

LAW ON STATE BORDER PROTECTION

I. BASIC PROVISIONS

Scope of the Law

Article 1

This Law regulates state border protection, organization and method of protection.

State border protection pursuant to this Law is control over crossing of the state border (hereinafter referred to as the border control) and providing the state border security in order to:

- 1) secure inviolability of the state border;
- 2) prevent and detect criminal offences and detect and apprehend the perpetrators thereof;
- 3) protect life and health of people and environment;
- 4) prevent illegal migration.

Meaning of terms

Article 2

For the purpose of this Act the following terms shall have the following meanings:

- 1) The state border is the imagined vertical plane that passes with the border line on the Earth's surface and separates the territory of the Republic of Serbia, its land, inland waters, airspace and subsurface from that of other states. For the purpose of the state border control state border shall be zones of the border crossing points at airports and ports that handle international traffic;
- 2) border line is a marked or imagined line on the Earth' surface along which stretches the state border;
- 3) border crossing point is the place designated for crossing of the state border;
- 4) temporary border crossing point is the place designated for temporary crossing of the state border;
- 5) the area of the border crossing point is the marked area where control over crossing the state border is conducted, and other control stipulated by law, public road section in this area as well as facilities, installations and equipment necessary for reasonable and safe traffic across the state border and control;
- 6) state border security includes measures, activities and powers implemented along the state border, between the border crossing points and at border crossing points outside working hours in order to prevent illicit crossing of the state border and protection of its inviolability;
- 7) integrated border management includes regulated cooperation of all services present at the border crossing points (intra-service and inter-agency cooperation as well as international cooperation), and other state bodies and institutions, with the aim of achieving openness of the border for movement of persons and trade, and closeness of borders for all criminal and other activities which jeopardize stability in the region;

- 8) border police is organizational unit of the Ministry of Interior, which directly performs tasks of state border protection;
- 9) violation of the state border, i.e. border incident, is each disturbance of inviolability of the state border, which is not in conformity with the regulations of the Republic of Serbia on state border protection and international agreements, committed or incurred in the territory of the Republic of Serbia as a result of activities of a state authority or other person, i.e. activities that are from the territory of a foreign state committed by the officers of the state and local authorities and other persons of this state;
- 10) operator is a legal or natural person, which as owner or operator manages the airport, port, railway station and infrastructure which is constituent part of the mentioned facilities.

II. AUTHORITIES COMPETENT FOR CONDUCTING STATE BORDER PROTECTION

Competence

Article 3

Border control and state border protection tasks are performed by the Ministry responsible for internal affairs (hereinafter referred to as the Ministry) and other state administrative authorities in compliance with competences determined by law.

Integrated border management

Article 4

Authorities which perform tasks from Article 3 of the Law must coordinate their activities, cooperate and mutually help each other in performing tasks under the competence and scope of work of these authorities, in compliance with certain procedures and principles determined by the Integrated Border Management Strategy in the Republic of Serbia.

Border police

Article 5

Border police performs tasks of state border protection in compliance with the competence determined by this Law.

Method for performing tasks referred to in paragraph 1 of this Article is determined by the minister responsible for interior affairs.

Powers, measures and activities

Article 6

In performing tasks from Article 5 of this Law a border police officer (hereinafter referred to as the police officer) shall use police powers as well as measures and perform activities stipulated by law as follows:

- 1) performs checks of travel documents or other necessary documents prescribed for crossing of the state border;
- 2) establishes identity of persons and makes identity checks in specified records;

- 3) in the event of suspicion regarding identity, i.e. validity of a travel document or other document prescribed for crossing of the state border, takes fingerprints and palm prints as well as other biometric data of persons;
- 4) checks if a person fulfills entry/exit requirements for travel to the Republic of Serbia;
- 5) verifies crossing of the state border, i.e. enters into the travel document or other document prescribed for crossing of the state border data on entry/exit as well as data on denied entry into the country, data on bringing into and transit of weapons and ammunition, and other relevant data
- 6) checks purpose of travel of persons;
- 7) if check of persons cannot be performed in any other way, persons are submitted to examination and search;
- 8) detains a person for the time necessary to perform the check and ensures proper, unhindered and quick control;
- 9) requests that persons who cross the state border show items and objects which they carry with them or in the vehicle, and examines these items and objects;
- 10) checks the interior and exterior of the vehicle and performs specified record checking, in the event of suspicion that the person who is crossing the state border is transporting in his/her vehicle hidden persons, i.e. items and objects whose taking in or taking out from the Republic of Serbia is banned or under special regime, in order to establish identity of these persons, prevent illegal crossing of the state border and find items and objects;
- 11) if search of all parts of the vehicle is necessary, dismantles individual parts of the vehicle;
- 12) installs and uses technical devices, uses working dogs and sets up barriers to prevent illegal crossing of the state border.

Use of powers

Article 7

When performing state border protection tasks a police officer may use only powers, measures and activities for attaining lawful purposes.

When using powers, measures and activities a police officer must not cause damage disproportionate to set objective of their use.

Powers, measures and activities may be applied by a police officer only until the objective for which they have been employed is achieved or until it is established that the objective cannot be achieved by employing this particular power or ordered measure.

Border control by customs authorities

Article 8

The Government may determine at proposal of the Ministry that at some border crossing points for frontier traffic border control is performed by the state administrative authorities responsible for customs affairs, for economic reasons and if it is not contrary to safety reasons.

When border control is performed by officers of the state administrative authority responsible for customs affairs, border police give them work instructions and offer expert help.

Control outside the zone of a border crossing point

Article 9

Border police may perform control of persons, vehicles and objects, in accordance with this Law, on public roads and facilities important for border traffic in the place where the border crossing point is found and other places between border crossing points, on access roads along the state border, for preventing and detecting illegal migration and repressing cross-border criminal activities.

Tasks referred to in paragraph 1 of this Article are performed for security reasons on the basis of police knowledge of the competent services of the Ministry or information of other state authorities or competent security services with the aim of detecting and apprehending perpetrators of the mentioned criminal offenses.

III. CROSSING OF THE STATE BORDER

Crossing of the state border at a border crossing point

Article 10

Crossing the state border shall mean any movement of people across the state border.

The state border may be crossed, as a rule, only at border crossing points with valid travel document or other document prescribed for crossing of the state border, in the time specified for traffic at the border crossing point and in a manner in compliance with the purpose of the border crossing point.

Crossing of the state border outside a border crossing point

Article 11

The state border may be crossed outside a border crossing point in case of force majeure or if it is provided by an international agreement.

The state border may be crossed anywhere and anytime in case of force majeure. Persons crossing the state border because of force majeure must inform the border police thereof without delay, i.e. as soon as the reasons for such crossing of the state border cease to exist.

Cross-border permit

Article 12

The Border police may issue, given a justified interest in compliance with the international agreement, i.e. with consent of the competent authority of the neighbouring state, in agreement with the competent customs office, at request of a group of persons or individuals, cross-border permit for crossing of the state border outside a border crossing point, i.e. for crossing of the state border at a border crossing point outside laid down modes of border crossing and outside operating hours of the border crossing point.

Cross-border permit is issued to certain persons and is valid up to one year.

Cross-border permit shall be taken away in case of abuse or if reasons for its issuance cease to exist.

Cross-border permit application form, cross-border permit form, method and terms of issuance are determined by the minister responsible for internal affairs.

Border crossing point types

Article 13

Border crossing point is a place designated for crossing of the state border in road, rail, air and water traffic, where the border control is performed constantly, seasonally or temporarily.

Border crossing points may be open for international or frontier traffic.

The Government designates border crossing points, time and method of crossing of the state border, which is regulated with the neighbouring state by international agreement.

Terms and procedure for opening, closing and recategorization of border crossing points are determined by the Government.

Border crossing points for international and local traffic

Article 14

Border crossing point for international traffic is a place designated for crossing of the state border by citizens of the Republic of Serbia and foreign nationals.

Border crossing point for local traffic is a place where the citizens of the Republic of Serbia from a certain territory of the Republic of Serbia cross the state border to sojourn in a certain zone of the neighbouring state, i.e. through which the nationals of the neighbouring state from a certain territory of this state cross the state border to sojourn in a certain zone of the Republic of Serbia, in compliance with the international agreement.

Temporary border crossing point

Article 15

Temporary border crossing point may be designated by decision of the minister responsible for internal affairs, with consent of the ministers responsible for financial and foreign affairs and competent authority of the neighbouring state, if it is necessary for implementation of short-term events and activities: cultural, scientific, sport, religious and tourist, for performing agricultural works, economic activities and other activities in compliance with the international agreement, performing of natural disaster exercises as well as redirection of traffic across the state border.

Decision referred to in paragraph 1 of this Article specifies time, method and other terms for crossing of the state border.

Temporary border crossing point may be open for a period up to three months within one calendar year, and if it is opened for performing agricultural works - for the period while these works are performed, i.e. while justified interest exists.

Terms and procedure for issuing of the decision referred to in paragraph 1 of this Article are determined by the Government.

Zone of a border crossing point

Article 16

All border crossing points must be provided with a zone required for conducting border checks with facilities necessary for effective and safe traffic.

Zone of a border crossing is designated by decision of the Ministry with consent of the competent state administrative authorities which perform border checks.

At common locations of border crossing points, zone of a border crossing point with a neighbouring state is determined in accordance with international agreement.

Arrangement and equipment of a border crossing point

Article 17

A border crossing points must be arranged and equipped in compliance with the terms determined by the Government and international standards, to enable safe implementation of border checks.

Operators of airports, ports or railway stations where international traffic takes place, must fulfill conditions so that the border checks are performed in an unhindered manner in compliance with provisions of the Law.

Operator of an airport referred to in paragraph 2 of this Article must provide appropriate facilities that enable differentiation between international-flight passengers and other passengers, as well as facilities for foreign nationals who do not fulfill entry requirements in compliance with special law.

The costs of arrangement, equipping and current maintenance of border crossing points, except for the costs for those border crossing points which shall be borne by the operators, shall be financed from the Budget in a manner determined in detail by the Government.

Mutual relationships regarding the use of space and facilities for conducting border checks between the operators and the border control authorities are regulated with agreement.

Marking a border crossing point and its zone

Article 18

A border crossing point and its zone shall be marked by prescribed warning and supplementary signs, which may be, beside in language and script in official use, in Latin script and in foreign language.

Form, content and method of installation of the warning and supplementary signs referred to in paragraph 1 of this Article shall be determined by the minister responsible for internal affairs.

The installation of the warning and supplementary signs referred to in paragraph 1 of this Article, at request of the Ministry, is performed and they are maintained by the state administrative authority responsible for regulation of the traffic system.

Notwithstanding paragraph 3 of this Article, the installation of the warning and supplementary signs at a border crossing point and its zone at airports, ports and

railway stations, at request of the Ministry, is performed and they are maintained by the operators.

Performing works in the zone of a border crossing point

Article 19

Construction, installation of facilities, change of their purpose as well as installation of utilities, equipment and devices in the zone of a border crossing point must not hinder conducting of border checks and implementation of safety measures at the state border.

Investor or designing office must provide the Ministry's consent for the works referred to in paragraph 1 of this Article.

The consent referred to in paragraph 2 of this Article shall not be issued if such works hinder border control and implementation of safety measures at the state border.

Movement and stopping in the zone of a border crossing point

Article 20

Movement and stopping in the border crossing zone shall only be permitted for persons who intend to cross the state border or who have already crossed it and remain at the border crossing point due to border checks, as well as for the employees at the border crossing point and other persons with prescribed permit.

Persons whose movement and stopping in the zone of a border crossing point is allowed, must act according to orders and instructions of police officers.

Permits for movement and stopping in the zone of a border crossing point

Article 21

Permit for movement and stopping in the zone of a border crossing point is issued by the border police.

Permit for movement and stopping of persons which perform activity on permanent basis in the zone of a border crossing point is issued with a validity period up to two years which can be extended.

For performing temporary activity, and when it is necessary to enable movement and stopping in the zone of the border crossing point for a short period of time, temporary permit is issued with a validity period up to 60 days.

Permit for movement and stopping in the zone of the border crossing point may be issued also to other persons with a justified reason.

Form of the permit for movement and stopping in the zone of a border crossing point and the method of its issuance are determined by the minister responsible for internal affairs.

Application for permit, rejection of application and withdrawing of the permit

Article 22

Permit is issued at written request of the operator or other employer who employs the person to whom the permit is issued, i.e. at request of the shipmaster, aircraft captain or train chief.

Permit from Article 21 of this Law shall not be issued, i.e. it shall be taken away if it is required for conduct of criminal proceedings or misdemeanour proceedings, prevention of contagious diseases or safety reasons.

Appeal against the decision referred to in paragraph 3 of this Article does not stay the execution of the decision.

Identification card

Article 23

Persons to whom permit from Article 21 of this Law is issued must wear their identification card in plain sight while they are staying in the zone of a border crossing point.

Identification card model and the method of its issuance are determined by the minister responsible for interior affairs.

The costs for issuing of the identification card referred to in paragraph 1 of this Article are borne by the operator or other employer who employs the person to whom the identification card is issued.

IV. BORDER CONTROLS

Term

Article 24

Border controls includes control of persons and travel documents, control of vehicles and control of objects performed in the zone of a border crossing point related to the intended crossing of the state border or immediately after crossing of the state border, and other control of flow of people, goods, services, vehicles, animals and plants across the state border stipulated by law.

Place for performing border controls

Article 25

Border controls and other control prescribed by this Law and other laws are performed in the zone of a border crossing point.

Under conditions prescribed by this Law, border controls may be performed outside the zone of a border crossing point in trains, aircrafts, vessels, and if requested for particularly important reasons by the requesting party - in other places as well, and the costs for such control are borne by the requesting party.

Notwithstanding provisions of paragraph 1 of this Article, border controls on trains and vessels in international traffic may be performed during their movement outside the zone of a border crossing point, in accordance with international agreement.

Border control or part of this control, if it is in compliance with international agreement, may be performed in the territory of another state.

Obligations of a person who is crossing the state border

Article 26

A person who is crossing or who has already crossed the state border must present during a border control to a police officer valid document for crossing of the state border and submit to a border control. This person must not leave the zone of the border crossing point until the border control is completed.

The person referred to in paragraph 1 of this Article must explain to the police officer conducting the border control any circumstances relevant to crossing of the state border, and must act according to the instructions and orders given by the police officer.

Control of the vehicle and objects

Article 27

The user of the vehicle and objects must be present during their inspection and examination.

If the person referred to in paragraph 1 of this Article asks for a certificate on performed inspection and examination of the vehicle and objects, the police officer must issue a certificate.

Procedure with found objects

Article 28

When the police officer during control of persons, objects or vehicle finds objects, which must be seized according to provisions of the law which regulates criminal or misdemeanour proceedings, or objects that are necessary for conducting these proceedings, proceeding shall be continued in accordance with provisions of these laws.

Found objects that are not subject of criminal or misdemeanour proceedings, and are under the competence of custom or other state authorities, shall be left to these authorities for further procedure.

Minimum border control

Article 29

If due to specific circumstances a border control cannot be performed in its entirety because, in spite of the use of all personnel and organizational capacities, unacceptable waiting periods for the crossing of the border or other unacceptable deviations in traffic at the border crossing point might occur, the border police may temporarily order the partial suspension of border controls.

During performing border control referred to in paragraph 1 of this Article the border police must apply minimum border control measures, which include identity control and reliable validity control of persons who are crossing the state border.

Police officer responsible for the organization and management of border controls shall lay down priority objectives of border controls that must be adapted to concrete safety conditions so that the border control is effective to the highest possible level.

When laying down priority objectives of border controls, entry border controls have priority over exit border checks.

Border police shall inform on measures undertaken according to paragraph 1. of this Article the border crossing point of the neighbouring state.

Verification of crossing of the state border

Article 30

If the international agreement does not stipulate otherwise, crossing of the state border of the Republic of Serbia is verified with stamp, as follows: to the citizens of the Republic of Serbia - upon exiting the Republic of Serbia, and at their request - also upon entering the Republic of Serbia; and to foreign nationals - only upon entering the Republic of Serbia.

The police officer is obliged to issue a certificate to persons who cross the state border with identification card, at their request, as proof of entering, i.e. exiting the country.

Appearance and contents of the stamp referred to in paragraph 1 of this Article and form of the certificate referred to in paragraph 2 of this Article as well as the method of entering data on denied entry and other relevant data into the documents prescribed for crossing of the border, are determined by the minister responsible for internal affairs.

Bringing weapons and ammunition into and taking them out of the country

Article 31

Persons crossing the state border may bring into or take out those types of weapons and ammunition, which according to law may be procured, kept and carried in the Republic of Serbia, under condition to declare such weapons to the police officer when crossing the state border.

Non-declared weapons and ammunition are seized at the border crossing point and handed over to the competent authority for further procedure.

Article 32

Members of foreign military, police and other security services who come on an official visit to the Republic of Serbia, and who according to regulations of their country carry short-barrel weapons or these weapons are constituent part of their uniform, with previous written announcement to the Ministry, may enter the Republic of Serbia in their uniforms with weapons, i.e. they may bring their weapons and keep it and carry it during their stay in the Republic of Serbia.

Members of foreign security services accompanying and protecting a representative of a state, i.e. representatives of institutions or representatives of international organizations during transit or visit to the Republic of Serbia, may bring into and take out short-barrel weapons and ammunition only with approval of the Ministry. The approval is time-limited by length of stay of the representatives who these services are accompanying and protecting, and in the approval may be stated special entry requirements.

The approval referred to in paragraph 2 of this Article is issued fee free on the form prescribed by the minister responsible for internal affairs.

Weapons brought for hunting purposes or in transit

Article 33

Persons crossing the state border or in transit across the territory of the Republic of Serbia for hunting purposes, must declare when crossing the state border weapons and ammunition they carry with them.

Approval for keeping and carrying hunting weapons during hunting in the Republic of Serbia as well as approval for transit of hunting weapons across the territory of the Republic of Serbia are issued by border police.

Weapons and ammunition of shooting sports organizations

Article 34

Members of shooting sports organizations who travel abroad in a group or individually to take part in shooting sports competitions or preparations for such competitions, may carry across the border weapons and ammunition for such purposes on the basis of the approval issued by the Ministry.

For members of foreign shooting sports organizations, who come to the Republic of Serbia to take part in shooting sports competitions or for preparations for such competitions, provision of paragraph 1 of Article 33 of the Law is applied.

Weapons and ammunition referred to in paragraphs 1 and 2 of this Article may not be carried through border crossing points open for frontier traffic.

Obligations of the person who drives a vehicle

Article 35

A person who drives a vehicle when crossing the state border must observe all signs, instructions and orders of the police officer, to agree, i.e. to pull over the vehicle in a certain area of the border crossing point where control is performed, and is not allowed to leave the area with the vehicle until control is performed

Upon performed control, the person who drives a vehicle with which he/she shall cross the state border, must leave the zone of the border crossing point.

Obligations of operator, owner and user of mean of transport

Article 36

Operator, owner, user of mean of transport, i.e. person who drives a vehicle, must provide during border control at a border crossing point, i.e. in a mean of transport, conditions necessary for performing border control.

Operator, i.e. shipmaster, driver of a motor vehicle and other person who drives a vehicle, must ensure that the passengers do not leave the vehicle and the zone of the border crossing point before performed control prescribed by this Law, i.e. that upon performed control other persons do not get on board or get off.

Border control of persons in transit in international air traffic

Article 37

Border control prescribed by this Law is not performed on persons in transit across the territory of the Republic of Serbia in international air traffic, if upon aircraft landing at the airport open for international traffic they continue their travel without

any unnecessary delay, and during that time do not leave the aircraft or if they spend that time in special airport premises for transit passengers.

Train stopping in international traffic

Article 38

A train in international traffic which enters, i.e. exits from the territory of the Republic of Serbia, must not stop in the railroad section between the border line and the zone of a border crossing point, except in the event of force majeure or when it is necessary for regulating railroad traffic.

If a train in international traffic, which is entering, i.e. which is exiting the territory of the Republic of Serbia, due to force majeure or emergency reasons, stops in the railroad section between the border line and the zone of a border crossing point, railroad staff must ensure that passengers do not leave the train, i.e. that other persons do not get on board, and to inform immediately the border police of train stopping.

Border crossing point for international river traffic

Article 39

A vessel in international traffic on inland waters of the Republic of Serbia, where international navigation regime is applied, must cross the state border at a border crossing point open to international river traffic.

Docking of vessels in international traffic outside an authorized border crossing point

Article 40

Docking of vessels in international traffic outside an authorized border crossing point for water traffic, except in the event of force majeure, is approved by the competent captaincy with consent of the border police and competent customs office.

Shipmaster of the vessel referred to in paragraph 1 of this Article, who due to force majeure docks the vessel outside an international border crossing point, must inform immediately on the place of docking the nearest frontier police directorate, i.e. police station.

Embarking and debarking in international river traffic

Article 41

Persons who come to the Republic of Serbia with vessels or go abroad from the Republic of Serbia, may embark, i.e. disembark only at a border crossing point for international water traffic, unless otherwise provided by international agreement.

Shipmaster in international traffic may not allow on the vessel nor embark persons without valid document prescribed for crossing of the state border nor disembark or disembark persons outside a border crossing point, except for rescue purposes.

Embarking and disembarking of persons outside a border crossing point in the case referred to in paragraph 2 of this Article the shipmaster in international traffic must immediately report to the nearest frontier police directorate, i.e. police station.

Obligations of a shipmaster in international traffic

Article 42

Upon arrival from abroad or before departure a shipmaster in international traffic must give to the border police a copy of the list of crew members and the list of passengers on the vessel, unless otherwise provided by international agreement, and provide the inspection of their documents prescribed for crossing of the border.

Upon arrival into the port a shipmaster must report to the border police all persons found on the vessel without documents prescribed for crossing of the state border as well as persons who embarked on the vessel without the shipmaster's approval.

Shipmaster must not allow that the person, referred to in paragraph 1 of this Article, or the person, to whom admission to the Republic of Serbia is denied, debarks in the port without approval of the border police.

Sojourn expenses and travel expenses for persons referred to in paragraphs 2 and 3 of this Article, to whom admission to the Republic of Serbia is denied, but who embark in the port without approval of the border police, are borne by the shipmaster.

Yachts' and boats' movement regime

Article 43

Upon crossing the state border foreign leisure and sports yachts and boats may move, stop and dock in inland waters of the Republic of Serbia where international navigation regime is applied with the approval of the competent captaincy.

Approval referred to in paragraph 1 of this Article is issued with a validity period up to 30 days.

Provisions of Article 42 of this Law are also applied for crew members and passengers on foreign leisure and sports yachts and boats.

Aircraft movement along the border line

Article 44

Air routes may not be determined along the border line.

For civil aircraft flights in air space of the Republic of Serbia, found 300 meters from the border line, approval of the border police is necessary.

Landing of an aircraft outside the zone determined for international air traffic

Article 45

Aircraft captain in international traffic who due to force majeure or emergency reasons lands the aircraft outside the zone determined for international air traffic, must immediately inform the nearest police directorate, i.e. police station on such aircraft landing.

Reporting on personal data and travel documents of passengers in international air traffic

Article 46

At request of the border police, air carrier in the international air traffic must submit personal data and data on travel documents of transported passengers to the border police before landing of the aircraft at the airport.

Persons who do not fulfill entry requirements for the territory of the Republic of Serbia, are returned to starting destination at the expense of the air carrier referred to in paragraph 1 of this Article.

Permit for movement and stopping in the zone of an inhabited place where the border crossing point is found

Article 47

To the crew member of the foreign vessel, train or aircraft, who does not have the necessary visa, during stopping of the vessel, train or aircraft in the zone of a border crossing point, i.e. port, permit for movement and stopping in the zone of an inhabited place where the border crossing point, i.e. port is found, may be issued.

Permit referred to in paragraph 1 of this Article, at written request of the shipmaster, train chief or aircraft captain, is issued by the border police during stopping of the vessel, train or aircraft, with a validity period up to 30 days.

Form of the permit referred to in paragraph 1 of this Article is determined by the minister responsible for internal affairs.

V. STATE BORDER SURVEILLANCE

Article 48

State border surveillance includes measures, activities and powers implemented along the state border, between the border crossing points and at border crossing points outside working hours in order to prevent illicit crossing of the state border and protection of its inviolability.

Article 49

State border surveillance may include use of technical devices, including electronic means.

VI. DETERMINING, MARKING AND ARRANGING THE STATE BORDER

Determining the state border

Article 50

State border is determined by international agreement.

Preparation for entering into international agreements on demarcation and determining of the state border is performed by the ministry responsible for foreign affairs and other state authorities, according to method laid down by the Government in cooperation with competent authorities of the neighbouring states, in compliance with the law.

Marking of border line

Article 51

Border line is marked by border signs.

Type, form and installation method of border signs are specified by international agreement

Tasks of measurements, marking, restoring and maintaining of border signs at the state border are performed by the state administrative authority responsible for measurement and cadastral affairs.

Marking of the vicinity of the state border

Article 52

If the course of the border line is not sufficiently clear, the vicinity of the border line must be marked on roads and other communication links by special warning signs and signaling drawing attention to the vicinity of the border line.

Special warning signs and signaling referred to in paragraph 1 of this Article, at request of the border police, are installed and maintained by the state administrative authority responsible for arrangement and security of the traffic system.

Affixing or placing other warning signs or signaling on special warning signs and signaling referred to in paragraph 1 of this Article as well as any other warning sign or signaling that obscure visibility of warning signs and signaling drawing attention to the vicinity of the border line, shall be prohibited.

Form, contents and installation method of warning signs and signaling are determined by the minister responsible for interior affairs.

Article 53

Land owner or operator must enable free access for installation and maintenance of prescribed signs in the zone of a border crossing point.

Maintenance of the border line

Article 54

If on the basis of the international agreement the border line must be free of trees, bushes and other vegetation reducing the visibility of border markings or the course of the border line, and unless otherwise provided by the international agreement, the state administrative authority responsible for land surveying shall be responsible for ensuring visibility.

State border violations

Article 55

State border violations, i.e. border incidents are determined by the Ministry.

State border violations, i.e. border incidents are solved in accordance with international agreement, i.e. by diplomatic tools if there is no international agreement.

Method of determining state border violations and border incidents is prescribed by the minister responsible for interior affairs.

Prohibiting cultivation of certain crops

Article 56

In order to keep the visibility of the border line, the minister responsible for internal affairs may prohibit sowing of certain crops, i.e. planting of certain fruit-trees and trees and other vegetation, 100 m from border line, and if it is required due to security reasons - at an even greater distance.

In the case referred to in paragraph 1 of this Article the land owner, i.e. operator is not entitled to compensation.

Prohibition or limitation of certain activities along the border line

Article 57

Due to security reasons the Government may prohibit or limit navigation, hunting, fishing, flights by aircraft or other flying devices, movement, stopping or inhabiting in certain territories of the Republic of Serbia along the border line. The prohibition or limitation may last as long as the grounds for which they have been introduced.

Hunting in the territory of the Republic of Serbia in the zone 300 meters from the border line must be announced in writing to the border police, competent according to place of the intended hunting, 48 hours before the hunting starts, and the end of the hunting activity must be immediately reported as well.

Fishing in the water surface area, which constitutes a border with the neighbouring state, which is performed by use of a vessel, must be announced in writing to the border police, competent according to the place of the intended fishing, at the latest 24 hours before the fishing starts, and the end of the fishing activity must be immediately reported as well.

Adopting spatial and urban plan in the area along the border line

Article 58

When in compliance with special law spatial and urban plans are adopted, which relate to an area within 300 m from the border line, in the procedure for adoption of these plans consent of the Ministry is necessary.

Consent for adoption of spatial and urban plans referred to in paragraph 1 of this Article shall not be issued if the mentioned spatial planning would endanger security and visibility of the border line.

VII. INTERNATIONAL BORDER COOPERATION

Article 59

International border cooperation includes activities of the border police in the territory of a foreign state, cooperation with the foreign border services, exchange of liaison officers and exchange of information, i.e. activity of the foreign border police in the territory of the Republic of Serbia.

International cooperation referred to in paragraph 1 of this Article is implemented pursuant to international agreement.

Article 60

When a police officer within international border cooperation performs certain activities related to state border protection in the territory of other state, the police officer shall use powers, measures and activities from Article 6 of this Law, except the ones contrary to international agreement.

VIII. RECORDS

Collection of personal data

Article 61

With the purpose of more efficient performing of state border protection tasks, the border police is authorized to collect personal data from persons subject to exercise of powers of the border police, and to enter these data into records and process them.

In order to keep the records determined by this Law, the border police is authorized to collect personal data from persons referred to in paragraph 1 of this by applying technical and other means.

Technical and other means referred to in paragraph 2 of this Article are devices and other technical means used with the aim of searching, determining identity and detecting and apprehending perpetrators of criminal offenses and misdemeanors during state border protection, by photographing, recording and video surveillance. The aforementioned devices may be automatic.

Devices referred to in paragraph 3 of this Article, when installed in the zone of the border crossing points, must be installed in a visible place and visibly marked with a warning sign.

Regulation on installation and use of devices and other technical means referred to in paragraph 3 of this Article is adopted by the minister responsible for interior affairs.

Recordings of personal data collected with the help of devices and means referred to in paragraphs 2 and 3 of this Article shall be destroyed within five years from the date of recording, unless they are required for persecuting a criminal offence or misdemeanour.

Record types

Article 62

Border police must keep records of the following persons:

- 1) persons subject to border control;
- 2) persons that are denied crossing of the state border;
- 3) persons subject to identification procedure;
- 4) persons to whom permits were issued from Articles 12, 21 and 47 of this Law;
- 5) persons whose application for permit issuance was rejected or their permit was taken away in compliance with paragraph 2 of Article 22 of this Law;
- 6) members of foreign security services, to whom approval was issued to enter the Republic of Serbia, i.e. whose entry into the Republic of Serbia was announced;

- 7) persons to whom identification cards were issued for movement and stopping in the zone of the border crossing point;
- 8) persons who violated the state border;
- 9) persons who announced hunting activities, i.e. fishing activities along the border line;
- 10) persons who applied for consent on harmonization of the master design, i.e. general design from Article 19 of this Law;
- 11) persons to whom consent from Article 19 of this Law was issued;
- 12) persons to whom approval for bringing into, carrying and taking out of weapons and ammunition was issued.

Contents, method and terms for keeping data in the records referred to in paragraph 1 of this Article are determined in detail by the minister responsible for interior affairs.

Article 63

Personal data from the records kept pursuant to Article 62 of this Law may be given to other authorities in compliance with the law, and to the authorities of foreign states under conditions determined by international agreement.

IX. PENAL PROVISIONS

Article 64

A fine of 100,000 to 1,000,000 dinars shall be imposed on a legal entity committing an offence:

1) If it constructs and installs, without consent of the Ministry, facilities, installations, equipment and devices in the zone of a border crossing point (paragraphs 1 and 2 Article 19 of this Law);

2) If it fails to submit to the border police written application for issuing a permit for movement and stopping at the border crossing point for its employee, before the employee begins to work in the zone of a border crossing point (paragraph 1 Article 22 of this Law);

3) If it fails to provide identification card for the employee who has a permit for movement and stopping in the zone of a border crossing point (paragraph 1 Article 23 of this Law);

4) If its vehicle leaves the zone of the border crossing point before executed border control prescribed by this Law (paragraph 1 Article 35 of this Law);

5) If it fails to provide during performing of border control at the border crossing point, i.e. in mean of transport, conditions necessary for work of the border police (paragraph 1 Article 36 of this Law);

6) If it fails to provide conditions or enable unhindered border control in accordance with provisions of this Law (paragraph 1 Article 36 of this Law);

7) If it fails to ensure that the passengers do not leave the zone of the border crossing point before performed border control, i.e. that upon performed border control other persons do not get on board or get off (paragraph 2 Article 36 of this Law);

8) If it fails to provide at the airport open to international traffic appropriate facilities that enable differentiation between international-flight passengers and other

passengers, as well as facilities for foreign nationals who do not fulfill entry requirements in compliance with special law (paragraph 1 Article 36 and Article 37 of this Law);

9) If its train, which enters, i.e. exits from the territory of the Republic of Serbia, except in the event of force majeure or if it is necessary for regulating railroad traffic, stops in the section between the border line and the zone of the border crossing point (paragraph 1 Article 38 of this Law);

10) Whose railroad staff fails to immediately inform the border police that the train in international traffic, which is entering, i.e. which is exiting the territory of the Republic of Serbia, stopped due to force majeure or emergency reasons; and whose railroad staff fails to ensure that passengers do not leave the train, i.e. that other persons do not get on board the train (paragraph 2 Article 38 of this Law);

11) Whose vessel in international traffic crosses the state border outside the border crossing point open to international river traffic (Article 39 of this Law);

12) Whose vessel in international traffic, except in case of force majeure, docks outside the determined river or lake border crossing point without necessary approval (paragraph 1 Article 40 of this Law);

13) Whose shipmaster allows and embarks persons without valid document prescribed for crossing of the state border or embarks or debarks persons outside the border crossing point except for rescue purposes (paragraph 2 Article 41 of this Law);

14) Whose shipmaster upon arrival from abroad or before departure fails to give to the border police a copy of the list of crew members and the list of passengers on the vessel, i.e. does not provide inspection of their documents prescribed for crossing of the state border (paragraph 1 Article 42 of this Law);

15) Whose shipmaster upon arrival into the port fails to fulfill the prescribed obligation under paragraph 2 Article 42 of this Law;

16) If the aircraft captain in international traffic, who due to force majeure or emergency reasons, lands the aircraft outside the zone determined for international air traffic, fails to immediately inform the nearest police directorate, i.e. police station on such aircraft landing (Article 45 of this Law);

17) If a crew member of the foreign vessel, train or aircraft, who does not have the necessary visa, is moving during stopping of the vessel, train or aircraft in the zone of a border crossing point, i.e. port, without necessary permit in the zone of an inhabited place where the border crossing point, i.e. port is found (paragraph 1 Article 47 of this Law);

18) If it is affixing or placing other warning signs or signaling on special warning signs and signaling that obscure visibility of warning signs and signaling which draw attention to the vicinity of the border line (paragraph 3 Article 52 of this Law);

19) If it fails to enable as owner or operator of land free access for installation and maintenance of prescribed signs or hinders in any other way performing of security tasks related to the state border security and border control (Article 53 of this Law);

20) If it is sowing certain crops, i.e. planting certain fruit-trees and trees and other vegetation when it is prohibited by act of the minister responsible for internal affairs (paragraph 1 Article 56 of this Law);

21) If it is navigating, hunting, fishing, flying by aircraft or other flying devices, moving or stopping along the border line, when it is prohibited or limited by the act of Government (paragraph 1 Article 57 of this Law);

22) If it is hunting or fishing in a certain zone along the border line, but fails to submit to the border police a written announcement of this activity 48 hours before the hunting starts, i.e. at the latest 24 hours before the fishing with the use of a vessel starts (paragraphs 2 and 3 Article 57 of this Law).

A fine of 5,000 to 50,000 dinars shall be imposed on the responsible person of a legal entity committing an offence under paragraph 1 of this Article.

Article 65

A fine of 5,000 to 50,000 or up to 30 days imprisonment shall be imposed on a natural person committing an offence by:

1) Crossing or trying to cross the state border outside a certain border crossing point, outside working hours at the border crossing point or contrary to the purpose of the border crossing point; or crossing or trying to cross the state border at a border crossing point without valid travel or other document prescribed for crossing of the state border (paragraph 2 Article 10 of this Law);

2) Not possessing a document prescribed for crossing the state border or refusing to present it to police officer, i.e. refusing to submit to border control or leaving the zone of the border crossing point before the border control is completed or trying to evade border control in some other way (paragraph 1 Article 26 of this Law);

3) Failing to declare weapons for hunting purposes, i.e. weapons for shooting sports purposes and ammunition which are brought into the Republic of Serbia (paragraph 1 Article 33 and paragraph 1 Article 34 of this Law);

4) Debarking or embarking a vessel, upon its arrival from abroad or upon departure from the Republic of Serbia outside a border crossing point (paragraph 1 Article 41 of this Law).

Article 66

A fine of 3,000 to 30,000 or up to 15 days imprisonment shall be imposed on a natural person committing an offence by:

1) Crossing the state border outside a border crossing point due to force majeure, and failing to immediately inform the border police (paragraph 2 Article 11 of this Law);

2) Moving and stopping in the zone of a border crossing point without necessary permit or failing to act at the border crossing point and its zone according to orders and instructions given by police officers (Article 20 of this Law);

3) Failing to wear identification card in plain sight while moving and stopping in the zone of border crossing point (paragraph 1 Article 23 of this Law);

4) Failing to explain to the police officer conducting the border control any circumstances relevant to crossing of the state border, and failing to act according to the instructions and orders given by the police officer (paragraph 2 Article 26 of this Law);

5) Failing to inform immediately as shipmaster in international traffic the frontier police directorate, i.e. police station of the place of docking of the vessel, which docks due to force majeure outside an international border crossing point (paragraph 2 Article 40 of this Law);

6) Failing to inform immediately as shipmaster in international traffic the nearest authority embarking and debarking of persons outside a border crossing point for rescue purposes (paragraph 3 Article 41 of this Law);

7) Allowing as shipmaster without approval of the border police debarking of person from the vessel at the port, who does not have documents prescribed for crossing of the state border or who embarked on the vessel without the shipmaster's approval (paragraph 3 Article 42 of this Law);

8) Affixing or placing other warning signs or signaling on special warning signs and signaling that obscure visibility of warning signs and signaling which draw attention to the vicinity of the border line (paragraph 3 Article 52 of this Law);

9) Failing to enable as owner or operator of land free access for installation and maintenance of prescribed signs or hinders in any other way performing of security tasks related to the state border security and border control (Article 53 of this Law);

10) Sowing certain crops, i.e. planting certain fruit-trees and trees and other vegetation when it is prohibited by act of the minister responsible for internal affairs (paragraph 1 Article 56 of this Law);

11) Hunting or fishing in a certain zone along the border line, but fails to submit to the border police a written announcement of this activity 48 hours before the hunting starts, i.e. at the latest 24 hours before the fishing starts (paragraphs 2 and 3 Article 57 of this Law).

Article 67

A fine of 5,000 dinars shall be imposed on a natural person on the spot for driving a vehicle when crossing the state border if he/she does not observe all signs and instructions and orders of the police officer, or if he/she does not agree, i.e. does not pull over the vehicle in a certain area of the border crossing point or if he/she leaves the area before border control is performed, i.e. if he/she upon border control does not leave the zone of the border crossing point (Article 35. of this Law).

X. TRANSITIONAL AND FINAL PROVISIONS

Article 68

Regulations related to authorizations referred to in this Law shall be adopted within one year from the date of enforcement of this Law.

Article 69

On the date of enforcement of this Law ceases to be valid Law on Crossing the State Border and Movement in the Border Zone ("Official Gazette of the SFRY", No. 34/79, 56/80 and 53/85, "Official Gazette of the SRY", No. 24/94, 28/96-other law and 68/02; and "Official Gazette of the Republic of Serbia", No. 101/05-other law).

Till implementation of by-laws from Article 68 of this Law, by-laws adopted on the basis of the Law referred to in paragraph 1 of this Article shall be applied, insofar as they are not in contravention of this Law.

Article 70

This Law shall enter into force on the eighth day after its publication in the "Official Gazette of the Republic of Serbia".