

Pursuant to Article 112, paragraphs 1 and 2 of the Constitution of the Republic of Serbia,
I hereby pass the

DECREE

On the Promulgation of the Law on Police

The Law on Police, adopted by the National Assembly of the Republic of Serbia at the sitting of the First Extraordinary Session in 2016 on 26 January 2016 is hereby promulgated.

PR No 1

Belgrade, 28 January 2016

President of the Republic,

Tomislav Nikolic, signed

LAW

on Police

I BASIC PROVISIONS

Scope of the Law

Article 1

This Law shall regulate internal affairs, the organization and jurisdiction of the Ministry of Interior (hereinafter: the Ministry), policing, organization and competences of the Police, as well as other issues of importance for the work of the Police and the Ministry.

Concept of Internal Affairs

Article 2

Internal affairs are a public administration function stipulated by law, performed by the Ministry, committed to achieving and improving the safety of citizens and property, upholding the rule of law and ensuring the exercise of human and minority rights and freedoms laid down by the Constitution and statutory provisions, as well as other related tasks within the established purview and competence of the Ministry.

The Police

Article 3

The Police shall be the central organizational unit of the Ministry, which in the performance of interior, i.e. police duties, protects and improves the safety of citizens and property, abiding by the Constitutionally guaranteed human and minority rights and freedoms and other protected values in a democratic society, with a possibility of using the means of coercion set out in the Constitution and law.

Article 4

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

Prevention of discrimination

Article 5

Employees of the Ministry and the Police shall treat everyone equally, regardless of their race, gender or nationality, their differences stemming from social origin, birth, religion, political or other belief or orientation, gender and gender identity, property, culture, language, age, and mental or physical disability.

Raising awareness about the work of the Ministry

Article 6

The work of the Ministry shall be transparent.

The Ministry shall regularly, promptly and fully inform the public of its work, except when taking measures and activities in accordance with the law regulating criminal procedure and when it would hinder operational police work, or if it would:

- 1) violate the data secrecy regulation;
- 2) violate the dignity of citizens;

3) jeopardize the right to personal freedom and security

The Ministry shall, once a year and not later than within three months from the end of a calendar year, publish the following:

- 1) the report on the security situation in the Republic of Serbia, informing the public in a transparent and open manner on the security assessment, crime trends, and other security issues of importance for the safety and rights of citizens;
- 2) the report on the work of the Ministry, informing the public, in a transparent and open manner on police service development, statistics on the conducted activities and their outcomes

In addition to the report referred to in paragraph 3 of this Article, the Ministry shall post quarterly on its website information about its work, adopted by the committee of the National Assembly of the Republic of Serbia in charge of internal affairs.

Use of gender-sensitive language

Article 7

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

II ORGANIZATION AND JURISDICTION OF THE MINISTRY

Organization of the Ministry

Article 8

For performing the tasks within the purview of the Ministry, internal organizational units are established.

Article 9

The Government shall prescribe the principles for internal organization of the Ministry, as well as the types of organizational units, the seats and territories for which the organizational units are established.

By the Rulebook on Internal Organization and Classification of Job Positions, the Minister shall, with previously obtained Government's consent, define the scope of work and the categorization of the organizational units of the Ministry, including the number of job positions, job classification, type i.e. status and description of job positions, jobs for which special requirements are envisaged, the manner of management, planning and implementation of tasks.

Employees of the Ministry

Article 10

Employees of the Ministry are police officers, civil servants, and common service employees.

Police officers are:

- 1) persons doing police work in the status of authorized officers and exercising police powers (authorized officers–AO);
- 2) persons on special duty, performing other interior affairs tasks that are directly related to police work (persons on special duty–SD)

Police officers in the status of authorized officers must have completed at least the basic-level police training.

Civil servants are persons who, in that status, perform other tasks within the purview of the Ministry and the related general, legal, information technology (IT), material and financial, accounting, and administrative tasks.

Common service employees are persons who, in that status, perform the related supporting and technical tasks.

Jurisdiction of the Ministry

Article 11

For the purpose of organizing work and creating conditions for work within the Ministry, in line with its purview and competence the Ministry shall:

- 1) ensure the developmental, organizational, personnel and other conditions for the work of the Ministry, draft proposals, conduct and monitor the implementation of strategic acts, develop the Ministry's agenda and regularly, once a year, inform the public about its implementation;
- 2) perform the function of human resources management, in accordance with strategic acts and abiding by the principle of equal opportunity; regulate, in accordance with the law, the specificities of work and employment, and employee career development; create the conditions for advancement, remuneration and legal protection of all employees regardless of the differences referred to in Article 5 of this Law; organize and implement professional training of

- employees; implement preventive health care and psychological prevention measures for employees;
- 3) ensure regular cooperation with the authorities and bodies that are legally mandated to conduct external oversight of the Police, as well as with various forms of association;
 - 4) organize and ensure the conditions for independent performance of internal control actions;
 - 5) perform the tasks of protection and rescue of people, material and cultural goods and the environment from natural disasters, man-made disasters, accidents, consequences of terrorism, war and other major disasters;
 - 6) conduct the protection against fire and explosions;
 - 7) conduct the control of trade and transportation of arms, ammunition, explosives and other hazardous materials;
 - 8) adopt and implement special plans on the development, use and maintenance of the internal information system and information security, and the video surveillance system;
 - 9) adopt and implement special plans on the development, use and maintenance of the internal radio- and telecommunication system, as well as the security-related cryptographic system;
 - 10) set the standards for special purpose equipment and material and technical resources, conduct procurement and maintenance;
 - 11) implement international cooperation in the field of internal affairs;
 - 12) provide systemic support to policing;
 - 13) provide accommodation and food;
 - 14) carry out other tasks in accordance with the law

Article 12

The Ministry shall provide the conditions for operational independence. The Police are operationally independent from other state authorities in the performance of police duties and other statutory activities falling under police jurisdiction.

Operational independence of the Police shall not relate to police duties stipulated by the law regulating criminal and misdemeanor proceedings.

The Ministry shall provide the organizational prerequisites for work of the Police, in accordance with the adopted public policies and strategic acts of the National Assembly and the Government, especially with a view to strengthening trust between the public and the Police, developing police ethics and professionalism, and preventing and countering corruption within the Police.

Preparedness for action in case of state of emergency or war

Article 13

The Ministry shall, in accordance with its purview established by law, and in accordance with the regulations in the field of defense, make preparations for action during the state of emergency or war.

During the state of emergency or war, the Ministry shall perform the tasks within its purview by adapting its organization, forms and methods of work to the changed circumstances in accordance with the law and acts adopted in order to lift the state of emergency or war.

The use of material and technical resources, infrastructure, land and facilities of the Ministry during the state of emergency or war, shall be planned by the Ministry.

Competence of the Minister

Article 14

In addition to the rights and responsibilities established by the law regulating the work of public administration, the Minister may, in accordance with the provisions of this Law, request special reports concerning the work of the Police and other organizational units of the Ministry, whereas regarding the measures and actions taken by the Police in accordance with the Criminal Procedure Code, the Minister may request special reports only for the purpose of acting upon the request of the public prosecutor or court.

The Police Director and other strategic-level managers in the Ministry shall submit semi-annual and annual work reports to the Minister, within fifteen days.

III MINISTRY COOPERATION

Cooperation with security services

Article 15

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

Cooperation referred to in paragraph 1 of this Article shall be based on the rights and duties established by the Constitution, law, other regulations and general acts, and on special forms of organization and information sharing during the performance of joint tasks.

Cooperation with other authorities

Article 16

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

Cooperation with citizens assisting the Ministry

Article 17

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

A citizen who, on his own initiative or upon a police officer's request, provides assistance directly to the police officer on the site and during that process becomes injured or falls ill, resulting in his absence from work or incapacity for work, shall be entitled to all rights arising from health care, pension and disability insurance, under the conditions established for police officers.

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

If while providing assistance in the performance of police work a citizen loses his life, his family shall be entitled to all rights arising from pension insurance equally as the family of the police officer who lost his life in the line of duty or related to it.

A citizen who while providing assistance in the performance of police work incurs damage shall, in accordance with the law, be entitled to compensation for the material damage inflicted as a result of such provision of assistance.

If criminal or misdemeanor proceedings are conducted against a citizen as a result of the assistance that he provided in the performance of police duties, the Ministry shall provide him with legal and other necessary assistance in connection with the conduct of the proceedings.

The Ministry shall be liable for the damage that a citizen inflicts upon third persons while providing assistance in the performance of police work.

The relationship between the Police, public prosecutor and court

Article 18

During the preliminary investigation and investigation proceedings, the Police shall exercise police powers stipulated by the Criminal Procedure Code and act upon the order and requests of the public prosecutor and the court.

In misdemeanor proceedings the Police shall also act upon the orders of the misdemeanor court.

International cooperation and engagement

Article 19

The Ministry shall cooperate internationally at the level of ministers and ministry representatives, with competent foreign authorities and organizations, in accordance with the law.

The police shall cooperate at the operational level with foreign and international police services based on ratified international agreements and separate international agreements on police cooperation, in compliance with the principle of reciprocity and based on membership in international police organizations.

International police cooperation shall include policing by competent organizational units of the Ministry in the territory of a foreign state, cooperation with foreign police services, exchange of police liaison officers, and the activity of foreign and international police services in the territory of the Republic of Serbia.

Within the cooperation referred to in paragraph 3 of this Article, the Ministry may, in accordance with relevant regulations, ratified international agreements and separate international agreements on police cooperation, exchange data and information, take measures against terrorism, organized crime, illegal migration and other forms of international crime and violations of border security, establish joint task forces, send Ministry employees to attend training and education abroad, conduct trainings in the country for the needs of the police of a foreign state or an international organization, in cooperation with the police of other states or international organizations.

Article 20

The Ministry may second its representative outside the territory of the Republic of Serbia to be engaged in a diplomatic and consular representative office of the Republic of Serbia or in an international organization with a view to achieving cooperation in the field of security.

The criteria and the method for selection of representatives to be seconded, their number, and other issues of importance for the performance of internal affairs abroad shall be prescribed by the Government.

Participation in multinational operations abroad

Article 21

At the request of international organizations in which the Republic of Serbia is a member or based on a ratified international agreement, the Ministry employees may, based on the

decision of the competent authority adopted in accordance with the law, participate in the performance of police and other tasks abroad.

IV ORGANIZATION AND COMPETENCE OF THE POLICE

Organization of the Police

Police Directorate

Article 22

For performing police and other internal duties, the Police Directorate shall be established.

The Police Directorate shall comprise organizational units within its headquarters—departments, centers, units, the special unit and specialized police units, and outside its headquarters—the City of Belgrade Police Department, regional police departments (hereinafter: police departments), and police stations.

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

Specialized police units within the headquarters of the Police Directorate shall be the Gendarmerie, Helicopter Unit and Unit for the Protection of Specific Persons and Facilities, whereas at the City of Belgrade Police Department it shall be the Police Brigade.

For the purpose of performing policing and other duties in line with specificities of particular areas, internal organizational units may also be established for coordination of work of police departments and police stations in the territories for which they are established.

Notwithstanding the act referred to in Article 9(2) of this Law, the organization and scope of work of the special unit and the specialized police units, the classification, types, i.e. status and description of jobs held by its members, the special equipment, tools and armament used in policing within the purview of such units shall be prescribed by the Government.

Article 23

Organizational units within the Police Directorate headquarters, the City of Belgrade Police Department and other police departments shall be established so as to be operationally and functionally connected with the relevant organizational units and operations and so as to be able to perform the related policing within their purviews at the central, regional and local levels.

The Police Directorate shall be headed by the Police Director.

Management and accountability in the Police Directorate shall be based on the principle of single hierarchy and subordination.

The special unit and specialized police units shall be engaged by the decision of the head of the respective organizational unit.

For engagement of the Gendarmerie, the head of the organizational unit shall previously obtain the approval of the Police Director.

As a derogation from paragraphs 4 and 5 of this Article, the Special Anti-terrorist Unit, Helicopter Unit and Gendarmerie when engaged with the use of one or several squads with the maximum capacity, shall be so engaged by the decision of the head of the respective organizational unit with previously obtained approval of the Police Director and prior consent of the Minister.

The proposal for their engagement shall contain a security assessment and action plan.

In case of urgency, the action plan may be delivered subsequently, but not later than 24 hours following the engagement.

Competence of the Police

Activities of the Police Directorate

Article 24

The Police Directorate shall:

- 1) develop the strategic public security assessment;

- 2) adopt the strategic plan of the Police;
- 3) participate in the development of the human resources plan, as well as in the development of professional training and capacity building programs in cooperation with the organizational unit in charge of human resources management;
- 4) coordinate and guide the work of police departments and organizational units within the headquarters;
- 5) perform oversight and instructional activity in the work of police departments and organizational units within the headquarters;
- 6) participate directly in the performance of certain more complex tasks within the purview of police departments;
- 7) ensure the implementation of international police cooperation agreements and other international acts within its purview;
- 8) perform activities relating to international operational police cooperation;
- 9) create the required conditions for maintaining and improving the Police capabilities and preparedness for acting in situations of increased risk, emergencies, states of emergency and war;
- 10) carry out administrative tasks relating to citizens' status issues and issuance of public documents within its purview;
- 11) contribute to security-police and educational-instructional activities in police work

Activities of a police department

Article 25

A police department shall:

- 1) directly perform policing and other internal affairs tasks and implement local cooperation, in the territory of the municipality, or town, where its headquarters are located;
- 2) develop the operational public security assessment in accordance with the act referred to in Article 24, point 1) of this Law;

- 3) adopt the police department's operational plan in accordance with the act referred to in Article 24, point 2) of this Law;
- 4) harmonize, coordinate and guide the work of police stations/field offices and ensure the implementation of local cooperation and accountability;
- 5) perform oversight and instructional activity in the work of its organizational units;
- 6) participate, as necessary, in the performance of tasks within the police stations' purview;
- 7) take measures to safeguard specific persons and facilities;
- 8) perform other tasks defined by special laws, other regulations and general acts;
- 9) submit, annually, the information on its work and the security situation to the municipal assembly of the local self-government in the territory where it is located

Activities of a police station

Article 26

A police station shall directly perform police duties and other internal affairs tasks and effectuate cooperation in the territory of the municipality for which it was established, within the police department.

The police station shall, once a year, submit the information on its work and the security situation 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 municipal entities with the view to performing policing duties and addressing local security priorities, and shall coordinate common interests and the need to create a favorable security environment in the community, namely to build a safe democratic society.

The police shall provide support to the work of advisory bodies within the local self-government units focused on developing of crime prevention and fulfillment of other security needs of the community.

The police shall develop professional capabilities, competences and ethics of police officers for socially responsible action of the police service, with full respect for human and minority rights and freedoms and protection of all vulnerable groups.

Police action in case of domestic violence

Article 28

If domestic violence or threat of domestic violence is reported, police officers shall, in cooperation with other competent authorities, immediately take the necessary measures and actions in accordance with the law, in order to prevent or stop the violence which may result in the infliction of bodily injuries or deprivation of life.

Police action in situations of increased risk

Article 29

If circumstances or events indicate that public security may become exposed to increased risk and that human and property security may be jeopardized to a greater extent, which would require partial or full readiness 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, at the proposal of the Police Director, issue the order for carrying out tasks corresponding to the circumstances.

At the request of the Government or the National Assembly committee in charge of internal affairs, the Minister shall submit a report on the public security situation and the performance of police tasks in the newly arisen circumstances.

V POLICE DUTIES

Types of police duties

Article 30

Police duties are part of internal affairs duties that are performed by the Police by way of applying police measures and actions and exercising police powers.

Police duties, within the meaning of this Law, include:

- 1) crime prevention and improvement of community safety;
- 2) safeguarding of life, rights and freedoms of citizens, protection of property, and upholding the rule of law;
- 3) detection and investigation of criminal offenses, misdemeanors and violations;
- 4) detection and apprehension of perpetrators of criminal offenses and misdemeanors and other persons wanted by the police and bringing them before competent authorities, ensuring evidence, analyzing evidence, forensic expertise by using modern forensic methods and records;
- 5) detection of criminal assets and the proceeds of crime;
- 6) maintenance of public order, prevention of violence at sports events, provision of assistance in enforcements in accordance with special laws;
- 7) performance of tasks set out in the regulations on weapons, private security and private investigation activity;
- 8) safeguarding of certain public gatherings, individuals, authorities, facilities and designated areas;
- 9) regulation, control, provision of assistance and supervision in road traffic, and other tasks set out in traffic safety regulations;
- 10) control of state borders, tasks relating to the movement and stay of foreigners, tasks related to asylum, cross-border crime, irregular migration and readmission;
- 11) safeguarding the Ministry;
- 12) performance of other police duties and tasks established by law and secondary legislation adopted based on the legal powers

When performing the police duties referred to in paragraph 2, points 3)4)5) of this Law, police officers shall act also in accordance with the Criminal Procedure Code, the Law on Misdemeanors and other laws.

The manner of performing police duties shall be regulated in more detail by secondary legislation passed by the Minister.

Aim of performing police duties

Article 31

The Police shall perform police duties with the aim and in such a manner as to provide everyone with equal protection of security, rights and freedoms, by implementing the law and the constitutional principle of rule of law.

Principles of policing

Article 32

Policing shall be based on the principles of professionalism, depoliticization, cooperation, cost-effectiveness and efficiency, legality of work and proportionality in the use of police powers, as well as other principles regulating the activities of public administration authorities, and of civil servants, and the procedure in administrative matters.

In the performance of police duties, only those measures and means of coercion may be applied that are specified by law and that provide the result without any or with the minimum of harmful consequences for the persons subjected to such measures.

Standards of police procedure

Article 33

When performing police duties, the Police shall abide by the established and achieved standards of police procedure taking into consideration the internationally accepted standards of procedure relating to:

- 1) the duty to serve the citizens and the community;
- 2) the response to the citizens' needs and expectations;
- 3) compliance with legality and combating illegality;
- 4) exercise of human and minority rights and freedoms;

- 5) non-discrimination in the performance of police tasks;
- 6) proportionality in the use of means of coercion;
- 7) prohibition of torture and inhuman or degrading treatment;
- 8) provision of assistance to disaster victims;
- 9) upholding the professional conduct and integrity;
- 10) the duty to protect data secrecy;
- 11) the duty to disobey unlawful orders and to report corruption

Police intelligence model

Article 34

In the performance of police tasks, the Police shall apply the intelligence-led policing (ILP) model.

Intelligence-led policing is a model of managing police work based on criminal intelligence.

Criminal intelligence is a set of collected, evaluated, processed and analyzed data, as a basis for making informed decisions relating to the performance of police tasks.

Protection of rights and provision of legal assistance to citizens

Article 35

In the performance of police duties, the Police shall provide the citizens with information and advice of importance for their personal and property safety, unless that is in contravention to the law and would jeopardize the performance of policing.

A citizen whose personal right or property right is endangered may request Police protection of that right if in the particular case no other legal protection is provided or if the threat to that right is related to his personal and property safety.

If the action aimed at protecting the right referred to in paragraph 2 of this Article falls within the competence of another authority, the Police shall forward the request to the competent authority without delay and shall notify the applicant accordingly.

Duties and rights of police officers in policing

Official weapons and means of coercion

Article 36

A police officer in the status of authorized officer shall have the obligation and the right to carry official firearms and ammunition.

The official firearms and ammunition, as well as other means of coercion, shall be used by a police officer in the status of an authorized officer under the conditions stipulated by this Law.

The police officer in the status of officer on special duty is not entitled to carry official firearms and ammunition or to use means of coercion.

Types of firearms and ammunition, as well as means of coercion, namely equipment used by police officers in the status of authorized officers shall be prescribed by the Government.

Official badge and ID card of police officers

Article 37

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

The design, form and content of the official badge and official ID card shall be prescribed by the Government.

A police officer in the status of authorized officer shall be issued an official badge with an official ID card, serving the purpose of identification and proving the capacity of police officer during the performance of police duties or exercise of police powers.

A police officer on special duty shall be issued an official ID card, serving the purpose of identification and proving the capacity of police officer during the performance of tasks that are directly related to policing.

The official ID card may also be used for access and use of the Ministry's information system, digital signing of documents, encryption of official documents, physical access to facilities and designated areas when a higher level of protection is required and when personal identification is necessary, and for other purposes specified by law.

Article 38

A police officer shall deliver to his immediate manager the official firearm, ammunition, official ID card and official badge when by a decision of the competent health institution he was declared unable to perform police officer's duties due to an illness belonging to the group of psychological illnesses and disorders, on the first day of temporary incapacity to work.

If the police officer fails to act in accordance with paragraph 1 of this Article, the immediate manager shall temporarily seize the equipment referred to in paragraph 1 of this Article, on the day of learning about the temporary inability.

Upon the end of temporary incapacity to work, official firearms, ammunition, official ID card and official badge shall be returned to the police officer, on the first day of work.

The procedure for seizing and returning the retained firearms and ammunition, the official badge and ID card upon the onset and cessation of reasons for temporary incapacity to work due to illnesses and disorders from the group of psychological illnesses and disorders shall be prescribed by the Minister.

Uniform and insignia of police officers

Article 39

A police officer in the status of authorized officer shall be assigned a uniform, insignia and other prescribed equipment.

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

As a rule, uniform shall not be assigned to a police officer in the status of an authorized officer who performs police duties in plainclothes.

The police officers referred to in paragraph 3 of this Article shall be entitled to plainclothes.

Uniforms of police officers may also be worn, in a prescribed manner, by retired police officers at state events and ceremonies, conferences and veteran conventions, and at funerals of active duty and retired police officers.

The provisions of paragraphs 1 and 2 of this Article shall apply accordingly to members of fire and rescue units.

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

Duty of police officers

Article 40

A police officer shall keep confidential the data acquired while performing policing duties or related thereto, in accordance with the law.

The obligation to keep data confidential shall continue to apply even after the cessation of service with the Ministry.

The Minister or the person authorized by the Minister may relieve a police officer from the obligation to keep data confidential for the purpose of conduct of judicial or administrative proceedings, if such data are indispensable for establishing the facts and making a lawful decision.

Article 41

A police officer shall convey to his immediate manager, in writing, any information obtained while performing police tasks, using police measures and actions, exercising police powers or otherwise.

A police officer shall execute all orders of the superior police officer issued for the purpose of performing policing duties, except those ordering the commission of an act which constitutes a criminal offense.

If he considers the order unlawful for other reasons, the police officer shall be entitled to inform his immediate superior thereof.

Duties of police officers outside working hours

Article 42

Police officers in the status of authorized officers shall perform police duties and exercise police powers also outside the working hours, except in the case referred to in Article 38(1) of this Law.

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

Article 43

A police officer shall, for the purpose of his psycho-physical health capacity check-up, undergo a systematic medical examination and, at the reasoned proposal of a primary health care physician or his immediate superior, also take an extraordinary medical examination.

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

Duties of police officers in international police cooperation

Article 44

Unless otherwise stipulated by an international agreement, while performing police tasks abroad, police officers may exercise the powers and use the means envisaged by an international agreement underpinning the cooperation.

Police officers of foreign and international police services may, when performing duties in the territory of the Republic of Serbia exercise only those powers that are envisaged by the international agreement underpinning the cooperation.

The implementation of activities of police officers from foreign and international police services shall within the competence of the Ministry.

Code of Police Ethics

Article 45

A police officer shall perform police duties in accordance with the law, other regulations and rules of the profession and in compliance with the provisions of the Code of Police Ethics.

The Code of Police Ethics shall consist of 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 entry into force of this Law.

Conduct and interpersonal relations

Article 46

A police officer and other employees shall, on and off duty behave in a manner that does not bring discredit to the Ministry and other employees in the Ministry.

More details about the behavior, as well as the appearance of police officers and other Ministry employees shall be prescribed by the Minister.

VI POLICE MEASURES AND ACTIONS

Police measures and actions

Article 47

During the performance of police duties, police officers in the status of authorized officers shall apply police measures and actions in accordance with this Law and other laws.

Police measures and actions within the meaning of this Law, shall be as follows:

- 1) protection of victims of criminal offenses and other persons;
- 2) protection of identity data;
- 3) police observation;
- 4) special measures to ensure public order;
- 5) recording in public places;
- 6) police assistance in enforcements and out-of-court settlement procedures;
- 7) polygraph testing;
- 8) reception of reports on committed criminal offenses and misdemeanors;
- 9) search for persons and objects;
- 10) targeted search measures;
- 11) measures to eliminate imminent danger;
- 12) forensic registration, taking other samples, and forensic expertise and analyses;
- 13) public announcement of reward

Protection of victims of criminal offenses and other persons

Article 48

The Police shall, if and while reasonable grounds exist, take appropriate measures to protect a victim and other person who has provided or may provide information of importance for criminal proceedings or a person connected with such persons, if they are threatened by the perpetrator of a criminal offense or other persons.

The measures referred to in paragraph 1 of this Article shall be taken in such manner as to fully protect the confidentiality of 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 whose disclosure would endanger the physical integrity of a person.

When submitting a written report on the content of information that the Police is authorized to collect in accordance with the law, a police officer may withhold the data on the identity of the person who provided him with such information if he assesses that identity disclosure would expose to a serious threat such person's life, health, physical integrity or if it would threaten that person's freedom and property, or if it is a person who provides information and data in the procedure in which police powers are applied.

The data on the identity of a person who provided the police with information shall be considered confidential and shall be handled in accordance with the law.

The protection of identity data shall not apply to reports that the Police submits to the public prosecutor or court in accordance with the law regulating criminal or misdemeanor proceedings.

Police observation

Article 50

To verify the acquired information and to formulate proposals for competent authorities in accordance with their legal powers police officers may, before there are grounds for suspicion that a criminal offense or misdemeanor has been committed, collect by direct police observation the information and data useful for establishing whether grounds have been created for suspicion that a criminal offense or misdemeanor has been committed.

Observation shall be conducted in public and other accessible places, without encroaching on any person's right to privacy.

The obtained information that cannot be used in the proceedings and that have no operational importance shall be destroyed within one year.

Special measures to ensure public law and order

Article 51

The Minister may issue an order, for the purpose of safeguarding public law and order or protecting people's health and lives, ordering the Police to:

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

The measures referred to in paragraph 1 of this Article must be time-limited and may remain in effect until the causes that triggered the order cease to exist.

Recording in public places

Article 52

The Police shall perform surveillance and audio and video recording of public places for the purpose of policing, by using the equipment for video-acoustic recordings and photographing in accordance with the regulation on records and data processing in the field of internal affairs.

When there is a danger that during a public gathering lives and health or property might be exposed to threat, a police officer shall be authorized to record or photograph the public gathering.

To exercise police powers, detect misdemeanors and criminal offenses, as well as to oversee and analyze the performance of police tasks, the Police may conduct video and audio recording of police officers.

To achieve the objectives referred to in paragraphs 1-3 of this Article, police officers may use transportation and other means with or without external Police insignia, with recording devices, as well as devices for photo-registration of license plates.

The Police must publicly announce the intention to implement activities referred to in paragraph 1 of this Article, unless in case of covert recording in accordance with the Criminal Procedure Code.

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

The data that cannot be used in the proceedings shall be destroyed within one year.

The manner of recording in public places and the manner of announcing the intention to record shall be prescribed by the Minister.

Police assistance in enforcements and out-of-court settlement procedures

Article 53

If there are reasonable grounds to expect resistance during the enforcement of an act of a state authority or a legal or natural person with public powers, or an authorized legal or natural person in the out-of-court settlement procedure (hereinafter: enforcement), the Police shall provide such authorities and persons with assistance upon their written request, in order to enable safe conduct of the enforcement procedure.

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

While providing assistance, police officers may exercise statutory police powers solely in order to protect lives, human and minority rights and freedoms of citizens and property, to protect public order, and to prevent and detect criminal offenses and misdemeanors, and collect data on such offenses and their perpetrators.

Article 54

Assistance in the enforcement procedure shall be provided by the Police based on the written request of the authorized entity referred to in Article 53(1) of this Article, to be submitted to the territorially competent Police organizational unit not less than five working days before the date set for enforcement.

The request for assistance must contain the reasons why such Police assistance is required and be accompanied with a copy of the act that needs to be enforced, along with the certificate of enforceability, evidence of the attempted enforcement without Police assistance, and evidence of the engagement of supporting services necessary for the enforcement.

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

The head of the police department, or the head of the police station, shall decide on engagement of the Police and on the extent and manner of the provision of assistance in the enforcement procedure and shall inform the requester accordingly in a timely manner.

Before commencing the enforcement, the Police shall issue a verbal warning to the enforcer or other present persons that means of coercion shall be used against them if they obstruct or hinder the enforcement.

Article 55

Before starting the provision of assistance, a police officer shall be entitled to run a security check, and to check the person to whom enforcement refers, through the database and records kept by the Ministry.

The police officer shall temporarily seize weapons and other objects conducive to endangering safety prior to the enforcement if he determines that the person subject to enforcement or another member of the household legally owns a weapon.

The police officer shall return the objects referred to in paragraph 2 of this Article not later than within 48 hours from the enforcement of the act, unless the person does not meet the requirements specified in regulations on weapons and ammunition.

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

Provision of police assistance to health workers

Article 56

At the request of a medical doctor, police officers shall provide assistance to health workers in overcoming the physical resistance of a person with mental disorders who, due to the mental disorders, seriously and directly endangers his own life, health or safety, or the life, health or safety of another person, and who needs to be placed in a psychiatric institution without his consent, while such person demonstrates physical resistance and until he is given care and imminent threat posed by him is removed.

At the request of a manager of a psychiatric institution or a health worker authorized by the manager to make the request, police officers shall without delay provide appropriate assistance in removing the imminent danger coming from the person with mental disorders who, due to the mental disorders, seriously and directly endangers his own life, health or safety, or the life, health or safety of another person or may remove, destroy or seriously damage the institution's property.

Notwithstanding paragraphs 1 and 2 of this Article, a person reasonably suspected that, due to mental disorders he will seriously and directly endanger his own life, health or safety, or the life, health or safety of another person, police officers may, in urgent cases, bring him to the competent psychiatric institution, based on the person's place of permanent or temporary residence, or based on the place where the person was found, without prior medical examination.

If, pursuant to paragraphs 1 and 2 of this Article, police assistance was provided, the health institution shall submit its written request not later than within 48 hours from submitting its verbal request.

Polygraph testing

Article 57

A police officer may, with voluntary consent of the person from who he requests information, conduct polygraph testing on him after having informed him how the device works and the person gives written consent.

A minor may be subjected to polygraph testing with his own consent and the consent and presence of his parent, guardian or a trusted adult.

The police officer shall interrupt the implementation of polygraph testing if the person who is requested to provide information, states that he withdraws his previously given written consent.

Polygraph testing may not be performed on:

- 1) a person under the influence of alcohol, narcotics, or other psychoactive substances;
- 2) a person with serious heart conditions or respiratory disturbance;
- 3) a person under severe stress;
- 4) a person under the influence of tranquilizers;
- 5) a person showing visible signs of mental illness, temporary mental disorder or suffering from other illness that makes testing impossible;
- 6) a person who feels intense physical pain;
- 7) pregnant and postpartum women;
- 8) a person under the age of 14

The manner of conducting polygraph testing and the methodology of applying such testing shall be prescribed by the Minister.

Reception of reports on committed criminal offenses and misdemeanors

Article 58

A police officer shall receive a report on a committed criminal offense and misdemeanor.

The police officer shall immediately forward the report on the committed criminal offense to the competent public prosecutor in accordance with the Criminal Procedure Code, and the report containing elements of a misdemeanor to the organizational unit of the Police responsible for misdemeanor affairs.

Search for persons and objects

Article 59

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

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

Wanted circulars shall be issued in accordance with the Criminal Procedure Code.

A call for information shall be issued:

- 1) for a person reasonably suspected of having committed a criminal offense prosecutable *ex officio*;
- 2) for a person for whom the misdemeanor court issued a general order for conveyance;
- 3) for proceeds of crime or misdemeanor and proceeds which the Police is obliged to search for in accordance with special regulations;
- 4) for a person who may provide the necessary information on a criminal offense or misdemeanor, perpetrator or assets resulting from crime or misdemeanor

A poster shall be issued:

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

If a missing person has been reported and there are grounds for suspicion that such a person is a crime victim, police officers shall, without delay and in cooperation with other competent authorities, citizen associations and citizens, take measures and actions envisaged by this Law and other laws in order to find the person.

Targeted search measures

Article 60

In order to apprehend and bring before the competent authority a person for whom there is grounded suspicion of having committed a criminal offense punishable by four or more years of imprisonment and against whom an international wanted circular has been issued, and in case when police officers are not able to apprehend such person by taking other measures and actions, or if such use would cause disproportionate difficulties, that person may be subjected to targeted search measures using special evidentiary actions in accordance with the Criminal Procedure Code.

Targeted search measures shall be approved at the proposal of the Police Director, by the decision of the president of the Supreme Court of Cassation or, in the court president's absence, a judge of that court designated to decide on such proposals (hereinafter: the authorized judge), within 72 hours from the submission of the proposal.

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

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

The approved measures may be applied for no longer than six months and may be renewed once, on the basis of a new proposal, for no longer than six months.

If case of rejection of the proposal, the president of the Supreme Court of Cassation, or the authorized judge, shall specify the reasons for such rejection in the explanatory note.

When reasons of emergency so require, targeted search measures may be ordered by the decision of the Police Director, with previously obtained verbal consent of the President of the Supreme Court of Cassation, or authorized 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 verbal consent.

The decision to continue the application of appropriate measures or to terminate them shall be made within 72 hours from the submission of the proposal.

The decision to terminate the use of appropriate measures must be explained in writing.

The data collected using targeted search measures may not be used as evidence in criminal proceedings.

Upon termination of a targeted search, the data shall be delivered to the President of the Supreme Court of Cassation, or the authorized judge, who shall destroy them and make a record thereon.

Police measures to eliminate imminent danger

Article 61

Police officers shall take urgent measures necessary to eliminate imminent danger to people and property when such measures cannot be promptly undertaken by other competent authorities, and shall immediately inform such authorities thereof.

Police officers shall provide assistance to public administration authorities, territorial autonomy and local self-government authorities and to legal and natural persons in the event of general threat caused by natural disasters, epidemics or other forms of threat.

In fulfilling their duties pursuant to paragraphs 1 and 2 of this Article, police officers shall also participate in the performance of rescue function and the provision of first aid to

people and shall, in that connection, use the prescribed equipment and conduct training of the police officers to whom such duties are assigned.

For the purpose of achieving the objectives referred to in paragraphs 1-2 of this Article, the Police Director may also order other employees of the Ministry to take measures referred to in paragraphs 1-3 of this Article.

Forensic registration, taking other samples, and forensic expertise and analyses

Article 62

Police officers of the competent organizational unit of the Police Directorate shall, in the performance of police duties, be authorized to perform forensic registration, take other samples, conduct forensic expertise and analyses and other evidentiary actions in accordance with the Criminal Procedure Code and other laws and regulations.

The conduct of police officers in the implementation of measures and actions referred to in paragraph 1 of this Article shall be prescribed in more detail by the Minister.

Public announcement of reward

Article 63

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

- 1) detecting and arresting the person who has committed an aggravated criminal offense;
- 2) finding a missing person;
- 3) solving other cases, when such information is necessary

The reward may be announced through the public media or by other appropriate means.

A person who provides the information which is already known to the Police or which does not achieve the aim of the announced reward shall not be entitled to a reward.

Police officers or members of their families shall not be entitled to such a reward.

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

VII POLICE POWERS

Joint provisions on police powers

Types of police powers

Article 64

In the performance of police duties, police officers in the status of authorized officers shall exercise police powers provided by this Law and other laws.

Police powers include:

- 1) warning and order;
- 2) checking and establishing the identity of persons and objects;
- 3) summons;
- 4) transfer;
- 5) detention and temporary restriction of freedom of movement;
- 6) collecting information;
- 7) temporary seizure of objects;
- 8) search of premises and facilities, inspection of documents, and counter-terrorist search;
- 9) stopping and searching persons, objects and vehicles;
- 10) securing and searching of crime scenes;
- 11) requisitioning vehicles and communication equipment;
- 12) determining the presence of alcohol and/or psychoactive substances;
- 13) conducting security checks;
- 14) reception of found objects;
- 15) use of means of coercion;
- 16) other powers envisaged by the law

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

Requirements for exercising police powers

Article 65

Before exercising police powers, a police officer shall ascertain that all legal requirements are met for such exercise of powers and shall be accountable for such assessment.

The police officer shall exercise police powers on his own initiative, upon the order of his superior officer, upon the order of a public prosecutor or other competent authority issued in accordance with another separate law.

When a superior officer is present, police powers shall be exercised on his order, unless there is no time to await such order and action must be taken on own initiative without delay.

In exercising police powers, the police officer shall act in accordance with the law and other regulations and shall abide by the standards laid down in 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 relating to the Police.

In a manner laid down by law, if that is possible in the given situation and if it would not jeopardize the implementation of a police task, the person subjected to the use of police powers shall have the right to be duly informed about the reasons for the use of such powers, to be allowed to explain the circumstances he considers relevant, to be informed of the identity of the police officer, who shall introduce himself and show his identification, and to request the presence of a trusted third party.

Identification prior to the exercise of powers

Article 66

Prior to the exercise of police powers, the police officer shall identify himself by showing his official badge and official ID, whereas a uniformed police officer shall identify himself only at the request of the person subjected to the use of such powers.

By way of derogation, a police officer shall not identify himself pursuant to paragraph 1 of this Article if the circumstances in which police powers are exercised in the particular case indicate that the attainment of a legitimate goal would thus be jeopardized. In that case, the police officer shall, while using such powers, issue a verbal warning about his 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 pursuant to paragraph 1 of this Article.

Impartiality, non-discrimination, humane treatment, respect for human rights and allowing medical assistance

Article 67

In exercising police powers, a police officer shall act impartially, providing equal legal protection to everyone, without discrimination on any grounds.

In exercising police powers, a police officer shall act humanely and respect the dignity, reputation and honor of each person and other human and minority rights and freedoms of citizens, giving priority to the rights of the endangered person over equal rights of the person who is violating such rights, and shall be mindful of the rights of third persons.

In exercising police powers, the police officer shall, upon the request of the person subjected to such powers, allow the provision of medical assistance by a health institution.

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

The principle of proportionality

Article 68

The exercise of police powers shall be proportionate to the need for which they are used.

The use of police powers may not cause greater harmful consequences than those that would occur if such powers were not used.

Among a number of police powers, the one enabling the performance of the task with the least harm and delay will be used.

When applying means of coercion, attempt shall be made to use them gradually, from less to more severe, and always with the least possible force.

Exercise of powers against military personnel

Article 69

Police officers shall exercise the powers established by this Law also against military personnel and members of the Security Information Agency, unless otherwise stipulated by separate regulation.

The action taken pursuant to paragraph 1 of this Article shall be immediately brought to the attention of the military police or the Director of the Security Information Agency.

Use of powers against juveniles

Article 70

Police powers against a minor shall be exercised by all police officers, except for collecting information in the capacity of a citizen (victim, witness) and hearings of a minor in the capacity of a suspect, which are applied by a police officer for minors.

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

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

Juvenile perpetrators of misdemeanors shall be handled by uniformed police officers who have completed training in the field of the rights of the child and juvenile criminal law.

When using police powers, police officers shall bear in mind the dignity of a minor, his mental, emotional and other personal characteristics and protect his privacy.

The manner of applying police powers against minors shall be prescribed by the Minister of Interior, Minister of Justice and the Minister of Health.

Exercise of police powers against persons who enjoy diplomatic and consular immunity

Article 71

A police officer shall act towards a person with diplomatic and consular immunity in accordance with ratified international agreements.

The police officer shall inform without delay his immediate superior of the action towards a 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 may, by his behavior, action or failure to act endanger his own safety or safety of another person or property, disrupt public order, or endanger road traffic safety, or when there are reasonable grounds to expect that the person may commit or induce another to commit a criminal offense or misdemeanor.

Conditions for applying orders

Article 73

An order may be applied only with regard to behavior or actions and activities which directly affect the successful performance of police tasks.

Orders shall be applied 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 offenses and misdemeanors, apprehending their perpetrators and detecting and securing traces of such offenses that may be used as evidence;
- 4) maintaining or restoring public order;
- 5) ensuring road traffic safety;
- 6) preventing access to and stay in prohibited areas or facilities;
- 7) preventing and removing the consequences in case of general danger caused by natural disasters, epidemics or other forms of threat to public security;
- 8) preventing threats to personal and property safety in other cases defined by law

Manner of applying warnings and orders

Article 74

Warnings and orders may be issued verbally, in writing or in another appropriate manner by light or sound signals, hand signals or similar means, provided that their meaning is clearly discernible.

Checking and establishing a person's identity and identifying objects

Conditions for checking a person's identity

Article 75

Identity check shall be applied on a person who:

- 1) must be apprehended, 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 subject to other measures and actions prescribed by law;

- 4) is found in another person's lodgings, building or other premises, or in a vehicle that is being inspected or searched, when an identity check is necessary;
- 5) is collecting without authorization data on a person, facility or area under security protection;
- 6) is found in an area or a facility where movement is temporarily restricted, when an identity check is necessary;
- 7) reports the commission of a criminal offense or misdemeanor or perpetrators of such acts or provides information of interest for police work;
- 8) arouses suspicion by his behavior of having committed a criminal offense or misdemeanor or of intending to commit such an offense, or has a likeness to a person wanted by the authorities;
- 9) is found on the scene of a criminal offense or misdemeanor;
- 10) is found in a location where for security reasons the identity check is required of all or most persons;
- 11) is requested to provide identification at the justified request of public administration officials, legal or natural persons

The justified request referred to in paragraph 1(11) of this Article means the request showing that such data are necessary for public administration officials to proceed in accordance with the law or that a right of natural persons was violated.

A police officer shall acquaint the person with the reasons for performing the identity check.

Notwithstanding paragraph 3 of this Article, a police officer may withhold the reason for performing an identity check if he is collecting information on a criminal offense which is prosecuted *ex officio* and if that could jeopardise the aim of the check.

Manner of performing an identity check

Article 76

An identity check shall be performed by examining the personal identity (hereinafter: ID) card or other identification document bearing a photograph or electronically, when an ID card shows both the real and the electronic identities.

Notwithstanding paragraph 1 of this Article, an identity check may be performed based on the statement of the person whose identity was checked.

An ID card shall be issued in the prescribed procedure to a person without an ID card, upon establishing that person identity and the right to an ID card.

An identity check may also be performed without the person's knowledge if there are grounds for suspicion that the person is a perpetrator of a criminal offense prosecuted *ex officio*.

Establishing the identity of a person

Article 77

A person's identity shall be established if the person does not have a prescribed identity document on his person or if there are doubts regarding the authenticity of such document, or if the identity cannot be established in any other manner, or based on a special request of the competent authority.

Identity shall be established by using the data from forensic records, by applying the methods and using the crime police techniques, tactics and forensics, medical or other appropriate expertise.

Once the identity is determined, a report shall be created and forwarded to the requester of establishment of the identity, in accordance with the law, whereas direct data on the person shall also be submitted, on their request, to police authorities of other states with which international police cooperation has been established based on ratified agreements, in accordance with regulations governing the provision of personal data.

For the purpose of establishing the identity of a person, the police shall be authorized to publish the identikit picture, sketch, footage or description of the person.

When identity cannot be established in another manner, the police shall be authorized to publish a photograph of a person who cannot provide personal data, or a photograph of an unidentified corpse.

Identification of objects

Article 78

Object identification shall be applied when the procedure requires establishment and verification of characteristics and properties of an object, as well as of the relationship between a person or event and the object.

The Police Directorate shall be authorized to publish the photograph, sketch, footage or description of the object if that is relevant for a successful conduct of the object identification procedure.

Summons

Requirements and manner of summoning for an interview

Article 79

A person who is justifiably assumed to have information necessary for the performance of police tasks may be summoned for an interview.

The summons must contain the name, place and address of the Police Directorate's organizational unit, the reason for the summons, the time and place of the interview, as well as a warning that the summoned person may be brought in if he fails to respond to the summons and, if he is a suspect, that he is entitled to an attorney.

If such information is known before the summons is issued, the summons shall, in addition to the Serbian language, also be written in another language and script in official use that the person uses. If it was not known, upon the request of the person who responded to the summons, the contents of the summons shall be communicated to him in that language.

A delivery note shall be made on the summons served.

A person summoned pursuant to paragraphs 1-3 of this Article may be brought in if he fails to respond to the summons only if he was warned thereof in the summons and in relation to police duties referred to in Article 3 (2)(1-5) of this Law.

Time for serving the summons

Article 80

A person to be found in his lodgings may be summoned in the period from 06:00 to 22:00 hrs.

By way of derogation, if that is in the interest of the procedure or upon 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 authorized, exceptionally, to summon a person verbally or by appropriate telecommunications devices, whereby he shall state the reasons for the summons, and with the person's consent, may also transport the person to official premises.

By way of derogation, persons may also be summoned through the mass media when that is necessary because of risk of delay, for security reasons or when a large number of persons are being summoned.

A minor shall be summoned in writing through a parent or guardian.

Conveyance

Written order to convey/bring in a person

Article 82

A person may be conveyed based on a written order issued by the competent judicial authority, or by an order based on a conclusion to compel appearance passed in administrative proceedings (hereinafter: order).

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

Before the conveyance, a police officer shall produce the order to the person to be conveyed.

If there is reasonable suspicion that a person will resist conveyance, the police officer shall produce the order to him after the conveyance is done.

Before the conveyance, the police officer shall be authorized to search the person to be conveyed, and to use restraints during the conveyance if the respective conditions are met.

A person may be brought in between 06:00 and 22:00 hours.

By way of derogation, when conveyance is necessary for the performance of urgent police duties, if it is in the interest of the procedure or upon order of the competent authority, a person may be brought in outside the period defined by paragraph 6 of this Article.

Conveyance may be initiated not earlier than six hours before the specified conveyance time limit, if it is carried out in the territory of the police department where the person was found.

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

Conveyance without a written order

Article 83

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

- 1) if the person's identity needs to be established;

- 2) if the person is being sought;
- 3) if the person is to be detained in accordance with the law;
- 4) if the person failed to respond to the summons only if summons contained a warning that he would be brought in;
- 5) if the person was caught in the commission of a criminal offense prosecutable *ex officio* and for the purpose of hearing in the capacity of a suspect in accordance with the Criminal Procedure Code;
- 6) if conveyance or bringing in is prescribed by another law

Persons not subject to the provisions on conveyance

Article 84

The provisions on conveyance shall not apply to a person whose mobility is made considerably difficult due to illness, infirmity or pregnancy, or when there are reasonable grounds to assume that conveyance would significantly worsen his health.

The authority that issued the order shall be notified of the facts referred to in paragraph 1 of this Article.

The provisions on conveyance shall not apply to a person who performs jobs which must not be interrupted until an adequate replacement is provided.

The decision relating to the reasons referred to in paragraphs 1 and 3 of this Article, not to apply the provisions on conveyance, shall be made by the immediate manager of the police officer who is carrying out the conveyance, whereas when the reasons become known only on the spot – the decision shall be made by the police officer himself, who shall inform his immediate manager thereof without delay.

Rights of conveyed persons

Article 85

A police officer shall, before conveying a person, inform him in the language that he understands, about the reasons for conveyance, the right to notify their family or other persons and the right to an attorney.

Detention and temporary restriction of freedom of movement

Conditions for detention

Article 86

A police officer shall detain a person when that is prescribed by another law.

The decision on detention and action on appeal shall be made in accordance with the law based on which the detention was ordered.

Detention shall be terminated when the reasons for which it was ordered cease to exist or by the decision of a competent court.

If a member of the Armed Forces or the Security Information Agency is detained, the military police or the Director of the Security Information Agency shall be informed thereof without delay.

Detention within the meaning of this Article shall not be understood to mean the time required for a person extradited by foreign security services or transferred by other authorities of the Republic of Serbia to be conveyed and brought to the competent authority for further action.

The police officers' treatment of persons who are brought in and detained, as well as the conditions to be met by the detention premises, shall be prescribed by the Minister.

Rights in case of detention

Article 87

A person who is detained pursuant to the provisions of this Law or within the implementation of laws on state border protection or traffic safety, must be informed in his mother tongue or a language he understands that he has been detained, and of the reasons for detention, and instructed that he is not required to make any statements, that he is entitled to

appropriate legal assistance of an attorney of his own choice and that his closest persons will be informed accordingly upon his request.

If a person referred to in paragraph 1 of this Article is a foreign national, he must also be advised in his mother tongue or a language he understands, that at his request the diplomatic and consular representative office of his country of nationality shall be informed about his detention.

A police officer must defer any further actions until the arrival of the defense attorney, for no longer than two hours from the time the detained person was given the opportunity to inform the defense attorney.

Temporary restriction of freedom of movement

Article 88

A police officer may, in accordance with the law, temporarily and no longer than eight hours from the adoption of the decision, restrict a person's freedom of movement in a particular area or facility, in order to:

- 1) prevent the commission of criminal offenses or misdemeanors;
- 2) find and arrest perpetrators of criminal offenses or misdemeanors;
- 3) find and arrest persons wanted by the authorities;
- 4) find traces and objects that may serve as evidence in criminal or misdemeanor proceedings

The decision to temporarily restrict freedom of movement in a particular area or facility shall be made by the Police Director or head of the police department, or by a person authorized by them to do so.

Temporary restriction of freedom of movement may not exceed the time necessary to achieve the goal of using the power.

Any restriction of movement longer than eight hours requires an approval of the competent court.

Special conditions for temporary restriction of the freedom of movement

Article 89

Based on the decision of the Police Director or head of the police department or a person authorized by them to do so, a police officer shall be authorized to temporarily restrict the freedom of movement and stay within a particular area or facility, or to remove persons from an area or a facility, in cases of threats to security caused by natural disasters or epidemics and in other cases when it is necessary to protect the right to safety of persons and their property while such threat persists.

Article 90

Temporary restriction of freedom of movement and search for persons and objects shall be carried out by taking crime police tactical actions including pursuit, search of facilities and areas, ambush, raid and blocking of traffic and other areas.

Requesting information

Article 91

A police officer may request information from a person in order to prevent and detect criminal offenses or misdemeanors and their perpetrators in accordance with the law.

The person shall not be required to provide the requested information unless such a refusal would constitute a criminal offense, of which the police officer shall warn him.

The police officers shall make an official note on the information obtained from citizens.

Temporary seizure of objects

Prerequisites for temporary seizure of objects, receipt and record-keeping

Article 92

A police officer shall temporarily seize an object if:

- 1) circumstances of the case indicate that a particular object is intended for the commission of criminal offense or misdemeanor, or that it originated or resulted from a criminal offense or misdemeanor;
- 2) seizure of the object is necessary to protect public safety;
- 3) the object is in the possession of a detained person or a person with restricted freedom of movement who can use it for self-harm, attack or escape;
- 4) that is specified by another law

The police officer shall issue a receipt on the seizure of object.

The receipt referred to in paragraph 2 of this Article must contain the data on the seized object, the data based on which the seized object is distinguishable from other objects, the data on the person from whom the object was seized, and the data on the police officer (first and last name, number of official badge) who temporarily seized the object.

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

Safeguarding and returning temporarily seized objects

Article 93

When because of the characteristics of temporarily seized objects their safeguarding in Police premises is not possible or would entail considerable difficulties, temporarily seized objects may be stored or secured in an appropriate manner, until the adoption of the decision of the competent authority.

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

When the reasons for temporary seizure of an object cease to exist, the temporarily seized object shall be returned to the person from whom it was seized, unless otherwise provided by another law or decision of the competent authority.

The person referred to in paragraph 3 of this Article shall be summoned to recover the object within a time period not shorter than one month.

Temporarily seized unexploded ordnances, mine-explosive ordnances, improvised explosive devices, and other devices dangerous for human life and health shall, after forensic processing and expertise, be destroyed without delay, with the help of competent authorities and at a location envisaged for that purpose.

Before the destruction of objects referred to in paragraph 5 of this Article, consent of the competent public prosecutor or other competent authority shall be obtained, and after the destruction a record shall be made thereof.

Sale of temporarily seized objects

Article 94

Temporarily seized objects may be sold if further action does not fall within the competence of the court or another administrative authority, in cases when:

- 1) there is a risk of decay or significant depreciation of objects;
- 2) safeguarding and maintenance of the objects entails disproportionately high costs or difficulties

A temporarily seized object may be sold if the summoned person fails to recover it within the defined time period which shall not be shorter than one month, and if the person was told that the object would be sold unless he recovers it.

Temporarily seized objects shall be sold at a public auction.

If the temporarily seized object is important for the country's cultural heritage, the institution responsible for the protection of cultural goods shall be informed thereof before the public auction is initiated.

If it was not possible to sell a temporarily seized object at a public auction or it is obvious that auction costs would be disproportionate to the amount resulting from the sale, or there is a danger of decay of the object, the temporarily seized object shall be sold directly.

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

Funds generated by the sale of temporarily seized objects shall be considered revenue in the budget of the Republic of Serbia.

The procedure 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 authorized to enter and inspect the facilities, assets, premises and documents for the purpose of:

- 1) preventing the commission of a criminal offense;
- 2) arresting the perpetrator of a criminal offense;
- 3) acting on a tip on the presence of an explosive device or eliminating other imminent and serious threat to people or property

Article 96

If it is necessary to ensure security of people and property, a specially trained police officer may perform regular or extraordinary counter-diversion inspection of premises, facilities, assets, devices and other objects.

The counter-diversion inspection includes search or detection of explosives or explosive devices and of CBRNE materials (chemical, biological, radiological, nuclear and explosives) and other kind of inspection.

If there are grounds to expect that in the premises, facilities or assets or other places in the immediate vicinity safety of people and property may be endangered by suspicious devices or objects, and if and when such a hazard occurs, police officers may vacate the premises, facilities, assets or location and prevent access to them, as well as inspect them either directly or by using technical equipment.

In the cases referred to in paragraph 3 of this Article, after having found a suspicious device or object and neutralized it, a specially trained police officer may independently or with the help of competent authorities undertake their transportation or take measures on the spot to destroy them if there is no other way to remove the immediate and serious threat to safety of people and property.

When conducting the search, police officers may request the competent authority to undertake supervision and measures within its jurisdiction.

Specially trained police officers shall also be authorized to conduct a preventive counter-diversion inspection.

At the proposal of the specially trained police officer, who conducted the search, the competent organizational unit of the Police Directorate may provide other state authorities, legal and natural persons with general and special 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 authorized to stop and conduct a search of persons, personal effects and objects carried by them and means of transportation (hereinafter: vehicles)

- 1) when a person is to be brought in;
- 2) when it is necessary to find objects suitable for attack or inflicting self-harm;
- 3) when undertaking measures of search for persons and objects;
- 4) when undertaking other measures and actions in accordance with the Criminal Procedure Code

Before proceeding with the search referred to in paragraph 1 of this Article, a police officer shall inform the person that he was stopped for inspection for preventive reasons, because of his or somebody else's misdemeanor or criminal offense or for another safety reason.

Search of persons within the meaning of paragraph 1 of this Article means inspection of the clothing and footwear.

Search of vehicle within the meaning of paragraph 1 of this Article means inspection of all open and enclosed spaces of the vehicle and transported objects.

Search of personal effects and objects carried by a person means inspection of personal effects and objects on the person or in his immediate vicinity, or objects belonging to the person at whose order they are being transported with the searched person accompanying them.

Search of persons must be conducted by persons of the same sex, except when urgent search is required in order to seize weapons or objects suitable for attack or self-harm.

During the search, police officers shall be authorized to use technical devices and police dogs.

When taking measures referred to in paragraph 1 of this Article, a police officer shall be authorized to forcibly open closed vehicles or an item carried on a person.

If it is probable that on himself, in the vehicle or in an object that he carries with him a person carries objects that may serve as evidence in criminal or misdemeanor proceedings, a police officer shall be authorized to retain the person until obtaining a search warrant, but for no longer than six hours.

Checking the flag, pursuit, stopping, retaining and escorting a vessel

Article 98

When performing police duties on rivers and inland waterways, a police officer may, in accordance with special regulations:

- 1) check a vessel's flag;
- 2) stop a vessel;
- 3) inspect documents of a vessel and persons on the vessel;
- 4) examine a vessel;
- 5) pursue a vessel;
- 6) retain/seize the vessel;
- 7) escort a vessel to the competent authority

The pursuit of a vessel referred to in paragraph 1, point 5) of this Article may commence if the vessel fails to stop after being ordered to stop by way of a visible light or auditory signal or signs of the International Code of Signals from a distance which permits the vessel to receive the call to stop.

If the pursued vessel fails to stop, the police officer shall stop it by means of a manoeuvre or by using other means.

Securing and searching of the scene

Article 99

When a police officer learns of a commission of a criminal offense, misdemeanor or other event that requires direct observation to determine or clarify the facts, he shall be authorized to secure the scene until the arrival of an official from the competent authority, or to perform on-site investigation or event reconstruction using forensic tactics, methods and techniques.

By way of derogation, a police officer may inspect the scene in order to prevent the destruction of objects that may serve as evidence, to retain persons and detect the perpetrator, to assist the victim, and to collect information related to the criminal offense, misdemeanor or event, making sure that the scene is not disrupted.

A police officer shall be authorized to retain a person until the end of inspection, but for no longer than six hours, if he assesses that the person can provide information of importance for clarifying the event or for taking rescue activities, if it is probable that the information might not be collected later or that it would not be possible to ensure the presence of a person who could undertake rescue activities.

To protect victims of a criminal offense, persons inflicted damage by misdemeanor or other event, and to protect the interest of the proceedings, a police officer shall be authorized to prohibit recording of the scene.

Requisitioning vehicles and communications equipment

Article 100

A police officer may use a vehicle and communications equipment of a legal or natural person if he has no other means of transportation or of establishing communication necessary in order to catch a directly pursued perpetrator of a criminal offense or to transport to the nearest health care institution an injured person who is a victim of a crime, a traffic accident, natural disaster or other accident.

When exercising powers pursuant to paragraph 1 of this Article, a police officer shall identify himself by showing his official badge and the official ID card.

The owner of the vehicle and the communications equipment used by the police officer shall be entitled to compensation of costs and damage incurred as a result of their use, amounting to no less than the market value.

Establishing the presence of alcohol and/or psychoactive substances

Article 101

To establish the presence of alcohol and/or psychoactive substances in the body, a police officer may subject the person suspected of having committed a criminal offense or misdemeanor or having participated in an event (hereinafter: the perpetrator) to testing by appropriate means (alcometer, drug test, etc.).

The perpetrator shall, without delay, act upon the order of the police officer and allow testing by appropriate means referred to in paragraph 1 of this Article.

If for obviously justified reasons it is not possible to conduct the testing prescribed in paragraph 1 of this Article, the police officer may take the person to an appropriate health care institution for professional medical examination.

The perpetrator shall be obliged to undergo such examination.

A perpetrator who after the testing by appropriate means (alcometer, drug test, etc.) denies the findings may request that a blood test, a test of blood and urine or other bodily fluids be conducted in an appropriate institution, at his expense.

The request shall be submitted in writing, on the spot, and shall be entered into the record containing the testing findings.

If the testing conducted pursuant to the provisions of this Article determined that the perpetrator was under the influence of alcohol and/or psychoactive substances, the testing costs shall be borne by the perpetrator.

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

The health care institution or the accredited laboratory of the Ministry referred to in paragraph 8 of this Article shall conduct the analyses of blood, or blood and urine, or other bodily fluids in a lawful manner according to rules of the profession and in a conscientious manner.

Performing security vetting

Article 102

Vetting shall include a set of measures and actions to determine the existence or nonexistence of security threats.

A security threat is a fact that precludes employment and work in the Ministry, acceptance for professional education, capability development and advancement for the needs of the Police, or exercise of another right prescribed by separate law.

Unless otherwise provided by another regulation, a police officer shall be entitled to perform background checks on:

- 1) candidates for employment in the Ministry;
- 2) candidates for training at the Basic Police Training Center;
- 3) candidates for enrolment in a university-level educational institution for the needs of police education;
- 4) Ministry's employees;
- 5) candidates for employment in other state authorities, in accordance with regulations governing this field, upon request of that state authority;
- 6) candidates for detective or private security service;
- 7) candidates for holding and carrying firearms;
- 8) persons allowed access to particular facilities or locations under special security protection; and
- 9) in other cases provided by a separate law

Vetting shall be performed at the request of a state authority or another person, if such state authority or another person is legally authorized to process the data of the requested type.

In the performance of background check, a police officer shall apply all other powers prescribed by this Law and other regulations.

The collected data and records for the purpose of performing background checks constitute a data with confidentiality level in line with the regulations governing this field.

A police officer shall create a report on the performed background check, which shall be authenticated by his immediate manager.

Reception of found objects

Article 103

A police officer shall receive from the finder any found object that may jeopardize the safety of citizens, as well as money and valuables or a dangerous object (hereinafter: object), and shall make a record thereof and issue a receipt to the finder.

The police shall take all necessary measures to guard the object and to find the person who lost the object.

If the person who lost the object is known or is subsequently identified, the Police shall return the object. When due to its characteristics storing of the object at Police premises is not possible or entails significant difficulties, the police shall deliver the object to the competent authority for guarding and further action or shall destroy it.

The found-objects procedure shall be subject to the provisions of this Law on temporarily seized objects, whereas a more detailed procedure following the reception of found objects shall be prescribed by the Minister.

Police power to order stay in the Reception Center for Foreigners

Article 104

A foreign national who is not allowed to enter the country or against whom a security measure of expulsion, the protection measure of removal from the country or the measure of cancellation of residence and prohibition of return to the country have been imposed, but whom it is impossible to expel immediately, may be ordered, in accordance with the law regulating

activities relating to foreigners, to reside under police surveillance in a facility designated for that purpose over the period necessary to remove him from the country.

During the foreigner's stay, police officers shall treat him strictly complying with ethical principles in the performance of police duties.

Means of coercion and their use

Types of means of coercion and requirements for their use

Article 105

Means of coercion, within the meaning of this Law, include:

- 1) physical force;
- 2) pepper spray;
- 3) electromagnetic devices;
- 4) police baton/truncheon;
- 5) restraining devices;
- 6) special vehicles;
- 7) police dogs;
- 8) police horses;
- 9) passage blocking means;
- 10) water-spraying devices;
- 11) chemical agents;
- 12) special types of weapons and devices;
- 13) firearms

A police officer shall apply means of coercion only when otherwise unable to carry out his duty, with due restraint, and in proportion to the danger threatening the legally protected goods and value, and the gravity of the offense being prevented or combated.

A police officer shall always use the most lenient means of coercion enabling him to achieve a legitimate goal, in proportion to the reason for such use and in a manner enabling performance of duty without unnecessary detrimental consequences.

Before using the means of coercion, a police officer must warn the person about his intention, if that is possible in the given situation and unless it would put at risk the fulfillment of the official duty.

When using the means of coercion, police officers are obligated to safeguard human lives, ensure the least possible injury and material damage and make sure that persons injured or threatened with injury receive aid as soon as possible and that their closest persons be notified without delay.

Police officers shall undergo training on the use of means of coercion, organized by the Ministry.

Using means of coercion against a group of persons

Article 106

A police officer shall be authorized to order a group of persons to disperse if the group is gathered or behaves unlawfully or if its behavior may provoke violence or disturb public order.

If the group fails to disperse, the following means of coercion may be used:

- 1) physical force;
- 2) pepper spray;
- 3) electromagnetic devices;
- 4) police baton/truncheon;
- 5) special vehicles;
- 6) police dogs;
- 7) police horses;
- 8) water-spraying devices;
- 9) chemical agents

The means of coercion referred to in paragraph 2 of this Article may be used only upon the order of the head of the police department or a police officer authorized by the head.

As a rule, the authorization referred to in paragraph 3 of this Article shall be given in writing, and exceptionally in urgent cases authorization may also be given verbally.

Limits on the use of coercion

Article 107

Physical force may not be used against persons under the age of 14, persons who are apparently ill, feeble, heavily disabled or against women who are visibly pregnant or who warn that they are pregnant.

The persons referred to in paragraph 1 of this Article may in exceptional cases be subjected to physical force and other means of coercion under the conditions provided by law if one of these persons endangers the life of another person by a firearm, device or other dangerous object.

Reporting, control and responsibility for the use of means of coercion

Article 108

A police officer shall submit a written report to the superior police officer on any use of means of coercion promptly and no later than 24 hours after the use of means of coercion.

The report referred to in paragraph 1 of this Article shall contain data on the means of coercion used, the person against whom they were used, the reasons and grounds for their use, and other facts and circumstances of importance for assessing the 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 authorized police officer or a commission comprising at least three members.

In case of unjustified or inappropriate use of means of coercion, the authorized police officer or the commission referred to in paragraph 3 of this Article shall propose to the head of the organizational unit to take legally prescribed measures.

The data on the number of cases of use of means of coercion, classified by type, and the data on the number of cases of unjustified or inappropriate use of means of coercion and measures taken in that connection, shall be an integral part of the report referred to in Article 6, paragraph 3 of this Law, and shall be available to the public.

More detailed characteristics of the means of coercion, the manner of their use, the procedure for assessing justifiability and appropriateness of their use, control and record keeping shall be prescribed by the Minister.

Legal and other assistance relating to the use of means of coercion

Article 109

When means of coercion are used within the prescribed legal powers, the police officer who used them shall not be held liable.

When criminal proceedings are conducted against a police officer because of 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 duties, the Ministry shall provide the officer with free legal and other necessary assistance during the proceedings.

The Ministry shall also provide free legal assistance to a citizen who provided assistance to the police officer, if criminal proceedings are instituted against him because of action taken in relation to the provision of assistance.

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

Provisions on individual means of coercion

Physical force

Article 110

Physical force may be used to repel an attack, subdue resistance or prevent self-harm.

For the purpose of this Law, physical force means use of different martial arts or similar techniques on the body of another person to compel obedience when legally prescribed conditions have been met.

Attack means any action taken to injure or kill the attacked person, to forcibly enter a restricted facility or the area around the facility, or to hinder or prevent a police officer in the performance of an official action.

Resistance means any opposition to lawful official measures and actions, including by disregarding orders or by taking a kneeling, sitting, lying or similar position, passive resistance, hiding behind or holding to a person or object, struggling, demonstrating an intent to attack, or taking other similar action, active resistance.

Physical force shall be used in accordance with the rules of self-defence and shall cease immediately after the person against whom it was used has ceased to attack or resist.

Pepper spray

Article 111

Pepper spray may be used to repel an attack or subdue active resistance of a person.

For the purpose of this Law, the use of pepper spray means use of spray doses filled with tear gas or a chemical agent of weaker effect than tear gas and/or a special purpose substance with a repugnant smell.

Electromagnetic means

Article 112

Electromagnetic means may be used to repel an attack or subdue active resistance of a person.

Use of electromagnetic means, for the purpose of this Law, means use of stun guns and electric batons, which emit a short-duration electromagnetic pulse.

Police baton

Article 113

A police baton/truncheon may be used to repel an attack or subdue resistance of a person, if the use of physical force is unsuccessful or a legitimate goal cannot be achieved.

Use of a police baton means punching or applying combat wrestling on a person's body.

A police baton shall not be used in the area of the head, neck, spinal column, chest, stomach, genitals and joints, unless such strokes are absolutely necessary in order to protect life and limb.

Restraints

Article 114

Restraints may be used to prevent attack, resistance, escape or self-harm.

As a rule, use of restraints means tying a person's hands, either in front or behind the back.

When the use of restraints referred to in paragraph 2 of this Article does not achieve the purpose, legs may also be tied.

A police officer shall apply the restraints referred to in paragraph 1 of this Article in such a manner that the restraint does not inflict unnecessary bodily pain or injuries to the restrained person.

Special vehicles

Article 115

Special vehicles may be used to restore public order, block passage of persons, and use chemical agents and firearms mounted on these vehicles.

Use of special vehicles means ejection of pressurized water with or without chemical agents, use of installed firearms, clearing of obstacles and blocking of passage of persons. When in use, special vehicles and their crews shall be guarded by the necessary number of police officers.

Special vehicles means vehicles fitted with devices for ejecting pressurized water, armored vehicles with or without passage blocking equipment, helicopters, obstacle-clearing vehicles and other special purpose vehicles.

Built-in chemical agents and firearms may only be used under the conditions established by this Law.

Police dog

Article 116

A police dog may be used as a 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

Use of police dogs means releasing dogs against persons and using dogs to block passage of persons.

A police dog may be used:

- 1) muzzled and on leash;
- 2) muzzled and off leash;
- 3) without a muzzle and on leash; and
- 4) without a muzzle and off leash

Police horse

Article 117

A police horse may be used as a means of coercion, when the conditions for using physical force or police baton have been met, to restore public order or block passage of persons.

The use of police horses means moving on a police horse or horses towards a person or persons in order to separate them, push them back or block their passage.

Means of blocking passage

Article 118

Means of blocking passage means police means used for forcibly stopping vehicles and blocking the passage of persons.

When used, means of passage blocking shall be guarded by a necessary number of police officers, as determined by their senior officer.

Stopping vehicles

Article 119

Means of forcibly stopping vehicles may be used for:

- 1) preventing the escape of a person caught in the commission of a criminal offense prosecutable *ex officio*;
- 2) preventing the escape of a person deprived of liberty or against whom an arrest warrant has been issued;
- 3) preventing illegal crossing of state border by a vehicle;
- 4) preventing unauthorized access by vehicle to a facility or area where persons safeguarded by police are located;
- 5) preventing the escape of a traffic participant who committed an aggravated misdemeanor in the field of traffic safety or an aggravated misdemeanor with elements of violence or who caused a traffic accident and failed to comply with the signal of a police officer to stop the vehicle

Means of forcibly stopping vehicles means police devices intended for vehicle stopping purposes, including spike strips and other special purpose devices that can be used to forcibly stop a moving vehicle.

In front of the means of forcibly stopping vehicles the prescribed traffic signaling shall be placed, at an appropriate distance, in accordance with road traffic safety regulations, if that is possible in the given situation.

Blocking passage of persons

Article 120

Means of blocking the passage of persons may be used to cut off and divide the area when policing public gatherings, to block a particular area or facility, or to confine, prohibit or direct movement of persons in public places, certain areas or roads.

Means of blocking the passage of persons include barricades, special vehicles, police dogs, police horses, and other means that can be used for blocking passage of persons.

Water cannons

Article 121

Water-spraying devices may be used only under the conditions laid down for the use of means of coercion against a group of persons who behave unlawfully and may thus trigger violence.

A water-spraying device may be used so as to eject concentrated or dispersed water stream.

A concentrated water stream may be used against persons from a distance which shall not endanger their life.

Water sprayed from the devices referred to in paragraph 1 of this Article must be environmentally clean, and may exceptionally contain permissible concentrations of harmless chemical agents or color solutions to mark persons who disturb public order.

Chemical agents

Article 122

Chemical agents may be used to repel an attack and subdue resistance if that cannot be achieved by physical force and police baton, to restore public order, to force a person to leave an enclosed space, in resolving hostage situations, and in cases where conditions have been met for the use of special types of weapons and explosive devices or for the use of firearms, as established by this Law.

Use of chemical agents means use of short-term effect tear gas and chemical agents with milder effect, whose effect until it lasts causes no consequences for psycho-physical and general health.

When using chemical agents in the vicinity of children's institutions and senior citizens' homes, hospitals, primary schools, busy roads and highly inflammable substances, special protective measures shall be taken.

Chemical agents shall not be used against persons near explosive or inflammable substances, at great heights, and in similar locations where human life could be endangered.

The decision to use chemical agents shall be made by the manager who directly manages engaged forces in accordance with the plan, and if there is no plan, the consent of the Police Director must be obtained.

Special types of weapons and devices

Article 123

Special types of weapons and explosive devices may be used only if the conditions for using firearms provided by this Law have been fulfilled, if the use of firearms proves unsuccessful or does not guarantee the achievement of a legitimate goal.

Explosive devices may not be used against juveniles and crowds.

The decision to use special types of weapons and explosive devices shall be made by the Police Director, based on the previously obtained consent of the Minister.

Firearms

Article 124

In the performance of police duties a police officer may use firearms only if he cannot achieve a legitimate policing goal by using other means of coercion and when it is absolutely necessary to repel a simultaneous unlawful life-threatening attack against himself or another person.

An unlawful life-threatening attack against a police officer or another person within the meaning of paragraph 1 of this Article means an attack with firearms, imitation firearms, dangerous tool or an attack with another object, or attack in another way which may threaten the life of a police officer or another person.

An attack with a firearm against a police officer within the meaning of paragraph 2 of this Article means also the pulling of a firearm or an attempt to pull it.

Pulling a firearm within the meaning of paragraph 3 of this Article means a move with the firearm aimed at bringing it or putting it in a ready position, while an attempted pull means a move made towards the firearm.

The use of firearms shall not be allowed when it endangers other persons' lives, 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 juveniles, except when it is the only way of defense from an imminent attack or threat.

Warning before using firearms

Article 125

Before using firearms, a police officer shall warn the person against whom the firearms are to be used by issuing an order: "Stop, police, I will shoot!"

In case the person fails to obey the order, the police officer shall fire a warning shot, if that does not jeopardize the safety of people.

Notwithstanding paragraphs 1 and 2 of this Article, a police officer shall use firearms without issuing an order and a warning shot if that would obstruct the defense from an attack or removal of a threat that is putting his life or lives of other persons at risk.

Use of firearms against a moving vehicle

Article 126

A police officer may not use firearms against a moving vehicle, unless the vehicle is used with the aim of jeopardizing the life or safety of a police officer or other person, or if firearms are used from the vehicle with the aim of jeopardizing the life or safety of a police officer or other person.

Use of firearms in pursuing vessels

Article 127

When it is necessary to stop a vessel pursued on inland waterways, the police may use firearms against the vessel in order to stop it and prevent the escape of persons, in order to convey the persons to the competent authority, provided that other available means proved to be unsuccessful.

Other means referred to in paragraph 1 of this Article may be auditory and light signals, verbal warning, issuing of orders and warning shots, provided this does not endanger other persons.

Firearms shall not be used if they endanger other persons' lives or if not necessary to save or protect someone's life.

Use of firearms against animals

Article 128

Firearms may be used against animals only if their possible attack poses a direct threat to life and limb, or endangers human life or health.

VIII HUMAN RESOURCES

Human resources management

Article 129

The human resources management function in the Ministry shall be performed by the organizational unit for human resources.

The human resources management function shall be equally applied in all organizational units of the Ministry and include the field of work involving the development of human resources strategy and policy, analysis of job tasks, developing the catalogue of job positions and descriptions, implementing competitions, recruitment and selection of candidates, career development and assessment of the employees, training of employees, collective bargaining and relations with trade unions, health care and psychological prevention, occupational safety and health, labor relations, representations, disciplinary proceedings, retirement procedures, and comprehensive monitoring of quality indicators in human resources management.

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

Article 130

The human resources management function shall be performed by:

- 1) professional planning, recruitment, selection and education during selection and during work of the employees of the Ministry;
- 2) continuous learning and strengthening of professional ethics, integrity and credibility of the employees of the Ministry;
- 3) establishing and developing the system of career advancement of the employees of the Ministry, based on the principles of competence and performance management;
- 4) protection and promotion of human and minority rights and freedoms and equality, as well as by applying the Code of Police Ethics

Training, professional capability development and advancement

Article 131

Training of the Ministry employees, as referred to in this Law, and for the purpose of career development, shall involve acquiring and improvement of knowledge, skills, approaches and conduct aimed at increasing efficiency and effectiveness in performing police work and other internal affairs tasks.

The training referred to in paragraph 1 of this Article shall be carried out as organized by the organizational unit competent for the human resources management tasks and shall be planned and implemented through professional capability development and advancement, based on the identified needs of the organizational units of the Ministry and on the results obtained through the assessment system.

Professional capability development shall be implemented through initial police training, specialized training and basic level police training.

Professional advancement of the employees shall be planned and implemented in line with the curriculum for professional advancement and as part of other forms of professional advancement.

The Ministry employees shall be entitled to be informed about the possibilities of professional capability development and advancement.

The Ministry may implement the training, professional capability development and advancement of third parties, in accordance with the law.

Article 132

The trainees who have successfully completed basic police training shall be required to remain working at the Ministry for the period of at least five years, while the trainees who have successfully completed specialized training or license training or training for other form of specialist certificate shall remain working at the Ministry for at least three more years, or reimburse the costs of professional capability development.

The criteria for the selection of candidates to receive basic police training and other forms of professional capability development, the rights, duties and responsibilities of the trainees, monitoring, assessment, taking the final examination and issuing of certificates, mentoring in basic and specialized training, self-evaluation and evaluation of basic and specialized training and professional advancement, publishing, providing services to third parties and other issues related to the training and other rights shall be prescribed by the Government.

Article 133

Professional capability development and advancement in the Ministry shall be implemented in accordance with the relevant training curricula and plans.

The training curricula referred to in paragraph 1 of this Article, at the proposal of the manager of the organizational unit in charge of human resources, with the previously obtained consent of the Police Director, shall be issued by the Minister.

In accordance with the curricula referred to in paragraph 2 of this Article, the competent organizational unit shall establish and implement the plans for carrying out specific forms of training.

For the purposes of professional capability development and advancement, as well as for the purposes of improvement of operation, the Ministry shall cooperate with scientific and educational institutions and perform scientific and research activities and publishing.

Vocational education

Article 134

Vocational education as required by the Ministry shall be carried out in accordance with the regulations in the field of university-level education.

The Ministry may send a police officer for education or advancement to a university-level education institution in the country or abroad, in accordance with the needs of the Ministry.

The rights and obligations of the Ministry and of the police officer receiving vocational education shall be regulated by way of a contract.

Conditions of employment

Manner of establishing employment relationship

Article 135

Employment relationship with the Ministry shall be established by way of a competition.

Notwithstanding paragraph 1 of this Article, the employment relationship with a civil servant may also be established by way of transfer under the employee take-over agreement from another state authority.

The employment relationship with the Ministry may be established only at job positions envisaged by the act on internal organization and job classification that are vacant, and in cases when filling such a vacancy is in accordance with the adopted human resources plan.

The employment competition shall be mandatory for employment with the Ministry when it is prescribed by law or the act referred to in Article 9, paragraph 2 of this Law.

Paragraph 4 of this Article shall not apply in cases of receiving candidates from university-level institutions who are educated in accordance with special study curriculum for the needs of the Ministry under a previously concluded contract.

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

Article 136

In case of a vacancy for a managerial position, at the request of the manager of the organizational unit responsible for requesting the filling of vacancy, and within 30 days from the date when such job position became vacant, the organizational unit in charge of human resources management shall announce an internal competition for filling the vacancy, which is to be placed on the organizational unit's notice board.

Until the vacancy is filled in accordance with paragraph 1 of this Article, an acting job holder shall be assigned to that job position, at the proposal of the competent manager.

While serving as acting manager, an employee shall be entitled to the salary envisaged for the job position which he holds as acting manager.

Requirements for employment

Article 137

In addition to the general conditions for employment in a state authority, the person entering into employment with the Ministry must also meet the following eligibility requirements:

- 1) must be a national of the Republic of Serbia;
- 2) must have a registered permanent residence in the territory of the Republic of Serbia – for at least five consecutive years prior to applying for employment;
- 3) there must be no security-related impediments for performing tasks in the Ministry;
- 4) must meet the criteria of health, psychological and physical capabilities, as well as the criteria related to competencies for the job position applied for

For particular job positions specified by the act referred to in Article 9, paragraph 2 of this Law, it may be prescribed that the person entering into employment with the Ministry shall be exclusively a national of the Republic of Serbia.

When establishing an employment relationship, the Ministry shall be mindful of the ethnic structure of the population, the appropriate representation of persons belonging to national minorities, and the knowledge of the language and script in official use in the territory of the local self-government unit for which the organizational unit where the person is to be employed was formed, in order to achieve full equality between persons belonging to national minority and citizens belonging to the majority.

Article 138

Employment with the Ministry may not be established with the person:

- 1) currently subject to criminal proceedings for criminal offenses prosecutable *ex officio*;
- 2) who has been convicted of a criminal offense prosecutable *ex officio*;
- 3) who has been sentenced to imprisonment longer than six months;
- 4) whose employment in a state authority was terminated due to a grave breach of official duty by a final and enforceable decision of the competent authority;
- 5) whose employment by a legal person with public powers was terminated due to a breach of work obligation or failure to observe work discipline;
- 6) who was convicted by way of a final and enforceable sentence for an offense involving violence;

- 7) if any security impediments have been identified during the security clearance procedure (security vetting)

The data on the person wishing to become employed with the Ministry shall be collected in the security vetting procedure.

Article 139

The Ministry shall keep a single register of police officers, other employees and candidates entering into employment with the Ministry, in accordance with the regulation on records and data processing in the field of internal affairs.

Security vetting and identification of the presence of security impediments

Article 140

The assessment indicating the presence of a security impediment, following the completed security vetting procedures, shall be proposed by the organizational unit which conducted the vetting, whereas the final assessment shall be made by the organizational unit of the Police Directorate in charge of such tasks.

The data collected may not be used for any other purposes.

Levels of security vetting

Article 141

Security vetting shall be conducted at three different levels, depending on the scope of data subject to the vetting.

The first level security vetting shall be carried out for persons referred to in Article 102, paragraph 3, points 1), 2), 3), 5), 7), and 8) of this Law.

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

The first level security vetting procedure shall be carried out for all employees of the Ministry for the period of five years.

The second level security vetting shall be carried out for mid-level managers for the period of three years.

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

The third level security vetting shall be carried out for state officials, appointed persons, or high- or strategic-level managers of the Ministry, for the period of two years.

The third level vetting shall involve processing of data referred to in paragraphs 3 and 6 of this Article, as well as data from the records of other security services.

Security vetting may also be carried out for shorter periods if necessary, as well as in other cases prescribed by law.

The second and third levels of security vetting shall be carried out by the Sector of Internal Control.

Manner of performing security vetting

Article 142

The person subjected to security vetting shall fill in and sign the Questionnaire on identification data particulars.

If the person referred to in paragraph 1 of this Article refuses to fill in and sign the Questionnaire on identification data, it will be assumed that he has given up the procedure for employment, for acceptance for training to perform police officers' tasks, for enrollment at a university-level institution for the needs of police education, or waived his rights under other regulations.

The design of the form of the Questionnaire referred to in paragraph 1 of this Article shall be prescribed by the Minister.

The Questionnaire referred to in paragraph 1 of this Article shall contain data specified by the law on records and data processing in the Ministry.

The request for initiating a security vetting procedure for candidates for employment with the Ministry and for vocational education, capability development and advancement, for the needs of the Police, shall be submitted by the organizational unit of the Ministry responsible for human resources.

The request for conducting security vetting at the requests of other authorities, or legal persons, shall be submitted by such authorities, or persons, in accordance with a special law.

In order to verify the continuity of meeting the requirements for work in the Ministry, the request for initiating the security vetting procedure for the employees shall be submitted by their immediate manager, or the manager of the organizational unit to which the employee is assigned, if there are grounds to suspect that there are security impediments related to the employees.

The request referred to in paragraph 7 of this Article may also be submitted by police officers from the Sector of Internal Control and Agency for Data Security and Protection.

The request for initiating the security vetting procedure shall, along with the Questionnaire, be submitted for further action to the respective police department, based on the registered place of permanent residence of the person undergoing vetting.

For specific job positions in the Ministry, established by the act referred to in Article 9, paragraph 2 of this Law, the security vetting procedure shall include a mandatory polygraph testing.

Article 143

During the security vetting procedure, the data from the Questionnaire referred to in Article 142, paragraph 1 of this Law shall be collected and checked, as well as:

- 1) other data on the persons living with the person being vetted in a shared household, with their written consent;
- 2) data from penal and other records kept by the competent authorities;
- 3) data on arraignments, instigated criminal and misdemeanor proceedings conducted by the competent authorities;
- 4) information on habits, inclinations and behavior;
- 5) other data of importance for working in the Ministry

Article 144

Security vetting shall be carried out in the following manner:

- 1) by conducting an interview with the person undergoing vetting;
- 2) by inspecting the official records and collections of data kept by the competent authorities;
- 3) by conducting direct interviews with other persons, according to the assessment of the police officer carrying out vetting

The background check shall be carried out within 30 days from the date of receiving the request for the vetting.

If the selected person fails to appear at work within one year from the date of completion of security vetting, the competent organizational unit conducting the employment procedure shall be obligated to obtain a repeated security check.

The security vetting procedure referred to in Article 102, paragraph 3, points 6), 7), 8), and 9) shall be subject to payment of a fee in accordance with a separate law.

Declaration on duties and rights and taking an oath

Article 145

When being received into service, the police officer shall accept and sign the declaration on duties and rights of police officers.

On Police Day, the police officers received into service in the course of the previous year shall take an oath that reads: *“I swear to consistently uphold the Constitution and laws in performing police duties and to dedicate all my efforts to maintaining 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 an oath by police officers shall be prescribed by the Minister.

Probationary officers

Article 146

A probationary officer is a person who is entering into employment in his profession for the first time and is being trained for independent work or a person who has completed basic police training.

A probationary officer shall become employed in the capacity of a probationary officer after a public competition is carried out.

A probationary officer shall acquire the status of police officer after having completed his probationary period and having passed the professional competence examination.

During the probationary period, a probationary officer in the status of authorized officer shall complete the basic level police training not later than within one year from the date of employment.

A probationary officer's employment shall be terminated if he fails to pass the professional competence examination within the prescribed timeline.

The curriculum, procedure and manner of professional training of probationary officers and taking of the professional competence examination shall be prescribed by the Government.

Types of job positions of police officers

Article 147

Job positions of police officers shall be divided into managerial job positions and professional job positions.

Article 148

The managerial job positions of police officers shall be classified into four categories, depending on the complexity of tasks, education, rank/title, level of responsibility and decision making powers, as well as independence in work, which are the managerial positions of:

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

Job positions referred to in paragraph 1 of this Article shall involve management and command duties, including: planning, organization, coordination, control, assessment, analyses, work evaluation and provision of information, as well as other tasks of importance for managing and commanding at the required level of competencies.

Job positions referred to in paragraph 1 of this Article, as well as professional job positions, shall include all positions that involve direct police and other internal affairs tasks, as well as advancement within the appropriate range of rank/title.

Advancement within the appropriate range of rank/title shall be effected in accordance with the requirements 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.

Police Director

Article 149

Police Director shall be appointed by the Government for a period of five years, at the proposal of the Minister, after the public competition has been carried out and in the manner provided by the regulations on employment valid for the Ministry.

Police Director may be elected for no more than two consecutive terms of office.

Police Director may be a person who:

- 1) meets the general requirements for work in state authorities as specified by law;
- 2) meets special requirements specified 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 ACTS;
- 4) has the minimum of 15 years of experience in police work, at managerial job positions

The term of office of Police Director shall expire with the expiry of the time period for which he was elected, when he no longer meets the eligibility requirements for election as Police Director, when his employment is terminated by force of law, and for other reasons in accordance with the law, by resignation or dismissal.

Police Director shall be dismissed by the Government, at the justified proposal of the Minister, if he fails to achieve the expected performance within the competencies prescribed for his job position.

Police Director shall have a Deputy.

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

For assignment and dismissal of Deputy Police Director, rules applicable for assignment and dismissal of strategic and high level managers of the Police Directorate shall apply.

Assignment and dismissal of strategic and high level managers of Police Directorate

Article 150

Managers of strategic and high levels in the Police Directorate shall be assigned after the internal competition is completed.

The manager referred to in paragraph 1 of this Article shall be assigned and dismissed by a decision made by the Minister at the proposal of the Police Director, based on the reports and ranking of the candidates after the internal competition is completed.

The manager referred to in paragraph 1 of this Article shall be dismissed if he fails to achieve the expected performance within the competencies for his job position.

The Minister may request the proposal from the Police Director on assignment of the manager referred to in paragraph 1 of this Article if that particular job position remains vacant for longer than six months, or the proposal on dismissal of the manager referred to in paragraph 1 of this Article if the manager fails to achieve the expected performance within the competencies for his job position.

The Police Director shall submit the proposal referred to in paragraph 4 of this Article to the Ministry within the period of three months.

**Assignment and dismissal of middle and operational level managers of Police
Directorate**

Article 151

Managers of middle and operational levels in the Police Directorate shall be assigned after the internal competition is completed.

The manager referred to in paragraph 1 of this Article shall be assigned by the decision of the Police Director at the proposal of the immediate higher level manager and based on the reports and ranking of the candidates after the internal competition is completed.

The manager referred to in paragraph 1 of this Article shall be dismissed by the decision of the Police Director at the proposal of the immediate higher level manager, if he fails to achieve the expected performance within the competencies for his job position.

Information on job vacancies

Article 152

Employees shall have the right to be informed, by way of the notice board in organizational units, about vacant job positions in the Ministry for which it is determined that they need to be filled.

Managers of relevant organizational units shall immediately inform the organizational unit responsible for human resources affairs about any fact of importance for filling the vacant job positions in their respective organizational units.

Employees shall inform their immediate manager about any intention to change their job positions within the Ministry.

Working hours

Organization of work

Article 153

The Police shall be organized in such a way that police work is performed 24 hours a day. A working day, as a rule, shall last eight hours. A working week shall last five days, or 40 hours.

Notwithstanding paragraph 2 of this Article, for specific police officers, depending on the needs of the service, and in accordance with the local circumstances, or when they work in shifts, at night time or when the nature and organization of work so require, the Minister may prescribe a different organization of work.

Police officers' schedule

Article 154

In the performance of police duties a police officer shall work based on the special schedule (daily or weekly) defined by the immediate manager.

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

The special schedule referred to in paragraph 1 of this Article shall mean:

- 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) work frequent irregular hours;
- 6) overtime work;
- 7) stand-by duty

Work in shifts, or working alternately in the periods of morning (first shift), afternoon (second shift) and night parts of the day (third shift), as referred to in this Law, shall mean a regular working cycle when the employee, during a calendar month, within a regular monthly number of working hours, works alternately in one of the mentioned eight-hour cycles of the day (in the first, second or third eight-hour shift), at the job position for which it is specified that the work shall be performed 24 hours a day.

Rotating shift work, as referred to in this Law, shall mean a regular working cycle when a police officer, during a calendar month, within his regular monthly number of working hours, works alternately in the periods longer or shorter than eight-hours, at the job position for which it is specified that the work shall be performed 24 hours a day (12-24 - 12-48 plan or similar).

Night work, as referred to in this Law, shall mean a regular working cycle when a police officer, during a calendar month, within a regular monthly number of working hours, performs his job in the period from 22:00 hrs to 06:00 hrs.

Frequent irregular hours, or working frequently irregular working hour schedule, as referred to in this Law, shall mean a regular working cycle when a police officer, during a calendar month, within a regular monthly number of working hours, works alternately in the

periods where it is not possible to set in advance the time of work engagement, at the job position for which it is specified that the work shall be performed 24 hours a day.

Overtime work

Article 155

Overtime work, as referred to in this Law, shall mean working longer than full time in cases of *force majeure*, a sudden increase in workload and in other cases when it is necessary to finish the unplanned work within a specified timeline.

A police officer, as a rule, may not work longer than 12 hours a day, including overtime, and overtime work may not exceed eight hours a week.

If a police officer spends at work 12 consecutive hours in a day, overtime work may not exceed the time required to complete the commenced work, and may last up to four additional overtime hours.

In case of a mutual agreement between a manager and a police officer, when they both approve such a schedule, overtime hours may be calculated on quarterly basis as time off, in the ratio of 1:2, which may be spent not later than within six months from the expiry of the quarter in which they were identified.

In case of overtime work, the manager shall organize transportation for the police officer, or reimburse the costs of transportation from his place of living to the place of his overtime work and back.

Stand-by duty

Article 156

A police officer shall have the obligation to be on stand-by when circumstances of the job and tasks so require.

Stand-by duty, as referred to in this Law, means availability to respond to a call of the immediate manager or a person authorized to call him to come to work.

Stand-by duty, i.e. circumstances indicating that a police officer assigned to a particular job position must be available and ready, upon call from his immediate manager or a person authorized to make such call, to perform the job or task that has been planned and for which a need to potentially engage a police officer from a particular job position was expectable, shall be prescribed 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 considered overtime work.

Rescheduling of working hours

Article 158

An immediate manager may reschedule the working hours if that is necessitated because of the nature and organization of work, better utilization of resources, more rational use of working hours and the performance of a particular official task within the specified timeline.

Working hours shall be rescheduled in accordance with employment regulations.

Article 159

A police officer working under a special work schedule, as referred to in this Law, may have his weekly rest scheduled in a different way and in another period, provided that his daily and weekly rests are ensured in the duration specified by the law within the time period no longer than 30 days.

Rest break during daily work

Article 160

A police officer working under a regular working time regime shall be entitled to a rest break during daily work in the duration of 30 minutes.

A police officer working at least ten hours a day shall be entitled to a rest break during work in the duration of 45 minutes.

The rest break referred to in paragraphs 1 and 2 of this Article may not be used at the beginning and at the end of the working hours.

The time of the rest break referred to in paragraphs 1 and 2 of this Article shall be calculated as part of the working hours.

The rest break referred to in paragraphs 1 and 2 of this Article shall be organized in the manner ensuring that the work is not interrupted, if the nature of work does not allow work interruptions, and if the work is done with clients.

Article 161

When organizing night work and shift work, the immediate manager shall ensure that police officers have daily rest of at least 12 consecutive hours.

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 24-hour period, but must not exceed 12 hours.

Article 162

Records shall be kept on work schedules of police officers.

The manner in which a police officer is assigned to work under special schedule shall be prescribed by the Minister.

Working longer than full working hours or overtime

Article 163

In exceptional cases, the employee, and in particular the police officer shall, under the order of the competent manager, also perform tasks for longer than working hours and/or time specified for overtime work, if that is necessary for successful and timely performance of an official task which ensures direct protection of life and health of natural persons or protection of valuable property or of the protected facility, and provided the employee or police officer gives his consent – and not later than until the cessation of the immediate threat, or until his replacement is been provided.

Postponing or interrupting annual leave/vacation

Article 164

Police Director, Head of Police Department, or a person authorized by them, may postpone or interrupt the annual vacation of a police officer with a written explanatory note at any moment or time of day during the vacation or before it starts, for the purpose of performing police tasks that cannot be postponed.

In the case referred to in paragraph 1 of this Article, the police officer shall be entitled to compensation of actual expenses incurred by the postponement or interruption of the annual vacation.

Career development of police officers

Article 165

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

- 1) rank/title shall be determined based on the tasks of the job position to which the employee is being assigned or transferred;

- 2) for acquiring the next rank/title within the same level it is necessary to meet the requirements of the appropriate level of education, the required number of years of service spent in the previous rank/title, successful completion of professional training for the rank/title, as well as appropriate annual grades;
- 3) for acquiring the next rank/title in the next higher level it is necessary to meet the requirements of the appropriate level of education, the required number of years of service spent in the previous rank/title, successful completion of professional competence examination for the rank/title, as well as appropriate annual grades;
- 4) the rank of general shall be acquired in accordance with the rules of career development of police officers for specific managerial job positions of strategic and high levels

The time spent with the rank/title with lower professional qualifications shall not be taken into account when determining the period required for promotion.

The years of service required for promotion into the next rank/title shall solely include the time effectively spent on the job with the previous rank/title.

The manner of acquiring rank/title in the Ministry and other issues related to their use, or career development, shall be prescribed by the Government, within 90 days of 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 in the status of authorized officers shall have the following ranks:

- 1) with secondary vocational school qualifications – junior police sergeant, police sergeant, and 1st class police sergeant;
- 2) with first degree of university-level education – police sergeant major, 1st class police sergeant major, and police 2nd lieutenant;
- 3) with second degree of university-level education – police lieutenant, police captain, police major, police lieutenant colonel, police colonel, and police general.

Police officers in the status of persons on special duty shall have the following titles:

- 1) with secondary vocational school qualifications – junior police aide, police aide, and senior police aide;

- 2) with first degree of university-level education – junior police associate, police associate, and independent/senior police associate;
- 3) with second degree of university-level education – senior police associate, junior police advisor, police advisor, independent police advisor, senior police advisor, and chief police advisor.

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

- 1) with secondary vocational school qualifications – junior sergeant firefighter, sergeant firefighter, and 1st class sergeant firefighter;
- 2) with first degree of university-level education – sergeant major firefighter, 1st class sergeant major firefighter, and 1st class sergeant major firefighter;
- 3) with second degree of university-level education – 2nd lieutenant firefighter, lieutenant firefighter, captain firefighter, major firefighter, lieutenant colonel firefighter, and colonel firefighter.

Performance evaluation

Article 167

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

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 the three-year average grade which may not be lower than “excelling – 4”.

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

Tasks and activities incompatible with police duties

Article 168

The Ministry employees may not perform activities whereby they commercialize their knowledge and skills acquired in the Ministry.

The Ministry employees may not engage in free-lance or other business activities, perform the functions or activities that are incompatible with official duties, or which may lead to the conflict of interest or impact the impartiality at work.

The tasks and activities referred to in paragraphs 1 and 2 of this Article that are incompatible with the performance of police duties shall be prescribed by the Minister.

Right to trade union, professional, and other forms of organizations and activities

Article 169

Police officers and other employees shall be entitled to trade union, professional and other forms of organization and action in the manner provided by law.

Police officers may not be members of political parties, may not organize into political parties and may not be politically active in the Ministry.

Police officers may not attend political party meetings and other political gatherings wearing a uniform unless engaged in the line of duty.

Acting contrary to provisions referred to in paragraphs 2 and 3 of this Article shall be a reason for initiating a procedure to establish disciplinary responsibility as referred to in the provisions of this Law regulating disciplinary responsibility of the employees of the Ministry.

Right to strike

Article 170

The employees of the Ministry shall have the right to strike in accordance with the law and collective agreement and to 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 disaster or immediate threat of occurrence thereof in the areas of two or more police departments of the Ministry or in the entire territory of the Republic of Serbia;
- 4) other disasters and accidents disrupting the normal course of life and threatening the safety of people and property

The employees of the Ministry, except for police officers referred to in paragraph 2 of this Article, may commence a strike provided that minimum work process is ensured, which guarantees the safety of people and property, or which is an indispensable prerequisite for the life and work of citizens.

The manager of the organizational unit shall, no later than ten days before the strike starts, assign the employees who shall have the obligation to work during the strike in order to ensure the minimum work process, which may not be less than 60% of the employees.

A warning strike shall be announced no later than five days before the strike starts, and the strike shall be announced by delivering the decision on going on strike no later than 15 days before the strike starts.

Enclosed with the decision on going on strike shall be the organizers' statement about the way of ensuring the minimum work process in accordance with paragraph 4 of this Article.

The decision on going on strike shall specify the following: employees' requests, time when the strike will start, venue where the strike participants will gather (if the strike is manifested through assembly of employees), and the strike committee that represents the interests of employees.

Representatives of the Ministry and the strike committee shall, from the day of announcement of the strike until its very end, negotiate with a view to reaching an agreement and amicably resolving the collective dispute, in accordance with regulations on amicable settlement of labor disputes and principles of mutual trust and protection of economic and social interests.

If the strike is manifested by gathering of the employees, the strike shall be organized and the venue for assembly shall be determined by applying the provisions of the law regulating public assembly.

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

Right to pensionable service with accelerated accrual rate

Article 171

By application of special criteria and parameters, specific job positions in the Ministry shall be identified as job positions where the actual period of service covered by pension and disability insurance is calculated at an accelerated accrual rate (hereinafter: pensionable service with accelerated accrual rate).

Job positions or jobs in the Ministry where pensionable service with accelerated accrual rate shall be applied are:

- 1) jobs that after turning a specific age and due to the nature of work and level of effort required can no longer successfully be carried out in the manner and under the standards required for that professional activity;
- 2) jobs that involve belonging to the specialized and special units whose competence involves fight against terrorism and gravest forms of crime, as well as constant preparedness for intervening, whereby the officer is exposed to immediate threat to life in the line of duty;
- 3) jobs that involve belonging to organizational units whose competence involves fight against crime or that require the exercise of police powers or police measures and actions under specially dangerous tasks that may expose the officer to immediate threat to life or to a serious health risk in the line of duty;
- 4) jobs involving wearing a uniform and the exercise of police powers and police measures and actions, as well as jobs in the fields of protection and rescue

A job position or a job in the Ministry where the actual period of service covered by pension is calculated at an accelerated accrual rate, as well as the degree of acceleration, shall be determined pursuant to regulations on pension and disability insurance.

Termination of employment

Special cases of termination of employment

Article 172

In addition to cases of termination of employment by force of law as stipulated by other regulations, the employment of a police officer and/or other employees of the Ministry shall be terminated:

- 1) when it is determined that the data on meeting the requirements for employment referred to in Article 137 of this Law are false – on the day when such fact is established;
- 2) when it is determined that he no longer meets the requirements for employment specified by Article 138, paragraph 1 of this Law, points 1), 2), 4), 5), and 7) of this Law – on the day when such fact is established;
- 3) when it is determined that he has been convicted by a final and enforceable judgment to an effective sentence of imprisonment for longer than six months – on the day of issuing the decision on termination of employment;

- 4) if he has been given a negative grade “unsatisfactory – 1” two times in succession;
- 5) if he refuses to be treated for an addiction disease, following the final assessment and opinion of the competent health care institution;
- 6) if, after a completed course of treatment for an addiction disease, circumstances that require further treatment arise, which is determined by a new assessment and opinion of the competent health care institution, or if the behavior of the police officer or another employee was such that it prevented his own recovery.

Termination of employment with entitlement to old-age pension

Article 173

The employment of a police officer may be terminated even before the general conditions for acquiring old-age pension are met, in accordance with the regulations on pension and disability insurance.

Termination of employment with entitlement to disability pension

Article 174

A police officer experiencing changes in his health condition, caused by an injury at work, occupational disease, injury when off-duty or because of an illness, which cannot be removed through treatment or medical rehabilitation and which make him unable to professionally perform police duties, shall have his employment with the Ministry terminated, and shall be entitled to disability pension.

The presence of incapacity to work as referred to in paragraph 1 of this Article shall, in cooperation with the expert review body of the Pension and Disability Insurance Fund, be established by the commission of the Institute for Health Care of the Ministry employees, whose members shall be appointed by the Minister.

Right to severance pay

Article 175

A police officer who becomes eligible for retirement shall be entitled to a severance pay amounting to six monthly salaries, net of taxes and contributions, received in the previous six months.

Solidarity aid

Article 176

Employees shall be entitled to solidarity aid in case of:

- 1) longer-lasting or serious disease of a police officer and other employees or a member of their immediate family;
- 2) procurement of orthopedic aids and rehabilitation equipment for a police officer and other employees or a member of their immediate family;
- 3) health rehabilitation of a police officer and other employees;
- 4) incidence of severe disability of a police officer and other employees;
- 5) procurement of medication for a police officer and other employees or a member of their immediate family;
- 6) aid to under-age children of a police officer and other employees in case of death

The amount of aid during a year, in cases determined in paragraph 1 of this Article, shall be recognized based on the duly completed documentation, to be assessed by the competent service of the Ministry, in accordance with the funds provided for payment of such type of aid, up to the amount of three average salaries of an employee in the Republic of Serbia, net of taxes and contributions, according to the latest published data of the authority in charge of statistics.

Members of the immediate family within the meaning of paragraph 1, points 1), 2), and 5) of this Article shall be a spouse, children, brothers, sisters, parents, adoptee, adopter, guardian, provided that they live in a shared family household with the employee.

More detailed requirements and criteria for granting solidarity aid to the employees of the Ministry as well as for the solidarity aid amount shall be prescribed by the Minister.

Right to financial and other assistance

Article 177

The Minister may, on the occasion of celebrating state and other holidays, and in cooperation with the Fund for Solidarity Aid, determine that financial and other assistance be provided to families of killed or seriously wounded police officers, as well as other employees, who became casualties in the line of duty or in connection with performing their duty.

Acknowledgements and awards

Article 178

For exceptional performance in police work, in maintaining and improving security, police officers in the Ministry shall receive acknowledgement and awards.

Acknowledgement and awards may also be conferred on territorial autonomy and local self-government authorities, other authorities and institutions, non-governmental and other organizations and individuals, and police officers of foreign states for achieved international police cooperation or successfully performed operations in the field of preventing international crime.

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

Health care of employees

Article 179

Police officers in the Ministry shall be provided with health care which is given through specific and preventive health care.

Specific health care

Article 180

Police officers in the Ministry shall enjoy specific health care to the extent to which it is not provided by mandatory health insurance and arises from work on job positions which, according to the act on risk assessment, threat to life and health, responsibility and difficulty, nature and special conditions of work, significantly impact a reduced work capacity.

The Institute for Health Care of employees of the Ministry of Interior, in cooperation with the organizational unit of the Ministry in charge of human resources affairs, shall provide specific health care to employees of the Ministry, including the provision of health care services related to medical examinations prior to enrollment in the Ministry's educational institutions, to entry into employment and transfer to another job position in the Ministry, to periodical, extraordinary, general check-up and follow-up medical examinations for determining professional and general work capacity for further performance of tasks, and to providing professional, technical and manpower assistance to the organizational units of the Ministry in the performance of their tasks and duties.

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

The costs of specific health care shall be borne by the Ministry.

Preventive health care

Article 181

Preventive health care of police officers in the Ministry shall be organized and implemented by the Ministry's organizational unit in charge of human resources.

Psychological health care

Article 182

Employees of the Ministry shall be provided with psychological care, which is implemented through psychological selection and classification, and psychological prevention at the primary, secondary and tertiary levels.

Psychological care of employees during the process of selection of staff at the time of entry into employment, enrollment in courses, career advancement, classification and strategic planning of staff, shall be organized and implemented by the Ministry's organizational unit of in charge of human resources affairs.

The criteria and methods of giving psychological care shall be prescribed by the Minister.

Article 183

An employee of the Ministry may, when necessary, be referred to the competent health care institution to be tested for the presence of alcohol and/or psychoactive substances in the body.

Testing may be regular and extraordinary.

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

Salaries and other allowances

Article 184

The employees of the Ministry shall exercise the right to a salary, increased salary, salary compensation, reimbursement for costs and other allowances in accordance with this Law.

The rights referred to in paragraph 1 of this Article, as well as the elements of the salary and coefficients for the salary shall be determined by a separate act of the Government.

The salary of an employee of the Ministry shall consist of the basic salary and increased salary.

The salary referred to in paragraph 1 of this Article shall include the required monthly taxes and contributions established for employees.

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.

Pay groups, pay grades and coefficients

Article 185

Job positions in the Ministry shall be classified into pay groups and pay grades.

Pay groups shall mean ranges determined by general job descriptions in the Ministry that indicate the ranking of the job position within the structure of job positions and jobs, or catalogue of job positions in the Ministry.

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

Salary coefficient shall mean a numerical factor of impact of work activity of a specific job position on the salary of the employee holding that job position.

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

Period of prior service, daily meal allowance and annual vacation allowance shall be regulated in accordance with the general legislation regulating the system of salaries in the public sector.

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

Pay group coefficient shall mean a numerical equivalent of specificities and complexities of performing tasks in the relevant pay group.

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

Supplementary coefficients shall mean classification coefficient and adjustment coefficient.

Classification coefficient may be a classification coefficient of the organizational unit of the Ministry or a job classification coefficient.

Adjustment coefficient shall mean a numerical equivalent of the specificity of the job performed based on temporary work conditions or other temporary circumstances occurring within the tasks of the relevant job position, but which were not taken into account when evaluating the tasks of that particular job position.

Article 186

The Minister or a person authorized by the Minister may, for additionally achieved contribution at work substantially exceeding the standard of regular level and quality of work engagement, additionally increase such employee's basic salary coefficient by up to 20% in the month when such a contribution was achieved.

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

Increased salary

Article 187

A police officer shall exercise his right to an increased salary in the amount defined by this Law, as follows:

- 1) for night work – for each working hour in the amount of 28.6% of the value of the working hour of basic salary, unless such work has been valued when determining the basic salary;
- 2) for work on a holiday day which is a non-working day – for each working hour, in the amount of 121% of the value of the basic salary working hour;
- 3) for overtime work – for each working hour spent working under the order of the competent manager and longer than full working hours, in the amount of 28.6% of the value of the basic salary working hour;
- 4) for stand-by duty – for each hour of stand-by duty, in the amount of 10% of the value of the basic salary working hour;
- 5) for shift work, rotating shift work or other variability at work not rated in the basic salary – for each working hour in the amount of 28.6% of the value of the basic salary working hour, if he works at jobs where shift work or rotating shift work is performed occasionally;
- 6) for substituting a manager:
 - (1) up to 10 working days – 10% of the basic salary;
 - (2) longer than 11 days – 15% of the basic salary

If conditions have been met concurrently on several grounds for a supplement to the basic salary, the percentage of the increase may not be lower than the sum of percentages under each of the grounds for increase.

Right to compensation and reimbursement

Reimbursement of costs to employees

Article 188

A police officer in the Ministry shall be entitled to reimbursement of actual costs, as follows:

- 1) during the time spent on official travel in the country or abroad;
- 2) for temporary secondment to other place of work, in the country or abroad;
- 3) for accommodation and meals while working and staying in the field

The manner of exercising the right to reimbursement referred to in paragraph 1 of this Article as well as its amount shall be prescribed by the Government.

Article 189

The employee of the Ministry shall be entitled to reimbursement of costs for traveling to/from work amounting to the travel costs within the territory of the municipality or town of employment only.

The employee shall not be entitled to reimbursement of costs for traveling to/from work in the cases when:

- 1) the Ministry has a different way of ensuring that employees can travel to/from work free of charge;
- 2) the act of a local self-government unit or town authority allows the employees to travel to/from work free of charge

A change of address after entry into employment may not entail an increase in reimbursement for traveling to/from work, unless the change of address resulted from transfer and/or assignment of an employee at the request of the Ministry, for the needs of the service or work organization.

The manner of exercising the right to reimbursement of costs for traveling to/from work, as well as the maximum amount of reimbursement that may be paid, 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 due to an occupational disease or injury at work, as well as in case of a serious life threatening illness outside of work, the police officer shall be

entitled to salary compensation in the amount of 100% of the basic salary that he would receive if working, augmented by the supplement referred to in Article 187, paragraph 1, point 1) of this Law.

The list of serious illnesses and injuries outside of work referred to in paragraph 1 of this Article shall be determined by the health care institution responsible for health care of employees of the Ministry.

In case of temporary incapacity to work due to an illness or injury outside of work, a police officer shall be entitled to salary compensation in the amount of 85% of the basic salary he would receive if working, increased by the supplement referred to in Article 187 of this Law.

The difference between the compensation during the period of temporary incapacity to work referred to in paragraph 3 of this Article and the amount of compensation to which the insured person is entitled pursuant to the general regulations on health insurance and the compensation prescribed by this Law, shall be borne by the Ministry.

General regulations in the field of health insurance shall apply to other cases of temporary incapacity to work.

In cases of grounded suspicion that employees are abusing temporary incapacity to work, their immediate manager may, solely for the purpose of obtaining evidence, carry out an on-the-spot check, and then request from the competent health care institution to determine the health capacity of the employee.

Right to reimbursement of burial costs and a one-time financial assistance

Article 191

If a police officer loses his life in the line of duty or as a consequence of performing duty, the costs of burial in the place determined by his family shall be borne by Ministry.

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

- 1) costs of transporting the posthumous remains to the burial place;
- 2) travel expenses for two escorts;
- 3) costs of the burial plot;
- 4) other usual costs

Article 192

In the event of death of a police officer as a consequence of injury at work, professional disease or a dangerous phenomenon, the family maintained by the police officer shall be entitled

to a one time financial assistance amounting to 36 average salaries at the Ministry paid in the month preceding the month in which the event occurred.

Providing meals and accommodation free of charge

Article 193

A police officer who needs meals and accommodation while acquiring and maintaining the required level of psychological and physical readiness and skill for successful performance of duties and tasks, or prescribed standards, criteria and parameters for belonging to a particular unit, shall be provided with meals and accommodation free of charge.

The provision of meals and accommodation free of charge shall be prescribed by the Minister.

Reimbursement of salary

Article 194

A police officer shall be entitled to reimbursement of salary in cases of:

- 1) annual leave/vacation;
- 2) paid leave;
- 3) non-assignment;
- 4) suspension from duty;
- 5) leave on the day of a state and religious holiday which is a non-working day;
- 6) military exercise and responding to the invitation of military and other state authorities, unless provided otherwise by a separate regulation

Assignment of Employees

Article 195

Assignment, as referred to in this Law, shall mean allocation of job positions to employees in the cases envisaged by the law.

The act on assignment shall be issued upon entry into employment, after the adoption of the new act referred to in Article 9, paragraph 2 of this Law, after employee take-over from another employer, based on a final court decision, after a passed probationary officer examination, after the expiry of the dormant employment period, after suspension from duty, and after dismissal.

Transfer

Article 196

An employee may be permanently transferred to another job position in accordance with the requirements and manner prescribed by the internal competition act.

By way of derogation, an employee may be transferred, at the proposal of the competent manager, if he fails to achieve the expected work performance or he fails to achieve competencies required for work on the job position to which he has been assigned, or has a permanent limitation of work capacity evaluated by a disability commission.

The criteria for achieving work performance referred to in paragraph 2 of this Article are prescribed by the act referred to in Article 186, paragraph 2 of this Law, as well as by the act specifying the competencies of employees.

In the event referred to in paragraph 2 of this Article, the assignment shall be made to the job position requiring the same title/rank, degree and type of education that the employee had at the moment of transfer.

If there is no vacancy for the job position referred to in paragraph 4 of this Article, the assignment shall be made, based on the level and type of education, to the job position for which one title/rank below the title/rank of the employee is envisaged.

The act referred to in paragraph 3 of this Article shall be issued within 30 days from the date of entry into force of this Law.

Article 197

For permanent transfer of an employee in case when the distance between the place of work and the place of transfer is more than 50 km, the written consent of the employee shall be required.

Notwithstanding paragraph 1 of this Article, an employee of the Ministry may be permanently transferred to another appropriate job position even without his consent if he is transferred to a job position within the police department where the employee works or the police department whose territorial jurisdiction covers the place of the employee's permanent residence.

Temporary transfer

Article 198

With his written consent, an employee may be temporarily transferred to another job position at the reasoned proposal of the manager of the organizational unit.

Temporary transfer referred to in paragraph 1 of this Article shall be possible for the purpose of substituting an absent employee, due to increased workload, temporarily limited work capacity, or performance of job position tasks until the conclusion of the competition procedure, whereby the employee who is being transferred shall preserve all rights arising from the job position from which he is being transferred, if that is more favorable for him.

Temporary transfer shall not exceed six months.

By way of derogation, temporary transfer in case of temporary limitation of work capacity shall last until the final assessment of work capacity, but no longer than one year.

After the expiry of the period for which he was temporarily transferred, the employee shall return to the job position from which he was transferred.

The complaint against the decision on temporary transfer shall not stay the enforcement.

Article 199

During the period of temporary transfer, the employee shall preserve all rights arising from the job position from which he was transferred, if that is more favorable for him.

After the expiry of period for which he was temporarily transferred, the employee shall return to the job position from which he was transferred.

Conditions for secondment to another organizational unit

Article 200

Secondment or internal placement, as referred to in this Law, shall mean a temporary change of job – without changing the job position, for the purpose of performing a concrete official duty or task on a particular job position, where the seconded person is required to have special professional, organizational and other capabilities.

Secondment of an employee may be carried out once and only with his previous consent.

Secondment shall last for no longer than one year, or as long as the circumstances that caused it last.

The decision on secondment shall specify the rights and obligations arising from the secondment.

The rules on secondment of police officers shall be prescribed by the Minister.

Article 201

A police officer may be seconded to work abroad, based on the established rules on international police cooperation, in accordance with the provisions of this Law.

IX. DISCIPLINARY RESPONSIBILITY

Responsibility for violation of official duty

Article 202

For minor and serious violations of official duty, police officers and other employees of the Ministry shall be subject to disciplinary procedure.

Article 203

Police officers and other employees of the Ministry shall be responsible for violation of official duty if they fail to perform their duties and tasks in a conscientious and professional manner and within the prescribed time periods, if they do not abide by the Constitution, laws, other regulations and rules of behavior while on duty, as well as for off-duty violations that may endanger the interests and damage the reputation of the Ministry.

Police officers and other employees of the Ministry shall be responsible for violations of official duty.

Liability for a criminal offense, or for a minor offence, does not exclude a concurrent disciplinary liability for the same act which caused the disciplinary procedure if the act that caused the criminal or misdemeanor proceedings also constitutes a violation of official duty.

Acquittal from criminal or misdemeanor liability does not entail release from disciplinary liability, which was caused by the same act, if the act was also qualified as violation of official duty.

Rights of an employee in disciplinary procedure

Article 204

During a disciplinary procedure, an employee shall be entitled to a defense counsel, shall have the right to participate in the procedure, to make a statement on evidence, propose evidence, and make a statement on proposed and presented evidence.

Applying other regulations accordingly and closer regulation of disciplinary responsibility

Article 205

The issues of conducting a disciplinary procedure that are not regulated by this Law and its implementing regulations shall be subject to the provisions of regulations on the general administrative procedure.

Minor violations of official duty

Article 206

Minor violations of official duty shall be:

- 1) unjustified failure to come to work at a particular time and leaving work before the end of the working hours, at least three times during one month;
- 2) unprofessional handling of citizens or employees during work;
- 3) negligent and disorderly keeping of official files and data;
- 4) unjustified absence from work up to three working days during one calendar year;
- 5) unkempt appearance, or failure to wear or improper wearing of uniform and weapon;
- 6) acting contrary to a work order or instruction, which caused or may have caused detrimental consequences of minor importance

Serious violations of official duty

Article 207

Serious violations of official duty shall be:

- 1) refusal or failure to follow a lawful order issued by a manager during or in connection with the performance of a task;
- 2) willful abandonment of the workplace;
- 3) illicit use of police powers or abuse of status of a police officer;
- 4) issuing or executing an unlawful order;
- 5) failure to take measures or taking insufficient measures within one's competence, to ensure the safety of people, property and seized objects;
- 6) preventing, disturbing or hindering the performance of official tasks;
- 7) conduct that damages the reputation of the Ministry;
- 8) sleeping at work, or assuming such a position that prevents successful policing during the performance of a task;
- 9) coming to work under the influence of alcohol, narcotics and other psychoactive substances, or consuming alcohol, narcotics and other psychoactive substances during working hours;
- 10) divulging of data bearing the designation of confidentiality;
- 11) improper, incorrect or inappropriate use, loss or damage of technical or other

- equipment, or means assigned to the employee or which the employee uses in the performance of official duties, willfully or due to gross negligence;
- 12) engaging in activities incompatible with official duty;
 - 13) acting contrary to provisions of Article 169, paragraphs 2 and 3 of this Law;
 - 14) refusal, unjustified failure to appear or avoidance of a mandatory medical check-up, or abuse of the right to a sick leave;
 - 15) refusal, unjustified failure to appear or avoidance of professional capability development and professional advancement or other training to which an employee is assigned, dictated by the needs of duty or the employer;
 - 16) unlawful, negligent, reckless work or dereliction of duty for failure to undertake action for which the employee is authorized, which caused or may have caused damage or unlawfulness in work;
 - 17) infringement of employees' rights;
 - 18) unjustified absence from work longer than three days during one calendar year;
 - 19) appearance of police officers and other employees in public and in the media on their own initiative, in relation to work, which caused or may have caused detrimental consequences for the reputation of the Ministry;
 - 20) preventing or obstructing the conduct of criminal or other proceedings before a competent court;
 - 21) failure to report a criminal offense, misdemeanor or violation of official duty;
 - 22) hindering or obstructing the performance of internal control activities;
 - 23) failure to act upon proposed measures of the Sector of Internal Control aimed at removing the identified unlawfulness;
 - 24) negative outcome at integrity testing;
 - 25) failure to report changes in the assets declaration;
 - 26) membership in political parties and organizations, organization of political party activities or political activity in the Ministry;
 - 27) expressing political beliefs at work;
 - 28) falsely reporting violations of official duty

Disciplinary measures and procedure

Disciplinary measures for minor violations of official duty

Article 208

For minor violations of official duty, one of the following disciplinary measures may be pronounced:

- 1) a written reprimand;
- 2) a fine in the amount of 10% to 20% of the basic salary augmented by the past service benefit, earned in the month when the decision on disciplinary liability became final

Disciplinary measures for serious violations of official duty

Article 209

The following disciplinary measures may be pronounced for serious violations of official duty:

- 1) a fine in the amount of 20% to 40% of the basic salary augmented by the past service benefit in the period from two to six months;
- 2) transfer to another job position where the requirement for tasks to be performed is prescribed to be next lower qualification level, or lower pay group, for the period from six months to two years;
- 3) a halt in achieving the next higher rank/title for the period of two to four years;
- 4) loss of the achieved rank/title and assignment of the next lower rank/title in terms of professional qualifications;
- 5) termination of employment

Competence to initiate and make decisions in disciplinary procedure

Article 210

The disciplinary procedure shall be conducted as first- and second-instance procedures.

The first-instance disciplinary procedure shall be initiated by a manager or a person authorized by him.

The persons referred to in paragraph 2 of this Article shall authorize a police officer – senior disciplinary officer to conduct the disciplinary procedure and decide on the disciplinary responsibility of police officers and other employees. The senior disciplinary officer must have a university degree in law, a master's degree or a bachelor's degree, or it may be another employee

with university-level education and the minimum of ten years of experience in the profession.

In the disciplinary procedure, the responsibility of a police officer and other employees shall be decided upon by a decision, whereas the issues in the course of the procedure shall be decided upon by a conclusion, unless prescribed otherwise by regulations on the general administrative procedure.

The person who is subjected to the disciplinary procedure and the person who initiated the procedure shall be entitled to complain to the Disciplinary Commission within eight days from the date of receiving the decision.

The Disciplinary Commission shall be a peer review body deciding on complaints against the first-instance decisions of senior disciplinary officers.

The Disciplinary Commission shall decide in a three-member panel, where the chairperson and one member come from the Ministry, and one member is a representative of the general public.

The chairperson, members and secretaries of the Disciplinary Commission shall be appointed by the Minister by a separate act.

Principles of conducting a disciplinary procedure

Article 211

The disciplinary procedure shall be conducted in accordance with provisions of this Law, and for issues that are not regulated by this Law the provisions of the law regulating general administrative procedure shall apply.

The disciplinary procedure shall be urgent and held in public.

The first-instance procedure for determining minor violations of official duty shall be concluded not later than within 60 days from the date of instigating the procedure.

In exceptional cases, the public may be excluded by the decision of the authorized person who conducts and decides in the disciplinary procedure, if that is required by the need to protect the data designated as confidential and secret, or for other justified reasons.

The manner of conducting the disciplinary procedure and other issues of importance for the work of disciplinary authorities shall be prescribed by the Government.

Article 212

A police officer and other employees shall have the right to be informed in a timely

manner of the initiated disciplinary procedure, as well as of the evidence enclosed with the initiative to start the disciplinary procedure.

A police officer and other employees who have been subjected to the disciplinary procedure shall have the right to participate in the procedure, to make statements on evidence in the procedure, to propose evidence and present facts and explanations relating to the proposed and presented evidence.

A police officer and other employees in the disciplinary procedure shall have the right to a representative who shall have the position of attorney in that procedure.

The person conducting the disciplinary procedure shall, at the request of the police officer or other employee who has been subjected to the said procedure, allow the participation of a representative of the trade union where he is a member, whose position in the procedure shall be equal to the position of a legal representative.

Article 213

The parties in the procedure, as well as persons verifying their respective legal interest, shall have the right to examine and reproduce the documents.

Examination and reproduction of documents shall be approved and supervised by the person in charge of conducting the disciplinary procedure.

Article 214

First- and second-instance disciplinary authorities shall not be bound by the legal qualification of violation of official duty determined by the conclusion on initiating the disciplinary procedure, but when issuing the decision on disciplinary liability, they shall be bound by the facts determined during the disciplinary procedure.

If, during the procedure, a different factual situation is determined, compared to the factual situation determined in the conclusion on initiating the disciplinary procedure, an employee must be given an opportunity to make a statement about the new facts.

Statute of limitations

Article 215

The initiation of a disciplinary procedure for minor violations of official duty shall be subject to the statute of limitations upon expiry of the period of six months from the day of perpetration, and for serious violations of official duty upon expiry of the period of one year

from the day of perpetration.

The conduct of a disciplinary procedure for minor violations of official duty shall be subject to the statute of limitations on expiry of the period of six months from the day the disciplinary procedure was initiated, whereas for serious violations of official duty the relevant period shall be one year from the day the disciplinary procedure was initiated.

A special conclusion shall be issued on the termination of the procedure due to impossibility to initiate or to conduct it.

The statute of limitations shall be suspended by any action aimed at deciding on disciplinary responsibility or legality and constitutionality of an act, due to the absence of the person who has been subjected to the procedure or for other justified reasons, and therefore after each suspension the statute of limitations term shall continue to run.

A special conclusion shall be issued on the suspension of the procedure.

In any case, absolute statute of limitations for conducting a disciplinary procedure shall begin to run upon the elapse of twice the time period that is legally prescribed for the statute of limitations for conducting a disciplinary procedure, depending on whether a minor or a serious violation is at issue.

Criteria for pronouncing a disciplinary measure

Article 216

When deciding on the type of disciplinary measure, the seriousness and nature of the violation committed and the ensuing consequences, the degree of the employee's accountability, circumstances in which the violation was committed, as well as subjective and objective circumstances on the side of the employee, shall be taken into account.

Reasons and procedure for suspension from service

Article 217

A police officer and other employees shall be suspended from duty when an order is issued for their detention, starting from the first day of detention.

The suspension referred to in paragraph 1 of this Article shall last until the end of detention, and during that time the police officer and other employees shall be entitled to compensation of the basic salary in the amount of 1/4, or 1/3 if they are the only persons maintaining the family.

A police officer and other employees of the Ministry may be suspended from duty, at the

reasoned proposal of the manager, when an order was issued to conduct investigation against them for a criminal offense prosecutable *ex officio*, or a disciplinary procedure was initiated for a serious violation of duty, and if their presence at work would damage the interests of the service, with a separate explanatory note.

The suspension referred to in paragraph 3 of this Article may last until the final conclusion of the criminal proceedings or until conclusion of the disciplinary procedure, during which time the police officer and other employees shall be entitled to the compensation in the amount of 1/2 of the salary, or 2/3 of the salary if they are the only persons maintaining the family.

Suspension from duty shall be decided upon by the Minister or a person authorized by the Minister.

Suspension from duty for police officers and employees in a police department shall be decided upon by the Head of Police Department.

The police officer and other employees may appeal against the decision on suspension from duty to the Appeals Commission of the Government, within eight days from the date when the decision on suspension was served to them.

The appeal shall not stay the enforcement of the decision.

The police officer suspended from service shall surrender his official badge, official identity card (ID), weapon and other means assigned to him for performing his duty, for the duration of suspension.

X. LIABILITY FOR DAMAGE

Article 218

The Republic of Serbia shall be liable for the damage inflicted on third parties by a police officer and other employees of the Ministry if it is proven that the damage resulted from action of police officers and other employees of the Ministry during the performance of duties and tasks and if they acted in line with the regulations on the manner of performing police and other duties in the Ministry.

A police officer and other employees of the Ministry shall be liable for the damage they inflict on the Ministry or third parties if it is proven that the damage was caused deliberately or due to gross negligence during the performance of duties and tasks or that they acted contrary to

regulations on the manner of performing police duties and other tasks in the Ministry.

A police officer and other employees shall immediately upon learning about the inflicted damage submit a report thereon to their immediate manager.

A police officer and other employees may be entirely or partly released from liability for the damage caused if it was a consequence of their acting upon the order of their superior, provided that the police officer and other employees had warned him previously, in writing or verbally, depending on the circumstances, that execution of the order would or could cause the damage.

A police officer and other employees liable for the damage arising from gross negligence may be partly or fully released from the obligation to compensate the damage if the damage resulted from their performance of police duties, due to considerable efforts that they invested in work, under the circumstances when it was not possible to avoid the damage.

The manner of determining the liability, the amount and the compensation for the damage shall be prescribed by the Minister.

XI. OVERSIGHT OF WORK

Article 219

The work of the Ministry shall be under democratic oversight.

Types of control

Article 220

The work of the Ministry shall be overseen through external control and internal control.

External oversight

Article 221

External oversight shall be performed by:

- 1) the National Assembly of the Republic of Serbia;
- 2) assemblies of the provincial autonomy units or local self-government units, including town municipalities;
- 3) judicial authorities;
- 4) independent state authorities in charge of oversight and other authorized state authorities and bodies;

- 5) citizens and the public

Parliamentary oversight

Article 222

The National Assembly shall oversee the work of the Ministry directly and through the competent internal affairs committee (hereinafter: the Committee).

The Committee shall in particular:

- 1) examine the semi-annual and extraordinary reports on the security situation in the Republic of Serbia;
- 2) examine the semi-annual and extraordinary reports on the work of the Ministry;
- 3) examine the annual reports on the work of the Sector of Internal Control;
- 4) oversee the legality of spending budgetary and other resources;
- 5) oversee the legality of implementing special evidentiary actions defined by the code regulating criminal procedure, targeted search measures and integrity testing;
- 6) oversee the upholding of political, ideological and interest neutrality in the work of the Police;
- 7) establish the facts on detected illegalities or irregularities in the work of the Ministry and issue conclusions thereon;
- 8) report its conclusions and proposals to the National Assembly

The Minister or the person authorized by the Minister shall submit to the Committee the semi-annual report on the security situation in the Republic of Serbia, as well as the regular report on the work of the Ministry.

The Ministry shall, as needed or at the request of the Committee, also submit extraordinary reports to the Committee.

Oversight role of the assemblies of provincial autonomy or local self-government units,

including town municipalities

Article 223

The assemblies and executive authorities of the provincial autonomy or local self-government units, including town municipalities, shall:

- 1) examine the report on the security situation in their territories;

- 2) assume positions on priorities for safety of people and property, and submit proposals to the manager of the competent organizational unit of the Ministry

In order to act as referred to in paragraph 1, point 2) of this Article, the assembly and/or the executive authority of the provincial autonomy or local self-government units, including town municipalities, may establish advisory bodies.

Oversight of work of the Police and employees of the Ministry

Sector of Internal Control

Article 224

Internal control of the work of the Police and other employees of the Ministry shall be performed by the Sector of Internal Control.

The Sector of Internal Control shall be led by the Head of Sector of Internal Control.

The Head of Sector of Internal Control shall regularly and periodically submit reports on the work of the Sector of Internal Control to the Minister, and on actions taken to detect criminal offenses to the competent public prosecutor.

At the request of the Government and the working body of the National Assembly in charge of internal affairs, the Minister shall submit a report on the work of the Sector of Internal Control.

The Sector of Internal Control shall, within three months from the end of the calendar year, publish the work report for the previous year, including the basic statistics on the activities undertaken and the results achieved.

Forms and manner of performing internal control

Article 225

The Sector of Internal Control shall oversee the legality of work of police officers, as well as other employees of the Ministry, especially in terms of their respect and protection of human and minority rights and freedoms while performing official tasks and exercising police powers, namely while performing activities within their purview.

The Sector of Internal Control shall take measures and actions in accordance with the law regulating criminal procedure to detect and prevent criminal offenses of corruption and other forms of corruptive behavior, as well as other criminal offenses of police officers and other

employees of the Ministry, committed at work or in relation to work.

The forms and methods of performing internal control shall be prescribed by the Minister.

Employees of the Sector of Internal Control

Article 226

Police officers authorized to perform internal control (hereinafter: internal control police officer) in the Sector of Internal Control shall have full police powers in conducting internal control, and shall, in terms of their rights and duties, be equal to other police officers in the status of authorized officers.

Action by the Sector of Internal Control

Article 227

The Sector of Internal Control shall act on its own initiative, at the request of the competent public prosecutor, based on collected intelligence and other knowledge, written requests of police officers and other employees of the Ministry, as well as complaints by natural and legal persons.

The Head of Sector of Internal Control shall inform the Minister without delay, in writing, of any acts/failures to act which in his view are in contravention to the law, and shall take all the necessary measures and actions to remove illegalities.

The actions taken to clarify criminal offenses shall be brought to the attention of the competent public prosecutor.

In case when it is determined that during the action of a police officer police powers were overstepped, which resulted in the violation of rights protected by the Ombudsman, information thereof shall be sent not only to the Minister but also to the public prosecutor and the Ombudsman.

If in the course of their work they acquire knowledge and information that an employee of the Ministry has committed a criminal offense during work or related to it, all organizational units of the Ministry shall without delay inform the competent public prosecutor and the Sector of Internal Control thereof, not later than within 24 hours upon learning about it.

Police officers or other employees of the Ministry may not be held to account for addressing the Sector of Internal Control, except in cases of false allegations.

Duties and powers in performing internal control

Article 228

Police officers and other employees of the Ministry shall allow internal control police officers to conduct control and shall provide them with the necessary professional and technical support required by the Sector of Internal Control.

In conducting control, internal control police officers shall have the right and duty to:

- 1) inspect the data on a case, the case file, other official documents relating to the case, and to inspect the records kept by the Police or another organizational unit of the Ministry;
- 2) take statements from police officers and other employees of the Ministry, victims and witnesses;
- 3) request from police officers and other employees of the Ministry to supply other data and information within their purview, which are required for the purposes of conducting internal control;
- 4) inspect official premises and the means used by police officers and other employees of the Ministry in their work;
- 5) request inspection certification documents and technical and other data on technical means used in work, and request evidence on the capacity of police officers and other employees of the Ministry to use technical and other means which they apply in their work;
- 6) order that urgent and necessary measures and actions be taken, if their delay would be conducive to violation of human rights and freedoms while exercising police powers or performing other police tasks.

The documents related to the exercise of the powers referred to in paragraph 2 of this Article that carry a certain level of secrecy may be inspected by internal control police officers in the presence of a competent person who established the level of secrecy of the document.

Article 229

In conducting control, internal control police officers may not influence the work of the Police or otherwise hinder the work or imperil the confidentiality of a police action.

The justifiability of putting at risk the confidentiality of a police action shall be explained to the competent public prosecutor who shall make the final decision.

If there is a reasonable danger that the conduct of internal control of police work and of the exercise of their police powers established under this Law or other regulations, would block or obstruct the use of police powers or endanger the lives and health of persons using them, a police officer may pending the decision of the competent public prosecutor temporarily refuse to allow inspection of documents and premises and to make available specific data and information to the internal control police officer.

In case of refusal of the order of the Sector of Internal Control for the reasons specified in paragraph 3 of this Article, the police officer shall without delay prepare a report and submit it to the Minister and the competent public prosecutor.

Preventive activities

Article 230

The Sector of Internal Control shall conduct preventive oversight of all organizational units of the Ministry.

To prevent corruption, the Sector of Internal Control shall apply integrity testing, conduct corruption risk analysis and check changes in the assets declared.

In conducting control, internal control police officers may apply integrity testing as an instrument for combating corruption.

Integrity testing implies simulation of a real situation identical to the work activities of the tested person which the tested person must solve, with the purpose of identifying how the tested officer would respond and act in the given situation, without the obligation to previously inform the organizational unit where the employee was tested.

In cooperation with the Anti-Corruption Agency, the Sector of Internal Control shall conduct the corruption risk analysis.

The corruption risk analysis in the Ministry shall include risk identification, creation of a risk register and plans of preventive measures for their elimination.

In conducting control, the Sector of Internal Control shall keep records of the assets held by the managers, as well as records for high-risk job positions in the Ministry determined through corruption risk analysis, and shall conduct control of the changes in the assets held.

Managers in the Ministry shall report changes to be entered in their personal assets declarations that are deposited in the competent organizational unit.

The records referred to in paragraph 8 of this Article shall be kept in accordance with the regulation on records and processing of data in the field of internal affairs.

The forms and manner of applying integrity tests, performing risk analysis and conducting the control of changes in the assets held shall be prescribed by the Minister.

Article 231

In conducting internal control, internal control police officers shall take the necessary measures and actions, collect evidence and establish the facts, and take other measures in accordance with the law.

The Head of Sector of Internal Control shall submit the findings of the internal control to the Minister and the Police Director, as well as to the manager of the inspected organizational unit of the Ministry who shall be ordered to remove the identified illegalities and to implement the accountability measures in accordance with the law and other regulations adopted on the basis of the law.

The manager referred to in paragraph 2 of this Article shall submit to the Minister and the Police Director the annual Report on the Internal Control Findings with advisory recommendations.

Oversight of work of the Sector of Internal Control

Article 232

The Sector of Internal Control shall be subject to external control, conducted by the bodies referred to in Article 221, paragraph 1, points 1), 3), 4), and 5) of this Law.

The Head of Sector of Internal Control shall report to the Minister for his own work and for the work of the Sector of Internal Control.

The work of the Head and employees of the Sector of Internal Control shall be under the Minister's control.

Article 233

The Minister shall issue guidelines and binding work instructions to the Sector of Internal Control, except for actions taken in preliminary and investigation proceedings at the request of the competent public prosecutor.

Oversight by handling complaints

Right to file a complaint

Article 234

A complaint may be submitted by any person (hereinafter: a complainant) who believes that his human and minority rights and freedoms were violated by an act or failure to act of an employee (hereinafter: respondent) during the performance of official tasks, within 30 days after the day when the act subject to complaint occurred.

A complaint may also be submitted against the work of the Ministry.

The complainant shall be allowed to participate in the complaints procedure.

Based on the submitted complaint, the complaints procedure or the summary procedure shall be conducted.

The submitted complaints shall be forwarded to the competent organizational unit of the Ministry for further handling.

The complaint which is not submitted within the period referred to in paragraph 1 of this Article shall be resolved in the summary procedure.

If the complaint contains elements of a criminal offense, it shall without delay be brought to the attention of the competent public prosecutor, Sector of Internal Control, as well as the manager of the organizational unit where the respondent works, who shall inform the complainant thereof.

If the complaint contains elements of violation of official duty, the manager of the organizational unit where the respondent works shall without delay initiate the disciplinary procedure against the respondent and inform the complainant thereof.

Complaints procedure

Article 235

The complaints procedure shall be conducted by the manager of the organizational unit where the respondent works, or a person authorized by him or the Complaints Committee (hereinafter: the Committee).

Upon receiving a complaint, the manager of the organizational unit shall inform the complainant about the initiation of the complaints procedure and call him for an interview within 15 days after receiving the complaint.

The manager shall settle the complaint through reconciliation of positions with the

complainant.

If the positions on the presence of a threat or breach of human and minority rights and freedoms are not reconciled, the complaint shall be transferred to the Committee.

The complaint shall be transferred to the Committee also when the duly called complainant fails to appear for the interview and informs the manager that the Committee shall handle the complaint.

If the complainant fails to respond to the call of the manager referred to in paragraph 1 of this Article and does not request that the Committee handles the complaint, the complaint shall be considered withdrawn by the complainant.

The complaints procedure before the manager of the organizational unit shall be concluded within 30 days after receiving the complaint.

The procedure before the Committee shall be concluded with the delivery of a written response to the complainant within 30 days after the complaint is transferred for resolving.

Administrative and technical tasks in the complaints procedure shall be performed by the complaints units.

A complaints unit shall be the organizational unit in charge of complaints at the headquarters of the Ministry and in police departments, or the organizational unit designated for that by the manager.

The complaints procedure shall, on the basis of subsidiarity, be subjected to the law regulating general administrative procedure.

The manner of handling complaints during the complaints procedure shall be prescribed by the Minister.

Article 236

If the complaints procedure establishes that the respondent's actions breached or threatened human and minority rights and freedoms of the complainant, managers of organizational units of the Ministry shall take appropriate measures against the respondents.

The managers referred to in paragraph 1 of this Article shall submit the report on measures taken to the competent complaints unit and shall inform the complainant of the measures taken.

Complaints committee

Article 237

The complaints committee shall consist of three members: chairperson of the committee, one member from the Ministry and one representative of the general public.

The Minister shall appoint and dismiss members of the Committee by a decision.

The Chairperson of the Committee shall be a police officer proposed by the Police Directorate or another competent organizational unit of the Ministry

The Committee members shall be employees of the Ministry, proposed by the Police Directorate or the organizational unit of the Ministry where the employee – respondent works.

Representatives of the public in the Committee at the headquarters of the Ministry shall be appointed by the Minister at the proposal of organizations of professional public and non-governmental organizations.

Representatives of the public in committees at the headquarters of police departments shall be appointed by the Minister at the proposal of the local self-government authorities from the territory of respective Police Departments.

The Committee members shall be appointed for a period of four years.

The Committee shall sit in the required number of panels at the headquarters of the Ministry and at the headquarters of police departments.

Article 238

Representatives of the general public who participate in the work of the Committee shall be entitled to compensation for work at the Committee sessions, amounting to a per diem for an official travel that applies to employees of state authorities.

Supervision of settling of complaints in complaint procedure

Article 239

The conduct of the complaints procedure by the manager of the organizational unit shall be supervised by the competent complaints unit and the Police Directorate.

The conduct of the complaints procedure by the Committee shall be supervised by an expert authorized by the Minister for that purpose.

The *modus operandi* during the supervision of the complaint handling procedure shall be regulated by the act referred to in Article 235, paragraph 12 of this Law.

Registration and reporting

Article 240

Registration of complaints and reporting on settling complaints shall be performed by competent complaints units in accordance with the regulation governing registration and data processing in the field of internal affairs.

The annual report on settling complaints at the Ministry shall be made publicly available at the official website of the Ministry.

Handling complaints in summary procedure

Article 241

In the summary procedure, complaints shall be handled by the manager of the organizational unit where the respondent works, or to which the complaint refers (hereinafter: the manager).

The manager shall check the allegations made in the complaint, and shall inform the complainant about the outcome within 60 days after receiving the complaint.

The manager will not act upon the complaint in the following cases:

- 1) when the complaint is repeated and no new evidence are submitted;
- 2) when there is an obvious abuse of the right to submit a complaint

The manager shall respond to the complainant about the outcome of the summary procedure referred to in paragraph 3 of this Article upon the complainant's first address.

Article 242

The manager or the Chairperson of the Committee referred to in Article 235, paragraph 1 of this Law shall inform the Police Directorate or other competent organizational unit of the Ministry about the outcome of the conducted complaints procedure.

Article 243

Submitting a false complaint shall be considered equal to filing false charges in terms of criminal law.

XII. FINANCING

Operational resources

Article 244

Operational resources for the Ministry shall be provided in the budget of the Republic of Serbia.

The Ministry may generate revenues by providing services related to its core activity, or in accordance with the activities upholding the function of security and with the records within

its purview, and which shall have the status of general revenues of the budget of the Republic of Serbia.

The provincial autonomy authorities or authorities of local self-government units, public enterprises, non-state authorities and organizations and other legal persons, may participate with their own resources in improving the work conditions of the organizational units of the Ministry, in improving safety in the community and in the implementation of particular activities of importance for the safety 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 the provision of such services shall be prescribed by the Government.

Article 245

The Police and other organizational units of the Ministry shall use the publicly owned resources.

A part of the resources used by the Ministry shall comprise special purpose resources, of confidential nature.

Special purpose real property used by the Ministry's services whose competence, organization and actions are of security or confidential nature shall include:

- 1) the land;
- 2) facilities – official and other buildings (office premises, warehouses, storages, garages, etc.);
- 3) construction facilities (prefabricated, mobile, temporary, etc.)

Access to special purpose real property, apart from the cases of their regular use, shall be allowed only upon the previously obtained approval of the Minister.

Special purpose movable property, used by the services of the Ministry whose competence, organization and actions are of security or confidential nature shall be:

- 1) weapons for official needs, in accordance with a special act, including ammunition and its elements, gunpowder, all types of explosives, smoke and lighting devices;
- 2) equipment (for explosive protection; equipment of the uniformed police and special units of the Ministry: clothes, footwear, alpine and diving equipment; identification badges and official identity cards);
- 3) transportation means (aircraft – helicopters and hovercrafts, and their equipment intended for the needs of the Ministry; motor vehicles – combat, field, freight, fire-

- fighting, patrol and other motor vehicles; ships and boats – ships, patrol boats, diversion and reconnaissance boats, boats and ships for auxiliary purposes, their standard and specific equipment);
- 4) other means (for explosive protection; liaison and telecommunications means – radio equipment, encryption equipment, scramblers, relay equipment, spectrum analyzers, transportation network, equipment for electronic and video surveillance of space and equipment for telecommunications surveillance; information system means – special-purpose hardware and software and operational protection systems; means for forensics – detectors, X-ray devices, ballistic plates, special forensic materials and other special equipment; systems, devices and instruments for surface, underwater and air surveillance and warning, for orientation and navigation, radars, infrared devices, laser meters, gun sight devices; basic group of animals – police dogs, police horses, etc.; means of special personal protective equipment – protective clothing, footwear and gloves, shields, helmets, protective masks and glasses, vests, earmuffs and protective gear for intervention, anti-diversion, firefighting units and members of units for personal security and protection).

The movable property referred to in paragraph 5 of this Article shall also include spare parts, special tools and equipment for the maintenance of assets referred to in that paragraph, other special-purpose movable property which may, by their purpose and specific characteristics, be compatible with the property referred to in paragraph 5 of this Article.

Goods, services and works for the needs of and in relation to special-purpose real property and movable property, as well as services in the function of performing the activities within the purview of the Ministry and relating to security needs shall be confidential as referred to in paragraph 2 of this Article.

The procedure for procurement of special-purpose assets without public announcement shall be prescribed by the Government.

Funds for special operational needs

Article 246

For payment of expenses and awards to persons for acting and participating in the implementation of measures permitted under this Law and the law regulating criminal procedure and for paying for useful information relating to criminal offenses and their perpetrators

(hereinafter: funds for special operational needs), special purpose funds shall be allocated within the budget in accordance with the financial plan of the Police Directorate and the Sector of Internal Control.

Records on such payments shall be kept separately, in accordance with regulations governing specific fields.

The management of funds for special operational needs shall be regulated by secondary legislation.

The funds referred to in paragraph 1 of this Article shall be exempt from payment of contributions and other duties defined by regulations.

Fund for Solidarity Aid

Article 247

The Ministry may set up the Fund for Solidarity Aid and dispose of the funds collected up to the amount of funds in the account of the Fund, in order to assist the employees and members of their immediate families, as follows:

- 1) families of employees of the Ministry who got killed, families of employees of the Ministry who got wounded, and wounded employees of the Ministry who got wounded during the performance or in relation to performance of their duties;
- 2) employees and members of their immediate families, for the purpose of medical treatment, rehabilitation, procurement of orthopedic and other aids, and in case they become affected by serious life-threatening diseases or diseases which exacerbate the socio-economic position of the employee and his family;
- 3) employees and their immediate families in special cases of vulnerability due to natural disasters

Article 248

The funds of the Fund for Solidarity Aid may include:

- 1) donations;
- 2) budgetary allocations;
- 3) other funds in accordance with the law and other regulations

More detailed forms of aid, conditions, criteria, amounts and allocation of funds from the Fund for Solidarity Aid shall be prescribed by the Minister.

XIII. AUXILIARY POLICE

Members of auxiliary police

Article 249

The Ministry may establish an auxiliary police for performing police tasks in cases when it is necessary to supplement the number of full-time police officers who need to be engaged in the delivery of police tasks:

- 1) with high security risk;
- 2) in natural and other disasters;
- 3) for securing the national border;
- 4) in other cases when internal security is seriously threatened

In exceptional cases, the auxiliary police may also be engaged when there is mutual interest of the Ministry and local self-government, under special agreements.

Provisions of this Law relating to the rights and duties of police officers shall apply *mutatis mutandis* to members of the auxiliary police when engaged.

The decision to use auxiliary police for performing police tasks shall be made by the Minister, at the proposal of the Police Director.

The requirements for the selection of candidates, rights and obligations of members of the auxiliary police, their training, manner of engagement, and organization and activities of the auxiliary police shall be regulated in more detail by the Government.

XIV. APPLICATION OF OTHER REGULATIONS

Article 250

Unless otherwise provided by this Law, the regulations adopted pursuant to this Law and the special collective agreement for police officers, the rights and obligations, work and employment of police officers shall be subjected to application of regulations on civil servants and the special collective agreement concluded in accordance with such regulations, general labor regulations and the law governing general administrative procedure.

XV. TRANSITIONAL AND FINAL PROVISIONS

Adoption of secondary legislation

Article 251

The secondary legislation referred to in this Law shall be adopted within one year from the date of entry into force of this Law.

Police records

Article 252

The Police may, for the purpose of performing tasks within the purview of the Ministry, process personal data and keep records thereof.

The records referred to in paragraph 1 of this Article shall be prescribed by a separate law.

Article 253

Pending the adoption of regulations referred to in Article 9 and Article 184, paragraph 2 of this Law, the persons employed in the Ministry on the day of entry into force of this Law shall continue to work on the same job positions and shall keep their titles and salaries in accordance with the current regulations and other acts.

The provisions of Article 165 of this Law shall become applicable after the expiry of the period of one year from the entry into force of this Law.

Information on legislative changes

Article 254

In order to raise public awareness about the legislative changes and the relationship between this Law other laws in the field of internal affairs, laws on administration, criminal procedure, misdemeanors, employment and other laws relating to the Police or enforced by the Police, the Ministry shall semi-annually publicize information including the List of Laws and the 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.

Applicability of regulations pending the adoption of new regulations pursuant to this Law

Article 255

The regulations adopted pursuant to the Law on Police (“Official Gazette of the RS”, Nos 101/05, 63/09 – Constitutional Court decision, Nos. 92/11 and 64/15) shall remain in force pending the adoption of regulations that will supersede them, unless they are contrary to provisions of this Law.

Article 256

Persons who graduated from a university level institution established for the implementation of study programs for the needs of police education within the prescribed period,

whose studies were financed from the budget of the Republic of Serbia and who had concluded contracts with the Ministry for each academic year, shall be given priority in employment competitions, provided they meet the general and special requirements for entry into employment with the Ministry.

Repeal of certain laws

Article 257

On the day of entry into force of this Law, the Law on Police (“Official Gazette of the RS”, Nos. 101/05, 63/09 – Constitutional Court decision, 92/11 and 64/15) shall be repealed, except for Articles 75-82, which shall remain in force 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 its publication in the “Official Gazette of the Republic of Serbia”.