Post*

*Article 187g**

*The police officer that is on the occasion of allocation as per the act referred to in Article 9, paragraph 2 and Article 22, paragraph 6 of this Law allocated to a newly systematized post, which by the name or the tasks performed therein has not existed within the organizational unit within which it has been systematized, shall be entitled to the basic salary that the police officers have in an equivalent post, achieved by applying the calculation method for harmonisation.**

*The equivalent post referred to in paragraph 1 of this Article, as regards the name of the post, the scope of work of the organizational unit within which it has been systematized and other criteria, shall be determined by the Minister or by a person duly authorized by them.**

*Article 187d**

*Defining of criteria for valuation of tasks in more detail, the general descriptions of salary groups and categorization of posts in salary groups and salary grades referred to in Article 185 of this Law, the coefficient and sub-coefficient amount and the method of preparation of the calculation method referred to in Article 187b of this Law shall be prescribed by the Government.**

Right to Reimbursement

Reimbursement of Employees' Costs

Article 188

A police officer at the Ministry shall have the right to reimbursement of * costs for:

- 1) the time spent on business trip in the country or abroad;

* Published in the *Službeni glasnik RS*, No. 87/18 of 13 November 2018.

2) for temporary transfer to another place of work, in the country or abroad;

3) for accommodation and meals while working and staying in the field, *and/or where according to a separate schedule of work, works and stays under field work living and working conditions or works and stays outside of the place of work in order to perform the police jobs and tasks or for the purpose of training;**

4) *for work under aggravated field work conditions, which shall include the work under a higher stress level on the psychophysical abilities and capacity for work of police officers, which is a consequence of performing of tasks in a specific area, except where the police officer is allocated to a post within the organizational unit which has territorial jurisdiction over such area;**

5) *for work under specific security and police tasks which involve the tasks which are performed under a higher stress level on the psychophysical abilities and capacity for work of police officers, where they are performed outside of the regular place of work.**

*The specific areas referred to in paragraph 1, item 4) of this Article and the specific security and police tasks referred to in paragraph 1, item 5) of this Article shall be determined by the Minister.**

*The police officer who has become entitled to compensation of expenses referred to in paragraph 1, items 4) and 5) of this Article shall not be entitled to compensation of expenses for accommodation and food during his/her work and stay in the field, or to compensation of expenses incurred in coming to and going from work.**

*Meals during work and annual vacation allowance shall be regulated in compliance with the general regulations.**

The manner for exercising the right to reimbursement referred to in paragraph 1 of this Article, as well as the amount thereof shall be prescribed by the Government.

Article 189

*The police officer** shall have the right to reimbursement of costs for arrival to and departure from work in the amount of costs of commuting on the route from the place of the permanent residence/*residence** to the place where *the police officer** is regularly performing his/her tasks, i.e. is exercising his/her work activity.

The disbursement of the costs for the arrival to and departure from work shall be made in the current month for the previous month.

*The police officer** shall not have the right to reimbursement of costs for arrival to and departure from work in cases when:

1) having a company vehicle provided for personal use;

2) the Ministry, in other manner, offers *the police officers** the possibility of transportation for arrival to and departure from work;

3) the act of the body of the local self-government unit provides *the police officers** with transportation free of charge.

4) he/she is on annual leave, paid or unpaid leave of absence, business trip, sick leave *when, according to a special schedule of work, works and stays under the field work conditions of living and work or works and stays outside of the place of work, in order to carry out police jobs and tasks or for the purpose of training, as** and in all other cases of absence from work.

The change in *the permanent residence/residence* of the *police officer**, upon entry into employment, cannot affect the increase of reimbursement for arrival to and departure from work, * unless such a change in the *permanent residence/residence** was the consequence of

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transfer, i.e. assignment of *the police officer** at the request of the Ministry for the needs of the service or work organization.

The manner of realizing the right to reimbursement of costs for arrival to and departure from work, shall be prescribed by the Government.

Right to Compensation in case of Temporary Incapacity to Work

Article 190

In case of temporary incapacity to work caused by an occupational illness or injury at work, as well as in case of a severe illness outside work, which poses a threat to the life of the employee, a police officer shall be entitled to salary compensation in the amount of 100% of the basic salary increased by the years of service.

The list of severe illnesses and injuries outside work referred to in paragraph 1 of this Article shall be defined by the health care institution competent for the health care of employees of the Ministry.

In case of temporary incapacity to work caused by an illness or injury outside work, a police officer shall be entitled to salary compensation in the amount of 85% of the basic salary increased by the years of service.

The difference between the compensation during the time of temporary incapacity to work referred to in paragraph 3 of this Article and the amount of compensation belonging to the insured person pursuant to the general regulations on health insurance and the compensation prescribed by this Law shall be borne by the Ministry.

The general regulations in the field of health insurance shall apply to all other cases of temporary incapacity to work.

In cases reasonable doubt exists that the employees are abusing the use of temporary incapacity to work, the immediate manager may, solely for the purpose of securing evidence, carry out a field check, and then address the competent health institution for the purpose of determining the health capability of the employee.

Right to Reimbursement of Burial Costs and One-off Financial Assistance

Article 191

Should a police officer lose his/her life in line of duty or as a result of performing his/her duty, the costs of burial in the place determined by his family shall be borne by the Ministry.

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

- 1) the costs of transportation of the remains to the place of burial;
- 2) transportation costs for two escorts;
- 3) costs of the burial plot;
- 4) other usual costs.

Article 192

In case of death of a police officer as the consequence of an occupational accident, occupational disease or dangerous occurrence, the family supported by the police officer shall be entitled to a one-off financial assistance in the amount of 36 average salaries of the employees at the Ministry, paid in the month preceding the month when such a case occurred.

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Provision of Meals and Accommodation Free of Charge

Article 193

A police officer to whom meals and accommodation are provided for the purpose of acquiring and maintaining a required level of psychological and physical preparedness and qualification for successful performance of tasks and duties, i.e. prescribed standards, criteria and benchmarks for membership in a particular unit, the meals and accommodation service shall be provided free of charge as per place of work.

The manner of provision of meals and accommodation free of charge shall be prescribed by the Minister.

Salary Compensation

Article 194

A police officer shall be entitled to salary compensation in case of:

1) annual leave;

2) paid leave;

3) non-assignment;

4) temporary removal from work;

5) absence from work on the day of a state and religious holiday which is a non-working day;

6) military exercise and responding to the summons of military and other state authorities, unless otherwise prescribed by a special regulation.

*The police officer shall be entitled to compensation of salary referred to in paragraph 1, items 1), 2), 3), 5) and 6) of this Article which shall be calculated and paid in the same amount as if he/she had worked.**

*The police officer shall be entitled to compensation of salary in case of a suspension from work referred to in paragraph 1, item 4) of this Article, in compliance with Article 217 of this Law.**

Assignment of Employees

Article 195

For the purpose of this Law, assignment shall represent the allocation of jobs positions to employees in cases envisaged by law.

The act on assignment shall be adopted when entering into employment, upon the adoption of the new act referred to in Article 9, paragraph 2 and Article 22, paragraph 6 of this Law, upon the take over from another employer, i.e. from another state authority, based on the final court decision, after the passed internship exam, upon the expiry of the dormant employment period, upon temporary removal from work and dismissal thereof and within the proceedings of enforcement of a disciplinary measure.

The competition shall not be conducted in case of assignment of employees due to adoption or amendments to the by-law referred to in Article 9, paragraph 2 and Article 22, paragraph 6 of this Law.

The appeal lodged against the decision on assignment shall not delay the enforcement of the decision.

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Transfer

Article 196

An employee may be permanently transferred to job vacancy, in line with the conditions and manner prescribed by the act on internal competition, if having the competencies for the said job position.

Notwithstanding paragraph 1 of this Article, the employee may be transferred without the internal competition, in case of:

- 1) transfer within the executive job positions of the same vocational degree;
- 2) family reunion or reduction of costs of the Ministry;
- 3) having permanent limitation of the work capacity, as assessed at the disability commission, and in line with the remaining work capacity, determined by the competent commission.
- 4) failing to accomplish the basic competences required for work, at the job position to which he/she was assigned or if failing to achieve the satisfying work results, the benchmarks of which have been set forth by the act on the assessment of the employees;
- 5) failing to meet the norms at the test of psychophysical abilities.

In case referred to in paragraph 2 of this Article, the transfer shall be made to the job position envisaging the same title/rank, degree and type of education that the employee has at the moment of transfer.

In case referred to in paragraph 2, item 1) and 2) of this Article, transfer shall be made upon reasoned proposal of the competent manager or at the request of the employee, along with the consent of the competent managers of the organizational units within which the transfer is being conducted.

The transfer referred to in paragraph 2, item 4) of this Article shall be made to the job position envisaging the same title/rank, degree and type of education, which the employee has at the moment of transfer, and in case of no job vacancy, the transfer shall be made based on the degree and type of education to the job position for which one title/rank has been envisaged, lower than the title/rank that the employee has, at the reasoned proposal of the competent manager.

Article 197

For permanent transfer of the employee in case when the distance from the place of work to the place of transfer is more than 50 kilometres, the written consent of the employee shall be required.

Notwithstanding paragraph 1 of this Article, the employee at the Ministry may be permanently transferred to another appropriate work place without his/her consent in case when the transfer is carried out to the work place within the police administration where the employee is working or the police administration whose territorial competence includes the place of residence of the employee.

Temporary Transfer

Article 198

An employee may be temporarily transferred to another job position at the reasoned proposal of the manager of the organisational unit.

The temporary transfer referred to in paragraph 1 of this Article shall be possible for the purpose of replacing an absent employee, due to increased scope of work, temporarily limited work capacity or the performance of tasks of the job position until the termination of the competition procedure, whereby the employee being transferred shall retain all rights of the job position from which he/she was transferred, if this is more favourable for him/her.

Temporary transfer due to increased scope of work shall last for a period of six months within a calendar year, at the longest.

Temporary transfer in case of temporary limitation in the work capacity shall last until the final assessment of the work capacity, by the relevant healthcare institution.

Upon the expiry of the period for which an employee has been temporarily transferred, he/she shall return to the job position from which he/she was transferred.

The complaint against the decision on temporary transfer shall not defer enforcement.

Article 199

During the period of temporary transfer, the employee shall retain all rights of the job position from which he/she was transferred, if this is more favourable for him/her.

Upon the expiry of the period for which an employee was temporarily transferred, he/she shall return to the job position from which he/she was transferred.

Conditions for Secondment to another Organisational Unit

Article 200

For the purpose of this Law, secondment to another organizational unit shall represent a temporary change of work – without changing the job position, for the purpose of performing a specific official task or duty at a specific job position, whereby special professional, organisational and other capabilities shall be requested from the person being seconded.

Secondment of an employee may be carried out once, solely upon his/her prior consent.

Secondment shall last no longer than one year or as long as the circumstances causing it exist.

The decision on secondment shall define the rights and obligations stemming from the secondment.

During secondment, the employee shall be entitled to reimbursement in line with the regulations governing the right of reimbursement of costs of temporary or permanent transfer to another place of work of the state officials.

The rules on secondment of employees shall be prescribed by the Minister.

Article 201

A police officer may be seconded to work abroad, based on the defined rules on international police cooperation, in line with the provisions of this Law.

IX DISCIPLINARY RESPONSIBILITY

Responsibility for Violation of Official Duty

Article 202

For minor and severe violations of official duty, police officers and other employees at the Ministry shall be subject to disciplinary proceedings.

Article 203

Police officers and other employees at the Ministry shall be held responsible for the violation of official duty if failing to perform the task and duties in a conscientious and professional manner and within the prescribed deadlines, if failing to abide by the Constitution, laws, other regulations and rules of conduct in the line of duty, as well as for violations outside the service which deteriorate the interests and reputation of the Ministry.

Police officers and other employees at the Ministry shall be held responsible for violations of official duty.

Responsibility for a criminal offence, as well as misdemeanour responsibility shall not concurrently exclude the disciplinary responsibility for the same action which is a subject of disciplinary proceedings if the action of the criminal or misdemeanour proceedings also poses the violation of official duty.

Exemption from criminal, i.e. misdemeanour responsibility shall not represent exemption from disciplinary responsibility, the subject of which was the same action, if such an action has also been qualified as violation of official duty.

Rights of an Employee in Disciplinary Proceedings

Article 204

During the disciplinary proceedings, an employee shall be entitled to a defence attorney, shall have the right to participate in the procedure, to make a statement on the evidence, to propose evidence and make a statement on the proposed and presented evidence.

Mutatis Mutandis Application of Other Regulations and Closer Regulation of Disciplinary Responsibility

Article 205

The provisions of the regulation governing general administrative procedure shall apply to the issues of administering the disciplinary proceedings which are not governed by this Law and regulations adopted under this Law.

Minor Violations of Official Duty

Article 206

Minor violations of official duty shall be:

- 1) unjustified failure to arrive to work at the set time and leaving work prior to the end of the working hours, at least three times within a month;
- 2) unprofessional treatment of citizens or employees during working hours;
- 3) unconscientious and disorderly keeping of official records and data;
- 4) unjustified absence from work up to three working days within one calendar year;
- 5) unkempt appearance, i.e. failure to wear or properly wear the uniform and weapons;
- 6) acting in contravention to the order or instruction for the performance of tasks, which caused or could have caused damaging consequences of minor significance.

Severe Violations of Official Duty

Article 207

Severe violations of official duty shall be:

- 1) refusal to execute or failure to execute a lawful order issued by the manager during the performance or pertaining to the performance of the task;
- 2) wilful abandonment of the place of work;
- 3) illicit exercise of police powers or abuse of the status of a police officer;
- 4) issuing or executing an unlawful order;
- 5) failure to undertake or insufficient undertaking of measure within one's competence, intended for the safety of persons, property and entrusted items;
- 6) disabling, disturbing or making the performance of official duties difficult;
- 7) conduct damaging to the reputation of the Ministry;
- 8) sleeping at the place of work, i.e. taking such a position which prevents successful performance of police tasks during the performance of a police task;
- 9) arriving to work under the influence of alcohol, narcotics and other psychoactive substances, i.e. consuming alcohol, narcotics and other psychoactive substances during working hours;
- 10) disclosure of data marked as confidential;
- 11) improper and irregular use or misapplication, loss or damage of technical or other equipment, i.e. means issued to the employee or which the employee is using during the fulfilment of official duties, due to intentional or gross negligence;
- 12) dealing with the tasks incompatible with official duty;
- 13) acting in contravention to the provisions of Article 169, paras. 2 and 3 of this Law;
- 14) refusal, unjustified disregard or avoidance of the prescribed health examination or abuse of the right to be absent in case of illness;
- 15) refusal, unjustified disregard or avoidance of professional qualification, development or other training to which the employee is referred for the needs of work or the employer;
- 16) illicit, unconscientious, careless work or omission of action for which the employee is authorised, and which caused or could have caused damage or illegality in work;
- 17) infringement of employees' rights;
- 18) unjustified absence from work for more than three working days during one calendar year;
- 19) voluntary appearance of police officers and other employees in public and in the media regarding work, which caused or could cause damaging consequences to the reputation of the Ministry;
- 20) preventing or obstructing the administering of criminal or other proceedings before a competent court;
- 21) failure to report a criminal offence, misdemeanour or violation of official duty;
- 22) disabling or obstructing the performance of internal control tasks;
- 23) failure to act in line with the ordered measures of the Internal Control Department for removal of detected illegalities;
- 24) negative result of the integrity test;

25) unreported assets and changes of the property status contrary to the provisions of Article 230c, paras. 2 and 3 of this Law;

26) membership in political parties and organisations, organisation of political party activities or political action within the Ministry;

27) expressing one's own political beliefs at work;

28) false reporting of violations of official duty.

Disciplinary Measures and Proceedings

Disciplinary Measures for Minor Violations of Official Duty

Article 208

For minor violations of official duty, one of the following disciplinary measures may be imposed:

1) a written reprimand;

2) a fine in the amount of 10% to 20% of the monthly basic salary increased by the years of service, earned in the month in which the decision on identified disciplinary responsibility has become final.

Disciplinary Measures for Severe Violations of Official Duty

Article 209

For severe violations of official duty, the following disciplinary measures may be imposed:

1) a fine in the amount of 20% to 40% of the basic salary increased by the years of service in the period from two to six months;

2) transfer to another job position where tasks for which a directly lower vocational degree, i.e. lower pay group has been prescribed as a requirement, for the period from six months to two years;

3) suspension of acquiring a directly higher rank/title for the period from two to four years;

4) loss of the acquired rank/title and assignment of a directly lower rank/title of the vocational degree;

5) termination of employment.

Competence for Initiating and Deciding in Disciplinary Proceedings

Article 210

Disciplinary proceedings shall be administered as first-instance and second-instance proceedings.

First-instance disciplinary proceedings shall be launched by the manager or the person he/she authorises.

The persons referred to in paragraph 2 of this Article shall authorise a police officer – senior disciplinary officer to administer the disciplinary proceedings and decide on the disciplinary responsibility of police officers and other employees. The senior disciplinary officer must have a university degree in law – master's degree, i.e. bachelor's degree in law or

it may be other employee with a university degree of at least ten years of professional experience.

During the disciplinary proceedings, the responsibility of a police officer or other employees shall be decided on by a decision, and the issues during the proceedings shall be decided on by a conclusion, unless otherwise prescribed by the regulations governing the general administrative procedure.

The person against whom the proceedings are being administered and the person who launched the proceedings shall have the right to make an objection to the Disciplinary Commission against the first-instance disciplinary decisions within eight days from the date of receiving the decision.

The Disciplinary Commission shall be a peer review body deciding on the objections to the first-instance decisions of senior disciplinary officers.

The Disciplinary Commission shall decide within a three-member council, the president of which and one member shall be from the Ministry, and one member shall be a representative of the public.

The president, members and secretaries of the Disciplinary Commission shall be appointed by the Minister, based on a special act.

Principles for Administering Disciplinary Proceedings

Article 211

Disciplinary proceedings shall be administered in line with the provisions of this Law, and those issues not governed by this Law shall be subject of the provisions of the laws governing the general administrative procedure.

Deleted.

Deleted.

Based on the decision of an authorised person administering and deciding within the disciplinary proceedings, the public may be excluded in exceptional cases, when this is required for the protection of data marked as confidential and secret, or due to other justified reasons.

The manner of administering disciplinary proceedings and other issues significant for the operation of disciplinary authorities shall be prescribed by the Government.

Article 212

A police officer and other employees shall have the right to be timely informed of the launched disciplinary proceedings, as well as of the evidence enclosed with the initiative for the launching of disciplinary proceedings.

A police officer and other employees against whom disciplinary proceedings have been launched shall have the right to participate in the proceedings thereof, and to make statements within the proceedings regarding the evidence, to propose evidence and present facts and claims pertaining to the proposed and presented evidence.

A police officer and other employees within the disciplinary proceedings shall have the right to a representative who would have the capacity of an attorney within the subject proceedings.

The person administering the disciplinary proceedings shall be obliged, upon the request of the police officer or other employee against whom the proceedings are administered, to enable the participation of a trade union representative where he/she is a member, whose position within the proceedings would be equal to the position of the legal representative.

Article 213

The parties to the proceedings, as well as the persons who justify their legal interest therein shall have the right to overview and copy the documents.

Overview and copying of documents shall be approved and monitored by the person competent for administering the disciplinary proceedings.

Article 214

The first-instance and second-instance disciplinary authorities shall not be bound by the legal qualification of the violation of official duty which has been identified by the conclusion on launching the disciplinary proceedings, but shall rather be bound by the factual state identified during the disciplinary proceedings when rendering the decision on disciplinary responsibility.

In case a different factual state has been identified in the proceedings, compared to the factual state identified in the conclusion on launching the disciplinary proceedings, an employee must be given the possibility of making a statement regarding the new factual state.

Statute of Limitations

Article 215

The launching of disciplinary proceedings for minor violations of official duty shall be subject to the statute of limitations upon the expiry of six months from the date of commission, and for severe violations of official duty upon the expiry of one year from the date of commission.

The administering of disciplinary proceedings for minor violations of official duty shall be subject to the statute of limitations upon the expiry of one year from the moment of launching of disciplinary proceedings, and for severe violations of official duty, upon expiry of two years from the moment of launching of disciplinary proceedings.

A special conclusion shall be reached on the termination of the proceedings due to impossibility to launch them or administer them.

The administration of the proceedings shall no longer be subject to the statute of limitations upon each and every action aimed at reaching a decision on disciplinary responsibility or legality and constitutionality of an act, due to the absence of the person against whom the proceedings have been launched or due to other justified reasons, and therefore upon each interruption, the statute of limitations term shall continue to run.

A special conclusion shall be rendered on the termination of proceedings.

In any case, the absolute statute of limitations for administering the proceedings shall begin to run upon the expiry of the double period of time which is legally prescribed for the statute of limitations for administering disciplinary proceedings, depending on whether it is a case of a minor or severe violation.

Criteria for Imposing a Disciplinary Measure

Article 216

When deciding upon the type of a disciplinary measure to be imposed, the severity and the character of the executed violation and resulting consequences, the degree of the employee's responsibility, the circumstances under which the violation has been committed, as well as the subjective and objective circumstances on the side of the employee, shall be considered.

Reasons and Procedure for Temporary Suspension from Service

Article 217

Employees shall be temporarily suspended from work if imprisonment has been imposed against them, starting from the first day of imprisonment.

The suspension referred to in paragraph 1 of this Article shall last for the period of duration of imprisonment, during the time of which the employees shall be entitled to reimbursement of the basic salary in the amount of 1/4, i.e. 1/3 if being the only one supporting the family.

An employee shall be temporarily suspended from work if against him/her, during the course of a criminal proceedings, and by the competent court, a measure of ensuring the presence of the defendant has been imposed, and for the purpose of smooth administration of the criminal proceedings, due to which they were, objectively, unable to perform such tasks and duties, i.e. they cannot commence working, for the period of duration of such measure. For the period of suspension, on such basis, the employee shall be entitled to reimbursement of the basic salary, as set forth in paragraph 2 of this Article.

An employee at the Ministry may be temporarily suspended from work, upon a justified proposal of the manager, when an order on administration of investigation has been issued against them for a criminal offence prosecutable ex officio, or disciplinary proceedings have been launched due to a severe violation of official duty and if their presence at work would damage the interests of the service, interfere with the procedure for collection of evidence or impede the course of a criminal or disciplinary proceedings, along with a special explanatory note.

The suspension referred to in paragraph 4 of this Article may last until the final termination of the criminal proceedings, i.e. until the termination of the disciplinary proceedings, and during that time the employees shall have the right to reimbursement in the amount of 1/2 of the salary, i.e. 2/3 of the salary if being the only one supporting the family.

The Minister or the person he/she authorizes shall decide on the temporary suspension from work.

The head of the police administration shall decide on the temporary suspension from work for employees at the police administration.

The employees may file an appeal against the decision on suspension to the Appeal Commission of the Government, within eight days from the date of delivery of the decision on suspension.

The appeal shall not defer the enforcement of the decision.

The police officer being suspended from work shall be deprived of the official badge, official identification card, weapons and other means entrusted to him/her for the performance of tasks, during the period of temporary suspension, whereas a state official will be denied his/her identification car.

X LIABILITY FOR DAMAGE

Article 218

The Republic of Serbia shall be liable for the damage caused by a police officer and other employees of the Ministry to third parties if it has been proven that the damage occurred through actions of police officers and other employees at the Ministry during the performance of tasks and if they acted in accordance with the regulations on the method of performing police and other tasks in the Ministry.

A police officer and other employees at the Ministry shall be liable for the damage caused to the Ministry or third parties if it has been proven that the damage was caused intentionally or by gross negligence during the performance of tasks and duties or by acting in contravention to the regulations on the method of performing police and other tasks in the Ministry.

A police officer and other employees shall be obliged, immediately upon learning of such damage, to submit the report on the damage caused to their immediate manager.

A police officer and other employees may be released from liability in whole or in part for the damage caused if the damage was caused by actions ordered by the immediate manager, under the condition that he/she was previously warned by the police officer and other employees, in writing or orally, depending on the circumstances, that the execution of order shall cause or might cause the damage.

A police officer and other employees liable for the damage caused by gross negligence may be wholly or partly released from the obligation to compensate the damage if the damage occurred through the performance of police tasks, due to significant efforts in the performance of the same, under the circumstances when the damage could not have been avoided.

The manner of determining liability, the amount of and compensation for the damage shall be prescribed by the Minister.

XI CONTROL OF OPERATIONS

Article 219

The operations of the Ministry shall be under democratic control.

Types of Control

Article 220

The control of the operations of the Ministry shall be secured through external and internal control.

External Control

Article 221

External control of operations shall be performed by:

- 1) the National Assembly of the Republic of Serbia;
- 2) assemblies of the units of the autonomous province or local self-governments, including town municipalities;
- 3) judicial authorities;
- 4) independent state authorities responsible for supervisory tasks and other authorised state authorities and bodies;
- 5) citizens and the public.

Parliamentary Control

Article 222

The National Assembly shall supervise the operations of the Ministry directly and through the competent committee for internal affairs (hereinafter: the Committee).

The Committee shall specifically:

- 1) review the semi-annual and extraordinary reports on the state of security in the Republic of Serbia;
- 2) review the regular and extraordinary reports on the operations of the Ministry;
- 3) review the annual reports on the operations of the Internal Control Department;
- 4) supervise the legality of spending budgetary and other operational funds;
- 5) supervise the legality of implementing special evidentiary actions defined by the code regulating criminal proceedings, targeted search measures and integrity test;
- 6) supervise the observation of political, ideological and interest neutrality in the operations of the Police;
- 7) determine the facts on observed illegalities or irregularities in the operations of the Ministry and adopts conclusions thereon;
- 8) report to the National Assembly on its conclusions and proposals.

The Minister or a person authorised by the Minister shall submit to the Committee the semi-annual report on the state of security in the Republic of Serbia, as well as the regular report on the operations of the Ministry.

The Ministry shall, when needed and upon the request of the Committee, also submit to the Committee extraordinary reports.

Control Role of the Assemblies of the Autonomous Province or Local Self-Government Units, Including Town Municipalities

Article 223

The assembly and the executive authority of the provincial autonomy or the local self-government unit, including town municipalities, shall:

- 1) review the report on the state of security in their territories;
- 2) take positions on priorities for the security of people and property and provide proposals to the manager of the relevant organisation unit of the Ministry.

In order to act as referred to in paragraph 1, item 2) of this Article, the assembly or the executive authority of the provincial autonomy or local self-government unit, including town municipalities, may establish advisory bodies.

Control of Operations of Police Officers and Employees at the Ministry

Internal Control Department

Article 224

The internal control of Police operations and the operations of other employees at the Ministry shall be performed by the Internal Control Department.

The Internal Control Department shall be managed by the Chief of the Internal Control Department.

The Chief of the Internal Control Department shall regularly and periodically submit to the Minister the reports on the operations of the Internal Control Department, and shall also report to the competent public prosecutor on the actions taken to detect criminal offenses.

At the request of the Government and the working body of the National Assembly competent for internal affairs, the Minister shall submit the report on the operations of the Internal Control Department.

The Internal Control Department shall, in the period of three months upon the expiry of the calendar year, publicly publish the report on operations for the previous year, including the basic statistical data on the activities conducted and the results accomplished.

Forms and Manner of Performing Internal Control

Article 225

The Internal Control Department shall control the legality of operations of police officers, as well as other employees in the Ministry, especially regarding the respect and protection of human and minority rights and freedoms in performing official tasks and exercising police authorizations, or in performing duties from their area of responsibility.

The Internal Control Department shall undertake measures and actions in accordance with the law regulating criminal proceedings on detection and combating criminal offenses of corruption and other forms of corruptive behaviour, as well as other criminal offenses of police officers and other employees in the Ministry, committed in line of duty or related to duty.

The manner of performing internal control shall be prescribed by the Minister.

Employees of the Internal Control Department

Article 226

Police officers authorised to perform internal control (hereinafter: internal control police officer) at the Internal Control Department shall have all police powers in internal control performance and, regarding their rights and duties, shall be equal to other police officers in the status of authorised officers.

Actions by the Internal Control Department

Article 227

Internal Control Department shall act on its own initiative, at the request of the competent public prosecutor, based on the collected intelligence and other knowledge, referrals of the employees at the Ministry, civilians and legal entities in cases which have not been set forth by the provisions governing the appeal and summary proceedings or provisions of other laws.

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In case it has been determined that the actions of the police officer exceeded police powers, in case when the work of the Internal Control Department violating the rights protected by the Ombudsman, the information thereof shall be sent not only to the Minister and the public prosecutor, but also to the Ombudsman.

All organisational units of the Ministry, which, during their operations, acquire knowledge and information that an employee of the Ministry committed a criminal offense in line of duty or related to duty, shall be obliged, without delay, to notify the competent public

prosecutor and the Internal Control Department, within 24 hours from acquiring such knowledge at the latest.

Police officers or other employees of the Ministry shall not be held responsible for contacting the Internal Control Department, except in cases of false reporting.

Obligations and Authorisations in Performing Internal Control

Article 228

Police officers and other employees of the Ministry shall be obliged to enable the internal control police officers to perform control and shall provide them with the required professional and technical assistance which is not available to the Internal Control Department.

During the control procedure, internal control police officers shall have the right and duty to perform the following:

- 1) insight into the case information, case files, official documentation related to the case and into the records kept by the Police or other organizational unit of the Ministry;
- 2) take statements from police officers and other employees in the Ministry, persons suffering damages and witnesses;
- 3) demand delivery of other data and information from police officers and other employees in the Ministry from their area of responsibility, which are required for performing internal control;
- 4) insight into official premises and inspection of means that the police officers and other employees in the Ministry use in their operations;
- 5) demand certification documents and technical and other data on technical means used in operations, and demand evidence on the capacity of police officers and other employees in the Ministry to use technical and other means which they use in their operations;
- 6) order taking emergency and required measures and actions if their delay would violate human rights and freedoms during the exercise of police powers or during the performance of other police tasks.

The documentation related to the exercise of the powers referred to in paragraph 2 of this Article and which includes a certain level of secrecy may be inspected by internal control police officers performing control in the presence of an authorised person who determined the level of secrecy of the document.

Article 229

When performing control, internal control police officers may not influence the operations of the Police or in any other way infringe its operations or endanger the confidentiality of a police action.

The justifiability of the endangerment of confidentiality of a police action shall be clarified to the competent public prosecutor who makes the final decision.

If a reasonable threat exists that the performance of internal control of police officers and other employees over the application of police and other powers prescribed by this Law or other regulations, would disable or significantly aggravate the exercise of police powers or endanger the life and health of the persons applying them, a police officer and other employee may, until the decision of the competent public prosecutor is reached, temporarily reject insight

into the documentation, inspection of premises and delivery of certain data and information to the internal control police officer.

In case of rejecting the order of the Internal Control Department for the reasons referred to in paragraph 3 of this Article, a police officer shall, without delay, prepare a report and deliver it to the Minister and the competent public prosecutor.

Preventive Activities

Article 230

For the purpose of preventing corruption, the Internal Control Department shall apply the integrity test, risk corruption analysis, maintain records and control the reporting of and changes in property status.

The collected data and records for the implementation of activity referred to in paragraph 1 of this Article shall be kept in line with the regulation on records and data processing in the area of internal affairs.

Integrity Test

Article 230a

The integrity test shall be the control of reaction and actions of the employee in a simulated situation, which shall be identical to his/her work activities, with no obligation of prior notification of the organizational unit, in which the tested officer is employed.

The integrity test shall be conducted for the purpose of strengthening the professional integrity of the employees and preventive actions. It shall serve as an indicator for the launching of preliminary proceedings, assessment and analysis of risk corruption, detection of violation of official duty, change in the work methodology and procedures during direct actions of employees as well as determining the type and the need for employee trainings.

The procedure for the implementation of the Integrity test shall include the initiative for the initiation, decision and plan for the implementation of the Integrity test.

The initiative for the initiation of the Integrity test shall be rendered based on a reasoned report which has included the analysis of the tortious actions of the employees within the Ministry, the risk analysis and threat of corruption, the intelligence data and operational knowledge of tortious phenomena and events or complaints to the work of the employees in the Ministry.

The procedure of implementation of the Integrity test of the employees in the Ministry shall be launched upon written and reasoned initiative of the minister, the Chief of Police and the Chief of the Department.

The decision on the fulfilment of conditions for the implementation of the Integrity test shall be rendered by the chief of the Internal Control Department, who shall approve the implementation plan of the Integrity test.

When implementing the Integrity test, the principles of legality, as well as the fundamental human rights and freedoms shall be abided by, along with the professional integrity and dignity of the tested officer.

Inciting test officers to commit a criminal offence or violate the official duty, shall be forbidden.

Activities undertaken when implementing the Integrity test shall not be part of the special, evidentiary actions, set forth by the Criminal Procedure Code.

The implementation of the Integrity test may be video and audio recorded, and upon its implementation, inscriptions and documents may be used.

The Integrity test result may either be positive or negative. The Integrity test shall have a negative result, in case the tested officer has failed to prove his/her professional integrity, in which case, the collected material shall be used for the purpose of initiating and conducting a disciplinary procedure.

The manner of implementing the Integrity test shall be prescribed by the minister in line with the law governing the records and data processing in the area of internal affairs.

Implementation of the Corruption Risk Analysis

Article 230b

The corruption risk analysis in the Ministry shall imply the creation of a unique methodology based on which corruption risks shall be recognized, identified and assessed and institutional and individual factors shall be determined, which enable corruption, recognized by the risk registry.

The corruption risk analysis shall also encompass the preparation of recommendations and measures required for the prevention, mitigation and elimination of probability of corruption occurrence or consequences of corruption, as well as for the control of application of measures and risk review and repeated corruption risk assessment, should the need arise.

The Internal Control Department in cooperation with the Anti-Corruption Agency shall conduct the corruption risk analysis in all organizational units of the Ministry and for each work position in the Ministry.

The organizational units of the Ministry shall be obliged to provide professional and technical support to the Internal Control Department, for the purpose of better presenting the current state and risk assessment for the work position and the organizational unit of the Ministry, which have been exposed to corruption risk.

The manner of implementing the corruption risk analysis shall be prescribed by the Minister.

Verification of Reporting and Changes in the Property Status of the Employee

Article 230c

The Internal Control Department shall keep records of the property status of managers as well as for the employees on high risk positions in the Ministry, determined by the corruption risk analysis, and control the accuracy of data reported in the property file and control the changes of the property status.

The managers and the employees at high risk work positions shall be obliged to report the property and changes of the property status, which shall be recorded in the personal property file, deposited in the Internal Control Department.

In case of change in the property status, the persons referred in paragraph 2 of this Article shall be obliged to report thereof to the Internal Control Department, by 31 January at the latest, of the current year, for the previous year.

The property file shall contain the personal data and data on property and incomes of employee in the Ministry, and of the persons with whom he/she is living in the joint family household.

The manner of controlling the verification of reporting and change of the property status and the Form of the property file, shall be prescribed by the minister in line with the law governing records and data processing, in the area of internal affairs.

Article 231

During the performance of internal control, internal control police officers shall undertake the required measures and actions, collect evidence and determine the facts and other measures in line with the law.

The Chief of the Internal Control Department shall present the results of the control activity and ordered measures to the Minister, the Chief of Police, chief of department as well as to the manager of the inspected organisational unit of the Ministry, ordering him/her to eliminate the identified illegalities and to implement the responsibility measures in line with the law and other regulations adopted based on the law.

The manager referred to in paragraph 2 of this Article shall be obliged to deliver to the Minister the annual Report on Control Activity Results and the ordered measures with advisory recommendations and examples of good practice.

The manager of the controlled organizational unit of the Ministry shall be responsible for the realization of ordered and proposed measures and for providing feedback to the chief of the Internal Control Department.

Control of the Operations of the Internal Control Department

Article 232

The Internal Control Department shall be under external control, performed by the bodies from Article 221, paragraph 1, items 1), 3), 4) and 5) of this Law.

The Chief of the Internal Control Department shall report to the Minister for his/her operation and for the operations of the Internal Control Department.

The Minister shall control the operations of the Chief and the employees in the Internal Control Department.

Article 233

The Minister shall provide the Internal Control Department with guidelines, mandatory work instructions, except for the activities performed in the pre-investigation and investigation proceedings at the request of the competent public prosecutor.

Control of Operations through Resolving Complaints

Right to Submit a Complaint

Article 234

A complaint may be filed by any person (hereinafter: complainant) deeming that his/her human and minority rights and freedoms were violated by the actions or omissions of actions of the employee (hereinafter: complainee) while performing official duties, within 30 days from the date of the occurrence of the event being the subject matter of complaint.

A complaint may also be filed against the operation of the Ministry.

A complainant shall be enabled to participate in the complaint procedure.

Based on the complaint filed, the complaint procedure, i.e. the summary procedure shall be conducted.

The complaints filed shall be delivered for further action to the competent organisational unit of the Ministry.

The complaint which is not filed in the period referred to in paragraph 1 of this Article shall be resolved in the summary procedure.

If the complaint includes the elements of a criminal offense, the competent public prosecutor, the Internal Control Department and the head of the organisational unit the complainee works in shall be notified on the complaint, without delay, and they shall notify the complainant on the stated.

If the complaint includes the elements of official duty violation, the head of the organisational unit in which the complainee works shall initiate the disciplinary procedure against the complainee and shall notify the complainant thereof.

Complaint Procedure

Article 235

The complaint procedure shall be administered by the head of the organisational unit in which the complainee works, or the person authorised by him/her, i.e. the Complaints Resolution Commission (hereinafter: the Commission).

After receiving the complaint, the head shall be obliged to notify the complainant of the initiation of the complaint procedure and call him/her for an interview within 15 days from the receipt of the complaint.

In the complaint procedure, the head shall resolve the complaint by reconciliation of positions with the complainant.

If the positions regarding the existence of endangerment or violation of human and minority rights and freedoms have not been reconciled, the complaint shall be conceded to the Commission for further resolution.

The complaint shall also be conceded to the Commission when the duly summoned complainant does not respond to the summons for an interview, and notifies the head that the Commission shall act upon the complaint.

If the complainant does not respond to the summons of the head referred to in paragraph 1 of this Article and does not require that the Commission acts upon the complaint, it shall be considered that the complainant has withdrawn the complaint.

The complaint procedure shall be completed before the head of the organisational unit within 30 days from the receipt of the complaint.

The procedure before the Commission shall be completed by delivering a written response to the complainant within 30 days from the cession of the complaint for resolution.

Administrative and technical tasks in the complaint procedure shall be performed by complaint units.

The complaint unit shall be an organisational unit competent for complaints in the Ministry headquarters and in police administrations, or the organisational unit dedicated as such by the head.

The law governing the general administrative procedure shall be applied as subsidiary to the complaint procedure.

The method of operating during the complaint procedure shall be prescribed by the Minister.

Article 236

Heads of the organisational units in the Ministry shall undertake appropriate measures towards complainees for whom it is determined in the complaint procedure that their actions violated or endangered human and minority rights and freedoms of the complainant.

The heads referred to in paragraph 1 of this Article shall be obliged to submit the report on the measures undertaken to the competent complaint unit and notify the complainant on the measures undertaken.

Complaints Resolution Commission

Article 237

The Complaints Resolution Commission shall consist of three members: President of the Commission, member from the Ministry and one representative of the public.

The Minister shall appoint and dismiss the members of the Commission by a decision.

The President of the Commission shall be a police officer proposed by the Police Directorate, or other competent organisational unit of the Ministry.

The Commission members shall be the employees of the Ministry, proposed by the Police Directorate, or the organisational unit in which the employee – complainee works.

The representatives of the public in the Commission at the Ministry headquarters shall be appointed by the Minister at the proposal of the organisations of professional public and non-governmental organisations.

The representatives of the public in the Commission at the headquarters of police administrations shall be appointed by the Minister at the proposal of the local self-government authorities from the territory of respective police administrations.

The Commission members shall be appointed for a period of four years.

The Commission shall hold sessions in a required number of councils at the Ministry headquarters, as well as at the headquarters of police administrations.

Article 238

The representatives of the public participating in the work of the Commission shall be entitled to compensation for their work at the sessions of the Commission in the amount of the daily subsistence allowance for an official trip that applies to the employees of state authorities.

Supervision over the Complaints Resolution in the Complaint Procedure

Article 239

The conduct of the complaint procedure by the head of the organisational unit shall be supervised by the competent complaint unit and the Police Directorate.

The conduct of the complaint procedure by the Complaints Resolution Commission shall be supervised by a professional authorised by the Minister for such a purpose.

The method of operating during supervision over the complaints resolution shall be regulated by the act referred to in Article 235, paragraph 12 of this Law.

Recording and Reporting

Article 240

Records on complaints and reporting on complaints resolving shall be kept and performed by the competent complaint units in accordance with the regulation governing records and data processing in the field of internal affairs.

The annual report on complaints resolving at the Ministry shall be made publicly available on the official website of the Ministry.

Resolving Complaints in the Summary Procedure

Article 241

In the summary procedure, complaints shall be resolved by the head of the organisational unit in which the complainee works, or to which the complaint refers (hereinafter: the Head).

The Head shall review the statements of the complaint and, within 60 days from the receipt of the complaint, report to the applicant on the results of the review.

The Head shall not act upon the complaint in the following cases:

- 1) when the complaint is repeated, and no new evidence is submitted;
- 2) when it is the case of obvious abuse of the right to submit a complaint.

The Head shall be obliged to respond to the applicant about the outcome of the summary procedure referred to in paragraph 3 of this Article exclusively upon the complainant's first referral.

Article 242

The Head or the President of the Commission referred to in Article 235, paragraph 1 of this Law shall notify the Police Directorate or other competent organisational unit of the Ministry on the outcome of the conducted complaint procedure.

Article 243

Filing a false complaint shall be considered equal to filing false charges in terms of criminal legislation.

XII FINANCING

Operational Resources

Article 244

Operational resources for the Ministry shall be provided from the budget of the Republic of Serbia.

The Ministry may generate revenues by providing services related to the basic professional activity of the Ministry, or in accordance with the activities which are in function of security and records falling within its scope of competence, and which shall have the status of general revenues of the Republic of Serbia budget.

The authorities of the provincial autonomy or local self-government units, public enterprises, non-state authorities and organisations and other legal entities may participate with their own resources in the improvement of working conditions of the organisational units of the Ministry, in the improvement of security in the community and in the realisation of certain activities significant for the security of people and property in a particular area.

Types of services referred to in paragraph 2 of this Article and the amount of fee for providing such services shall be prescribed by the Government.

Article 245

The Police and other organisational units of the Ministry shall use public property resources.

Portion of the resources used by the Ministry shall include special-purpose resources that are of confidential character.

Special-purpose immovable property used by the Ministry services whose competence, organisation and actions are of security or confidential character shall include:

- 1) land;
- 2) buildings – official and other buildings (business premises, warehouses, storages, garages, etc.);
- 3) construction facilities (prefabricated, mobile, temporary, etc.).

Access to special-purpose immovable property, outside its regular usage, shall be allowed only per previously obtained approval of the Minister.

Special-purpose movable property used by the Ministry services whose competence, organisation and actions are of security or confidential character shall include:

- 1) weapons for official usage, in line with a special act, including ammunition and its elements, gunpowder, all types of explosives, smoke and illuminating devices;
- 2) equipment (for explosive protection; equipment of the uniformed police force and special units of the Ministry: clothes, footwear, mountain climbing equipment and diving equipment; identification badges and official identification cards);
- 3) means of transportation (aviation means of transportation – helicopters and hovercrafts, as well as their equipment required by the Ministry; motor vehicles – combat, field, cargo, fire-fighting, patrol and other motor vehicles; ships and boats – ships, patrol boats, diversion and reconnaissance boats, ships and boats for auxiliary purposes, their standard and specific equipment;
- 4) other means (for explosive protection; means of liaison and telecommunication – radio-equipment, encryption equipment, scramblers, relay equipment, spectrum analysers, transport network, electronic and video surveillance equipment and telecommunication surveillance equipment; information system means – special-purpose hardware and software and operational protection systems; forensics means – detectors, X-ray devices, ballistic panels, special forensic materials and other special equipment; systems, devices and instruments for surface, underwater and air surveillance and reporting, for orientation and navigation, radars, infra-red devices, laser meters, gun sight devices; basic group of animals – police dogs, police horses, etc.; special personal protection equipment – protective clothes, footwear and gloves, shields, helmets, protective masks and glasses, vests, earmuffs and protective pads for the needs of intervention, anti-diversion, fire-fighting units and members of units for security and protection of persons).

The items referred to in paragraph 5 of this Article shall also include spare parts, special tools and equipment for the maintenance of resources referred to in that paragraph,

other special-purpose movable items that may be compared to the items referred to in paragraph 5 of this Article according to their purpose, characteristics and properties.

Goods, services and works for the needs of and related to the special-purpose immovable and movable property, as well as other services in the function of performing the activities falling within the competence of the Ministry and relating to security needs shall be of confidential character as referred to in paragraph 2 of this Article.

The method of procurement of special-purpose resources without public announcement shall be prescribed by the Government.

Funds for Special Operational Needs

Article 246

For the payment of costs and awards to persons for acting and participating in the application of measures approved under this Law and the law regulating criminal proceedings and for the payment of useful information related to criminal offenses and their perpetrators, as well as for the costs of implementing the program of protection of participants in criminal proceedings, within the budget, and according to the financial plan of the Ministry, financial funds shall be allocated, for special, operative needs of the Police Directorate and the Internal Control Department.

Records on such payments shall be kept separately, in line with the regulations governing specific fields.

The method of managing funds for special operational needs shall be regulated through a by-law.

The funds referred to in paragraph 1 of this Article shall not include charges for contributions or any other regulated benefits.

Solidarity Aid Fund

Article 247

The Ministry shall establish the Solidarity Aid Fund (hereinafter referred to as: the Fund) which shall have the capacity of the budget fund and dispose of the collected assets to the amount of assets in the account of the Fund, for the purpose of assisting the employees and members of their immediate families.

The assets of the Fund shall be provided from the budget funds, the donations and other assets in line with the law and other regulations.

The fund assets shall be allocated and assigned in form solidarity aid and as a fixed pecuniary amount or the pecuniary amount which is proportionate to the actual cost, under the condition that there are available assets on the Fund's account.

Based on the by-law of the minister, the Committee shall be formed, which shall comprise the representatives of the Ministry and the representative unions, which shall decide on certain requests of the Fund's beneficiaries.

The competence and the procedure conducted by the Committee, the conditions, criteria and the amount of the solidarity aid shall be more closely defined by the rulebook rendered by the minister, upon prior Government's approval.

The Fund's assets shall be the financial assets which have been planned and allocated by the budget of the Republic of Serbia, at the section of the Ministry and the relevant appropriation, dedicated for the provision of aid to the Fund's beneficiaries in the current year,

the donations of legal entities and natural persons, voluntary contributions of employees at the Ministry and all other non-refundable grants to the benefit of the Fund.

The Fund shall dispose of the assets in the amount of assets allocated by the budget on this appropriation, for this type of purpose, at the annual level for the current year, increased by the recorded amount of donations and other assets.

Article 248

The Fund's assets shall be allocated to:

- 1) the employee for the birth of a child;
- 2) to the employee in case of death of a member of immediate family;
- 3) the member of the employee's family in case of death of the employee;
- 4) the employee in case of longer or severe illness;
- 5) in case of treatment of the consequences of the employee's wounding, whose employment at the Ministry has terminated as consequence of wounding during or in relation to the execution of official duty;
- 6) the employee in case of longer or severe illness of a member of immediate family;
- 7) the employee for health rehabilitation, procurement of orthopedic aids, rehabilitation devices and procurement of medicines;
- 8) the employee for the procurement of orthopedic aids, rehabilitation devices and procurement of medicines for an immediate family member;
- 9) the employee in case of severe disability;
- 10) the employee for special cases of vulnerability, due to natural disasters which affect the employee's household;
- 11) for scholarships for the employee's children, who was killed while executing or in relation to the execution of the official duty as well as for the employee's children, who was wounded during or in relation to the execution of official duty, and in particular: for regular schooling, and by the 26 years of age at the latest, for the procurement of textbooks and school supplies during elementary and secondary education and for a child's accommodation in a pre-school institution;
- 12) the immediate family member of the employee who was killed while or in relation to the execution of official duty, and in particular for: lease on behalf of rent, if having no housing issue resolved or for the repayment of debt as per a housing loan and support if having no other means of livelihood and is unable to work.

In case both parents are employees at the Ministry, the right referred to in paragraph 1, item 1) shall be realized by the mother of the child.

The immediate family members, for the purpose of paragraph 1, items 2), 3), 6) and 8) of this Article shall be the spouse, the common-law partner, children, adoptive parent, adoptee, brothers and sisters, parents and the guardian.

The immediate family members, for the purpose of paragraph 1, item 12) of this Article shall be the spouse, the common-law partner, children, parent, guardian, adoptive parent, adoptee, under the conditions that they lived in a joint household.

XIII AUXILIARY POLICE

Members of the Auxiliary Police

Article 249

The Ministry may establish the auxiliary police for performing police tasks in cases of engaging a large number of police officers for the performance of tasks, including:

- 1) high security risk;
- 2) natural and other disasters;
- 3) securing state borders;
- 4) other cases endangering internal security.

Exceptionally, the auxiliary police may also be engaged when mutual interest exists between the Ministry and the local self-government, based on special agreements.

The provisions of this Law pertaining to the rights and duties of police officers shall apply *mutatis mutandis* to the members of the auxiliary police when being engaged.

The decision to use the auxiliary police for performing police tasks shall be rendered by the Minister, at the proposal of the Chief of Police.

Detailed requirements for candidate selection, rights and obligations of the auxiliary police members, their training, method of engagement, as well as the organisation and operation of the auxiliary police shall be regulated by the Government.

XIV APPLICATION OF OTHER REGULATIONS

Article 250

Unless this Law, the regulations adopted under this Law and the special collective agreement for police officers regulates otherwise, the rights and obligations, work and employment relations of police officers shall be subject to the regulations on civil servants and the special collective agreement concluded in line with such regulations, general employment regulations and the law regulating general administrative procedure.

XV TRANSITIONAL AND FINAL PROVISIONS

Adoption of By-laws

Article 251

The by-laws prescribed by this Law shall be adopted within one year from the date of entry into force of this Law, at the latest.

Police Records

Article 252

For the purpose of performing tasks falling within the scope of the Ministry, the Police may process personal data and keep the records thereof.

The records referred to in paragraph 1 of this Article shall be prescribed by a special law.

Article 253

Until the adoption of the regulations referred to in Article 9 and Article 184, paragraph 2 of this Law, the employees in the Ministry shall, on the date of entry into force of this Law, continue to work on the same positions and shall keep their ranks, i.e. titles and salaries in line with the current regulations and other acts.

The provisions of Article 165 of this Law shall become applicable upon the expiry of the period of one year from the date of entry into force of this Law.

Information on Legislative Changes

Article 254

For the purpose of informing the public on the legislative changes and the relationship between this Law and the laws in the field of internal affairs, the laws on administration, criminal proceedings, misdemeanours, employment relations and other laws pertaining to the Police or enforced by the Police, the Ministry shall, twice a year, publish information including the List of Laws and explanation of legislative changes.

The first information referred to in paragraph 1 of this Article shall be published by the Ministry within six months from the date of entry into force of this Law.

Validity of Regulations until the Adoption of New Regulations Based on This Law

Article 255

The regulations adopted based on the Law on Police (Službeni glasnik RS, Nos. 101/05, 63/09 – CC, 92/11 and 64/15) shall remain in force until the adoption of the regulations repealing them unless they are contrary to the provisions of this Law.

Article 256

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Termination of Validity of Certain Laws

Article 257

On the date of entry into force of this Law, the Law on Police (Službeni glasnik RS, Nos. 101/05, 63/09 – CC, 92/11 and 64/15) shall cease to be valid, except for Articles 75 through 82 which shall apply until the adoption of the law referred to in Article 252 of this Law.

Entry into Force of this Law

Article 258

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

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ARTICLES NOT INCLUDED IN THE FINAL TEXT OF THE
LAW ON AMENDMENTS AND ADDITIONS TO THE LAW ON POLICE
(Službeni glasnik RS, No. 24/18)

Article 76

The by-laws set forth by this Law shall be adopted within two years at the latest from the date of its entry into force.

Article 77

The Laws which have defined the organizational form which in their title bear the word “police” shall be harmonized with the provision of this Law, within three year from the date of its entry into force.

Article 78

The authorities whose employees wear dark blue uniforms shall be obliged to harmonize their regulations with the provision of Article 39, paragraph 8 of this Law, within three years from the date of their entry into force.

Article 79

The regulations rendered based on the Law on Police (Službeni glasnik RS, No. 6/16) shall remain in force until the adoption of the regulations making them thus invalid, unless contrary to the provisions of this Law.

Article 80

All proceedings instituted until the entry into force of this Law, shall be finalized upon application of the regulations, based on which they were instituted.

Article 81

Determining ranks-titles set forth by this Law, shall be carried out by means of decision on allocation of the employees to the positions defined by the acts referred to in Article 9, paragraph 2 and Article 22, paragraph 6 of this Law.

Article 82

The provisions of Article 43 of this Law (new Article 173a) shall be applied final and inclusive of 31 December 2018, when they cease to be valid.

Article 83

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

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*ARTICLES NOT INCLUDED IN THE FINAL TEXT OF THE
LAW ON AMENDMENTS AND ADDITIONS TO THE LAW ON POLICE
(Službeni glasnik RS, No. 87/18)*

Article 10

The bylaws envisaged by this Law shall be passed within 90 days from the date of entry into force hereof.

Article 11

Upon the entry into force of this Law, the provision of Article 11, paragraph 3 of the Law on Organisation and Competencies of Public Authorities in Tackling Organized Crime, Terrorism and Corruption (Službeni glasnik RS, No. 94/16) shall cease to be in force.

Upon the entry into force of this Law, the provision of Article 17 of the Law on Organisation and Competencies of Public Authorities in War Crime Proceedings (Službeni glasnik RS, No. 67/03, 135/04, 61/05, 101/07, 104/09, 101/11 – other law and 6/15) as well as the provisions of the Regulation on salaries of the persons performing functions and carrying out tasks with the Public Prosecutor's Offices for War Crimes and special organizational units of public authorities in war crime proceedings (Službeni glasnik RS, No. 97/03 and 67/05) shall cease to apply to the persons carrying out the jobs and tasks with the Ministry in charge of internal affairs.

Article 12

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