

LAW ON AMENDMENTS TO THE LAW ON DEFENCE

Article 1

Article 4, Item 4 of the Law on Defence (Official Gazette of the Republic of Serbia, number 116/07) shall be amended as following:

‘4) **civil defence** is a part of a unified defence system, organised aiming at successful functioning of the civil administration bodies, autonomous provinces bodies and local self-government units, commercial associations and other legal entities, protection and rescue and provision of living and working conditions for citizens and meeting defence forces needs in the state of emergency and war’.

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

‘4a) **civil protection** is an organised system aiming at protection, rescue and removal of consequences inflicted by natural disasters, technical and technological hazards, as well as other serious accidents that may jeopardise citizens, material and cultural heritage and environment in peacetime and in the state of emergency and war;’.

Article 2

Article 8 shall be amended as following:

‘Members of the Serbian Armed Forces and other defence forces shall be obliged, at any time and under any circumstances, when performing combat and non-combat operations, to act in compliance with the rules stemming from the international humanitarian law pertaining to proceedings with the wounded and the prisoners of war, and to the protection of citizens, as well as other rules stipulated by that law and international standards on the use of force, in accordance with the Constitution, Law and ratified international agreements.

A member of the Serbian Armed Forces and other defence forces shall have right to reject an order demanding he/she should breach the Constitution, law and rules of the international humanitarian law.’.

Article 3

Items 7) and 16) of Paragraph 3, Article 12 shall be amended as following:

‘7) passes guidelines for development of defence plans and prescribes an instruction on methodology for development of defence plans in line with the Defence Minister’s proposal;

16) decides on establishment and abolishment of military educational and military scientific and research establishments and their inclusion in the education and scientific and research system of the Republic of Serbia;’.

Article 4

Items 12), 22), 23), 30), 33), 34), 38) and 39) of Paragraph 2, Article 14 shall be amended as following:

‘12) proposing guidelines for development of the defence plans and instructions on methodology for drafting defence plans;

22) organisation, modernisation and promotion of telecommunication networks and means and crypto-protection for the need of the Serbian Armed Forces and other state bodies;

23) harmonization of telecommunication and information security, information and telecommunication networks and systems for the defence purposes;

30) harmonization of the military education system and scientific research activities of the defence importance with the secondary, higher education and scientific research activities in the Republic of Serbia;

33) passing legislation on organisation of commands, units and establishments of the Serbian Armed Forces and legislation on organisation of military units and military facilities organisationally and functionally related to the Ministry of Defence;

34) establishing and closing defence attaché offices and military representative offices, in accordance with the Government's decision on the number and distribution of defence attachés and defence offices of the Republic of Serbia abroad;

38) acquisition, disposal, usage, managing and maintaining immovable for the military purposes, housing facilities, apartments, garages and business premises for the MOD and the SAF needs, as well as facilities for temporary accommodation of professional Serbian Armed Forces members and the Ministry of Defence employees;

39) regulation, planning, organisation, implementation and control of safety at work, health and environmental protection, fire and explosion protection, in line with the legislation regulating these activities;’.

Items 9a), 26a), 31a), 34a), 34b), 38a), 39a), 39b) and 42a) shall be added after Items 9), 26), 31), 34), 38), 39) and 42) as following:

‘9a) signing military education and training related agreements with competent ministries of other countries shall be in line with the Law;

26a) shall regulate low scale procurement procedures in commands, units and establishments of the Serbian Armed Forces, military units and facilities organisationally and functionally related to the Ministry of Defence;

31a) cartography and geo-topography security and design of geo-topography material for the defence;

34a) establishing and organising financial services at the Ministry of Defence, commands, units and establishments of the Serbian Armed Forces, military units and facilities organisationally and functionally related to the Ministry of Defence;

34b) organisation and enhancement of information system in the area of material and financial business transactions for the needs of financial reporting, in compliance with adopted standards;

38a) acquisition, disposal, usage, managing and maintaining immovable and movables for representation needs of the Ministry of Defence and the Serbian Armed Forces in country and abroad;

39a) regulation, planning, organisation, implementation and control of protection of animals and health inspection over production and trade of food and other general commodities within the Ministry of Defence and Serbian Armed Forces;

39b) regulation, planning, organisation, implementation and control of meteorological activities, in line with laws regulation this area;

42a) passing legislation on establishing military medical facility of primary, secondary and tertiary health protection levels;’.

Items 20) and 21) shall be erased.

Paragraph 5 shall be amended as following:

‘Regulations described in Paragraphs 3 and 4 of this Article shall be published in the "Official Military Gazette", as stipulated by the Defence Minister.’.

Article 5

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

‘Article 14a

The Ministry of Defence shall have its insignia, symbols and other emblems.

The Government shall stipulate in more details how the insignia, symbols and other emblems shall look like and be used, as well as other Ministry of Defence visual identity elements, as proposed by the Defence Minister.

Wearing the insignia, symbols and other emblems from Paragraph 1 of this Article in a manner violating the Ministry of Defence reputation shall not be allowed.’.

Article 6

Item 4), Paragraph 1 of Article 16 shall be amended as following:

‘4) implementation and harmonisation of organisation of telecommunication and information system security, crypto-protection and other forms of information protection;’.

Item 6a) shall be added after Item 6), as follows:

‘6a) safety at work, health, fire and explosion, environmental and animals protection, and meteorological activity;’.

Article 7

Paragraph 1 of Article 18 shall be amended as following:

‘Defence Minister shall prescribe elements, content and standards for evaluation of the following: overall situation, operational and functional capabilities of the Serbian Armed Forces; work of organizational parts of the Ministry of Defence and the Serbian Armed Forces; meteorological activities; safety at work and health, fire and explosion, environmental and animals protection, as well as of material and financial operations of the commands, units and establishments of the Serbian Armed Forces and organisational parts of the Ministry of Defence, based on the Law and guidelines passed by the President of the Republic of Serbia.’.

Article 8

Item 4a) shall be added after Item 4) of Paragraph 1, Article 21, as follows:

‘4a) participation in preparing and organising the search and rescue system;’.

Item 12) shall be amended as following:

'12) issuance of clearance to a competent body for transport of hazardous materials and biological reagents that may cause or spread human or animal infectious diseases, weapons and military equipment, and dual use equipment in the republic of Serbia aerospace;'.

Article 9

Paragraphs 3 and 4 shall be added after Paragraph 2, Article 22, as following:

'The Ministry of Defence shall be engaged in international co-operation and shall organise international military co-operation for the Serbian Armed Force needs, and in accordance with adopted defence strategy and policy.

With reference to the co-operation from Paragraph 3 of this Article, the Ministry of Defence shall be allowed to sign agreements regulating issues of mutual interest pertaining to the defence and military cooperation, without undertaking new responsibilities for the Republic of Serbia.'

Article 10

Article 23 shall be amended as following:

'Diplomatic function pertaining to defence and the Serbian Armed Forces shall be carried out by the defence attaché offices and military representative offices.

Decision on opening and closing the defence attaché offices and military representative offices shall be taken by the Defence Minister.

Defence attachés and military representatives shall be appointed and dismissed from duty by the Defence Minister.

Conditions and procedure for selection and appointment of defence attachés of the Serbian Armed Forces and military representatives, organisation of work of the defence attaché offices and military representative offices, methods of financing and their activities abroad, shall be stipulated by the Defence Minister.'

Article 11

Wording 'armed operations' from Article 31, Paragraph 1 shall be replaced by wording: 'combat operations'.

Wording 'in armed operations' from Paragraph 2 shall be replaced by wording: 'in combat operations'.

Article 12

Paragraph 3 shall be added after Paragraph 2 of the Article 33, as follows:

‘Legal entities, entrepreneurs and associations shall not be allowed to use names, symbols and other Serbian Armed Forces emblems, unless approved by the Defence Minister.’.

Article 13

After word: ‘border’ in Article 39, Paragraph 1, a comma shall be added, and wording: ‘and the lives of people’ shall be replaced by wording: ‘life and health of people and animals.’

Article 14

Wording: ‘people’s lives and material goods’ from Article 41 shall be replaced by wording: ‘life and health of people and animals and material goods’.

Article 15

Paragraph 3 of Article 43 shall be amended as following:

‘Chief of the General Staff of the Serbian Armed Forces, i.e. chief of the competent command of the Serbian Armed Forces, on the basis of a special authorisation by the President of the Republic of Serbia, and aiming at protection and rescue of people, material and cultural goods from natural disasters, technical and technological accidents and catastrophes, consequences of a terroristic act and any other large scale accidents, shall be empowered to issue an order pertaining to the state of alert measures and engagement of parts of the Serbian Armed Forces in removal of damages inflicted by non-military threats to security.’.

Article 16

Words: ‘material-financial’ from Paragraph 2 of Article 44 shall be replaced by words: ‘material and financial’.

Article 17

Item 6) of Paragraph 1, Article 45 shall be amended as following:

‘6) health care, safety and health protection at work, veterinary care, environmental, fire and explosion protection, and other types of care.’.

Paragraphs 3 and 4 shall be added after Paragraph 2, as follows:

‘Activities pertaining to the logistic support from Paragraph 1 of this Article shall be performed by military establishments organisationally and functionally related to the Ministry of Defence, with or without a legal entity status.

The Defence Minister shall stipulate work methods, business operations and management of establishments from Paragraph 3 of this Article, and shall specify which military establishments are to be entitled to the legal entity status in line with the Law.'

Article 18

A comma shall be added after word: 'people' in Paragraph 2 of Article 62, and the word: 'animal'.

Article 19

New Paragraph 2 shall be added after Paragraph 1 of Article 72, as follows:

'Organisation, criteria, registering and standardisation and classification of products and services, facilities and devices of special importance for the defence, level of harmonisation and technical and inspection control shall be regulated by the Defence Minister in line with this and other related laws.'

Current Paragraph 2 shall become Paragraph 3.

Article 20

Words: 'communication lines' from Paragraph 1 of Article 73 shall be replaced by words: 'telecommunication systems'.

Article 21

Word: 'animal' and a comma shall be added after word: 'people' in Paragraph 1 of Article 77.

Article 22

Wording: 'and animals' shall be added after word: 'people' in Article 79, and a comma shall be erased.

Article 23

Word: 'animal' and a comma shall be added after word: 'people' in Article 80.

Article 24

Wording: ‘communication command’ from Paragraph 3 of Article 81 shall be replaced by wording: ‘provision of command and management of telecommunication devices usage’.

New Paragraph 7 shall be added after Paragraph 6, as follows:

‘Persons in charge of defence planning and defence plans managers in state bodies, autonomous provinces bodies and local self-government units, commercial associations and other legal entities and entrepreneurs of importance for the defence, shall be subject to vetting.’.

Current Paragraph 7 shall become Paragraph 8.

Article 25

A full stop shall be added after word: ‘working conditions’ in Article 97, Paragraph 1, and wording: ‘as a response to challenges, risks and threats to the country’s security’ shall be erased.

Article 26

New Paragraph 3 shall be added after Paragraph 2 of Article 104, as follows:

‘The Defence Minister, within approved authorities, shall allocate funds for organisational units of the Ministry of Defence, commands, units and establishments of the Serbian Armed Forces, as well as for military units and military facilities organisationally and functionally related to the Ministry of Defence.’

Wording: ‘material-financial’ from former Paragraph 3, and new Paragraph 4 shall be replaced by wording: ‘material and financial.’

Article 27

Word: ‘Method’ from Article 105, Paragraph 3 shall be followed by wording: ‘of acquisition, disposal,’.

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

‘Right to special purpose immovable property used by the Ministry of Defence and the Serbian Armed Forces shall be registered with a public book on the registry of immovable properties and related rights, in line with the Law, and with a military immovable property register, as prescribed by the Defence Minister.’.

Article 28

Wording: ‘communication equipment’ from Article 106, Paragraph 1 shall be replaced by wording: ‘telecommunication devices’.

A comma and wording: ‘i.e. a person authorised by him/her’ shall be added after wording: ‘Defence Minister’ in Paragraph 2.

Article 29

Article 106a shall be added after Article 106, as follows:

‘Article 106a

Special purpose biological means are the following: service animals, animals used for scientific research, biomedical and education related purposes, as well as other animals, as decided by the Defence Minister.

Acquisition, registering, disposal and usage of biological means from Paragraph 1 of this Article shall be regulated by the Defence Minister’.

Article 30

Wording: ‘the Serbian Armed Forces members’ from Article 107, Paragraph 2 shall be replaced by wording: ‘professional Serbian Armed Forces members and the Ministry of Defence employees’.

Article 31

Wording: ‘employed in the Ministry of Defence’ from Article 108, Paragraph 1 shall be replaced by wording: ‘appointed in the Ministry of Defence’.

Article 32

Wording: ‘employed in the MOD’ from Article 109 shall be replaced by wording: ‘appointed in the MoD’, and wording: ‘functionally and organizationally’ with wording: ‘organisationally and functionally’.

Article 33

Article 111a shall be added after Article 111, as follows:

‘Article 111a

The Defence Minister shall stipulate manner and criteria for resolving housing issues of the MoD and SAF employees with consent of the Government.’.

Article 34

Items 13) and 14) shall be added after Item 12), Paragraph 1 of Article 114, and a full stop shall be replaced by semicolon, as follows:

’13) provided he/she wears insignia, symbols and other MoD emblems in a manner violating reputation of the Ministry of Defence (Article 14a);

14) provided he/she uses name, symbols and other SAF emblems without the Defence Minister’s approval (Article 33, Paragraph 3).’.

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

‘Fines from Paragraph 1, Items 13) and 14) of this Article shall refer to associations as well.’.

Former Paragraphs 2 and 3 shall become Paragraphs 3 and 4.

Article 35

Items 5) and 6) shall be added after Item 4) from Article 115, and a full stop shall be replaced by the semicolon, as follows:

‘5) provided he/she wears insignia, symbols and other MoD emblems in a manner violating reputation of the Ministry of Defence (Article 14a);

6) provided he/she uses name, symbols and other SAF emblems without the Defence Minister’s approval (Article 33, Paragraph 3).’.

Article 36

This Law shall come into effect on the eighth day of the publishing date in the “Official Gazette of the Republic of Serbia”.