

LAW

ON AMENDMENTS TO THE LAW ON THE SERBIAN ARMED FORCES

Article 1

New Paragraph 4 shall be added after Paragraph 3, Article 6 of the Law on the Serbian Armed Forces ('Official Gazette of the Republic of Serbia', Number 116/07), as following:

'Duties performed by civilian persons on service in the Serbian Armed Forces, appointed to the posts in military units and military establishments, organisationally and functionally related to the Ministry of Defence, but not performing tasks within the Ministry of Defence's competence, shall be considered as the service in the Serbian Armed Forces.'

Former Paragraphs 4-6 shall become Paragraphs 5-7.

Article 2

Word: 'students' of an appropriate case shall be replaced by word: 'cadets' of an appropriate case in Article 7, Paragraph 2, Article 13, Paragraph 5, Article 14, Paragraph 2, Article 22, Paragraph 2, in a title above Article 54 and in Article 54, paragraph 2, in a title above Article 91 and in Article 91.

Article 3

Item 2a) shall be added after Item 2, Paragraph 1 of Article 13, as follows:

'2a) shall execute orders and duties pertaining to preparation and participation in multinational operations in line with regulations on deployment of the Serbian Armed Forces outside the Republic of Serbia borders;'

Article 4

Article 14a shall be added after Article 14, as following:

'Article 14a

A professional member of the Serbian Armed Forces shall not be allowed to take part in activities of associations dealing with the following objectives: reform of the defence and the Serbian Armed Forces, harmonisation of regulation with generally accepted European Union standards and regulations, creation of the defence strategy and Serbian Armed Forces doctrine stipulating establishment, organisation and formation of the Serbian Armed Forces; operational and functional capability,

deployment and manning of the Serbian Armed Forces; preparedness and mobilisation; armament and military equipment; control and command in the Serbian Armed Forces and defence management; participation in multinational operations and internal relations in the Serbian Armed Forces.’.

Article 5

Wording: ‘and military units and military establishments organisationally and functionally related to the Ministry of Defence;’ shall be added after words: ‘the Serbian Armed Forces’ in Article 18, Paragraph 1, Item 2.

Wording: ‘that is, an authorised manager in the Ministry of Defence for professional servicemen appointed outside of the Serbian Armed Forces;’ shall be added in Item 5 after words: ‘General Staff’ and separated by a comma.

Wording: ‘that is, an authorised manager in the Ministry of Defence for professional servicemen appointed outside of the Serbian Armed Forces;’ shall be added in Item 6 after words: ‘General Staff’ and separated by a comma.

Article 6

Wording: ‘in line with this Law;’ shall be added after word: ‘general’ in Article 19, Paragraph 2, Item 3 and separated by a comma.

Item 8a shall be added after Item 8, as follows:

‘8a) passes Code of Honour of the Serbian Armed Forces members;’.

Paragraph 3 shall be amended as following:

‘Chief of the General Staff may authorise immediately subordinated officers in the Serbian Armed Forces to perform tasks from Paragraph 2, Items 2 and 4 of this Article, and units and commands commanding officers, the rank of colonel or more senior – to perform tasks from Paragraph 2, Item 4 of this Article.’.

Article 7

Paragraph 3 shall be added in Article 22, as follows:

‘The Serbian Armed Forces titles shall be prescribed by the Defence Minister.’.

Article 8

Items 6,7,8 and 9 shall be added in Article 39, Paragraph 1, after Item 5, and a full stop shall be replaced by a semi-colon, as following:

- ‘6) not older than 30, provided he/she is employed as a professional soldier;
- 7) not older than 35, provided he/she is employed as an NCO on temporary basis, i.e. 40, provided he/she is employed as an officer on temporary basis;
- 8) not older than 40, provided he/she is employed as an NCO on permanent basis, i.e. 45, provided he/she is employed as an officer on permanent basis;
- 9) having completed adequate military professional training for a duty he/she is taking over, and for male servicemen, having completed the conscription with arms.’.

Paragraph 3 shall be added after Paragraph 2 of this Article, as follows:

‘As an exception from the provision from paragraph 1, Item 8 of this Article, and for the service needs, as decided by the Defence Minister, a person not older than 45 may be employed as an NCO on temporary basis, i.e. a person not older than 50 as an officer employed on temporary basis.’.

Article 9

Word: ‘student’ shall be replaced by word: ‘cadet’ and word: ‘promoted’ by word: ‘introduced’ in Article 40, Paragraph 2.

Article 10

Article 41 shall be amended as following:

‘An NCO who has graduated from the Military Academy shall be introduced into the rank of second lieutenant and become an officer on the day he/she completes education.

An NCO who has acquired appropriate higher education may be introduced into the rank of second lieutenant under the conditions and in a way prescribed by the Government, at the proposal of the Defence Minister.’.

Article 11

New Paragraph 4 shall be added after Paragraph 3, Article 42, as follows:

‘As an exception from provisions from Paragraph 3 of this Article, and as decided by the Defence Minister, a contract on work for a limited period of time for persons at certain military posts or of certain specialities, shall expire at the end of the year, in which they turn 50 years of age.’.

Former Paragraph 4 shall become Paragraph 5.

Article 12

Word: 'promoted' shall be replaced by word: 'introduced' in Article 43, Paragraph 2.

Article 13

Wording: 'combat activities' shall be replaced by wording: 'use of force' in Article 47, Paragraph 3.

Article 14

New Paragraph 2 shall be added after Paragraph 1, Article 50, as following:

'A request for issuance of decision from Paragraph 1 of this Article shall be submitted through the Ministry of Defence.'

Former Paragraph 2 shall become Paragraph 3.

Article 15

Articles 53a, 53b and 53c shall be added after Article 53, as following:

'Article 53a

A special organisational unit, set up within the Military Police Department, shall exercise the internal control of the Military Police work pertaining to legitimate usage of police powers.

A Military Police Inspector, as a head of the organisational unit from Paragraph 1 of this Article, shall be appointed and dismissed by the Defence Minister, at the Chief of General Staff's proposal.

Article 53b

The Military Police members shall be obliged to enable the military police inspector's control and offer necessary professional assistance.

The military police inspector shall be authorised to:

- 1) have insight into registers, documentation and data bases collected or issued by the Military Police in line with its competences;
- 2) take statement from the Military Police members, damaged parties or witnesses;
- 3) require submission of other data and information from the Military Police and its members within their competences, necessary for the internal control;
- 4) be familiar with official premises used by the Military Police in its work;

- 5) require certificates, technical or other data on technical devices used by the Military Police and require evidence on the level of training of the Military Police members for the use of technical and other devices applied in its work.

The military police inspector, conducting the control, shall not interfere in the Military Police actions or in any other way hinder work or jeopardise confidentiality of the military police activity.

Classified documentation may be reviewed by the military police inspector or a person he/she authorises, in the presence of a person in charge of establishing classification degree or persons he/she authorises.

The military police inspector shall directly report to the Defence Minister on activities from Paragraph 1 of this Article.

The military police inspector shall regularly report to the Defence Minister on his/her findings.

The military police inspector shall undertake necessary activities, establish facts and collect evidence when controlling work of the Military Police.

Article 53c

The Military Police work internal control method, procedure and competences, as well as dealing with the Military Police work related complaints, shall be stipulated by the Defence Minister, in line with the internal control regulations prescribed for the military police competences.’.

Article 16

Item 1, Article 56 shall be amended as following:

‘1) three years in the rank of a second lieutenant provided education lasts for four years, two years in the rank of a second lieutenant provided education lasts for five years, and one year in the rank of a second lieutenant provided education lasts for six years;’.

Article 17

Paragraph 4, Article 69 shall be amended as following:

‘An officer or an NCO described in Paragraphs 1 and 2 of this Article is appointed, as a rule, to a formation position of a branch or a service he/she belongs to, in accordance with the type and degree of education – to the formation position of his/her rank or a higher rank.’.

New Paragraphs 5 and 6 shall be added after Paragraph 4 as following:

‘Officer or an NCO described in Paragraphs 1 and 2 of this Article, may be, in exceptional cases, without his /her consent and due to the service need, be appointed to a formation position of an immediately lower rank, keeping all rank and position rights he/she is entitled to.

Officer or an NCO described in Paragraphs 1 and 2 of this Article, may be appointed to a duty within a different branch or department only with his/her consent.’.

Former Paragraphs 5 and 6 shall become Paragraphs 7 and 8.

Article 18

Article 72a shall be added after Article 72 as following:

‘Article 72a

A professional military person may be approved work for a multinational organisation or a regional initiative by the Defence Minister, on the basis of a competition, and in line with the law and international agreement signed with that respective international organisation or regional initiative.

A professional military person may be approved the work from Paragraph 1 of this Article no longer than four consecutive years.

A professional military person, upon termination of the service from Paragraphs 1 and 2 of this Article, cannot be engaged to work for that respective international organisation or regional initiative for two years, save for special cases approved by the Defence Minister.

A professional military person shall be in the Serbian Armed Forces service during his/her work from Paragraph 1 of this Article.

Article 19

Article 73 shall be amended as following:

‘Persons admitted to the military service, who have not graduated from the Military Academy, and aiming at gaining practical experience needed for the independent performance of duty, may be appointed to the internship period.

During his/her internship period, person from Paragraph 1 has all the rights of his/her rank and is promoted in accordance with the conditions prescribed by this Law in the same way as a person who has been appointed to the duty.

The Defence Minister shall stipulate duration of the internship period, training during the internship and the manner, in which the internship exam is taken.’.

Article 20

Wording: ‘a member of the Serbian Armed Forces’ from Article 80, Paragraph 2 shall be replaced by wording: ‘a professional member of the Serbian Armed Forces’.

New Paragraph 3 shall be added after Paragraph 2 as following:

‘A professional member of the Serbian Armed Forces, trained to take part in multinational operations, shall be obliged to participate in those operations in line with the Law.’.

New Paragraph 5 shall be added after former Paragraph 3, which shall become Paragraph 4, as follows:

‘The Defence Minister or a person authorised by him/her shall sign an agreement with the person from Paragraph 3 of this Article on training and terms and conditions on the basis of completed training for participation in multinational operations, in line with special regulations stipulating participation in multinational operations.’.

Former Paragraphs 4 and 5 shall become Paragraphs 6 and 7.

Article 21

Wording: ‘diplomatic and consular’ in Article 90, Paragraph 2 shall be replaced by wording: ‘diplomatic-consular’.

New Paragraph 3 shall be added after Paragraph 2, as follows:

‘A professional military person who has been approved to work for an international organisation or a regional initiative by the Defence Minister, on the basis of an open competition or offers made by those organisations or initiatives, shall be entitled to a salary and other reimbursements from Paragraph 2 of this Article, unless differently arranged in the agreement signed with an international organisation or a regional initiative.’.

Former Paragraph 3 shall become Paragraph 4 and shall be amended as following:

‘The base for paying taxes and contributions on professional military personnel’s salaries from Paragraph 2 of this Article is the salary he/she would have fulfilled due to the rank and years of service he/she would have gained at the formation position he/she occupied prior to his duty abroad.’.

Paragraph 5 shall be added after Paragraph 4, as follows:

‘The base for paying taxes and contributions on professional military personnel’s salaries from Paragraph 2 of this Article is the salary he/she would have fulfilled due to the rank and years of service he/she would have gained at the formation position he/she occupied prior to his duty abroad, unless the base for paying taxes and contributions is arranged in the agreement signed with an international organisation or regional initiative.’.

Article 22

New Paragraph 2 shall be added after Paragraph 1, Article 95, as follows:

‘Unless approved budgetary resources allocated for salaries facilitate determination of the salary base according to Paragraph 1 of this Article, the Government shall establish a lower base for the salary calculation for professional military personnel in line with approved finances.’.

Former Paragraph 2 shall become Paragraph 3.

Article 23

Wording: ‘and when implementing activities, in line with accepted international responsibilities of the Republic of Serbia’ shall be added in Article 98, Paragraph 3, following wording: ‘and health of the military personnel and other citizens’.

Article 24

Items 1-3, Paragraph 1, Article 104 shall be amended as following:

- 1) up to 10 years of service – 25 working days
- 2) 10-20 years of service – 27 working days
- 3) over 20 years of service – 30 working days.’

Article 25

Item 5, Article 110 shall be amended as following:

5) if he/she loses the rank or has been sentenced to the termination of service as a disciplinary measure by the military disciplinary court’s decision;’.

Item 9 shall be amended as following:

‘9) when he/she gains the right to the pension by law, completing 40 years of service, and:

- (1) 53 years of age – an NCO or an officer up to the rank of colonel;
- (2) 54 years of age – an officer in the rank of colonel;
- (3) 55 years of age – an officer in the rank of brigadier general;
- (4) 56 years of age – an officer in the rank of major general;
- (5) 57 years of age – an officer in the rank of lieutenant general;
- (6) 58 years of age – an officer in the rank of a full general;’.

Paragraph 2 shall be amended as following:

‘Exceptionally from the provision of Paragraph 1, Item 9 of this Article, the professional service of an officer or an NCO in the Serbian Armed Forces may be extended for no longer than two years with his/her consent.’.

Paragraph 6 shall be amended as following:

‘Professional military service terminates for officers and NCOs who are sent to do their internship service unless they pass the internship exam by the end of the expiration of their internship service, having to reimburse education, i.e. scholarship costs, in line with this Law.’.

Article 26

Item 5, Paragraph 2, Article 112 shall be amended as following:

‘5) if he/she loses the rank or has been sentenced to the termination of service as a disciplinary measure by the military disciplinary court’s decision;’.

Article 27

Wording: ‘of Article 110, Paragraph 1, Items 3,4,7, and 8’ shall be replaced by wording: ‘ of Article 110, Paragraph 1, Item 1 and Items 3-8’ in Article 116, Paragraph 1.

Wording:’ of Article 110, Paragraphs 2 and 3’ shall be replaced by wording: ‘ of Article 110, Paragraph 1, Item 9 and Paragraphs 2 and 3.’.

Article 28

Article 117 shall be amended as following:

‘Service of the professional military personnel in the Serbian Armed Forces terminates on disbandment, on the basis of a legal document on termination of professional military service.

A person, a service termination decision is taken for, holding a post, shall be dismissed from the service on the duty transfer day; and a person, not holding a post – on a termination of service legal document enforcement day.

The service termination and duty transfer timeline shall not be longer than 30 days from the date of submitting a final legal document on termination of service.

For a person whose service terminates due to the reasons envisaged in Article 110, Paragraph 1, Item 5, and Article 112, Paragraph 2, Item 5 of this Law, the termination of service decision shall be taken by a competent senior officer immediately upon the receipt of the effective verdict and the service is taken into account until the date of the effective verdict.

The decision on duty transfer shall not be passed for a person whose service has been terminated due to unjustified absence from the service or loss of rank.

The decision on termination of service and duty transfer shall not be passed for a deceased person.’.

Article 29

Item 2, Paragraph 1, Article 131 shall be amended as following:

‘2) when he/she is of 65 years of age provided he/she has at least 15 years of service pertaining to pension and invalid insurance;’.

Article 30

Article 134 shall be amended as following:

‘Provisions of this Law referring to professional military personnel shall also apply to military employees and staffers, as follows:

- 1) on specific characteristic of the military service performance (Article 16);
- 2) on carrying and use of firearms (Article 47);
- 3) on acceptance of foreign medals and membership in a foreign professional association or international organisation (Article 50);
- 4) on a temporary transfer to another department for the service needs, i.e. the Serbian Armed Forces establishment aiming at performing certain tasks, safe for a person whose work place is outside of the unit’s headquarters, i.e. the Serbian Armed Forces establishment – field work (Article 72, Paragraphs 5 and 6);
- 5) on work for an international organisation and regional initiative (Article 72a);
- 6) on advanced education, specialisation and resettlement; (Article 74);
- 7) on dismissal from duty (Articles 77 and 78);
- 8) on scholarship during education or training abroad and salary and other incomes during the service abroad (Article 80 and Article 90, Paragraphs 2 and 3);

- 9) on reimbursement of travel and other costs (Articles 92 and 93);
- 10) on working hours, holidays and leaves (Articles 96-107);
- 11) on termination of service in the Serbian Armed Forces at a request (Article 110, Paragraph 1, Item 6),
- 12) on protective measures (Articles 179-184).

Article 31

Wording: ‘professional military personnel’ from Article 136, Paragraph 2 shall be replaced by wording: ‘professional members of the Serbian Armed Forces’.

Article 32

Word: ‘promotion’ from Article 137, Item 2 shall be replaced by word: ‘introducing’.

Article 33

Wording: ‘transfer of duty’ from Article 138 shall be replaced by wording: ‘dismissal from duty’.

Article 34

Paragraph 1, Article 139 shall be amended as following:

‘Legal documents pertaining to admission to the service, promotion, transfer and termination of service, as well as legal documents pertaining to officers and NCOs’ service are administrative legal documents.’.

Paragraph 3 shall be amended as following:

‘An administrative procedure can be conducted against legal documents from Paragraph 1 of this Article.’.

Article 35

Paragraph 4 shall be added after Paragraph 3, Article 143, as follows:

‘For a criminal offence against the Serbian Armed Forces, with a stipulated prison sentence up to three years, a disciplinary procedure may be taken against a military person and a disciplinary penalty, i.e. disciplinary measure may be pronounced in line with this Law, instead of a criminal penalty, provided the offence is considered to be a light one and the service interests require this action, pursuant to the Penal Law provisions.’.

Article 36

Item 2a shall be added after Item 2, Paragraph 2, Article 152, as following:

‘2a) ban on leaving special premises in a military facility up to 30 days;’.

Article 37

Item 5 shall be added after Item 4, Paragraph 1, Article 154, and a full stop shall be replaced by a semicolon, as following:

‘5) ban on leaving special premises in a military facility up to 15 days, pronounced to a conscript by superior officers, at the company commander or a higher post.’.

Item 4 shall be added after Item 3, Paragraph 2, and a full stop shall be replaced by a semicolon, as following:

‘4) ban on leaving special premises in a military facility up to 30 days.’.

Paragraph 3 shall be added after Paragraph 2, as following:

‘Time spent serving a disciplinary measure and disciplinary penalty pertaining to the ban on leaving special premises in a military facility for longer than two days shall not be taken as the time spent doing the conscription period.’.

Article 38

Word: ‘student’ shall be replaced by word: ‘cadet’ in Article 155, Paragraph 1.

Item 4a shall be added after Item 4 as following:

‘4a) ban on leaving special premises in a military facility up to 15 days;’.

Article 39

Article 155a shall be added after Article 155 as following:

‘Article 155a

When deciding on responsibility of soldiers, reserve soldiers, Military Academy cadets, military school pupils and the School for Reserve Officers attendees for offences, which, according to the Penal Law, may be processed as a disciplinary procedure, as well as when deciding on their responsibility for an offence when the case is transferred to the competent military disciplinary court (safe for persons under

the age of 18 at the time an offence was committed), an offender may be pronounced a disciplinary measure of the ban on leaving special premises in a military facility up to 60 days, provided none of disciplinary measures envisaged in Articles 154 and 155 of this Law is appropriate for the offence or degree of their responsibility.

When deciding on responsibility of professional military personnel for offences, which, according to the Penal Law, may be processed as a disciplinary procedure, as well as when deciding on their responsibility for an offence when the case is transferred to the competent military disciplinary court, an offender may be pronounced a disciplinary measure of the ban on leaving special premises in a military facility up to 60 days, provided none of disciplinary measures envisaged in Articles 152 of this Law is appropriate for the offence or degree of their responsibility.’.

Article 40

Paragraph 3, Article 159 shall be amended as following:

‘Obsolescence of initiating and taking procedures pertaining to a disciplinary offence and breach of duty, prescribed for the Ministry of Defence, any other state body or a legal entity a criminal offence is initiated before a competent regular court, shall incur at the time of criminal offence prosecution obsolescence.’.

Article 41

Paragraph 1, Article 167 shall be amended as following:

‘A complaint may be filed against the first degree decision taken in the disciplinary procedure, and an administrative trial may be conducted against the Higher military disciplinary court’s decision pronouncing disciplinary penalties to the Serbian Armed Officers professional members as stipulated in Article 152, Paragraph 2, Items 3,7 and 8, Article 153, Paragraph 2, Item 5, Article 154, Paragraph 2, Item 4 and Article 155a of this Law.’.

Article 42

Article 174 shall be amended as following:

‘Existence of the damage, its amount and circumstances during which it was done, as well as accountability for it, shall be determined by the Defence Minister or a senior officer authorised by him/her.

The Defence Minister, i.e. senior officer authorised by him/her and a member of the Serbian Armed Forces may sign an executive written agreement determining the damage and manner of the damage reimbursement.

Provided the Serbian Armed Forces member refuses to pay the damage reimbursement, he/she shall be taken to the court for a legal proceeding.’.

Article 43

Article 178 shall be amended as following:

‘The Defence Minister shall more closely define the procedure for determination of damage and the amount of damage and reimbursement in the Serbian Armed Forces, as well as terms and conditions pertaining to transfer of authorities to the Serbian Armed Forces senior officers to decide on the damage reimbursement, in line with regulations on the damage reimbursement.’.

Article 44

Item 3, Paragraph 1, Article 185 shall be amended as following:

‘3) if he/she is sentenced to an unconditional prison sentence for longer than one year - on the date of the verdict’s effectiveness.’.

Article 45

A full stop shall be added after words: ‘navy lieutenant’ in Article 189, Paragraph 3, and wording: ‘ and the time needed for his regular promotion to the rank of lieutenant colonel should be increased by the period that would be needed for his/her promotion to the rank of major’ shall be erased.

A full stop shall be added after words: ‘senior sergeant’ in Paragraph 5, and wording: ‘ and the time needed for regular promotion to the rank of first class senior sergeant should be increased by the period of time that would be needed for his/her promotion to the rank of a senior sergeant’ shall be erased.

Article 46

This Law shall enter in effect on the eight day from the date of publishing in the ‘Official Gazette of the Republic of Serbia’.