

**LAW**  
**ON THE SERBIAN ARMED FORCES**

Pursuant to Article 112, Paragraph 1, Item 2 of the Constitution of the Republic of Serbia, I shall pass

**DECREE**  
**on proclamation of the Law on the Serbian Armed Forces**

The Law on the Serbian Armed Forces shall be proclaimed, passed by the National Parliament of the Republic of Serbia, at the Fifth session of the Second regular assembly in 2007, on 11 December 2007.

In Belgrade, 11 December 2007  
President of the Republic of Serbia  
**Boris Tadić**

**LAW<sup>1</sup>**  
**on the Serbian Armed Forces**

PART ONE

**Chapter I**

**Main provisions**

*1. Content of the Law*

**Article 1**

This Law shall stipulate the position and competences of the Serbian Armed Forces, organization, composition and functioning of the Serbian Armed Forces, specific characteristics of the military profession, command and management of the Serbian Armed Forces, ranks and titles in the Serbian Armed Forces, symbols and insignia of the Serbian Armed Forces, military holidays, religious service, responsibility for the damage inflicted by the Serbian Armed Forces, democratic and civil control, transparency of work, office management in the Serbian Armed Forces, service in the Serbian Armed Forces and other issues of importance for the Serbian Armed Forces.

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<sup>1</sup> Published in 'Official Gazette of the Republic of Serbia', number 116/2007 and 88/2009 and in the 'Official Military Gazette', number 34/2007 and 31/2009.

## *2. Position and competence of the Serbian Armed Forces*

### **Article 2**

The Serbian Armed Forces are an organized armed force defending the country from outside armed threats and executing other missions and tasks in accordance with the Constitution, law and principles of the international law regulating the use of force.

The President of the Republic or the Defence Minister, authorized by the President can decide that the Serbian Armed Forces should deliver assistance to the competent state body or organization, autonomous provinces body or local self-government body, following their request, in order to protect lives and security of the people and property, provide environmental protection or for any other reasons stipulated by Law.

The use of the Serbian Armed Forces outside the borders of the Republic of Serbia shall be stipulated by law.

## *3. Organization of the Serbian Armed Forces*

### **Article 3**

Functional organization of the Serbian Armed Forces consists of the General Staff of the Serbian Armed Forces, and wartime and peacetime commands, units and establishments.

The General Staff of the Serbian Armed Forces is the highest professional and staff organizational part for preparation and deployment of the Serbian Armed Forces at peacetime and wartime.

Internal organization and systematization of formation positions in the Serbian Armed Forces is based on the principles determined by the Government, following the proposal of the Defence Minister.

Internal organization and systematization of formation positions in the Serbian Armed Forces is determined by the peacetime and wartime formation of the Serbian Armed Forces.

Organization and formation of the Serbian Armed Forces shall be passed by the Defence Minister, following the proposal of the Chief of the General Staff of the Serbian Armed Forces (hereinafter: the Chief of the General Staff) in accordance with the basics of organization determined by the President of the Republic of Serbia.

In addition to formation positions in the Serbian Armed Forces, the peacetime and wartime formation of the Serbian Armed Forces separately include workplaces in

the Ministry of Defence and other state institutions and legal entities employing professional military personnel.

#### **Article 4**

The Serbian Armed Forces is structurally divided into branches and departments, branches and departments are divided into types, and types are divided into specialties.

Certain branches of the Serbian Armed Forces are grouped into services.

The Serbian Armed Forces services include:

- 1) The Army, and
- 2) The Air Force and Air Defence.

Following the proposal of the Defence Minister, President of the Republic of Serbia shall determine branches and departments.

The Defence Minister shall determine types and specialties of branches and departments, following the proposal of the Chief of the General Staff.

Changes pertaining to organization and mobilization of the Serbian Armed Forces shall be implemented in accordance with provisions of the Long-Term Defence Development Plan of the Republic of Serbia and the Strategic Defence Review.

#### *4. Composition of the Serbian Armed Forces*

#### **Article 5**

The Serbian Armed Forces consist of permanent and reserve composition.

Permanent composition of the Serbian Armed Forces consists of professional Serbian Armed Forces personnel and conscripts.

Reserve composition of the Serbian Armed Forces consists of reserve officers, reserve non-commissioned officers (NCOs) and reserve soldiers.

Reserve composition of the Serbian Armed Forces is divided into active and passive reserve.

Active reserve can include persons younger than 60 years of age, trained for executing military duties, based on a contract concluded for a limited period of time.

Service in the active reserve, as well as rights and duties of personnel in the active reserve, shall be stipulated by the Government.

## **Article 6**

The Serbian Armed Forces members are military personnel and civilians serving in the Serbian Armed Forces.

The service in the Serbian Armed Forces includes performance of military and other duties in the permanent and reserve composition of the Serbian Armed Forces.

The service in the Serbian Armed Forces also includes performance of military and other duties at workplaces in the Ministry of Defence and other state bodies and legal entities that permanently or temporarily employ professional military personnel (hereinafter: professional military personnel employed outside the Serbian Armed Forces).

The service in the Serbian Armed Forces also includes performance of duties of professional Serbian Armed Forces personnel in multinational operations and other activities abroad in accordance with the Law stipulating the use of the Serbian Armed Forces outside the borders of the Republic of Serbia.

The service in the Serbian Armed Forces can be performed only by citizens of the Republic of Serbia, and exceptionally, at wartime, persons who do not have the citizenship of the Republic of Serbia provided they join the Serbian Armed Forces as volunteers.

With regard to rights and duties stipulated in this Law, the service in the Serbian Armed Forces includes education of the citizens of the Republic of Serbia for military duties at military education facilities and other expert training for officers and NCOs.

## **Article 7**

Military personnel include professional military personnel, conscripts and personnel in the reserve forces, while they are serving in the Serbian Armed Forces.

Military personnel, with regard to rights and duties stipulated by this Law, include citizens of the Republic of Serbia – pupils and cadets of the military education facilities trained for military duties and personnel attending other expert training for officers and NCOs.

## **Article 8**

Professional Serbian Armed Forces personnel are professional military personnel and civilian persons serving in the Serbian Armed Forces.

A professional Serbian Armed Forces member is considered to be employed.

The Republic of Serbia is considered to be the employer of a professional Serbian Armed Forces member.

Rights and duties of the employer of a professional Serbian Armed Forces member appointed, i.e. assigned to the Serbian Armed Forces or outside the Serbian Armed Forces shall be performed by the Defence Minister, on behalf of the Republic of Serbia unless differently prescribed by the Law.

Regulations on civil servants, general labour related regulations and a special collective agreement for the state bodies shall apply to rights and duties of the professional military personnel and military employees that are not defined in this or any other separate law or another regulations.

Regulations on staffers, general labour related regulations and a special collective agreement for the state bodies shall apply to rights and duties of military staffers that are not defined in this or any other separate law or another legal document.

### **Article 9**

Professional military personnel include:

- 1) officers;
- 2) NCOs;
- 3) professional soldiers.

An officer is a person of a higher education level, trained for execution of military tasks, permanently or temporarily employed.

An NCO is a person of at least secondary education level, trained for execution of military duties, permanently or temporarily employed.

A professional soldier is a person of at least primary education level, who has served armed conscription or has been trained in military skills in any other way and who is employed for a limited period of time to perform military duties.

### **Article 10**

Civilians serving in the Serbian Armed Forces are military employees or military staffers.

A military employee is a person whose job description includes jobs related to the Serbian Armed Forces competences or related general, legal, IT, material and financial, accounting and administrative tasks.

A military staffer is a person whose job description includes accompanying support and technical jobs in the Serbian Armed Forces.

## **Article 11**

The provisions of this Law pertaining to the composition of the Serbian Armed Forces shall equally refer to both women and men.

### *5. Principles of service in the Serbian Armed Forces*

## **Article 12**

The Serbian Armed Forces exercises its competences in accordance with the Constitution, laws, other regulations and general legal documents and international agreements and treaties it has concluded, i.e. those whose member the Republic of Serbia is, in accordance with the Defence Strategy, Doctrine of the Serbian Armed Forces and principles of the international law stipulating the use of force.

The Serbian Armed Forces is neutral in terms of ideology, interests and political parties.

Internal relations in the Serbian Armed Forces are based on the principles of subordination and a single command.

## **Article 13**

When performing his/her service, a Serbian Armed Forces member shall be obliged to the following:

- 1) act in accordance with the Constitution, law and other regulations, rules of profession, in an unbiased and politically neutral manner;
- 2) not to expose political party and other political emblems and express his/her political beliefs;
- 3) execute orders, i.e. instructions of his/her superior officers related to service, or orders and instructions issued by a senior person in the absence of his/her superior officer when it is necessary to undertake urgent measures for the execution of urgent and important service tasks, except for orders the execution of which would imply a criminal act;
- 4) if he/she receives an order, the execution of which would be violation of law, he/she shall demand that the officer who issued such an order should repeat it in a written form;
- 5) refuse execution of the repeated order or instruction of his/her superior officer or a senior officer if its execution would imply a criminal act;
- 6) immediately inform the person superior to the person who issued the repeated illegal order or command, or another competent person;
- 7) act in accordance with the Service Regulations of the Serbian Armed Forces and the Code of Honour of the Serbian Armed Forces personnel;
- 8) keep military, service and state secrets, during the service, as well as following the termination of service during the legally prescribed period of time that refers to protection of classified data, unless the person has been released from

the obligation of keeping a secret, or if the person is authorized to pass the secret data to a certain body or person.

- 9) provide his immediate supervisor in a written form with information bearing significance for the defence, which he/she collected through the performance of military duties or in any other way.

No one should exercise influence on the Serbian Armed Forces members to do something or fail to do something contrary to regulations.

It is forbidden to favour or deprive a Serbian Armed Forces member of his/her rights and duties especially for his/her race, religion, gender or nationality, background or another personal feature.

In addition to rights and duties prescribed by this Law, a conscript and personnel in reserve forces, while serving in the Serbian Armed Forces have their rights and duties in accordance with regulations stipulating compulsory military service and regulations stipulating the service in the Serbian Armed Forces.

In addition to rights and duties prescribed in this Law, citizens of the Republic of Serbia – pupils and cadets of military education facilities, who are trained in military duties and personnel attending other types of officers and NCOs training, have their rights and duties in accordance with regulations stipulating military education and rules pertaining to the service in the Serbian Armed Forces.

#### **Article 14**

Military personnel are forbidden to attend political party gatherings in their uniform and to be engaged in any other political activity except for their active right to vote.

Professional military personnel, a pupil or cadet of military education facilities and personnel attending other officers and NCOs training cannot be members of a political party.

Professional military personnel shall be entitled to the right to trade union organization in accordance with the Government regulations.

The subject of trade union organization and activities cannot be provisions and implementation of laws and other regulations pertaining to: composition, organization and formation of the Serbian Armed Forces, operational and functional capability, use and manning of the Serbian Armed Forces; readiness and mobilization; weapons and equipment; command and management of the Serbian Armed Forces and the defence system management; participation in multinational operations and internal relations in the Serbian Armed Forces that are based on subordination and single command principles.

Professional Serbian Armed Forces personnel shall not be entitled to the right to go on strike.

#### **Article 14a**

A professional Serbian Armed Forces member shall not be allowed to take part in activities of associations fulfilling the following objectives: reform of the defence and the Serbian Armed Forces, harmonisation of regulations with generally accepted standards and regulations of the European Union, drafting of the Defence Strategy and the Doctrine of the Serbian Armed Forces stipulating composition, organisation and formation of the Serbian Armed Forces; operational and functional capability, deployment and manning of the Serbian Armed Forces; preparedness and mobilisation; weapons and equipment; command and management of the Serbian Armed Forces and the defence system management; participation in multinational operations and internal relations in the Serbian Armed Forces.

#### **Article 15**

During the commencement of duty in the Serbian Armed Forces, a person who commenced the armed conscription and a person commencing a professional military service shall take the following oath: "I (name and surname), swear with my honour to protect and defend independence, sovereignty and territorial integrity of the Republic of Serbia".

### *6. Specific characteristics of the military profession*

#### **Article 16**

Specific characteristics of the military service (hereinafter: specific military service) imply the service performed by professional military personnel in the environmental conditions unnatural for man, and the service at especially difficult workplaces, hazardous for life and health, and workplaces, at which professional military personnel are exposed to special efforts and increased risks.

Regulations on jobs, workplaces and conditions for fulfilment of special rights on the grounds of execution of jobs from Paragraph 1 of this Article, shall be passed by the Defence Minister.

### *7. Command and management of the Serbian Armed Forces*

#### **Article 17**

The President of the Republic shall:

- 1) decide on the use of the Serbian Armed Forces and command the SAF at peacetime and wartime;
- 2) determine the base for the Serbian Armed Forces development and equipping;
- 3) determine the base for peacetime and wartime organization of the Serbian Armed Forces;
- 4) determine branches and departments of the Serbian Armed Forces following the proposal of the Defence Minister;
- 5) establish the command system in the Serbian Armed Forces and monitor the implementation of the command system;



- 6) adopt the Plan of the use of the Serbian Armed Forces and order use of the Serbian Armed Forces;
- 7) pass guidelines for creation of operational and functional capability of the Serbian Armed Forces following the proposal of the Defence Minister;
- 8) appoint and dismiss the Chief of the General Staff, following the opinion of the Defence Minister;
- 9) appoint, promote and dismiss officers to formation positions requiring the rank of general, and decide on termination of their service following the proposal of the Defence Minister;
- 10) order implementation of the Serbian Armed Forces alert measures in the state of war and the state of emergency;
- 11) order the Serbian Armed Forces mobilization;
- 12) issue basic regulations and other legal documents pertaining to the use of the Serbian Armed Forces;
- 13) issue the Serbian Armed Forces Service regulations and other regulations stipulating internal order and relations in the military service;
- 14) carry out other tasks related to the Serbian Armed Forces command in accordance with the Law.

### **Article 18**

The Defence Minister shall:

- 1) co-ordinate and implement adopted defence policy and manage the Serbian Armed Forces;
- 2) issue formations and systematisations of commands, units and establishments of the Serbian Armed Forces;
- 3) adopt international military co-operation plan;
- 4) give his/her opinion to the President of the Republic of Serbia pertaining to appointment and dismissal of the Chief of the General Staff;
- 5) propose to the President of the Republic of Serbia appointment, promotion and dismissal and termination of service of generals and senior officers at general's formation position, following the opinion of the Chief of the General Staff, i.e. authorised manager at the Ministry of Defence in charge of the professional military personnel engaged outside the Serbian Armed Forces;
- 6) appoint, promote and dismiss the Serbian Armed Forces professional military personnel to formation positions outside the Serbian Armed Forces and decide on termination of their service, following the opinion of the Chief of the General Staff, i.e. authorised manager at the Ministry of Defence in charge of the professional military personnel engaged outside the Serbian Armed Forces;
- 7) appoint, promote and dismiss the Serbian Armed Forces professional military personnel bearing the rank of major, lieutenant colonel and colonel and decide on termination of their service at the proposal of the Chief of the General Staff;
- 8) adopt a plan for the Serbian Armed Forces development and equipping following the proposal of the Chief of the General Staff;
- 9) pass a plan for education and training of professional Serbian Armed Forces personnel;
- 10) pass regulations stipulating the civil-military relations;

- 11) determine types and specialities of the Serbian Armed Forces branches and departments at the proposal of the Chief of the General Staff;
- 12) execute other duties stipulated by the Law.

The Defence Minister may authorise the Chief of the General Staff for the performance of jobs stipulated in Paragraph 1, Item 7 of this Article pertaining to appointment, promotion, dismissal and termination of service for the Serbian Armed Forces officers in the Serbian Armed Forces at the rank of major and lieutenant colonel.

## **Article 19**

The Chief of the General Staff and the Serbian Armed Forces senior officers command and manage the Serbian Armed Forces in accordance with the Law and superior officers' commanding acts.

The Chief of the General Staff shall:

- 1) propose the plan of the Serbian Armed Forces development and equipping;
- 2) appoint, promote and dismiss the Serbian Armed Forces officers in the Serbian Armed Forces to the rank of captain and decide on termination of their service at the proposal of their immediately subordinated commanding officers;
- 3) give opinion to the Defence Minister about his proposal for appointment, promotion, dismissal and termination of service for generals and officers at generals' formation positions, in line with this Law;
- 4) appoint, promote and dismiss NCOs and professional soldiers and appoint civilians serving in the Serbian Armed Forces and decide on termination of their service;
- 5) proposes the Serbian Armed Forces manning plan and the number of recruits in the Serbian Armed Forces;
- 6) pass training regulations in the Serbian Armed Forces;
- 7) pass rules regulating the civil-military co-operation;
- 8) determine training and education plans for professional military personnel and reserve personnel;
  - 8a) pass the Code of Honour of the Serbian Armed Forces members;
- 9) perform other jobs defined by the Law.

The Chief of the General Staff can authorize his immediately subordinated officers in the Serbian Armed Forces for the execution of jobs described in Paragraph 2, Items 2 and 4 of this Article.

The Chief of the General Staff shall pass regulations, orders, instructions, directives, resolutions and orders for the implementation of legal documents passed by the President of the Republic of Serbia and the Defence Minister, fulfilment of jobs related to the Serbian Armed Forces command and other jobs regulated by law.

## **Article 20**

Based on the service relations the Serbian Armed Forces personnel can be superior and subordinated, and the ranks and duties can be senior and junior.

The superior officer is a person who, based on the law or other regulation, commands or manages an organizational part.

The senior officer, in the sense of this Law, is a person who has a higher rank and if they are of the same rank, a person carrying out a higher duty.

NCO corps is being created in the Serbian Armed Forces and it is represented by the Serbian Armed Forces NCOs who are specially organized for support to command and training, from the company level to the General Staff level.

NCO corps shall be defined by the Defence Minister, following the proposal of the Chief of the General Staff.

## **Article 21**

Duty of a Serbian Armed Forces officer and an NCO is performed by a military person who has a rank.

Exceptionally from Paragraph 1 of this Article, an officer or an NCO duty can be carried out by a person who has no rank, but a title in accordance with the duty he/she performs.

### *8. Ranks and titles in the Serbian Armed Forces*

## **Article 22**

Ranks of military personnel include the following:

- 1) for professional soldiers: lance corporal, corporal and junior sergeant;
- 2) for NCOs: sergeant, senior sergeant, senior sergeant first class, warrant officer and warrant officer first class
- 3) for officers: in all branches and departments: second lieutenant, lieutenant, captain, major, lieutenant colonel, colonel, brigade general, major general, lieutenant general and general.

Pupils and cadets of military education facilities, persons attending other types of officers and NCOs' training, conscripts and persons in the reserve forces can have ranks described in Paragraph 1 of this Article.

All titles in the Serbian Armed Forces shall be proscribed by the Defence Minister.

## *9. Symbols and insignia of the Serbian Armed Forces*

### **Article 23**

The Serbian Armed Forces and its organizational parts can have a coat of arms, flag, insignia and other symbols and marks.

The President of the Republic of Serbia shall pass a regulation to define the existence, appearance and use of the symbols and marks from Paragraph 1 of this Article following the proposal of the Defence Minister.

It is prohibited to display and wear symbols and insignia of the Serbian Armed Forces in the manner that would harm the Serbian Armed Forces reputation.

## *10. Military holidays*

### **Article 24**

The Serbian Armed Forces Day, services, branches and departments holidays and other military holidays shall be determined by the President of the Republic of Serbia with a special act following the proposal of the Defence Minister.

## *11. Religious service*

### **Article 25**

In order to fulfil the freedom of confession, religious service is organised in the Serbian Armed Forces.

### **Article 26**

The Government shall define religious service in the Serbian Armed Forces.

### **Article 27**

Mutual relations between the Ministry of Defence and churches, i.e. religious communities, pertaining to the performance of the religious service in the Serbian Armed Forces shall be defined by separate agreements.

## *12. Responsibility for damages*

### **Article 28**

The Republic of Serbia is responsible for the damages inferred to physical and legal entities by the Serbian Armed Forces through its illegal or irregular work.

### *13. Democratic and civil control*

#### **Article 29**

The Serbian Armed Forces are under democratic and civil control.

Democratic and civil control of the Serbian Armed Forces especially includes control of the use and development of the Serbian Armed Forces, internal and external control of expenditures for the military needs, monitoring of the conditions in the Serbian Armed Forces, and information for the public on the state of the Serbian Armed Forces preparations, enabling free access to information of public importance and definition of responsibilities for execution of military duties in accordance with the Law.

Democratic and civil control of the Serbian Armed Forces shall be exercised by the National Parliament, Ombudsman, and other state bodies in accordance with their competences, citizens and the public.

Regulations on Ombudsman pertaining to protection and fulfilment of citizens' rights shall also apply to professional Serbian Armed Forces personnel.

### *14. Publicity of work*

#### **Article 30**

The Defence Minister shall determine the method of issuing public information on the Serbian Armed Forces activities.

### *15. Office management*

#### **Article 31**

Office management in the Serbian Armed Forces includes reception, record keeping, preservation, selection and archiving of materials that are received by the Serbian Armed Forces or have been created during the Serbian Armed Forces work.

The Government shall determine office management in the Serbian Armed Forces following the proposal of the Defence Minister.

The Serbian Armed Forces has stamps and seals in accordance with regulations pertaining to stamps and seals of the state bodies.

The Defence Minister shall decide on the content, form, size and number of stamps and seals in the Serbian Armed Forces, care of stamps and seals during preservation and use and creation of new ones and destruction of the old ones.

## PART TWO

### SERVICE IN THE SERBIAN ARMED FORCES

#### CHAPTER II

##### **The Serbian Armed Forces Manning**

###### 1. Main Provisions

###### **Article 32**

Citizens of the Republic of Serbia shall commence their service in the Serbian Armed Forces in accordance with acts on commitment to the Serbian Armed Forces based on conscription or on laws on admission to the military service.

Citizens of the Republic of Serbia shall commence their service in accordance with the act on enrolment at military education facility for their education for military duties or enrolment at another type of training for officers and NCOs.

###### **Article 33**

Commands, units and establishment of the Serbian Armed Forces shall be manned with personnel from permanent and reserve composition, material resources from wartime reserves and material resources from the records for the Serbian Armed Forces needs in accordance with the manning plans.

During the state of war and the state of emergency the Serbian Armed Forces can also be manned with volunteers.

The volunteers described in Paragraph 2 of this Article are considered to be persons who are not liable for conscription, as well as military conscripts, who have no wartime assignment.

With regard to rights and duties, volunteers are equal to the military personnel.

###### **Article 34**

The Defence Minister or a person authorised by him/her commits professional military personnel who have been assigned to formation positions outside the Serbian Armed Forces, the need for whom has ceased to exist, to the Serbian Armed Forces.

###### **Article 35**

The manning of commands, units and establishments with military conscripts in accordance with the obtained deployment of conscripts and material resources from

the list, is prepared by the competent body in line with predefined criteria and priorities of manning.

## *2. Mobilization*

### **Article 36**

Mobilization of the Serbian Armed Forces implies a transfer from peacetime organization to wartime organization and the state of alert and operational readiness for the execution of missions and tasks.

In its scope, mobilization can be general and partial, and it is reported by a public announcement and individual summons.

### **Article 37**

General mobilization includes everyone, and partial mobilization includes a necessary part of commands, units and establishments of the Serbian Armed Forces, as well as material resources needed for fulfilment of missions and tasks.

Mobilization is conducted in accordance with the Serbian Armed Forces Mobilization plan.

### **Article 38**

Partial mobilization of the Serbian Armed Forces can be ordered for the following purposes: test of readiness for execution of mobilization, planned exercises and control of defence preparations organisation.

Mobilization from Paragraph 1 of this Article is ordered by a commanding officer authorized by the President of the Republic of Serbia.

## *3. Admission to professional military service*

### **Article 39**

A Republic of Serbia citizen fulfilling the following general conditions can be admitted to professional military service:

- 1) being of age;
- 2) being of good health for the service in the Serbian Armed Forces;
- 3) having adequate education;
- 4) his employment was not terminated in a state body because of a serious violation of duty;
- 5) not having been sentenced to a six- month imprisonment minimum;

- 6) not being older than 30, provided he/she is admitted as a professional soldier;
- 7) not being 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 being 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.

Professional military personnel are admitted to service in accordance with the service needs, to the workplaces prescribed by the formation.

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 40**

Professional military service commences on the date of joining the service – in accordance with a legal document issued by a competent body or an agreement.

On the date of completion of his/her education at the Military Academy, a cadet shall be admitted to the professional military service and introduced into the rank of second lieutenant and becomes an officer as of that date, without a public competition.

The Government shall prescribe the manner and preconditions for admission to professional military service, following the proposal of the Defence Minister.

#### **Article 41**

An NCO, who has completed the Military Academy, shall be introduced into the rank of second lieutenant and become an officer on the date of completion of his/her education.

An NCO, who has gained appropriate higher education degree, can be introduced into the rank of second lieutenant, under conditions and in a manner prescribed by the Government, at the proposal of the Defence Minister.

#### **Article 42**

A citizen of the Republic of Serbia fulfilling general conditions for admission to professional military service can be admitted to the service in the Serbian Armed Forces, to provide manning of the Serbian Armed Forces commands, units and establishments for a limited period of time of up to three years.



The contract on work for a limited period of time defines rank, duty, place of service and duration of service along with other rights and duties.

The contract on work for a limited period of time is concluded for the period of up to three years and can be renewed. The validity of the last contract expires at the end of the year, in which the professional soldier turns 40 years of age and an officer or an NCO turns 45 years of age.

The Defence Minister, following the proposal of the Chief of the General Staff, shall determine other professional training for officers and NCOs described in Paragraph 2 of this Article.

### **Article 43**

Provisions of this Law pertaining to promotion of officers and NCOs shall not apply to personnel admitted to professional military service for a limited period of time.

A person whose professional military service for a limited period of time terminates can be introduced into the rank of a reserve officer, or a reserve NCO that he kept during the service, provided his service grade has been favourable.

### **Article 44**

A person is admitted to the Serbian Armed Forces in the capacity of a professional soldier for a limited period of time on the condition that he fulfils special conditions in addition to general conditions for the service.

### **Article 45**

Regardless of the prescribed conditions pertaining to age, and provided the needs of service require so, a civilian working for the Serbian Armed Forces and a civil servant and a staffer working for the Ministry of Defence can be admitted to professional military service in the Serbian Armed Forces without a public competition.

Provided the needs of the service require so, a professional military person and a civil servant and a staffer working for the Ministry of Defence can be admitted to service in the Serbian Armed Forces in the capacity of a civilian without a public competition.

Provided the needs of the service require so, a professional military person and a civilian working for the Serbian Armed Forces can be admitted to the service in the Ministry of Defence in the capacity of a civil servant.

Following the proposal of the Defence Minister, the Government shall determine preconditions and procedures for admission to the service of persons from Paragraphs 1-3 of this Article.

#### *4. Transfer to another branch or department*

##### **Article 46**

Following his/her own request or with his/her own consent, an officer or an NCO can be transferred from one branch or department to another branch or department provided he/she has completed education needed for the branch or department he/she is transferred to, or if the needs of manning require so.

Preconditions and method of transfer from Paragraph 1 of this Article shall be prescribed by the Defence Minister.

### **CHAPTER III**

#### **Special competences and duties of military personnel**

##### *1. General provisions*

##### **Article 47**

Military personnel have right to carry and use firearms in accordance with the service regulations.

In the execution of their combat tasks, military personnel use their firearms and other weapons in accordance with regulations on use of force.

##### **Article 48**

Military personnel are obliged to wear uniform in accordance with the service regulations.

Military uniform, a sign of belonging to the Serbian Armed Forces and insignia of ranks and titles, are defined with a regulation passed by the President of the Republic of Serbia, following the proposal of the Defence Minister.

Persons who are not military servicemen shall not be allowed to wear military uniform with the Serbian Armed Forces insignia and ranks and titles, except for cases when they have a special approval of the Defence Minister.

##### **Article 49**

A professional Serbian Armed Forces member shall be obliged to report a trip abroad to his/her superior officer.

The Defence Minister shall specify preconditions, under which a professional Serbian Armed Forces member and conscript, can travel abroad.

#### **Article 50**

Military personnel can receive a foreign medal following the approval of the President of the Republic of Serbia.

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

Military personnel can become members of a foreign expert association or an international organization, with the approval of the Defence Minister or a person authorized by him/her.

#### **Article 51**

Professional military personnel have a military identity card, which they use to prove their identity and capacity of military personnel.

The Serbian Armed Forces personnel use special identity cards during their participation in multinational operations and other activities abroad.

Design, issuance and use of cards described in Paragraphs 1 and 2 of this Article shall be defined by the Government, following the proposal of the Defence Minister.

#### **Article 52**

Professional Serbian Armed Forces personnel can, under the conditions prescribed by the Law, work for payment or award outside the unit or establishment or perform their professional activity independently only following the approval of the Chief of the General Staff or an officer authorized by him in the Serbian Armed Forces or the Defence Minister, or the manager of an organizational Ministry of Defence unit, authorized by the Defence Minister.

### *2. Military Police*

#### **Article 53**

Jobs related to curbing criminal activities, control and maintenance of military order and discipline, security of the most important military facilities, certain personnel, documents and weapons, regulation and control of military air traffic, counter terrorist protection in the Ministry of Defence and the Serbian Armed Forces are carried out by the Military Police.

Unless prescribed differently by the Law, authorized Military Police personnel shall execute policing tasks in the Ministry of Defence and the Serbian Armed Forces.

Which personnel are considered to be the Military Police authorized personnel, the method of implementation of their competences and execution of the Military Police tasks and jobs, shall be prescribed by the Defence Minister at the proposal of the Chief of the General Staff.

Authorized personnel of the Military Police conduct criminal processing of the Ministry of Defence employees and the Serbian Armed Forces personnel if there are grounded suspicions that they have committed a criminal activity during their service or in relation to their service and they prosecute them officially unless the law prescribes differently.

During the execution of tasks from Paragraph 4 of this Article in dealing with the Ministry of Defence employees and the Serbian Armed Forces personnel, authorized Military Police personnel have the obligations and competences in accordance with the law prescribing criminal procedures, law prescribing police work and regulations passed in accordance with that law.

Military Police can be engaged in delivering assistance to the interior affairs bodies (police) in peacetime and during wartime in accordance with the demand of a competent body, following the approval of the Defence Minister.

- Military Police can apply its official authority on civilians in the following cases:
- 1) when they exercise their authority towards persons in the Ministry of Defence and the Serbian Armed Forces who happen to be with civilians during the execution of a crime;
  - 2) if they find them committing an offence or a crime in the region of military facilities and military units;
  - 3) when they execute tasks related to security of military facilities, important persons, weapons, and regulation and control of military air transport;
  - 4) when they deliver assistance to the Police at public places;
  - 5) under conditions of the state of war and the state of emergency.

Under conditions defined in Paragraph 7, Items 1 and 2 of this Article or in case of a need for detention of a civilian, the Military Police shall immediately inform the nearest Police body and transfer the persons they apprehended or detained for further proceedings.

Authorized personnel of the Military Police have a special official ID and a badge.

The Government defines authorities of the Military Police personnel and the design, issuing, use and destruction of special official ID and badge of the authorized Military Police personnel, following the proposal of the Defence Minister.

### **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.

## **CHAPTER IV**

### **Promotion of military personnel**

1. *Promotion of soldiers, pupils and cadets of the military education institutions and personnel attending other types of professional training for officers and NCOs*

#### **Article 54**

A conscript or reserve soldier can be promoted to a military rank provided it has been assessed that he/she is able to successfully carry out the duties of superior officer personnel.

The method of promotion to military ranks pertaining to soldiers, pupils and cadets of the military education institutions and personnel attending other types of professional training for officers and NCOs shall be determined by the Defence Minister.

2. *Promotion of officers and NCOs*

#### **Article 55**

Promotion of officers or NCOs to higher ranks requires the fulfilment of the following conditions:

- 1) that the person has been appointed to the formation position requiring a higher rank;
- 2) that he/she has had favourable evaluation in the period prior to the promotion;
- 3) that he/she was not unconditionally sentenced for a criminal act for a period of at least three months imprisonment;
- 4) that there is no criminal trial against him/her for a crime that requires prosecution based on official duty and no trial before the disciplinary court martial.

Launching of a criminal proceeding for a crime that requires prosecution based on the official duty is an obstacle to promotion when a decision on investigation has been made or a proposal of the indictment has been raised without an investigation and launching proceedings before the disciplinary court martial – when the proposal of the military disciplinary prosecutor has entered into effect.

It will be considered that there was no obstacle to promotion to a higher rank of the Paragraph 2 of this Article if the repeated proceedings, or proceedings that followed the request for reimbursement have been terminated or the liberation verdict has been passed, or the charges are dismissed or a punitive measure that is more lenient than the measure described in Paragraph 1, Item 3 of this Law is pronounced, i.e. it will be considered that there was no obstacle from Paragraphs 1 and 3 of this Article if the proceedings are terminated, the liberation verdict has been passed or charges are dismissed.

An officer who has not graduated from the Military Academy, i.e. who does not have appropriate higher education degree and who has been in service on the date of this Law's entering into force, can be promoted up to the rank of a captain.

### **Article 56**

An officer fulfilling general conditions can be promoted to an immediately higher rank, provided he has spent at least:

- 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;
- 2) three years in the rank of a lieutenant;
- 3) four years in the rank of a captain,
- 4) four years in the rank of a major;
- 5) four years in the rank of a lieutenant colonel;
- 6) four years in the rank of a colonel;
- 7) three years in the generals' ranks.

### **Article 57**

An NCO fulfilling general conditions for promotion can be promoted to a higher rank when he/she has spent at least four years in the rank he/she has.

### **Article 58**

In order to appoint an officer to formation positions of a higher rank and conduct promotion to a higher rank, a list of candidates shall be formed.

The President of the Republic of Serbia, the Defence Minister and the Chief of the General Staff can establish advisory bodies in order to carry out tasks from Paragraph 1 of this Article.

### **Article 59**

The President of the Republic, following the proposal of the Defence Minister can temporarily assign a professional military officer to the immediately higher rank

during his/her duty in the multinational operations and other activities abroad, which will last during that duty.

While carrying out the duty described in Paragraph 1 of this Article, professional military person shall be entitled to all rights of the rank he/she has been temporarily assigned to.

Following the termination of the duty in the multinational missions and other activities abroad, professional military officer shall fulfil his/her rights in accordance with the provisions of this Law and his rank.

### **Article 60**

A professional military officer, who has been downgraded to his/her previous rank in the disciplinary procedure, shall gain the right of promotion to the higher rank when he/she fulfils preconditions for promotion to a higher rank from the date when the decision on his/her return to former rank has entered in effect.

#### *3. Extraordinary promotion*

### **Article 61**

The President of the Republic, the Defence Minister and the Chief of the General Staff can, in accordance with their competences described in Articles 17, 18 and 19 of this Law, conduct extraordinary promotion of professional military personnel.

#### *4. Promotion of reserve officers and NCOs*

### **Article 62**

Reserve officers and NCOs are introduced into and promoted in accordance with the manning needs of the Serbian Armed Forces in the manner and under conditions prescribed by the Defence Minister.

#### *5. Promotion during the state of war*

### **Article 63**

Promotion of military personnel during the state of war shall be conducted in accordance with capabilities for command, courage and wartime merits, as well as in line with manning needs at wartime.

#### *6. Closer definition of conditions and method of promotion of military personnel*



## **Article 64**

Conditions and method of the military personnel promotion shall be defined by the Government, following the proposal of the Defence Minister.

## **CHAPTER V**

### *Evaluation and awards*

## **Article 65**

Military personnel are evaluated in order to determine their success in service, decision making on promotion, stimulation to professional training and greater efforts in the service.

The Government shall determine the evaluation described in Paragraph 1 of this Article, following the proposal of the Defence Minister.

## **Article 66**

Military personnel, commands, units and installation of the Serbian Armed Forces can be awarded with decorations, plaques, badges and other awards for the achievements in the service.

The Defence Minister, as part of his/her competences, shall define types of decorations and other non-monetary awards for the Serbian Armed Forces personnel, organizational parts and other entities for the achieved results and contributions in the fulfilment of the Serbian Armed Forces competences, as well as criteria for the awarding procedure and the manner of acquisition and presentation of awards.

## **CHAPTER VI**

### **Service status of professional military personnel**

#### *1. Types of service status*

## **Article 67**

An officer or an NCO can have the following status in service:

- 1) on duty;
- 2) at his/her internship;
- 3) attending education;
- 4) on a medical treatment, or sick-leave;
- 5) at disposal;
- 6) removed from duty.

During his/her service, an officer appointed for a limited period of time, an NCO working for a limited period of time and a professional soldier can fulfil a contracted duty, be removed from duty or at a medical treatment or sick leave no later than until the end of the contracted timeline.

## *2. Appointment to duty*

### **Article 68**

An officer or an NCO is appointed to a formation position in accordance with the needs of the service.

An officer or an NCO who has been appointed to duty outside the Serbian Armed Forces has all rights and obligations of officers or NCO appointed to the Serbian Armed Forces, unless differently prescribed by the Law.

### **Article 69**

Officers and NCOs appointed to formation positions for a limited period of time cannot be appointed to formation positions determined for officers employed for an indefinite period of time and to formation positions of NCOs employed for an indefinite period of time.

Formation positions include workplaces defined by specific acts on systematization of workplaces, which are occupied by officers employed for an indefinite period of time and NCOs employed for an indefinite period of time, who have been appointed outside the Serbian Armed Forces.

The rank and the position group pertaining to workplaces occupied by officers and NCOs described in Paragraph 2 of this Article shall be determined in accordance with the criteria on the definition of formation of the Serbian Armed Forces organizational parts.

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.

An 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.

An 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.

Provided a formation position in services cannot be manned with an officer or an NCOs described in Paragraph 1 and 2 of this Article, a civilian working for the

Serbian Armed Forces can be appointed or nominated to that position with his/her own consent, if he/she has appropriate education – if that formation position is in the Serbian Armed Forces, or a civil employee, staffer or another employee, if that formation position is outside the Serbian Armed Forces.

The Chief of the General Staff or an officer authorized by him gives the approval for the appointment described in Paragraph 7 of this Article for the formation position in the Serbian Armed Forces, or the Defence Minister or a person authorized by him for the formation position outside the Serbian Armed Forces.

### **Article 70**

Provisions of Article 69 of this Law shall apply to reserve officers and NCOs for the appointment to duty in accordance with the wartime formation.

### **Article 71**

Professional military personnel who are temporarily prevented from carrying out their duty can be represented by an acting person in accordance with the service needs.

The acting person can be temporarily appointed to a vacant position.

A person can be appointed to an acting position, provided he/she fulfils conditions for appointment to that duty.

An acting person can represent one person from Paragraph 1 of this Article at the most, in addition to his regular duty.

Acting status can last for n more than one year.

A superior officer cannot represent a subordinate officer.

### **Article 72**

An officer or an NCO can be moved during their service.

The movement in service implies the change of the place of service because of the appointment to another duty.

During their professional military service, an officer or an NCO can be moved five times at the most not taking into account movement for the organizational and mobilization changes during the redistribution of the Serbian Armed Forces commands, units, and establishments.

Only exceptionally can an officer or an NCO be moved more than five times if he/she gives his/her consent.

Professional military personnel can be temporarily be appointed to another Serbian Armed Forces command, unit or establishment for the purpose of execution of certain tasks.

Temporary appointment of a professional military person to another Serbian Armed Forces command, unit, or establishment in accordance with service needs, can last one year maximum within the period of three years.

### **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.

## *3. Internship period*

### **Article 73**

In order to gain practical experience needed for the independent fulfilment of duty, officers who have completed the Military Academy need to fulfil their internship period.

During their internship an officer 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 duty.

The Defence Minister shall define duration of the internship period, training during the internship and the manner in which the internship exam shall be taken.

## *4. Education*

### **Article 74**

An officer or an NCO, who has been sent to education that lasts at least one school year, shall be dismissed from duty.

Time spent at a course or training shall be recognized as the time spent in the Serbian Armed Forces to the person described in Paragraph 1 of this Article. During that time the person has all the rights of his/her rank and shall be promoted as a person who has been appointed to duty, which he/she was sent to school from.

#### *5. Medical treatment and sick leave*

##### **Article 75**

A professional military person, who cannot do his duty because of a disease for more than six months, shall be dismissed from duty and has the status of a person undergoing medical treatment and sick leave.

A professional military person, who has been prevented from doing duty because of pregnancy, maternity leave or care for a sick family member shall be dismissed from duty and has a status of a person undergoing medical treatment and sick leave in accordance with general provisions.

A professional military person described in Paragraphs 1 and 2 of this Article shall retain all rights in accordance with his/her rank and position.

The superior officer in the position of a battalion commander or his/her equal or a more senior officer shall be obliged to demand evaluation of capability for service in the Serbian Armed Forces for a person who has spent the total of six months at the sick leave in the last two years.

#### *6. Putting at disposal*

##### **Article 76**

An officer or an NCO is put at disposal under the following circumstances:

- 1) if, following the abolishment of the formation position he/she was appointed to, he/she cannot be appointed to another duty;
- 2) if, following the termination of reasons, for which he/she was undergoing medical treatment and sick leave, or, for which he/she was removed from duty, he/she cannot be appointed to another duty;
- 3) if the health service body in charge decides that he/she is incapable of performing the duty he/she occupies and he/she cannot be appointed to another duty;
- 4) if, following the decision of a competent body, the service of a professional military person appointed outside the Serbian Armed Forces has terminated, i.e. his/her work outside the Serbian Armed Forces has been terminated

because of cessation of the need for that service or job, and he/she cannot be appointed to another duty.

During the disposal period, an officer or an NCO shall be obliged to perform tasks assigned to him/her by the superior officer and which are in accordance with his/her rank and health capacity.

An officer or an NCO can be at disposal no longer than six months and during that time he/she retains rights of his/her rank and position except for the right to promotion.

Time spent at disposal does not count as the time needed for promotion of officers and NCOs.

## *7. Removal from duty*

### **Article 77**

A professional military person is removed from duty:

- 1) while he is kept in custody;
- 2) during prison sentence.

A professional military person can be removed from duty if he/she is caught in committing a serious violation of military discipline or if criminal charges have been brought against him/her or proceedings for disciplinary offence and the crime or the disciplinary offence is of such nature that it would be harmful for the interest of the service that such a person should remain in duty.

A person who has been removed from duty in accordance with the provision of Paragraph 2 of this Article can be disposed to work at the Serbian Armed Forces command, unit or establishment, in which he/she is already serving or to another Serbian Armed Forces command, unit or establishment in the place of service and exceptionally outside the place of service.

### **Article 78**

A professional military person can be removed from duty only as long as there are reasons for which the act on his/her removal from duty has been passed.

Following termination of these reasons, the superior officer in charge shall decide on the status in service of the person who was removed from duty.

Time professional military officer or NCO has spent outside the service shall not be included in the time needed for promotion in service.

A professional military person shall not be considered removed from duty if: there is no disciplinary proceedings for more serious violation of military discipline in the commitment of which he/she was caught; criminal, or disciplinary proceedings have

been terminated or if the effective court decision has released him/her from charges or if charges have been dismissed or rejected; repeated proceedings or proceedings following the request for protection of legislation release him/her from charges or if he/she has not been pronounced a disciplinary measure during the disciplinary procedure.

#### *8. Closer regulation of the status in service*

##### **Article 79**

The Government, at the proposal of the Defence Minister shall define the manner and conditions for the appointment for professional military personnel to duties, movement and regulation of other statuses in service defined in this Law at peacetime and appointment of professional military personnel to adequate duties and the method of solution of other issues emerging from service status of these personnel at wartime.

## **CHAPTER VII**

### **Obligation of service in the Serbian Armed Forces following the completion of education or training**

##### **Article 80**

A Serbian citizen, who has been educated for military duties in accordance with an agreement signed with the Ministry of Defence, shall be obliged to join the Serbian Armed Forces service following the completion of his/her education and remain in the service two times longer than the duration of his/her education, i.e. scholarship.

A professional Serbian Armed Forces member, who was sent to regular education, training or specialization shall be obliged to, following the completion of education, training or specialization, remain in the Serbian Armed Forces two times longer than the duration of education, training or specialization, and if the education, training or specialization are completed abroad, he/she shall be obliged to remain in service three times longer than the duration of education, training or specialization.

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

The Minister of Defence or a person authorized by him/her shall sign an agreement on education, scholarship, specialization or training with the person described in Paragraphs 1 and 2 of this Article.

The Minister of Defence or a person authorized 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.

In case of failure to fulfil the contracted obligation as a result of liability of the person sent to education, specialization or training, the person shall be obliged to repay all real costs of education, specialization or training paid from the budget.

The Defence Minister shall prescribe more precise conditions and method of scholarships for the Serbian Armed Forces needs and the process of definition and reimbursement of education, scholarship, specialization and training costs.

## **CHAPTER VIII**

### **Salaries and other cash income of military personnel**

#### *1. Salaries and other cash income of professional military personnel*

#### **Article 81**

Professional military personnel receive salaries for the days and hours of their work.

The salaries of professional military personnel are determined by multiplication of coefficient with the base for salary calculation.

Salaries include taxes and contributions that are paid.

#### **Article 82**

Coefficient of salaries of professional military personnel is determined in accordance with the position, rank, special conditions of service, specific military service, responsibility, complexity of work and other conditions of the Serbian Armed Forces service in accordance with the operational needs.

#### **Article 83**

As a result of special conditions under which service in the Serbian Armed Forces is carried out and especially because of participation at military exercises, field exercises manoeuvres and alert states, longer working hours than in the regular full time job, duty service and other forms of internal service, lack of choice when it comes of workplaces and locations, movements, service under all conditions and other extraordinary situations caused by the needs of operational capability,



professional military personnel have a coefficient for salary calculation that is by 20% to 50% higher than the coefficient determined by the position and rank within resources for salaries provided by the Republic of Serbia budget allocated for the defence financing.

Working hours that are longer than a full time job described in Paragraph 1 of this Article include work in case of alert measures, alert in the unit, or establishment during military exercises, work during fighting natural disasters or duty hours and other jobs in the Serbian Armed Forces command, unit or establishment under the circumstances that require prolonged work the termination or interruption of which would have harmful consequences to operational capability of command, unit or establishment or would do considerable material damage or endanger lives and health of military personnel or other citizens.

A professional military person, with the approval of the Government, working under conditions from Paragraph 1 of this Article can have a coefficient that is higher than 50% than the coefficient determined in accordance with the position and rank.

The rights and duties of professional military personnel emerging from special conditions of the Serbian Armed Forces service shall not subject to provisions of general working and legislative regulations on increased income.

#### **Article 84**

Salary of professional military personnel shall be increased by 0.4% for each year of service.

#### **Article 85**

Night work, work during holidays defined by law as non- working ones and hours that are longer than full time hours, except for hours that are longer than full time hours from Article 83 of this Law, implies a salary increase for professional military personnel.

Professional military personnel are entitled to salary during their vacation, absence from work during holidays legally prescribed as a non-working days, absence days prescribed in this Law, education or other expert training and education, temporary prevention from work for professional disease or injury at service or in other cases prescribed by this Law in the amount that is the same as the amount of the regular salary.

Professional military personnel during their temporary absence from work for disease or injury, being at disposal or medical treatment – sick leave, except for cases when the treatment or sick leave was caused by professional disease or injury shall receive the salary determined by the Defence Minister.

#### **Article 86**

A military person can receive financial award for special results in service.

A professional military person can be awarded a jubilee award for each 10 years of continuous effective service.

### **Article 87**

A professional military person, who has been criminally charged, shall receive one fourth of his/her salary while in custody, and if he/she supports family, one third of the salary he/she would have been entitled to, were he/she not in prison.

A person from Paragraph 1 of this Article shall receive the unpaid part of the salary in the amount that has been adjusted to the payment date if criminal charges have been terminated as a result of the effective decision, if the person has been released as a result of the effective verdict, if the charges have been dismissed or rejected or if the person is released from charges in the repeated procedure or as a result of the request for protection of legislation.

A professional military person who has been sentenced for prison following an effective verdict shall not be entitled to salary.

A professional military person that has been removed from duty shall receive the salary payment as determined by the Defence Minister for the duration of his removal.

### **Article 88**

A professional military person, whose service in the Serbian Armed Forces has been terminated, for the fulfilment of pension conditions, shall receive gratuity payment in the amount of five gross salaries he/she has received in the last month of the service.

An officer appointed for a limited period of time, an NCO employed for a limited period of time, and professional soldier whose service in the Serbian Armed Forces has been terminated, following the expiration of the contract period, for being pronounced incapable for service for limited period of time he/she fulfilled, or if his/her service in the Serbian Armed Forces terminates because of the termination of the formation position, shall receive gratuity payment in the amount of three gross salaries he/she would receive in the last month before the termination of service depending on the time spent in service for a limited period of time.

### **Article 89**

A professional military person shall be entitled to financial support in case of a disease, or disease or death of a family member in accordance with the regulations on social insurance of professional Serbian Armed Forces personnel.

A family member of professional military person shall be entitled to the right of support from Paragraph 1 of this Article in case of death of the professional military person.

The Defence Minister shall define the conditions, type of support and manner of their fulfilment.

### **Article 90**

A professional military person appointed outside the Serbian Armed Forces shall receive salary or payment in accordance with the provisions of this Law.

Professional military person who has been appointed to diplomatic-consular representative office abroad shall receive salary in accordance with regulations that apply to employees in diplomatic-consular representative offices abroad, and payments by rank, duty, tasks and jobs done shall be prescribed by a special Government's act.

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.

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.'

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.

2. *Cash payments of soldiers, pupils and cadets of the military education institutions and personnel attending other professional training for officers and NCOs*

### **Article 91**

Conscripts, pupils and cadets of the military education institutions and personnel attending other professional training for officers and NCOs shall be entitled to cash payments as determined by the Defence Minister.

3. *Reimbursement of travel and other costs in the Serbian Armed Forces*

## **Article 92**

Professional military personnel shall be entitled to reimbursement of travel costs for official travel, for work in the field, arrival at work and departure from work, during their official duties and other material costs they are exposed to during their service.

Officers and NCOs shall be entitled to: payment of costs for separate living from their family, payment of part of costs for housing rent, payment of costs during the commencement of service in the Serbian Armed Forces, payment of movement and other costs they are exposed to during their service and the lack of choice of location and movement.

An officer working for a limited period of time and an NCO working for a limited period of time shall be entitled to reimbursement of costs for housing rent.

## **Article 93**

A professional military person who is exposed to costs related to service abroad is entitled to reimbursement of these costs under the conditions and to the amount prescribed by the Defence Minister.

### *4. Special income of professional military personnel*

## **Article 94**

Professional military personnel shall be entitled to:

- 1) right to a free service uniform and dress uniform, i.e. the right to purchase these uniforms at discounted rates;
- 2) right to organized, free or subsidized or specialized nutrition during the execution of specific military service, which exposes them to special physical strains, in cases when they are obliged to work longer hours than full working hours and during duty hours;
- 3) right to a free vacation following the return from a multinational operation in the facilities planned for rest and recreation.

### *5. Closer definition of salaries and other incomes of professional military personnel*

## **Article 95**

The Government shall determine the base for salary calculation for professional military personnel, which shall not be lower than 75% of the average monthly income of employees working for the Republic of Serbia industry, paid for the month that precedes the month in which the base is determined in accordance with the most recent published data of the state agency in charge of statistics.

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.

The Defence Minister, with the approval of the Government shall: prescribe coefficients for salary calculation; conditions and criteria for increase or decrease of a salary, salary payment, timelines for payment, payment of costs related to service abroad and the scholarship for studies abroad; severance payment for personnel whose service for a limited period of time has expired; financial awards and assistance and conditions, conditions fulfilled and reimbursement of travel and other costs and other incomes in the Serbian Armed Forces.

## **Chapter IX**

### **Working hours, holidays and leaves of military personnel**

#### *1. Working hours*

#### **Article 96**

Full time working hours of professional military personnel are 40 hours a week.

#### **Article 97**

Professional military personnel working at a workplace under special conditions whose harmful effects on health and capability for military service cannot be fully removed with protective measures shall be entitled to working hours shorter than 40 hours a week.

For the Serbian Armed Forces personnel working at formation positions, at which the service is carried out under difficult conditions or at jobs in the Serbian Armed Forces, at which the application of protective measures cannot fully protect the person from harmful effects, the working hours shall be reduced in accordance with the harmful impact of working conditions on their health and capability of service.

Special conditions of work include the following: especially difficult and demanding work; work under increased or reduced atmospheric pressure; work in the water or moisture, work exposed to ionizing radiation, work in the atmosphere polluted with poisonous gases, poisonous dust, etc.; work with corrosive materials; flight personnel's work, paratrooper personnel's work, divers' personnel's work; work on removal and destruction of unexploded ordnance; work on prevention and treatment of tuberculosis; treatment of patients suffering from mental illnesses, work in the pathological and anatomy units.

Reduction of working hours cannot be longer than 10 hours a week.

Professional military personnel working under the hours described in Paragraph 1 of this Article has all the rights as a person working full time hours.

### **Article 98**

Professional military personnel are obliged to working longer than full time hours when the needs of the service require that.

The overtime hours cannot last longer than eight hours a week or four hours a day.

Exceptionally from provision of Paragraph 2 of this Article, professional military personnel are obliged to longer working hours in the following cases: alert measures order, state of emergency and state of war, exercise activities, duty service, circumstances that require the continuation of the work that has started if its termination or break would have harmful consequences to the operational capability of the command, units or establishments of the Serbian Armed Forces or would do considerable material damage or jeopardize the lives and health of military personnel and other citizens, and the decision on the matter is made by the officer of the operational level of command or assistant defence minister for his/her subordinate personnel.

### **Article 99**

Working hours between 22.00 and 06.00 on the next day is considered a night work and the service at that time is a night service.

In commands, units and establishments installations of the Serbian Armed Force, in which there is a shift work, military personnel of one shift can do the night work continuously for not more than one week.

The person, who night work would jeopardize the health status of, according to the medical commission findings, cannot be assigned to night work.

### **Article 100**

Working week lasts five working days and one working day lasts eight hours.

Weekly working hours can be organized to daily hours so that there is fewer than five working days in a week if the organization of work or the needs of the service require so.

Provided the nature of the job or organization of work requires so, the commands, units and establishments of the Serbian Armed Forces can organize their working hours in such a way that during one period of the year their working hours are longer than 40 per week and in the remaining part of that period of the year their working hours are shorter than full working hours so that the total working hours for

that period should on average be no longer than 40 hours a week. In doing so, weekly and daily rest must be fulfilled in accordance with the provisions of this Law.

### **Article 101**

The distribution of weekly and daily working hours for professional military personnel in the Serbian Armed Forces in accordance with the working conditions and the nature of work of the Serbian Armed Forces organizational part shall be prescribed by the Chief of the General Staff or an officer authorized by him.

Professional military personnel appointed outside the Serbian Armed Forces have the organization of weekly and daily working hours, which has been prescribed for the agency or legal entity they are working for.

#### *2. Holidays and leaves*

### **Article 102**

Professional military personnel working full time are entitled to a 30 minute break and those who work longer than full time hours, at least 10 hours, are entitled to a 45 minute break during their work.

The break during the daily work cannot be used at the beginning and at the end of working hours.

The break period described in Paragraph 1 of this Article is included in the working hours.

### **Article 103**

A professional military person shall be entitled to rest between two succeeding working days lasting for at least 12 hours in continuum and weekly rest of at least 24 hours in continuum.

### **Article 104**

Professional military person shall be entitled to annual leave as follows:

- 1) up to 10 years of service – 25 working days;
- 2) 10-20 years of service – 27 working days;
- 3) more than 20 years of service – 30 working days.

The following shall be entitled to annual leave of 35 working days, regardless of the years of service:

- 1) invalids with 50% disability;
- 2) persons carrying out specific military service.

For the purpose of definition of the length of holiday, the working week consists of five working days.

Annual leave can be taken in two parts.

Professional military personnel are entitled to one twelfth of the annual leave (adequate part) for each month of work in the calendar year if they did not gain six months of continuous work in the calendar year, in which their military service commenced or in the calendar year, in which their service terminates.

### **Article 105**

Provided the use of annual leave or its part commenced at the end of the calendar year, it will be continued in the next year without a break.

Exceptionally from the provision of Paragraph 1 of this Article professional military personnel who did not take their leave because of the service needs or for other justified reasons can use their annual leave in the next calendar year, not later than by 30 June of that year.

The Chief of the General staff or an officer authorized by him can terminate approval for leave or interrupt the leave to professional military personnel working for the Serbian Armed Forces for the needs of service with the reimbursement.

The manager of an agency or a legal entity or a person authorized by him/her can terminate leave or interrupt holiday of a military personnel appointed outside the Serbian Armed Forces with the reimbursement.

A professional military person who did not use his/her leave for service needs, shall be entitled to reimbursement of the unused annual leave in the amount of their salary and other personal income that they would have been entitled to, had they used their annual leave.

### **Article 106**

Professional military person is entitled to paid leave lasting seven working days in one calendar year for private matters (for wedding, childbirth, death or serious illness of a close family member, protection and removal of harmful consequences in the household caused by natural disaster, household movement and other justified reasons).

Absence from Paragraph 1 of this Article can be approved several times and the time off in those cases, longer than seven days, can only be approved for childbirth or death of a close family member.

### **Article 107**



A professional military person can be approved unpaid leave up to 30 days in one calendar year.

A professional military person who does exceptionally difficult tasks during his/her service, which is harmful for his/her health and a person carrying out specific military service is entitled to 30 working days of paid leave for recovery.

For special efforts and success in the service, a professional military person can be awarded with a 10-day leave in one calendar year.

A professional military person who attends education along with his/her work can be approved a paid leave up to 20 working days during his/her education or training.

For each case of voluntary blood donation, a professional military person is entitled to two days of paid leave in addition to the day of blood donation.

### **Article 108**

During movement, a professional military person shall be entitled to paid seven-day leave for movement and accommodation to the new place of service and if he/she is moving family he/she has been living with in the household, he/she shall be entitled to up to 10 working days.

A person from Paragraph 1 of this Article, who lives separately from his/her family, shall be entitled to a paid leave for family visits lasting for five working days for each three months he/she has spent away from his/her family.

Right from Paragraph 2 of this Article shall apply to a professional military person who has been temporarily sent to another command, unit or establishment of the Serbian Armed Forces in accordance with service needs outside the place of service for the execution of certain tasks and who lives separately from his/her family.

### **Article 109**

Provisions of Articles 96 to 108 of this Law shall not be applied during the state of war.

The Government shall more closely define working hours, holiday and leave of military personnel following the proposal of the Defence Minister.

## **CHAPTER X**

### **Termination of professional military service**

#### *1. Reasons for termination of professional military service*

## Article 110

An officer or an NCO's service in the Serbian Armed Forces shall be terminated under the following cases:

- 1) if he/she ceases to be the citizen of the Republic of Serbia;
- 2) if, based on the final assessment and the opinion of the authorized body of the health service it is determined that he/she is permanently incapable for the service in the Serbian Armed Forces;
- 3) if he/she is absent from service for five subsequent days or seven working days with breaks in between in the course of 12 months;
- 4) if he/she received negative evaluation two times in a row;
- 5) if he/she loses rank or has been sentenced to the termination of service as a disciplinary measure by the military disciplinary court's decision;
- 6) at his/her own request;
- 7) if it is determined that during his commencement of service he/she has given untrue information that are of importance for the commencement;
- 8) if, following the medical treatment of the addiction disease it was determined that he/she has taken psychoactive substances again;
- 9) when he/she gains the right to 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;’.

10) in case of his/her death.

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.

An officer or an NCO's service terminates based on the needs of service when he/she has spent six months at the disposal if he/she has fulfilled the right to pension or if he/she is provided employment for an indefinite period of time in the capacity of a civilian serving in the military or civil employee or staffer.

An officer or an NCO's service terminates based on the needs of service when he/she has spent six months at disposal if he/she has not fulfilled the requirements for pension if he/she is enabled to receive a single cash reimbursement in the amount of 24 monthly gross salaries he/she earned in the last month before the termination of the service.

The person from Paragraph 4 of this Law shall be entitled to other rights in accordance with employment regulations, which are guaranteed to personnel whose employment has terminated as a result of redundancy.

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 111**

An officer or an NCO whose duty terminates for the needs of the service can be sent to attend resettlement training for civilian vocations or jobs.

Resettlement shall be organized on the person's level of education or lower if the person attending resettlement program agrees to it.

### **Article 112**

For an officer employed for a limited period of time, an NCO employed for a limited period of time and professional soldier serving in the Serbian Armed Forces, professional service terminates following the expiration of the contract period.

The service of the person described in Paragraph 1 of this Article can terminate prior to the contracted period in the following cases:

- 1) if, based on the final evaluation and opinion of the competent medical body it was determined that he/she is permanently incapable of service in the Serbian Armed Forces or of if he/she was appointed to duty for a limited period of time;
- 2) if he/she is absent from service without a justifiable reason for five subsequent days or seven days in the course of 12 months;
- 3) if he/she has received two subsequent negative evaluations;
- 4) if it was determined that during his/her commencement of service he/she has submitted untrue information that are of importance for the commencement;
- 5) if he/she loses rank;
- 6) in case of organizational changes or disbanding of the command, unit or establishment of the Serbian Armed Forces, in which he/she is serving for a limited period of time;
- 7) if, following the medical treatment of the addiction disease it was determined that he/she has taken psychoactive substances again;
- 8) in case of his/her death;
- 9) in other cases stipulated in the agreement on commencement.

Service in the Serbian Armed Forces of the person described in Paragraph 1 of this Article can be terminated following an agreement.

### **Article 113**

If, in the case of termination of service in the Serbian Armed Forces in accordance with Article 110 Paragraph 1, Item 5 and Article 112 Paragraph 2 Item 5 of this Law the repeated procedure, or the demand for protection of legislation, results in termination of the trial or if the person is released from charges or if charges are

dismissed or rejected or if the punitive measure pronounced is milder than the rank loss, it will be considered that the service did not terminate.

## *2. Procedure for termination of professional military service*

### **Article 114**

The procedure for the termination of service in accordance with provisions of Articles 110 and 112 of this Law, except for the termination of service at one's own request, is initiated by the commanding officer of a command, unit or installation of the Serbian Armed Forces at the position of the battalion commander or the person of the same or a higher rank.

### **Article 115**

Health capability is evaluated following the request of the professional military person or his/her subordinate officer in the position of a battalion commander or his/her equal or of a higher position.

The superior officer from Paragraph 1 of this Article is obliged to initiate capability evaluation for service in the Serbian Armed Forces for a person who was at the medical treatment and sick leave for six months in continuum or 12 months total with breaks in the last two years.

### **Article 116**

The proposal for termination of service in accordance with provisions of Article 110, Paragraph 1, Item 1 and Items 3 to 8 and Article 112, Paragraph 2, Items 2-4 and Items 6,7 and 9 of this Law is sent to the officer in charge of issuing acts on termination of service within eight days of the date of the reason for termination of service.

The proposal for termination of service in accordance with provisions of Article 110, Paragraph 1, Item 2 and Article 112, Paragraph 2, Item 1 of this Law is sent to the officer in charge of issuing acts on termination of service within 15 days of the date of the reason for termination of service.

The proposal for termination of service in accordance with provisions of Article 110, Paragraph 1, Item 9 and Paragraphs 2 and 3, and Article 112, Paragraph 1 of this Law is sent to the officer in charge of issuing acts on termination of service within 30 days at the latest of the date of the reason for termination of service.

The competent officer shall be obliged to decide on the proposal for termination of service within 30 days of the date of reception of the proposal.

The decision on termination of service following the request of professional military person must be issued within 30 days of the date of the submission of the request.

## **Article 117**

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 118**

For a person whose service terminated in accordance with Article 110, Paragraph 1, Item 3 and Article 112, Paragraph 2, Item 2 of this Law, the service in the Serbian Armed Forces is taken into account until the date of his absence from work.

For professional military personnel, except for personnel described in Paragraph 1 of this Article, the service taken into account includes the service until the duty takeover or the death date.

### *3. Termination of professional military service at wartime*

## **Article 119**

The provisions of Articles 110 to 118 shall not be applied during the state of war.

The Government shall define the termination of service for professional military personnel during the state of war following the proposal of the Defence Minister.

## CHAPTER XI

### CIVILIAN SERVICE IN THE SERBIAN ARMED FORCES

#### *1. Admission to service*

##### **Article 120**

Admission of civilian personnel to service in the Serbian Armed Forces is conducted through:

- 1) public competition;
- 2) without public competition.

A public competition shall be published by the Ministry of Defence in the “Official Gazette of the Republic of Serbia” and one of the dailies issued in the whole of Serbia and the competition shall also be sent to the employment agency.

Civilians working for the Serbian Armed Forces are admitted to service without a public competition through a transfer from another state body and in the capacity of scholarship users under the conditions stipulated by this Law.

##### **Article 121**

The Defence Minister following the proposal of the Chief of the General Staff shall determine formation positions, at which a civilian person working for the Serbian Armed Forces can be admitted.

The Government, following the proposal of the Defence Minister shall define the procedure for admission of civilian personnel serving for the Serbian Armed Forces without a public competition.

##### **Article 122**

Admission of the civilian personnel to service in the Serbian Armed Forces for a limited period of time shall be conducted as follows:

- 1) when the scope of work is temporarily increased, but not for longer than 12 months;
- 2) when it is necessary to replace a temporarily absent person;
- 3) for training of interns during the internship period;
- 4) for specialization or internship of a medical worker until the completion of specialization or internship determined by the program and in accordance with the law.

Service of a civilian working for the Serbian Armed Forces admitted to work for a limited period of time terminates on the date of completion of work, expiration of the defined deadline or the date of return of the temporarily absent person whose workplace the civilian working for the Serbian Armed Forces occupied.

Service for a limited period of time cannot be transformed into a service for an indefinite period of time except for an intern if during the commencement of service if it was planned that the intern, following the completion of the internship exam, should be admitted to service for an indefinite period of time.

### **Article 123**

Civilian personnel serving at the Serbian Armed Forces who have completed the IV (high school), VI (two year college) or VII (academic degree) level of education shall have to pass special state expert exams except for personnel admitted to service for a limited period of time.

Special expert exams consist of a general and special part.

Personnel who have passed judiciary exam do not have the obligation of taking a special state expert exam, and personnel who have completed the state exam do not have the obligation of taking the general part of the special expert exam.

The Defence Minister shall prescribe programmes, manner and deadlines for taking special state expert exams for the work in the Serbian Armed Forces.

## *2. Probation work*

### **Article 124**

Civilians serving in the Serbian Armed Forces have to complete their probation period in accordance with the regulations on civil servants and appointees.

## *3. Specific conditions of admission*

### **Article 125**

During the selection for the admission to service in the capacity of a civilian working for the Serbian Armed Forces, the priority under equal conditions applies to a spouse or a family member of a professional Serbian Armed Forces, a member who has died or deceased from the consequences of wounds he/she received during the service in the Serbian Armed Forces and a spouse of a professional Serbian Armed Forces member, who has been moved from one place of service to another.

## *4. Appointments*

### **Article 126**

A civilian serving in the Serbian Armed Forces shall gain the right and duties of the Serbian Armed Forces service on the date of commencement of service.

The person from Paragraph 1 of this Article is appointed to the formation position for which he/she was admitted to service.

The person from Paragraph 2 of this Law can be appointed to any appropriate formational position during his/her service if the needs of the service require that.

Under the conditions from Paragraph 3 of this Article, a civilian serving in the Serbian Armed Forces can be appointed outside the place of work if he/she accepts to do so.

## *5. Salaries, payments and other incomes*

### **Article 127**

The Government shall determine the base for salary calculation for civilians serving in the Serbian Armed Forces in accordance with the provisions of Article 95 Paragraph 1 of this Law.

The Defence Minister, with the Government's approval, shall define positions, or titles of the civilians serving in the Serbian Armed Forces, coefficients and criteria of their evaluation and promotion, salary bonuses; salaries, deadlines for payment, cash awards and support, reimbursement of travel and other costs and other incomes.

The conditions from Paragraph 2 of this Article shall be regulated in accordance with provisions of this Law referring to salaries, payments and other incomes of the professional military personnel.

## *6. Termination of the Serbian Armed Forces service*

### **Article 128**

Service of a civilian working for the Serbian Armed Forces shall be terminated in accordance with the written agreement between that person and the employer.

### **Article 129**

The service of a civilian working for the Serbian Armed Forces shall be terminated without his/her consent in the following cases:

- 1) if he does not achieve satisfactory results during the probation period;
- 2) if he/she refuses to work at the position he/she has been admitted to or temporarily appointed;
- 3) if it was determined that he/she does not have capacity for doing the job of the workplace he/she has been appointed to and does not accept appointment to other workplaces or if there is no such workplace;



- 4) if he/she has received an unsatisfactory evaluation two times in a row;
- 5) if he/she was absent from work five days in a row or seven working days with breaks in the course of 12 months;
- 6) if he/she fails to return to work 15 days from the termination of reasons for frozen service;
- 7) if a disciplinary measure of termination of service has been pronounced to him/her;
- 8) if it has been determined that following the medical treatment of the addiction disease he/she has used psychoactive substances again;
- 9) if the workplace he/she has been appointed to is being abolished or the number of employees at one workplace is being reduced;
- 10) if he/she has failed to provide information of importance for his/her service or has submitted untrue information;
- 11) if he/she fails to pass his/her expert exam.

The service terminates when the decision on termination of service becomes final.

### **Article 130**

Service of a civilian working for the Serbian Armed Forces whose workplace is being abolished or the number of employees at one workplace has been reduced terminates with the right to a single reimbursement in the amount of 12 gross salaries that he would receive in the last month of his service.

The personnel described in Paragraph 1 of this Article shall be entitled to other rights that are fulfilled by personnel whose employment terminated as a result redundancy.

### **Article 131**

Service of a civilian working for the Serbian Armed Forces shall be terminated by Law:

- 1) if it has been determined in the legally prescribed way that he/she has lost the working capability - on the date of the effective decision on identification of the loss of working capability;
- 2) when he/she is of the prescribed age and has completed the prescribed years of service pertaining to pension and invalid insurance;
- 3) if, following the effective court decision or decision of another body, he/she has been forbidden to do the jobs of his workplace and another workplace cannot be provided – on the date of delivery of effective decision;
- 4) if the person has been effectively sentenced to an unconditional prison sentence that is longer than six months;
- 5) if he/she has been pronounced a security measure or protective measure for longer than six months and as a result he/she has to be absent from work – on the date of implementation of that measure;
- 6) if he/she dies.

### **Article 132**

Working relation can be terminated to a civilian working for the Serbian Armed Forces in accordance with the needs of the service if the person has fulfilled the retirement conditions that are prescribed by law pertaining to pension and invalid insurance.

### **Article 133**

A civilian working for the Serbian Armed Forces whose service is terminated without his/her approval or based on the needs of the service, except for person fulfilling right to pension and person of Article 129, Items 1,3,4,5,7 and 8 of this Law, has the duty and the right to remain at work for 30 days (notice period).

## *7. Special Provisions*

### **Article 134**

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).

## **CHAPTER XII**

*Competences for taking decisions on relations in service and adoption of other legal documents*

**Article 135**

In addition to the competences from Article 17 of this Law the President of the Republic of Serbia shall:

- 1) introduce officers and reserve officers;
- 2) decide on the status of the service of generals.

**Article 136**

In addition to the jobs from Article 18 of this Law the Defence Minister, i.e. the person authorized by him/her, shall:

- 1) make a decision on commencement of service of professional Serbian Armed Forces personnel;
- 2) decide on the status in service of officers of the major, lieutenant colonel and colonel's rank;
- 3) decide on relations in service for professional military personnel employed outside the Serbian Armed Forces.

The Defence Minister shall appoint personnel who make decisions on administrative matters related to professional military personnel serving outside the Serbian Armed Forces in the sense of provisions of Articles 141 and 142 of this Law.

**Article 137**

In addition to jobs described in Article 19 of this Law, the Chief of the General Staff and officers in commands, units and establishments of the Serbian Armed Forces appointed by him, shall be responsible for the following:

- 1) making decisions on the status in service for NCOs and officers up to the rank of a captain in the Serbian Armed Forces;
- 2) conducting promotion to the initial NCO's rank;
- 3) making decisions on appointment, salaries, termination of the Serbian Armed Forces service and other relations pertaining to civilians serving in the Serbian Armed Forces.

**Article 138**

The act on the transfer of duty for professional Serbian Armed Forces member, to whom the act on termination of service is applied, shall be passed by the superior officer in the position of a battalion commander or his equal or a higher ranking officer.

**Article 139**

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.

The complaint of a professional Serbian Armed Forces member against the legal documents on movement, appointment, putting at disposal and removal from service shall not postpone execution of these decisions.

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

#### **Article 140**

Legal documents on relations in service of military personnel and civilian personnel in the Serbian Armed Forces containing classified data shall be issued to those personnel with their signature.

The date of passing information is the date of delivery in the sense of regulations stipulating administrative procedure.

#### **Article 141**

If the law or a regulation passed in accordance with the law does not stipulate the competence of another party, the decisions related to administrative procedures of the first degree are made by the commanding officer in a command, unit or establishment of the Serbian Armed Forces at the position of the battalion commander or an officer of his level or of a higher position.

The complaint against the decision made by the officer from Paragraph 1 of this Article is dealt with by the officer who is immediately superior to the officer who passed the first degree decision.

#### **Article 142**

The commanding officer of the command, unit or establishment, in which the person whose right and duty is dealt with serves, is locally responsible for the issuance of resolution on the administrative procedure. In terms of personnel whose service has terminated, the officer of command, unit or establishment of the Serbian Armed Forces, in which the person was serving on the date of termination of service or the successor of the command, unit or establishment of the Serbian Armed Forces, which ceased to exist is in charge of the resolution on the administrative trial.

If a decision is being made on the right or duty of the commanding officer of a command, unit or installation of Paragraph 1 of this Article or if that officer by law has to be excused from the resolution for other reasons, the commanding officer of the command, unit or establishment who is immediately superior is in charge of the issuance of resolution.

## CHAPTER XIII

### Responsibility of the Serbian Armed Forces personnel

#### 1. *General provisions on responsibility of the Serbian Armed Forces personnel*

##### Article 143

The Serbian Armed Forces personnel shall be held responsible for criminal acts, economic offences and violations in accordance with general regulations.

The responsibility for a criminal act, economic offence and violation does not exclude disciplinary responsibility if the act, which is the subject of a criminal offence, procedure for determination of responsibility for economic offence or misdemeanour, implies the violation of duty from service.

Disciplinary procedure is conducted regardless of the course of criminal trial, trial for responsibility for economic offence or misdemeanour.

For a criminal act 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 144

During the state of war the process for determination of responsibility for economic offence and violation cannot be conducted against the Serbian Armed Forces personnel without the approval of the President of the Republic of Serbia or the Defence Minister.

#### 2. *Disciplinary responsibility*

##### Article 145

A Serbian Armed Forces member shall bear the disciplinary responsibility for the violation of service duties.

Violation of service duty can be milder – disciplinary misdemeanours and more serious – disciplinary offences.

## **Article 146**

A Serbian Armed Forces member is responsible for violation of service duty while he/she is in the service.

A person whose service in the Serbian Armed Forces has been terminated is also responsible for violation of service duty if the disciplinary proceedings against him/her were launched while he/she was in service.

A person or a body in charge of disciplinary procedure shall terminate the disciplinary procedure against the person whose service in the Serbian Armed Forces has been terminated and against whom the disciplinary procedure had been launched while he/she was in service if it turns out that the disciplinary procedure is impossible or purposeless.

It is considered that a person is in the reserve forces on duty in the Serbian Armed Forces from the moment of his/her commencement of service in the command, unit or establishment of the Serbian Armed Forces if he/she reports directly, or from the moment of reporting in the gathering location or the meeting place stated in the general or individual summons or wartime distribution until his/her release from the command, unit or establishment of the Serbian Armed Forces.

## **Article 147**

During the determination of the disciplinary responsibility of the Serbian Armed Forces members, principles and the rules of material criminal law are applied if they are not contrary to the provisions of this Law and the nature of disciplinary responsibility.

## **Article 148**

Disciplinary misdemeanours shall include the following:

- 1) frequent being late or early departure from duty or service;
- 2) unjustified absence from duty or service for one working day;
- 3) unjustified failure to inform the immediate superior officer on the reasons of prevention of coming to duty, or in service within 24 hours from the time planned for the arrival;
- 4) violation of regulations on wearing military uniform, or other prescribed dress code, and military and other prescribed image and personal hygiene;
- 5) arrival at work in an intoxicated alcoholic state and putting oneself into the alcoholic state while on duty;
- 6) indecent behaviour towards associates, subordinate ones and superior ones;
- 7) breach of the rules pertaining to saluting, addressing, introducing and greeting;
- 8) covering up or failure to report milder violations of duty from service and working relations;

- 9) another act contrary to the service regulations that is not included in the violation of duty envisaged by this Law or a separate one.

### **Article 149**

Disciplinary offences shall include the following:

- 1) refusal to execute orders, or instructions of the superior officer, except for orders or instructions the execution of which would imply commitment of a criminal act;
- 2) failure to execute or unconscientiously, untimely, incomplete or negligent execution of orders, decisions or instructions of the superior officer;
- 3) arbitrary departure from a command, unit or establishment;
- 4) violent, insulting or inappropriate behaviour and causing disorder, quarrel and fight in the service;
- 5) acting in a way that insults the dignity of the subordinate personnel, especially in terms of gender, religious beliefs or nationality or violation of rights they are entitled to by law;
- 6) consummation of narcotic drugs or unauthorized keeping of substances or materials that are declared as narcotic drugs;
- 7) persuading others to consume narcotic drugs or giving narcotic drugs to another person for his consummation or consummation of a third person or enabling other person to use narcotic drugs;
- 8) violation of guard, patrol and other similar service;
- 9) unjustified absence from duty or service for at least two subsequent days or three working days with breaks in the 12 month period;
- 10) abuse of duty rights;
- 11) illegal disposal with resources;
- 12) abuse of the official position or exceeding official authority;
- 13) illegal work or failure to do actions the person in service is authorized to do in order to prevent illegal actions or damages;
- 14) careless attitude to property and taking into possession or damaging military and other property pertaining to performance of service;
- 15) violation of military or service secret or unconscientiously keeping of official documents and data;
- 16) submission of false reports;
- 17) giving untrue data or documents that affect commencement of service and promotion;
- 18) forging, cover up and illegal destruction of official identification documents, books or acts or use of a forged document;
- 19) failure to undertake the prescribed measures for preservation of human lives and health and keeping the equipment in a good condition;
- 20) additional work of the Serbian Armed Forces personnel outside the conditions prescribed by law;
- 21) duty takeover of a director, deputy director or assistant director in a legal entity without an approval from the competent state body or violation of restrictions pertaining to membership in legal entity bodies by a professional Serbian Armed Forces member;
- 22) foundation of an industrial company, public service or dealing with entrepreneurship by a professional Serbian Armed Forces member;

- 23) failure to transfer administrative rights in an economic entity to another person, failure to provide the manager with data pertaining to person to whom the administrative rights have been transferred or failure to inform the manager on the evidence on transfer of administrative rights by a professional Serbian Armed Forces member;
- 24) reception of gifts related to the execution of duty outside the provisions of the law, accepting service or benefit for oneself or another person or the use of service for influence in fulfilment of one's own rights or rights of persons related to the Serbian Armed Forces member;
- 25) failure to report the interest the Serbian Armed Forces member or a person related to him can have pertaining to decision made by a state body if he participates in its making;
- 26) violation of the principle of impartiality or political neutrality or expression and advocating of political beliefs in service;
- 27) going on strike or participation in an illegal trade union organization or illegal trade union activities;
- 28) failure to act in accordance with the request made by military disciplinary prosecutor or military disciplinary court;
- 29) covering or failure to report a more serious violation of service duty or working relations;
- 30) milder violation of duty committed within one year from the violation of duty determined by an effective legal act stating a disciplinary sanction;
- 31) execution of criminal act against a state body, official duty, humanity and other values protected by the international law or the Serbian Armed Forces determined by the effective sentencing verdict;
- 32) any act of the Serbian Armed Forces members outside the service that is contrary to regulations or good customs that do damage to reputation of the Serbian Armed Forces personnel.

### **Article 150**

A professional military person who has commenced service or work in the Ministry of Defence, other state body or legal entity bears the disciplinary responsibility for violations of duty prescribed for the body and legal entity, in which he/she is employed.

### **Article 151**

The perpetrators of service duty violations shall be pronounced disciplinary measures and disciplinary penalties.

Disciplinary measures shall be pronounced for disciplinary misdemeanours and disciplinary penalties shall be pronounced for disciplinary offences.

One disciplinary sanction shall be pronounced for one or more violations of duty that are debated.



## **Article 152**

A professional military person can be pronounced the following disciplinary measures:

- 1) warning;
- 2) salary reduction for the month, in which the disciplinary measure has been pronounced of 5-20%.

A professional military person can be pronounced the following disciplinary penalties:

- 1) salary decrease by 5% to 30% for the period of six months;
- 2) replacement from duty and appointment to the immediately lower position for the period of one to four years;
- 3) replacement from command and management duty with prohibition of appointment to such duty for the period of one to four years;
- 4) prohibition of promotion to higher rank or promotion to a higher position for the period of one to four years;
- 5) downgrading to the previous rank;
- 6) loss of service;
- 7) loss of rank.

Disciplinary penalty from Paragraph 2, Item 3 of this Article cannot be pronounced in such a way that an officer be appointed to an NCO position nor can an NCO be appointed to a soldier's position.

Disciplinary penalty from Paragraph 2, Item 5 of this Article cannot be pronounced to a second lieutenant or a sergeant.

Disciplinary penalty from Paragraph 2, Item 7 of this Article implies the loss of officer's or NCO service.

## **Article 153**

A civilian serving in the Serbian Armed Forces can be pronounced the following disciplinary measures:

- 1) warning;
- 2) salary reduction for the month, in which the measure was pronounced by 5%-20%.

A civilian serving in the Serbian Armed Forces can be pronounced the following disciplinary penalties:

- 1) salary reduction by 5-30% for the period of one to six months;
- 2) prohibition of promotion for the period from one to four years;

- 3) transfer of a civilian serving in the Serbian Armed Forces to a lower pay grade to the same grade of the immediately lower pay group, or transfer of a military appointee to an immediately lower pay group;
- 4) replacement from position or leading duty with prohibition of appointment to such duty for the period of one to four years;
- 5) loss of service.

#### **Article 154**

A conscript, person in the reserve forces while serving in the Serbian Armed Forces and a person attending any other professional training for officers and NCOs can be pronounced the following disciplinary measures:

- 1) warning;
- 2) reprimand;
- 3) prohibition of departure from the barracks or another military facility for the period of 15 days;
- 4) three-shift extraordinary service;
- 5) prohibition of departure from 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.

A conscript, person in the reserve forces while serving in the Serbian Armed Forces and a person attending any other professional training for officers and NCOs can be pronounced the following disciplinary penalties:

- 1) prohibition of promotion to a higher rank for the period up to four years;
- 2) return to the previous rank;
- 3) loss of rank;
- 4) prohibition of departure from special premises in a military facility up to 30 days.

Time spent serving a disciplinary measure and disciplinary penalty pertaining to the prohibition of departure from special premises in a military facility for longer than two days shall not be taken as the time spent doing the conscription period.

#### **Article 155**

A Military Academy cadet can be pronounced the following disciplinary measures:

- 1) warning;
- 2) reprimand;

- 3) prohibition of departure from the barracks or another military facility for the period of 15 days;
- 4) three-shift extraordinary service;
- 5) expulsion from the Military Academy.

Disciplinary measure from Paragraph 1, Item 5 shall imply the loss of rank.

### **Article 155a**

When deciding on responsibility of soldiers, reserve soldiers, the 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 156**

The period of prohibition of the appointment, promotion and appointment and departure from the barracks or another facility is counted from the date of the effectiveness of the decision which states the disciplinary sanction.

### **Article 157**

A disciplinary measure can be pronounced for a disciplinary offence if the social hazard from the violation duty is low because the act is especially mild, or because it was committed with the facilitating circumstances.

### **Article 158**

For the violation of duty prescribed for the Ministry of Defence, another state body or legal entity in which the professional military person is serving or working,

disciplinary sanction pertaining to violation of duty at the workplace in the body in which they have been sent to can be pronounced.

### **Article 159**

Initiation of the disciplinary procedure for the disciplinary misdemeanours becomes obsolete six months from the date of violation of military discipline.

Initiation of the disciplinary procedure for a disciplinary offence and violation of duty prescribed for the Ministry of Defence, other state body or a legal entity shall become obsolete one year of the information received by the immediately superior officer that the disciplinary offence, or violation of duty has been made and the disciplinary procedure cannot be launched if three years have expired from the violation itself.

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.

Disciplinary procedure for milder duty offences becomes obsolete following the expiry of one year from the initiation of the disciplinary procedure and for more serious violations of duty following the expiration of three years from the initiation of disciplinary procedure.

Obsolescence of disciplinary procedure does not include the period during which it is not possible to conduct the procedure for justifiable reasons.

Obsolescence of disciplinary procedure shall incur in any case when the period that is two times longer than the period prescribed in Paragraph 4 of this Article has expired.

### **Article 160**

Obsolescence of the execution of the disciplinary measure shall incur when six months from the date of effectiveness of the decision pronouncing disciplinary measure have elapsed.

Obsolescence of the execution of the disciplinary penalty shall incur when six months from the date of effectiveness of the decision pronouncing disciplinary penalty have elapsed.

Obsolescence of the execution of disciplinary sanction will be terminated with each action of the authority in charge directed towards the execution of the disciplinary sanction.

Obsolescence of the execution of the disciplinary sanction shall incur in any case with the period that is two times longer than the period prescribed in provisions of Paragraphs 1 to 3 of this Article.

### **Article 161**

Responsibility of a professional Serbian Armed Forces member for disciplinary offences and violation of duties prescribed for the Ministry of Defence, other state body or a legal entity to which the professional military person has been sent to service, or work will be determined in the first degree by the first degree military disciplinary courts.

The first degree military disciplinary court shall determine responsibility for a disciplinary misdemeanour if it is determined in the procedure for responsibility for disciplinary offence that a disciplinary offence has not been made but that a disciplinary misdemeanour has been made, i.e. that a disciplinary misdemeanour has been made in addition to the disciplinary offence.

The first degree military disciplinary courts are founded in the Serbian Armed Forces with headquarters in Belgrade, Nis and Novi Sad.

The first degree military disciplinary courts are responsible for disciplinary procedures against professional military personnel deployed outside the Serbian Armed Forces based on location.

### **Article 162**

Higher Military Disciplinary Court shall decide on complaints to the decision of the first degree military disciplinary court.

Higher military disciplinary court is founded within the Ministry of Defence.

### **Article 163**

Permanent composition of the military disciplinary courts consists of: presidents, secretaries and note-takers.

Appointed jury judges who are chosen among officers, NCOs, and military staffers and employees also participate in the work of military disciplinary courts, and are appointed from the list of judges by the presidents of military disciplinary courts.

Presidents of military disciplinary courts, judges of the Higher Military Disciplinary Court and secretaries of the military disciplinary courts have to be officers of legal service who have passed their judiciary exam.

Presidents of the military disciplinary courts and secretaries of military disciplinary courts carry out their duty in a professional manner.

#### **Article 164**

Military disciplinary prosecutor submits the charges proposal and represents the prosecution before the first degree military disciplinary court and higher military disciplinary prosecutor represents the prosecution before the Higher Military Disciplinary Court.

Military disciplinary prosecutors and their deputies have to be officers of legal service who have passed their judiciary exam.

#### **Article 165**

The Defence Minister appoints the presidents of the military disciplinary courts and military disciplinary prosecutors who carry out their duty in a professional manner.

The Defence Minister, at the proposal of the Chief of the General Staff and managers of the Ministry of Defence organizational parts, appoints juror judges of first degree courts and Higher Military Disciplinary Court for the period of two years, and at the proposal of military disciplinary prosecutors appoints their deputies.

Presidents and juror judges of military disciplinary courts cannot be held responsible for their opinion and vote in exercising their jurors' duty.

#### **Article 166**

In the first degree disciplinary procedure the indicted person has to be enabled to orally present his defence.

In the procedure for debate of disciplinary misdemeanour, the indicted person can present his defence in a written manner.

The indicted person can be defended by himself or through a defendant.

The defendant of the indicted person can be a lawyer or a legal expert who has passed judiciary exam serving in the Serbian Armed Forces or the Ministry of Defence.

#### **Article 167**

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.

The complaint shall postpone the execution of the disciplinary sanction.

#### **Article 168**

The President of the Republic of Serbia following the proposal of the Chief of the General Staff can reduce, ameliorate or amnesty any disciplinary sanction within six months since the date of effectiveness of the decision pronouncing disciplinary sanction.

If a disciplinary sanction has been pronounced to a professional military person serving or working in the Ministry of Defence, another state body or legal entity, the Defence Minister is authorized to submit the proposal from Paragraph 1 of this Article.

#### **Article 169**

Professional military person whose service has terminated for the disciplinary penalty of the loss of rank, amelioration or amnesty, enables the return to professional military service and the rank he previously had following his own request.

The request for the return to professional military service can be submitted within three months from the date of delivery of acts on amelioration or amnesty.

It will be considered that the person from Paragraph 1 of this Article has been returned to professional military service on the date of his/her repeated commencement of service.

#### **Article 170**

The President of the Republic of Serbia, following the proposal of the Defence Minister shall more closely regulate disciplinary responsibility, execution of disciplinary sanctions and local competence, organization, composition and work of military disciplinary courts and military disciplinary prosecutors with a regulation, and the provisions of the regulations cannot be contrary to the Law on Criminal Procedure.

### *3. Material responsibility*

#### **Article 171**

The damage done by a Serbian Armed Forces member to third persons in service and in relation with the execution of duty is the responsibility of the Republic of Serbia.

The Republic of Serbia is entitled to request from the Serbian Armed Forces personnel reimbursement of damages paid to third persons in the sense of Paragraph 1 of this Article only if the Serbian Armed Forces member did damage on purpose or out of ultimate negligence.

Under the conditions from Paragraph 2 of this Article the Republic of Serbia is entitled to request reimbursement of future costs from the Serbian Armed Forces personnel who are obliged to reimburse them in instalments based on the effective court decision.

### **Article 172**

The request filed by the person suffering the damage for the Republic of Serbia to reimburse the damage, will be dealt with by a court in charge.

A person to whom the damage has been done can submit a request for reimbursement of damages outside the court trial to public prosecution or another competent body.

If the procedure described in Paragraph 2 of this Article is concluded with a settlement outside the court it has the character of an effective document.

### **Article 173**

Members of the Serbian Armed Forces are obliged to reimburse the damage they caused on purpose or with ultimate negligence during their service to the Republic of Serbia.

### **Article 174**

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 175**

The reimbursement of damage done through violation of military discipline will be decided upon in the disciplinary procedure.

If the amount of the damage cannot be determined until the termination of the disciplinary trial, the competent body shall decide only on disciplinary responsibility and the reimbursement of damage will be dealt with in the reimbursement procedure.

### **Article 176**

A Serbian Armed Forces member can be completely or partly released from the responsibility for the damage that was issued or incurred, i.e. the reimbursement procedure can be terminated if it occurred as a result of compliance with orders issued by a superior officer, under the condition that the Serbian Armed Forces member previously warned him in written way that the execution of order could cause damage.

A Serbian Armed Forces member who is responsible for the damage done with ultimate negligence can be, for justified reason, partially or fully released from the obligation of reimbursement.

It will be considered that there are justified reasons in the sense of Paragraph 2 of this Article if the damage was done during the service or an exercise in the Serbian Armed Forces as a result of considerable strain during the execution of service, storage of goods that is not in accordance with regulations or under the circumstances that would imply that the damage was difficult to avoid.

### **Article 177**

The person responsible for submission of accounts and the manipulator of the Serbian Armed Forces equipment are responsible for the damage on property that has been allocated to them for keeping, except for the cases in which it is proved that the damage was incurred as a result of the third person's fault, or by accident or reasons that cannot be affected.

### **Article 178**

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.

#### *4. Measures of removal from functional duty*

##### **Article 179**

Military pilots, air force technical personnel working on aircraft, military paratrooper personnel, military divers, military personnel in the river units and technical personnel doing duties on boats and other vessels, drivers of military motorboats and other personnel serving in the Serbian Armed Forces on jobs that present a hazard for life and property or health, who violate the service regulations and jeopardize the security of people and property can be pronounced measures of removal from functional duty stipulated in this Law.

##### **Article 180**

Measures of removal from functional duty include:

- 1) prohibition of independent duty for the period of six months;
- 2) prohibition of a particular duty for the period of six months;
- 3) appointment to another duty for the period of one year (transfer to a lower category of aircraft, departure from ship, transfer to a lower category of jobs, distribution to another workplace, etc.).

##### **Article 181**

For the duration of the measure of removal from functional duty pertaining to prohibition of independent performance of certain duties, the Serbian Armed Forces member can do the duty he has been appointed to only under direct supervision of the superior officer in charge.

For the duration of the measure of removal from functional duty of prohibition of independent activity, a Serbian Armed Forces member shall do the duties assigned to him by his superior officer.

For the duration of the measure of removal from functional duty pertaining to deployment to another duty, a Serbian Armed Forces member shall do the duty he has been appointed to.

For the duration of the measure of removal from functional duty, a Serbian Armed Forces member shall undertake expert training for the duty he has been appointed to until the expiration of the measure of removal from functional duty.

##### **Article 182**

Serbian Armed Forces members, to whom the measure of removal from functional duty pertaining to prohibition of certain duty or deployment to another unit has been pronounced have their rights in accordance with the jobs, i.e. duties they have been assigned to.

### **Article 183**

Measures of removal from functional duty that can be pronounced to a Serbian Armed Forces member in accordance with the provisions of this Law shall be pronounced by officers of commands, units or establishments authorized by the Chief of the General Staff.

The Defence Minister shall appoint personnel authorized for issuance of measures of removal from functional to professional military personnel serving or working for the Ministry of Defence or another state body or legal entity.

### **Article 184**

Provisions of this Law on responsibility for disciplinary mistakes are accordingly applied to pronouncement of measures of removal from functional duty, their amelioration or reduction, obsolescence of these measures and complaint procedure.

If it turns out that the reasons that caused the measure of removal from functional duty pertaining to prohibition of independent activity for the period up to six months have been terminated, the officer in charge shall terminate further execution of the pronounced measure.

## **CHAPTER XIV**

### *Loss of rank*

### **Article 185**

A professional military person and person in the reserve forces shall lose rank in the following circumstances:

- 1) if his/her citizenship of the Republic of Serbia has terminated;
- 2) if he/she has been sentenced with the loss of rank in a disciplinary penalty;
- 3) if he/she is sentenced to at least six months' prison sentence – on the date of the verdict's effectiveness.

A person who loses rank shall lose all the rights related to the rank.

### **Article 186**

At wartime the President of the Republic of Serbia can return the rank to person who has lost it for the demonstrated courage or other wartime merits.

## **Article 187**

If, in the case of the loss of rank in accordance with Article 185, Paragraph 1, Items 2 and 3 of this Law in the repeated procedure or following the request for protection of legislation, the procedure is terminated or a liberating verdicts is passed, or a sentence that is milder than the sentence stated in Article 185, Paragraph 1, Items 2 and 3 of this Law is issued, it will be considered that there was no loss of rank.

If the person who has lost rank based on provisions of Article 185, Paragraph 1, Items 2 and 3 of this Law receives the decision on extraordinary amelioration of sentence which ameliorates to the sentence that is milder than the sentences described in these provisions, his/her rank will be returned at his/her own request.

The request from Paragraph 2 of this Article can be submitted within three months from the date of delivery of decision on extraordinary amelioration of sentence.

## **Article 188**

A person whose rank has been returned based on the provisions of Article 186 and Article 187, Paragraph 2, of this Law can be admitted to professional military service in accordance with the provisions of this Law.

## **PART THREE**

### **CHAPTER XV**

#### **Intermediary and final provisions**

## **Article 189**

On the date of this Law's entry into force, professional military personnel shall be transferred to their current rank.

Rights and duties stipulated for officers in accordance with their ranks stated in Article 22, Paragraph 1, and Item 3 of this Law pertaining to officers with appropriate ranks as follows: lieutenant – corvette lieutenant, captain – frigate lieutenant, major – corvette captain, lieutenant colonel – frigate captain, colonel – navy captain, brigade general – commodore, major general – rear admiral, lieutenant general – vice admiral and general – admiral.

An officer of the rank of the first class captain or navy lieutenant who was in service at the time when this Law entered into force and who has graduated from the Military Academy, and who has appropriate university education, shall be transferred to the rank of a major, or corvette captain and the time needed for his regular promotion to the rank of a lieutenant colonel should be increased by the period that would be needed for his promotion to major's rank.

An officer of the rank of the first class captain or navy lieutenant who was in service on the date of this law's entering into force and who has not graduated from the Military Academy, i.e. who does not have appropriate university education shall be transferred to the rank of a captain or frigate lieutenant.

On the date of this Law's entry into force, an NCO of the rank of a first class sergeant shall be transferred to the rank of a senior sergeant.

Transfer to the ranks from Paragraph 2 of this Article to the appropriate ranks prescribed in Article 22, Paragraph 1, Item 3 of this Law shall be conducted by the year 2011.

Transfer to the ranks from Paragraphs 3 to 5 of this Article shall be conducted within 30 days of the date of this Law's entry into force.

### **Article 190**

Personnel who have military insurance and who have fulfilled their social insurance rights shall continue to use the rights of their social insurance in accordance with the law that enabled them these rights.

### **Article 191**

Until the regulations on pension and invalid insurance of the users of military insurance have been passed, the pension base for calculation of military pension of a military insured person whose service terminates with the right to pension following this Law's entry into force shall be the monthly salary without taxes and contributions for a full time job, which the military insured person is entitled to in the month in which his service terminates.

### **Article 192**

An officer's or an NCO's service terminates with his/her right to pension before the fulfilment of the general terms for the age pension, if he/she has fulfilled at least 20 years of years of service required for pension in total, and at least 10 years in the capacity of professional military personnel if the service needs resulted from the organizational- mobilization changes in the Serbian Armed Forces in accordance with this Law.

On the date of this Law's entry into force, and until the regulations on pension and invalid insurance of military insured persons have been passed, an officer or an NCO whose service in the Serbian Armed Forces terminates following this Law's entry into force in accordance with provisions from Paragraph 1 of this Article is entitled to pension amount which is, with 20 years of service, 55% of the pension base for men and 57.5% of the pension base for women.

For each completed year of pension service over 20 years the pension is increased by 2.5% of the pension base until 30 years of pension service have been completed.

For each year above 30 years of service the pension will be increased by 0.5% of pension base and it can be 85% of the pension base at the most.

### **Article 193**

Adjustment of pension for users of military insurance that has been fulfilled before the date of this Law's entry into force and pensions fulfilled following this Law's entry into force shall be conducted in accordance with dynamics and method defined in the law on pension and invalid insurance.

The Serbian Government shall pass an act that will stipulate the method, procedure and dynamics of payment of due, and unpaid liabilities to the military pensions beneficiaries resulting from regulations on pension and invalid insurance of military beneficiaries before this Law's entry into force.

### **Article 194**

On the date of this Law's entry into force, civilians serving in the Serbian Armed Forces shall become military employees and staffers.

Service of a person failing to accept the transfer in accordance with the provision of Paragraph 1 of this Article shall be terminated within 60 days from the date of this Law's entry into force.

The service in the Serbian Armed Forces shall be terminated for a professional Serbian Armed Forces member who does not have citizenship of the Republic of Serbia and unless he/she submits a request for the citizenship of the Republic of Serbia within 60 days from the date of this Law's entry into force.

Within 30 days from the date of this Law's entry into force, the Defence Minister shall pass the regulation defining the procedure for transfer of personnel from Paragraph 1 of this Article.

### **Article 195**

Conditions, method and procedure of transformation of military facilities dealing with industrial and service activities, i.e. do business based on the principle of gaining and distributing incomes, and rights and duties of civilian personnel serving in the Serbian Armed Forces employed in these facilities shall be determined by the Government, before the completion of the transformation.

Until the regulations from Paragraph 1 of this Article enters into force, civilians serving in the Serbian Armed Forces who have been employed in military facilities dealing with industrial and service activities, i.e. do business based on the

principle of gaining and distributing incomes, shall retain rights and obligations of the working relations in line with the Law on the Yugoslav Armed Forces.

#### **Article 196**

Regulations on implementation of this Law shall be passed within 90 days from the date of this Law's entry into force.

Regulations passed for the implementation of the Law on the Yugoslav Armed Forces shall continue to be implemented unless they are contrary to the provisions of this Law, as long as appropriate regulations for implementation of this Law have been adopted.

#### **Article 197**

On the date of this Law's entry into force, the Law on the Yugoslav Armed Forces ('Official Gazette of the FRY', number 43/94, 28/96, 44/99, 74/99, 3/02, and 37/02 and the 'Official Gazette of Serbia and Montenegro', number 7/05 and 44/05) shall cease to be valid.

Until the adoption of regulations on conscription, social, health and pension and invalid insurance of professional military personnel, the following provisions of the Law on the Yugoslav Armed Forces shall remain in effect: provisions on manning of reserve forces (Articles 26 and 27), provisions on rights to prolonged insurance and severance payment for termination of employment (Articles 59 and 59a), Chapter XV - Health insurance (Articles 211-239) and Chapter XVI – Pension and invalid insurance (Articles 240-260 and Articles 262-278) and Chapter XVII – Military obligation (Articles 279-336) and Chapter XIX – Punitive provisions (Articles 340-345).

#### **Article 198**

This Law shall enter into force on 1 January 2008.