

REPUBLIC OF SERBIA

# **IDENTITY CARD LAW**

JUGOSLOVENSKI PREGLED  
Belgrade, 2011

*IDENTITY CARD LAW*

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

Original title:

*ZAKON O LIČNOJ KARTI*

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# **IDENTITY CARD LAW \***

## **Part One GENERAL PROVISIONS**

### **Notion of Identity Card and its Purpose**

#### Article 1.

An identity card is a public document proving identity of the citizens of the Republic of Serbia.

In conformity with the law, an identity card is used as evidence of other facts contained in it.

If that is subject to an international treaty, an identity card can serve as a travelling document.

### **Eligibility for Identity Card**

#### Article 2

Each citizen of the Republic of Serbia over the age of 16 (hereinafter: citizen) is eligible for an identity card.

Additionally, a citizen over the age of ten (hereinafter: child) is eligible for an identity card.

### **Obligation to Carry an Identity Card**

#### Article 3

A citizen over the age of 16 residing in the territory of the Republic of Serbia is obliged to have an identity card.

### **Foreigners and Identity Card**

#### Article 4

Foreign citizens and persons without citizenship residing in the territory of the Republic of Serbia are issued an identity card in compliance with a special law.

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\* Published in the *Službeni glasnik RS*, Nos. 62/06 of 19 July 2006 and 36/11 of 27 May 2011. The latest changes are given in *italic*

## **Part Two**

### **VALIDITY OF IDENTITY CARD**

#### *Article 5\**

*An identity card is issued for the validity period of ten years, while for children the validity period is five years.*

*An identity card without validity restrictions may be issued to citizens older than 65 years of age, at their request, using a form which does not contain a microcontroller (chip).*

*An identity card shall be issued to citizens with the right to be issued with an identity card without permanent residence on the territory of the Republic of Serbia, on the basis of determined residence, but with a validity period of two years.\**

## **Part Three**

### **COMPETENCE FOR ISSUING OF IDENTITY CARD**

#### Article 6

An identity card is issued in a way prescribed by the Ministry competent for internal affairs (hereinafter: Competent authority).

The regulation referred to in para. 1 of this Article is enacted by the Minister competent for internal affairs (hereinafter: Minister).

## **Part Four**

### **FORM OF IDENTITY CARD**

#### **Contents of the Form**

#### Article 7.

An identity card is issued on a form prescribed by the Minister.

The form of identity card hold the following data on a bearer of the document:

- 1) surname;
- 2) name;
- 3) sex;
- 4) day, month and year of birth;
- 5) place, community and state of birth;
- 6) unique identity number of a citizen.

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\* Published in the Službeni glasnik RS, No. 36/11 of 27 May 2011

The form of identity card contains also biometric data on the bearer of the document (photography, fingerprint and signature).

A date of issuing as well as the validity of an identity card are to be entered in the form of an identity card.

### **Automatic Data Reading. Protective Elements**

#### *Article 8\**

*The form of an identity card contains a space for a microcontroller (chip) and a space for machine readable zone for the purpose of automatic data reading.*

*If the form contains a microcontroller (chip), all the visible data of an identity card are entered, as well as data on citizenship, residence, and address of its bearer, while unique identity numbers of the bearer's parents may optionally be entered as well.*

*At the request of the identity card bearer, and in accordance with special regulations, qualified electronic certificate of the bearer, as well as the corresponding data for the creation of qualified electronic signature, may be entered into the chip, so that the identity card becomes a means a tool for the formation of qualified electronic signature, in accordance with the Law.*

*The form of an identity card contains also protective elements prescribed by the Minister.\**

### **Printing of the Form. Entering of Data**

#### *Article 9*

The form of an identity card is printed in Serbian language, Cyrillic letters and in English language.

The form of an identity care is printed in language of ethnic minorities in compliance with the law.

The form of an identity card contains the data on name and surname in original form as they were recorded in the Register of births. The data on surname and name of the members of ethnic minorities are entered also according to the spelling rules of Serbian writing.

The remaining data are recorded in both Serbian language, Cyrillic letters and in language of national minorities in line with the law.

#### *Article 9a\**

*Information on the name and surname of the applicant for an identity card, may, at his request, in addition to the Cyrillic alphabet, be entered into the form using the Latin alphabet as well, if technically possible.*

*Technical possibility, i.e. restrictions with respect to the number of characters using which corresponding information is entered, as described in para. 1 of this Article, shall be determined by regulation from Article 6, para. 2 of this Law.*

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\* Published in the Službeni glasnik RS, No. 36/11 of 27 May 2011

## **Part Five**

### **PROCEDURE FOR ISSUING OF IDENTITY CARD**

#### **Application. Submitting of Application**

##### Article 10

An identity card is issued at personal request.

Application of issuing of an identity card is submitted to the competent authority through its organizational units within communities, cities and in the city of Belgrade but it can also be presented to the competent diplomatic mission or consular office of the Republic of Serbia, who shall immediately send it to the competent authority.

Application for issuing of an identity card is to be submitted in person.

*For a child or a person deprived of working capacity, application is to be submitted by a parent with the written consent of the other parent or other legal representative.\**

*A minor older than 16 years of age shall be issued with an identity card without the consent of the other parent if that parent does not exercise parental rights.\**

*The child will be issued with an identity card without the consent of the other parent if that parent does not exercise parental rights, and with the endorsement of the competent custodial authority that the issuance of the card is the interest of the child.\**

In order to ascertain identity and other facts significant for deciding upon application for issuing of an identity card and to get other biometric identifiers (photography, fingerprint, signature), it is necessary that the bearer of identity card be present.

The person referred to in the para 7\* of this Article, who in conformity with a national or religious affiliation, or folk customs is wearing a hat or a scarf as an integral part of his/her costume, can be photographed with a hat or a scarf, in compliance with the manner of getting biometric data.

The biometric data referred to in the para. 7\* of this Article are obtained in a way prescribed by the Minister.

#### **Term for Submitting of Application**

##### Article 11

Persons who, pursuant to the provisions of this Law, are obliged to carry an identity card, have to apply for issuing of an identity card within 15 days after they have completed the age of 16, i.e. within 15 days upon fulfillment of the requirements defined in the Art. 3 of this Law.

#### **Accuracy of the Data**

##### Article 12

The application for issuing an identity card must contain accurate data.

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\* Published in the Službeni glasnik RS, No. 36/11 of 27 May 2011



## **Contents of Application**

### Article 13

An applicant is obliged to provide the following data in the application for issuing of an identity card:

- 1) unique identification number of citizen;
- 2) surname and name;
- 3) sex;
- 4) date of birth;
- 5) place, community and state of birth;
- 6) citizenship;
- 7) unique identification number for his parents;
- 8) residence in the territory of the Republic of Serbia (place, community and address) at the time of presentation of the application;
- 9) foreign state where he lives, for persons without residence in the territory of the Republic of Serbia;
- 10) date of presentation of application.

## **Enclosures to Application**

### Article 14

*An official shall, upon receiving the request and establishing the identity of the applicant, order the applicant to make available the relevant public document issued on the basis of official records, if the competent authority - ex officio - is not able to determine the facts about the compliance to the requirements for the issuance of the identity card, either by accessing data in a central system for electronic processing and storage, or by inspection of the records of citizenship, the birth register, marriage register, death certificates and other records which, in accordance with the law, are maintained by the authority or by another ministry\*.*

A person who is issued an identity card for the first time *can enclose\** to the application a photograph of a precise size, reflecting exactly his face.

## **Confirmation of Submitted Application**

### Article 15

Following the application for issuing of an identity card, the applicant shall be issued a confirmation on a form prescribed by the Minister, which serves as a proof of submitted application.

## **Determination of a Unique Registration Number of the Citizens when such a Number was not Designated**

### Article 16

If, in the procedure of identity card issuing it is asserted that a citizen, who was not born in the territory of the Republic of Serbia and is not residing in it, was not designated a unique identification number of citizen, the competent authority is obliged to determine such a number when issuing an identity card, in compliance with the law.

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\* Published in the Službeni glasnik RS, No. 36/11 of 27 May 2011

For designation of the unique identification number of citizen referred to in the para. 1 of this Article, number 70 \* is fixed as the register number (group 4).

### **Term for Issuing of Identity Card**

#### Article 17

The competent authority is obliged to issue an identity card within 15 days from the day of presentation of an application.

In emergency cases (medical treatment, disease or death of a family member, an urgent business trip) or for some other justifiable reasons, subject to fulfillment of the conditions prescribed by the Minister, the competent authority is obliged to issue an identity card in shorter period.

### **Cancellation of Previously Issued Cards**

#### Article 18

When delivering an identity card, the competent authority is obliged to cancel the previously issued identity card.

The cancellation of an identity card is carried out in a way prescribed by the Minister.

## **P a r t S i x**

### **SPECIAL OBLIGATIONS REGARDING THE ISSUED IDENTITY CARD**

#### **Prohibition of Use of Identity Card. Issuing of New Identity Card**

#### Article 19

A bearer must not use the identity card:

- 1) if his personal data referred to the Art. 7 para 2, of this Law have been changed;
- 2) if the photography in the identity card does not reflect his appearance any more;
- 3) if the identity card is damaged or for any other reason does not serve the intended purpose;
- 4) if he finds out later that an inaccurate fact was entered in the identity card.

A bearer of an identity card is obliged to submit an application for issuing of a new identity card within 15 days from the day of occurrence of a reason referred to in the para 1 of this Article.

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\* Published in the Službeni glasnik RS, No. 36/11 of 27 May 2011

## ***Restrictions on the Use of Identity Card for Border Crossing \****

### *Article 19a\**

*As an exception to Article 1, para. 3 this Law, an identity card may not be used as a travel document, and it may not be used to replace the use of a travel document in order to cross state borders if the conditions for revocation of a travel document are fulfilled - as established by the law governing the travel documents for citizens of the Republic of Serbia who travel abroad.*

*If the conditions set in para. of 1 this Article are fulfilled, the competent authority shall issue a decision prohibiting the use of the identity card as travel document, which is valid for six months and delivered to the bearer and the body that has submitted the application.*

*The authority at whose request the decision prohibiting the use of the identity card was issued may renew its request prohibiting the use of the identity card for crossing state borders as long as reasons specified in para. 1 this article are valid.\**

## **Expiry of Validity of Identity Card**

### Article 20

An identity card ceases to be valid:

- 1) on the expiry of the period of its validity;
- 2) upon death of the bearer;
- 3) if its bearer stops to meet the requirements defined in the Art. 2 of this Law.

In the case referred to in the point 1 para. 1 of this Article, a person obliged in line with this Law, to possess an identity card, is bound to apply for issuing of a new identity card not later than 15 days upon expiry of the validity period of the previously issued identity card.

A person holding an identity card of a deceased person, i.e. person referred to in the point 1 of this Article is obliged to deliver the identity card to the competent authority for cancellation within 15 days form the cessation of validity of such an identity card.

## **Identifying. Prohibition of Abuse**

### Article 21

A person who, in line with the provisions of this Law, is obliged to possess an identity card, is bound to carry the identification card and to present when requested by an official authorized for identifying..

It is forbidden to give another person to use one's identity card i.e. to use someone else's identity card as one's own or to abuse it in any other way.

## **Disappearance and Finding of Identity Card**

### Article 22

A person left without an identity card or who finds someone else's identity card is obliged to report immediately disappearance or finding of an identity card to the competent authority.

If an identity card disappeared or was found abroad, a person referred to in the para 1 of this Article is obliged to report its disappearance or finding to a diplomatic-consular mission of the Republic of Serbia which shall notify competent authority about that.

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\* Published in the Službeni glasnik RS, No. 36/11 of 27 May 2011

## **Unlawful Identity Card**

### Article 23

A missing identity card shall be declared null and void by the decree of the competent authority.

No complaint is allowed against the decree referred to in the para. 1 of this Article.

*An identity card declared invalid shall be announced in the "Official Gazette of the Republic of Serbia" at the expense of the person whose identity card is announced as invalid.\**

*The competent authority shall issue an identity card after the decision declaring the identity card as invalid is passed and the decision delivered to the "Official Gazette of the Republic of Serbia".\**

### **Costs of Issuing of the Identity Card. Exemption from Tax Payment**

#### Article 24

Issuing of an identity card is charged and the amount includes the price of the form of identity card and the costs of technical manufacturing.

The price of the form of identity card and technical manufacturing costs are determined by the Minister.

No tax is paid in the procedure of issuing of an identity card.

## **Part Seven**

### **RECORDS AND USE DATA**

#### **Records on Identity Cards. Competence for Records Keeping**

##### Article 25

Records shall be kept on: issued identity cards, submitted applications for issuing of identity cards, cancelled identity cards and identity cards which were declared null and void (hereinafter: Identity card records).

Identity card records shall be kept by the competent authority.

The way keeping Identity card records and the forms for keeping such records are prescribed by the Minister.

Protective measures from unauthorized access and custody of data in the original i.e. received form shall be taken when keeping Identity card records in means of automatic data elaboration.

#### **Contents of the Records**

##### Article 26

Identity card records contains data on: applicant referred to in the Art. 13 of this Law and images of his biometric data; on serial and registration number of the identity card; expiry date and date of issuing; reasons for cancellation of identity card and on invalid identity cards.

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\* Published in the Službeni glasnik RS, No. 36/11 of 27 May 2011

Additionally, the records contain the identifying data on official person of the competent authority who decided about the application for issuing of identity card.

### **Accuracy of Data. Data Protection**

#### Article 27

Identity card records must be updated, accurate and protected by security measures from unauthorized access and use.

### **Use of Information**

#### Article 28

Competent authority can give the data from Identity card records to state and other authorities and organizations, as well as to legal and natural persons on the following conditions:

- 1) that a data requesting subject in line with law or other regulations is authorized to request and receive such data;
- 2) that a data requesting subject, needs those data for carrying out tasks from its jurisdiction;
- 3) that a data requesting subject provides full protection of personal data.

## **Part Eight**

### **PENALTY PROVISIONS**

#### **Offences**

#### Article 29

A fine amounting up to RSD 50.000 or imprisonment up to 30 days shall be imposed to a person who:

- 1) contrary to established obligation does not possess an identity card (Art. 3);
- 2) does not apply in the predicted term for issuing of an identity card (Art. 11 and 20, para. 2);
- 3) provides false data in his application for issuing of identity card (Art. 12);
- 4) uses identity card he should not be using (Art. 19);
- 5) *uses identity card in contravention to the prohibition of using identity cards as travel documents (Art. 19a, para. 2);\**
- 6)\* refuses to present his identity card to an official authorized for identifying (Art. 21 para. 1);
- 7)\* gives his identity card to another person for personal use of that person, i.e. uses someone else's identity card as his own or abuses it in any other way (Art.21 para. 2).

#### Article 30

A fine amounting up to RSD 5.000 shall be imposed to a person who:

- 1) does not retribute an identity card to a competent authority for cancellation (Art. 20 para. 3);

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\* Published in the Službeni glasnik RS, No. 36/11 of 27 May 2011

- 2) does not carry an identity card and is obliged to possess one (Art. 21 para. 1);
- 3) does not report immediately disappearance or finding of an identity card (Art. 22);
- 4) *deleted*\*

## **Part Nine**

### **TRANSITORY AND FINAL PROVISIONS**

#### **Validity of Identity Card Issued in Compliance with the Previous Regulations**

##### Article 31

An identity card issued before entry into force of this Law is valid till the term contained therein and not later than five years from the day of entry into force of this Law.

#### **Application of the Law for Citizens of Serbia and Montenegro residing in the Territory of the Republic of Serbia**

##### Article 32

The citizens of Serbia and Montenegro, residing in the territory of the Republic of Serbia, who are not citizens of the Republic of Serbia are subject to the provisions of this Law, but not longer than five years from the day of entry into force of this Law.

#### **Procedures for Unresolved Applications**

##### Article 33

A procedure for solving of applications for issuing of identity card, initiated prior to the date of beginning of implementation of this Law, shall be completed pursuant to the provisions of this Law.

#### **Deadline for Enacting of By-laws. Application of Previous Regulations**

##### Article 34

By-laws defined in the Art. 6 para. 2, Art. 7 para. 1, Art. 8 para. 2, Art. 10 para. 7, Art. 14 para. 2, Art. 15, Art. 17 para 2, Art. 18 para. 2, Art. 24 para. 2 and Art. 25 para 3 of this Law, shall be enacted by the Minister within six months from entry into force of this Law.

Until the beginning of application of the by-laws referred to in the para. 1 of this Article, the regulations enacted until the day of entry into force of this Law, shall be applied, if they are not contrary to the provisions of this Law.

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## **Termination of the Validity of the Law**

### **Article 35**

The following laws cease to be valid on the day of beginning of implementation of this Law: Law on basic data for identity card ("Official Gazette of the SFRY", n° 6/73) and Law on identity card ("Official Gazette of the Socialist Republic of Serbia", n° 15/74, 54/77, 57/80, 45/85 and 40/88 and "Official Gazette of the Republic of Serbia", n° 53/93 – by another law, 67/93 – by another law, 48/94 – by another law and 101/05 – by another law).

## **Entry into Force of the Law and Beginning of Application**

### **Article 36**

This law shall enter into force on the eighth day from the date of publication in the „Official Gazette of the Republic of Serbia”, and shall begin to be applied upon expiry of 60 days from the date of its entry into force.

\* \* \*

### *ARTICLES NOT INCLUDED IN THE FINAL TEXT*

#### *LAW ON CHANGES AND ADDITIONS OF IDENTITY CARD LAW (Službeni glasnik RS, No. 36/11 of 27 May 2011)*

##### *Article 11*

*An identity card issued prior to date of application of this Law shall be valid up to the validity date specified on the identity card, but no longer than 31 December 2016 – to which date identity cards issued after the date of application of the Identity Card Law shall also be valid (Official Gazette of the Republic of Serbia, No. 62/06), with the validity period of “27 July 2011”.*

##### *Article 12*

*This law shall enter into force on the eighth day from the date of publication in the “Official Gazette of the Republic of Serbia”.*