

**LAW ON PERFORMING PRIVATE SECURITY-RELATED ACTIVITY  
AIMED AT PROTECTION OF PERSONS AND PROPERTY AND  
DETECTIVE ACTIVITY**

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## **I. MAIN PROVISIONS**

### **Scope of the Law**

#### **Article 1**

This Law regulates the requirements and methods for the performance of the private security-related activity aimed at the protection of persons and property (hereinafter: "the security-related activity") and the detective activity not falling within the scope of the police or other security-related activities of the state or the performance of which provides for a higher level of security of persons and property as compared to the security provided for by the state, and regulates the relevant requirements and methods for performing the self-protection activity.

### **Definition of the security-related activity**

#### **Article 2**

The security-related activity shall include the tasks related to the physical, technical and other security protection of persons and property performed within the types of protection as established herein.

The types of protection referred to in Paragraph 1 of this Article shall include: the protection of persons; the protection of property; the transportation and protection of pecuniary and other valuable shipments; the protection of public gatherings; the surveillance centre management; the planning and installation of various protection systems.

The security-related activity may be conducted by business companies and entrepreneurs, in compliance with the requirements stipulated by the law, and the security-related tasks falling within the scope of that activity may be performed only by employees engaged by such a company and/or entrepreneur.

The tasks related to the physical security protection referred to in Paragraph 1 of this Article may be performed only within a protected facility or around the protected person, only within the area covered by security officers and on condition that their operations do not violate the rights of other persons.

### **Definition of the detective activity**

#### **Article 3**

The detective activity shall include the tasks related to the collection and provision of information significant for the protection of persons and property in compliance with the rights conferred upon detectives under the present Law.

According to the legally prescribed requirements, the detective activity may be conducted by detectives acting as entrepreneurs, either individually or through a detective agency.

### **Definition of the self-protection activity**

#### **Article 4**

The self-protection activity shall include the security-related tasks referred to in Article 2 hereof performed by legal entities and entrepreneurs established under a governmental decree for their own needs, in conformity with the present Law.

**Purpose of the activity –the prevention of detrimental events and unlawful activities****Article 5**

The general purpose of the security-related, detective and self-protection activities is to detect and prevent detrimental events and unlawful activities that undermine the dignity and endanger the life and physical integrity of persons or diminish the value of property being the subject of the protection.

**Restrictions and prohibitions imposed on the security-related activity****Article 6**

The entities engaged in the security-related, detective and self-protection activities in keeping with this Law may not violate or deny the human rights and freedoms granted by the Constitution and the generally accepted rules of the international law, which are verified by international treaties and laws, and particularly reaffirmed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and may not disrupt the operation of courts, public prosecutor offices, police and other state authorities, companies, institutions and other organizations.

The entities referred to in Paragraph 1 of this Article shall treat underage persons with due care, taking into account their mental development, level of sensitivity, other personal traits and protecting the privacy of such underage persons in order to ensure that the treatment applied have no negative effect on the development of the underage person.

The entities mentioned in Paragraph 1 of this Article may not exercise the authorities of the police, investigative and other state authorities, and shall not procure or use uniforms, insignia and identity documents similar to those used by the police, investigative and other state authorities.

**Mandatory association in chambers****Article 7**

In order to secure competency in conducting the activity and protect public interest, the business companies and entrepreneurs engaged in providing security services shall mandatorily associate in the Protection and Security Chamber, while detectives shall associate in the Detective Chamber.

The entities referred to in Paragraph 1 of this Article shall be entitled to the membership in the chamber as of the day of obtaining the licence under the present Law.

In order to achieve the goals mentioned in Paragraph 1 of this Article, other legal entities and individuals may also associate in the chamber on an interest basis.

The chamber shall be a legal entity. The chamber shall gain the status of a legal entity upon being entered into the register. The application for entering the chamber into the register shall be accompanied by the Chamber Statute and the Government approval of the provisions contained in the Statute referring to the manner of exercising public authorities.

By virtue of its Statute, the Chamber shall set forth its organization, bodies and their competencies, the scope of activity funded out of membership fees and the methods of exercising public authorities.

The Chamber Statute shall also lay down the method of accomplishing gender equality among the chamber members and their respective representation in the chamber bodies.

## **Obligations of the Ministry of the Interior**

### **Article 8**

The administrative affairs as set forth by this Law and the supervision over exercising of public authorities under the present Law shall be conducted by the Ministry of the Interior (hereinafter: "the Ministry").

## **The status of foreign legal entities and individuals**

### **Article 9**

Foreign legal entities and individuals that have acquired the right in their kin state to conduct security-related, detective and self-protection activities may, in accordance with this Law, conduct such activities in the Republic of Serbia on the basis of reciprocity.

## **Meanings of certain terms**

### **Article 10**

Certain terms used herein shall have the following meanings:

- 1) the protection of persons shall mean the protection of life and bodily integrity of individuals;
- 2) the protection of property shall mean the protection of movable and immovable property against destruction, damage and other harmful effects by using protective and/or technical systems and mechanical devices according to the applicable standards;
- 3) the transportation and protection of pecuniary and other valuable shipments shall mean the receipt, transport and delivery of pecuniary and other valuable shipments under coordinated protection and by using special-purpose vehicles and technical equipment;
- 4) the protection of public gatherings shall mean maintaining order at public gatherings and public performances by means of physical protection and by using technical systems and mechanical devices intended for security purposes, in keeping with the regulations governing public gatherings;
- 5) the physical protection shall mean the security of persons, facilities, property and things in transport against any risk and other forms of harmful activity not using technical devices as a predominant form, but rather physical strength, coercive measures and methods as well as physical protection;
- 6) the systems of technical protection shall mean a single or several functionally connected devices for the surveillance of certain facilities or areas, individual detection and reporting of unauthorized access or fire, transmission of alarming messages and information for further processing and filing away of such messages;
- 7) the protection mechanical devices shall mean a single or several functionally connected devices that are specially designed to prevent or disable the movement of a person or a vehicle;
- 8) the planning and installation of security systems shall include the design of projects, on-site implementation of technical security solutions, installation of mechanical devices for the protection and surveillance over installing such technical solutions;
- 9) the technical protection shall mean the creation of technical conditions for preventing unlawful activities and on-site use of technical devices for the purpose of protecting facilities and property, things in transport and persons, in keeping with the regulations and established standards;
- 10) the supervision centre management shall mean the management and on-going physical surveillance over the installed technical systems and devices for the protection of property, facilities or the protected person;

- 11) the service orderer shall mean an individual or legal entity, which have concluded a written contract with a business company or an entrepreneur, detective and/or detective agency, on performing certain tasks related to the security-related, detective and self-protection activity;
- 12) the licence shall mean the permit for conducting certain security-related, detective and self-protection activities in the territory of the Republic of Serbia;
- 13) the self-protection service shall mean an internal form of organization that is mandatory for business companies, entrepreneurs, state or other bodies and organizations, as defined herein.

## **II. SECURITY-RELATED ACTIVITY**

### **1. Licences and requirements for conducting the security-related activity**

#### **a) General requirements**

##### **The licence for conducting the security-related activity**

##### **Article 11**

The right to conduct the security-related activity shall be acquired upon obtaining the licence for providing a single or several types of security services as referred to in Article 2, Paragraph 2 hereof.

The application for the licence specifying the requested form of security-related activity as envisaged in Article 2, Paragraph 2 hereof shall be submitted to the Protection and Security Chamber. The application should be accompanied by the written evidence on the fulfilment of the requirements for obtaining the licence as prescribed by this Law, the registry certificate or other proof of registration.

The business company and/or entrepreneur that is granted a licence (hereinafter: "the licence holder") may, under the same requirements, file a new application with the Protection and Security Chamber for the licence for conducting some other type of security-related activity as referred to in Article 2, Paragraph 2 hereof.

#### **Beginning of operation**

##### **Article 12**

The licence holder may begin to perform any type of the security-related activity as stipulated in the licence as of the date of obtaining the licence, on condition that:

- 1) it has concluded the liability insurance contract referred to in Article 24 hereof; and
- 2) it has concluded the contract in writing with one or several service orderers on providing security-related services.

The licence holder may provide the security-related services only with employees who fulfil the requirements set forth in Articles 13 and 14 hereof.

#### **b) Special requirements**

##### **Requirements for all employees performing the security-related activity**

##### **Article 13**

The persons providing security-related services employed with the licence holder shall fulfil the following requirements:

- 1) they have completed the relevant professional training course;
- 2) they have evidence that they have never violated public order;
- 3) they are citizens of the Republic of Serbia;
- 4) they have sound health status.

### **Requirements for certain categories of employees** **Article 14**

Beside the requirements set forth in Article 13 hereof, persons engaged by a licence holder in performing certain tasks shall also fulfil the following requirements:

- 1) the persons responsible for the provision of security services (hereinafter: "the person liable for security") must have at least a two-year post-secondary education according to the List of Qualification Levels, and a minimum three-year work experience;
- 2) the person who provides on-site security services as a security officer shall have at least a secondary-level education, according to the List of Qualification Levels for the security officer;
- 3) the person who installs or assembles technical equipment and mechanical protection devices (hereinafter: "the security technician") shall have at least a secondary-level education according to the List of Qualification Levels for the security technician;
- 4) the person who performs the tasks of the designer in charge of technical systems and mechanical protection devices, and/or tasks of the manager in charge of that activity in keeping with the law governing the construction of facilities (hereinafter: "the authorized security system engineer") shall have a high-level education, according to the List of Qualification Levels for the authorized security system engineer;
- 5) the person who manages the technical equipment and devices in the surveillance centre (hereinafter: "the surveillance centre operator") shall have at least a secondary-level education according to the List of Qualification Levels.

### **Mandatory professional training** **Article 15**

The persons referred to in Article 14 hereof shall complete the professional training courses in order to acquire or verify their expert skills in the field of protection of persons and property.

The expertise and skills referred to in Paragraph 1 of this Article shall be acquired and/or verified by mastering a professional training curriculum for each of the vocations mentioned in Article 14 hereof.

The costs of professional training shall be paid by the licence holder and/or the person who has not concluded an employment contract with the licence holder.

The curricula and the method of conducting professional training shall be laid down by the Protection and Security Chamber in agreement with the Ministry.

The Protection and Security Chamber shall issue the certificate on completed professional training to the persons referred to in Paragraph 1 of this Article.

### **c) Licensing requirements**

#### **Requirements for the provisions of all types of protection Article 16**

In order to obtain the licence for the provision of any type of protection referred to in Article 2, Paragraph 2 hereof, a business company and/or entrepreneur shall fulfil the following requirements:

- 1) it has the person liable for providing security services;
- 2) it has evidence that no breach of public order has occurred, required for the owners, legal representatives and members of management bodies (the Supervisory Board, the Managing Board, the Internal Auditor or others);
- 3) it is insured against the liability for damage that may be incurred during its operation.

#### **Requirements for the provision of security services in relation to persons Article 17**

In order to obtain the licence for providing the security services related to persons, apart from the requirements listed in Article 16 hereof, the business company and/or entrepreneur shall have at least five security officers, and its own or contractually leased surveillance center.

#### **Requirements for the provision of security services in relation to property Article 18**

In order to obtain the licence for providing the security services in relation to property, apart from the requirements listed in Article 16 hereof, the business company and/or entrepreneur shall have at least five security officers and its own or contractually leased surveillance centre.

The business company and/or entrepreneur referred to in Paragraph 1 of this Article shall have at least two security officers on permanent stand-by who will handle the alarm equipment or protect the protected person in case of a call for help.

The continuous going measures set out in Paragraph 2 of this Article shall be understood to mean the arrival of the security officer to the place where the alarm has been activated. i.e. the place of the call for help from the person under protection (hereinafter: "the intervention") and taking relevant measures by the security officer in keeping with the terms stipulated by this Law.

The security officers referred to in Paragraph 3 of this Article must have necessary qualifications and equipment for the intervention in keeping with the curriculum established by the Protection and Security Chamber in agreement with the Ministry

#### **Requirements for the provision of transport services and protection of valuable shipments Article 19**

In order to obtain the licence for the transport and protection of pecuniary or other valuable shipments, apart from the requirements set out in Article 16 hereof, the business company and/or entrepreneur must have at least five security officers, its own or contractually leased surveillance centre and a minimum one vehicle suitable for the transport of pecuniary or other valuable shipments.

The Protection-Surveillance Centre (hereinafter: "the surveillance centre") referred to in Paragraph 1 of this Article must have a surveillance system enabling the continuous stand-by of the vehicles used for the transport of pecuniary or other valuable shipments in the service area.



The security officers who transport or protect pecuniary or other valuable shipments must have the relevant equipment facilitating direct communication with the surveillance centre.

The Minister of the Interior (hereinafter: "the Minister"), at the proposal of the Protection and Security Chamber, shall prescribe the method of transport and protection of pecuniary or other valuable shipments.

### **Requirements for the provision of security services in relation to public gatherings** **Article 20**

In order to obtain the licence for providing security services in relation to public gatherings, apart from the requirements set forth in Article 16 hereof, a business company and/or entrepreneur must have its own or contractually leased surveillance centre and at least 20 security officers.

The security officers referred to in Paragraph 1 of this Article must have the relevant professional training in the field of security of public gatherings, in keeping with the curriculum established by the Protection and Security Chamber in agreement with the Ministry.

The protection of public gatherings shall be subject to the provisions of this Law, unless the regulations governing public gatherings envisage otherwise.

### **Requirements for managing surveillance centres** **Article 21**

In order to obtain the licence for managing a surveillance centre, apart from the requirements set forth in Article 16 hereof, the business company and/or entrepreneur must have at least five surveillance centre operators and comply with the security standards and security quality standards, as prescribed by a body of the Protection and Security Chamber established by the Statute.

### **Requirements for the planning and installation of security systems** **Article 22**

In order to obtain the licence for planning and installing security systems, apart from the requirements set forth in Article 16 hereof, the business company and/or entrepreneur must have at least one authorized security system engineer and a security technician.

### **No breach of public order, as a requirement for obtaining the licence** **Article 23**

The breach of public order referred to in Articles 13 and 16 hereof shall be deemed to exist:

- 1) if a person has been convicted of a criminal offence under a valid court decision, which is prosecuted *ex officio*;
- 2) if a person has been punished for the disturbance of public order with the elements of violence under a valid court decision.

If a criminal proceedings or the proceedings of an offence with the elements of violence are underway against the person referred to in Paragraph 1 of this Article, provided such a person fulfils the requirements, the decision shall be postponed until a valid court judgement and/or decision are made in that proceedings.

**Responsibility of the licence holder for the damage and liability insurance****Article 24**

The licence holder shall be held responsible for the damage incurred by the persons referred to in Article 14 hereof performing the security-related activity for it.

Before beginning its operation, the licence holder must insure itself against the damage that may be inflicted to the orderer of security services or a third party in connection with the provision of security services by paying an insurance premium that shall not be lower than Dinars 3,000,000 for a single security event and/or Dinars 6,000,000 for all security events during one year.

The licence holder shall make the provisions of the liability insurance contract public.

**d) Activities not in conformity with the security-related activity****Forbidden contracts. Prohibition on performing certain tasks****Article 25**

The licence holder may not enter into a contract on performing the tasks which would involve activities representing a criminal or other punishable deed.

The licence holder may not perform the tasks or encourage the employees to act contrary to the common business practices and the Code of Professional Ethics passed by the Protection and Security Chamber.

**Professional secret****Article 26**

The persons referred to in Article 14 hereof shall keep confidential the information with respect to the tasks they perform and/or they have been entrusted with.

**e) Licence revocation and cessation****Decision on the temporary revocation of the licence and the right to appeal****Article 27**

If the Ministry, acting at its own initiative or on the basis of a reasonable proposal made by the competent inspection authorities or the Protection and Security Chamber, establishes that the licence holder repeatedly breached the provisions of this Law in the past year, as well as the regulations related to labour, employment and unfair competition, it shall pass a decision on the temporary revocation of the licence.

The written proposal referred to in Paragraph 1 of this Article shall contain the company name or the full name, seat or residence of the licence holder, the details and description of the breach committed.

The measures set out in Paragraph 1 of this Article may apply in the period of three months.

The appeal to the decision referred to in Paragraph 1 of this Article shall not postpone the enforcement thereof.

## **Reasons for licence revocation and prohibition of relicensing**

### **Article 28**

The Ministry shall revoke the licence of the licence holder if:

- 1) it establishes that the licence holder no longer fulfils the requirements prescribed by the law on providing security services;
- 2) the licence holder provides the security services in contravention of the licence;
- 3) the licence holder has been prohibited from providing security services under a valid court decision;
- 4) the licence holder acts contrary to Articles 6, 25 and 26 hereof;
- 5) it would be necessary to pronounce the measure of temporary licence revocation against the licence holder, after such a measure has already been pronounced twice against it.

The licence holder shall submit to the Ministry the revoked licence within eight days from the day of receipt of the final decision on licence revocation.

Due to the reasons listed in Paragraph 1, Items 2), 4) and 5) of this Article, the decision on licence revocation shall also contain the prohibition of relicensing for a period of three years as of the day on which the decision on licence revocation has become final.

## **Licence cessation**

### **Article 29**

The Licence shall cease:

- 1) if the licence holder has stated in writing that it no longer wants to provide security services;
- 2) due to the cease of operation of the licence holder in keeping with the law regulating the operation of business companies and/or entrepreneurs;
- 3) due to the introduction of enforced settlement, bankruptcy proceedings or a winding up procedure in keeping with the law governing enforced settlement, bankruptcy and liquidation.

## **2. Measures and duties of security officers**

### **Application of measures and duties related to the application**

#### **Article 30**

In the performance of the security-related activity, the security officer may take the following measures:

- 1) warn a person to leave the area, facility or space he protects (hereinafter: "the protected area") if that person is not authorized to be there;
- 2) establish the identity of the person at entry into and/or exit from the protected area when that is necessary in order to protect people and property if so required by the rules in the protected area;
- 3) inspect the surface of the clothes, the interior of the vehicle and luggage at entry into and/or exit from the protected area if that is necessary for the protection of people and property and if the person concerned agrees to that;
- 4) prevent a person from entering into and/or exiting from the protected area if that person rejects the check referred to in Item 3) of this paragraph, if he resists the establishing of his identity or if there are other reasons for which it is necessary to prevent entry into and/or exit from the protected area;

- 5) request the person who is a threat to the security of the protected person and property or order in the protected area immediately to stop the endangerment or to leave the protected area;
- 6) detain the person caught in the commission of a criminal act prosecuted *ex officio* pending the arrival of the police;
- 7) use means of restraint if there is no other way to detain the person referred to in Item 6) of this paragraph;
- 8) use physical force if there is no other way to prevent a person from entering and/or exiting from the protected area and prevent direct endangerment of the lives of the people or of the property the security officer protects pending the arrival of the police;
- 9) use systems for audio and video surveillance and keep records of rounds of the protected area.

The license holder shall put a notice on the implementation of measures related to the use of the audio and visual surveillance system referred to in Paragraph 1, Item 9) of this Article in a visible place in the protected area. The owner of the data generated by using the audio and visual surveillance system covering public areas shall keep such data in the period of three months from the day of their generation.

The application of the measures set out in Paragraph 1, Items 3) and 4) of this Article shall not be allowed against an officer of the penitentiary, police, army and other officers of government agencies and bodies of territorial autonomy and local self-governments who perform their official tasks in the protected area.

The possession or use of other means of coercion, protective objects as well as dogs, horses or other animals in performing the security-related activity shall be prohibited.

### **Principle of proportionality in the application of measures** **Article 31**

The implementation of the measures referred to in Article 30 hereof shall be proportionate to the lawful objective of their use. In the implementation of measures, no one shall be subjected to torture and inhuman or degrading treatment.

The security officer shall act solely in the manner prescribed by the present Law to ensure the completion of his/her tasks with the least harmful consequences. If it is allowed to take several measures in the given circumstances, the security officer shall first apply the measure which is least harmful to the person. No measure shall cause more serious harmful consequences than the consequences that may have been produced had the measure not been applied. The security officer shall stop applying measures when the reasons for which they were applied have ceased to exist or when the security officer establishes that he/she would not be able to accomplish his/her task in that manner.

The restriction of movement of the person by prevention of entry (Article 30 Paragraph 1 Item 4) or by detaining the person pending the arrival of the police (Article 30 Paragraph 1 Item 6) shall not exceed two hours.

### **Terms and manner of carrying and using firearms** **Article 32**

The security officer shall be allowed to carry firearms in the discharge of security-related duties in conformity with the law on arms.

The license holder may procure the prescribed short-barrel weapons for not more than half of the employed security officers and may use solely the weapons in its possession.

In the performance of his/her tasks, the security officer shall be allowed to use firearms exclusively if he/she has no other way to and/or if it is absolutely necessary to:

- 1) protect the lives of people;
- 2) ward off a direct unlawful attack threatening his life or the life of the person he/she protects.

Before using firearms, the security officer shall be obliged to warn, if possible under the circumstances, the person against whom the security officer is to use the firearms by crying out: "Freeze or I'll shoot!" and by firing a warning shot.

**Terms and method of application of the movement restriction measure  
and the use of means of coercion  
Article 33**

The security officer who has restricted the movement of a person (Article 30 Paragraph 1 Items 4) and 6) by using means of restraint (Article 30 Paragraph 1 Item 7), physical force (Article 30 Paragraph 1 Item 8) or firearms (Article 32 Paragraph 3) shall be obliged to inform forthwith the police station in the area where such measures were applied and/or such means used, to that effect.

If in the implementation of the measures and/or the use of the means referred to in Paragraph 1 of this Article a person has been physically injured in such a way that the person needs medical assistance, the security officer shall ensure that the person receives the mentioned assistance as soon as possible and inform the police station to that effect.

The license holder shall be obliged to inform in writing the police station in the area where these measures were applied and/or means used, to that effect not later than 24 hours from the application of the measures and/or the use of the means referred to in Paragraph 1 of this Article.

The written notification referred to in Paragraph 3 of this Article shall contain the information referred to in Article 50 Paragraph 2 Items 3) and 4) of the present Law, and the written notification on the use of firearms shall, apart from the information concerned, also include a statement of facts.

**Obligation to inform and report in relation to a criminal offence  
Article 34**

If the security officer has established in the discharge of security-related duties that a criminal offence is being prepared, committed or has been committed, for which the perpetrator is prosecuted *ex officio*, the security officer shall be obliged to inform the nearest police station to that effect or to report it to the competent government authority.

**Regulation on the manner in which the measures are to be applied  
Article 35**

The Minister shall more specifically prescribe the manner in which the measures set out in Articles 30 thru 34 hereof are to be applied.

## **Official identity badge of the security officer**

### **Article 36**

The persons referred to in Article 14 hereof must carry the official identity badge (hereinafter: "the identity badge") during the performance of his tasks.

When the persons set out in Paragraph 1 of this Article perform their tasks in clothes which are not visibly marked with the insignia of the license holder, and in doing so they invoke their tasks and measures for the application of they are authorized, they shall be obliged to produce their identity badges. In any case, these persons shall be obliged to produce their identity badges at the request of a police officer or an inspector.

The Protection and Security Chamber shall prescribe the forms and price of the identity badge referred to in Paragraph 1 of this Article and the procedure for the issuance thereof conducted before the Chamber.

## **Issuance of the identity badge and the expiry of its validity**

### **Article 37**

The identity badge shall be issued by the Ministry at the proposal of the Protection and Security Chamber at the expense of the identity badge holder, bearing in mind the type of protection provided by persons referred to in Article 14 hereof.

The person referred to in Paragraph 1 of this Article whose employment with the license holder is to be terminated shall be obliged to return his/her identity badge to the Ministry. The license holder shall inform the Ministry about the termination of his employment.

## **Uniforms and insignia**

### **Article 38**

During the performance of their tasks, security officers, security technicians and surveillance centre operators shall wear uniforms with the insignia of the license holder.

Security officers may also provide protection of property in precarious possession and persons in plain clothes.

## **Trade union, professional and other organization and activity**

### **Article 39**

Security officers shall exercise the right to trade union, professional and other organization in the manner prescribed by the law.

Security officers may not be organized as parties or engage in political activities with license holders.

Security officers may not attend party and other public gatherings dressed in uniforms and wearing the insignia of the license holder if performing the security-related activity on the order of the license holder.

**Right to strike**  
**Article 40**

The general regulations on strike shall appropriately apply to the organization and conduct of a strike staged by security officers.

Even if participating in a strike, the security officer shall perform the duties related to his/her post that are required for ensuring the security and protection of people and property in compliance with the contracts concluded with the license holder.

**3. Special duties related to the means, equipment and devices used  
in performing the security-related activity**

**Quality and responsibility for proper operation**  
**Article 41**

Only the means, equipment and devices of the prescribed quality according to the norms of the Republic of Serbia may be used for performing the security-related activity, and if such norms do not exist, according to the accepted rules of the engineering profession.

Business companies and entrepreneurs that install, regularly maintain and repair the installed technical equipment within the warranty period shall be responsible for its proper operation.

**Special duties related to the technical protection system**  
**Article 42**

The technical protection system (Article 10 Item 6) may include different integral forms of technical security protection with the appropriate technical means, and in particular: anti-burglary and anti-hold up equipment; protection against unauthorized access to the secured premises; protection against the importing of explosive, ionising and other dangerous substances; protection against exporting and/or theft of secured objects.

The technical protection system must be built, maintained and serviced in keeping with the regulations on the conditions and methods of the provision of technical protection.

**Special duties related to surveillance centres**  
**Article 43**

Surveillance centre operators shall be obliged to inform the police without delay of all the information that came to their knowledge which points to a criminal offence, a perpetrator of a criminal offence or objects which were used in, or created by, the commission of a criminal offence prosecuted *ex officio* and/or breaches of peace with elements of violence.

**Mandatory intervention upon an alarm signal**  
**Article 44**

The license holder shall be obliged to ensure an intervention upon receiving an alarm signal.

An intervention upon an alarm signal shall be carried out by at least two duly armed security officers.

## **4. Records on the security-related activity**

### **Records maintained by the Ministry Article 45**

With respect to the performance of the security-related activity, the Ministry shall maintain:

- 1) the registry of license holders;
- 2) records of officials responsible for security;
- 3) records of security officers;
- 4) records of security technicians;
- 5) records of authorized security system engineers;
- 6) records of surveillance centre operators.

### **Data kept in the Registry of License Holders Article 46**

The Registry of License Holders shall include the following common information on each license holder:

- 1) registration number;
- 2) name of the firm;
- 3) seat;
- 4) Registry excerpt number;
- 5) reference number from the Registry;
- 6) activity code;
- 7) full name of the person authorized to represent;
- 8) number of the issued license;
- 9) date of issuance and revocation of each license.

The Registry shall also include the logotype of the license holder, if it/he/she uses one.

### **Data maintained in the records of persons providing security services Article 47**

The records of persons liable for security, security officers, security technicians, authorized security system engineers and surveillance centre operators (hereinafter: "the records of persons providing security services") shall contain the following common information:

- 1) full name;
- 2) birth data (day, month, year, place of birth) and the citizen's personal identification number;
- 3) name of the firm of the license holder in which the person is employed;
- 4) citizenship;
- 5) permanent and/or temporary residence;
- 6) educational qualification;
- 7) occupation;
- 8) educational qualification according to the List of Qualification Levels;
- 9) prescribed proof of no criminal record;
- 10) number of the identity badge;
- 11) date of the completion of the vocational education curricula;
- 12) number of the certificate on completed vocational education;
- 13) date of issuance and revocation of the identity badge;
- 14) date of the termination of employment;
- 15) photograph of the person.



## **Method of data collection and handling**

### **Striking the license holder from the Registry Article 48**

The data referred to in Articles 46 and 47 of the present Law, the Protection and Security Chamber shall collect directly from the person concerned.

The Protection and Security Chamber shall collect, process, store, forward and use the data required for the issuance of the license for the performance of the security-related activity and for the issuance of identity badges under the present Law.

When the Ministry verifies the data on individual legal and natural persons from the already existing bases of personal data, it shall not be obliged to inform the person concerned to that effect. The agencies, organizations and individuals in possession of the information referred to in Articles 46 and 47 of the present Law shall supply this information at the request of the Ministry.

The Ministry shall strike the license holder from the Registry referred to in Article 46 of the present Law if:

- 1) the validity of the license of the license holder for the performance of the security-related activity has ceased – on the day when the validity of its/his/her license has expired;
- 2) the license holder has been struck from the Registry – on the day of the striking from the Registry.

The information referred to in Articles 46 and 47 hereof may also be forwarded to other government agencies if they have requested so and if their request is linked solely to the activity performed by the license holder and/or the person providing security services.

The information referred to in Paragraph 5 of this Article shall also be forwarded to the Protection and Security Chamber, subject to a written request, for the purposes of exercising public powers stipulated hereunder.

### **Obligation of notifying the change of data maintained in records Article 49**

The license holder shall be obliged to inform the Protection and Security Chamber in writing of any change in the information referred to in Articles 46 and 47 of the present Law, within eight days from the day of the occurrence of the change.

### **Records kept by the license holder Article 50**

The license holder shall keep:

- 1) records of contracts on the provision of security services;
- 2) records of criminal offences that came to its/his/her knowledge;
- 3) records of detained persons;
- 4) records of the use of physical force and means of restraint.

The records referred to in Paragraph 1 of this Article shall contain the following data:

- 1) records of contracts on the provision of security services: data on the client commissioning security services (full name of the natural person and/or the name of the firm and seat of the legal person); data on the contract on the provision of security

services (the ordinal number of the contract, date of its conclusion and date of its fulfilment); data on the form of protection (an indication of the form of protection referred to in Article 2 Paragraph 2 of the present Law and a description of the scope and subject matter of the contract);

- 2) records of criminal offences that came to the licence holder's knowledge: information on how the licence holder has learnt of a criminal offence prosecuted *ex officio* (who supplied the information, on which date); facts on the criminal offence known to the license holder; information on the probable perpetrator of the criminal offence (the perpetrator's full name, information on his/her birth and permanent and/or temporary residence) and acts in accordance with Article 34 of the present Law;
- 3) records of detained persons: data on the detained person (full name, information on his/her birth and permanent and/or temporary residence); the reason for his/her detention; the time and place of his/her detention; the time when the police were informed and the time when the detained person was handed over to the police; possible bodily injuries; the use of means of restraint;
- 4) records of the use of physical force and means of restraint: data on the security officer who used physical force and/or means of restraint (his/her full name, birth information, citizen's personal identification number, the name of the firm of the license holder with whom he/she is employed and its seat); the reason, method, place and time of the use of physical force and/or means of restraint; notification to the police station; possible bodily injuries.

### **Enabling access to information in the records**

#### **Article 51**

At the request of the inspector for the security-related, detective or self-protection activity (hereinafter: "the inspector"), the license holder shall be obliged to enable access to the data from the records referred to in Article 50 of the present Law.

The inspector shall be obliged to protect the data from the records referred to in Article 50 of this Law in accordance with the law governing personal data protection and use them only in the performance of inspection under the present Law or for the fulfilment of obligations under another law.

### **Keeping data in records**

#### **Article 52**

Certain data in the records referred to in Article 50 of the present Law shall be kept, namely:

- 1) in the records under Item 1) – for five years after the conclusion of the contract;
- 2) in the records under Item 2) – for five years after the entering of the data on the detected criminal offence;
- 3) in the records under Item 3) – for three years after the entering of the data on the detention of a person;
- 4) in the records under Item 4) – for three years after the use of physical force.

Upon the expiry of the time limits referred to in Paragraph 1 of this Article the license holder shall file these data in the archives in keeping with the law on archival material.

**Storing of personal data  
Article 53**

The personal data shall be stored in the records referred to in Article 46 of the present Law until the termination of employment and/or revocation of the license from the license holder. These data shall be then filed in the archives in keeping with the law on archival material.

Upon the termination of employment and/or revocation of the license, in the records referred to in Article 45 hereof only the data on the full name, birth, name and seat of the firm and the termination of employment, as well as the data on the revocation of the license and identity badge shall be kept.

**Records kept by the Protection and Security Chamber  
Article 54**

The Protection and Security Chamber shall keep records of vocational education.

The records referred to in Item 1 of this Article shall include:

- 1) the content and duration of certain forms of vocational education;
- 2) the data on instructors for certain forms of vocational education (full name, information on his/her birth and permanent and/or temporary residence and the indication of the topic and/or subject he/she taught);
- 3) the data on persons who completed individual forms of vocational education (full name, information on his/her birth and permanent and/or habitual residence, the certificate of completed vocational education).

The personal data in the records referred to in Paragraph 1 of this Article shall be stored for five years from the day when they were obtained. These data shall then be filed in the archives in keeping with the law on archival material.

**5. Protection and Security Chamber**

**Tasks of the Protection and Security Chamber  
Article 55**

The Protection and Security Chamber shall perform the following tasks:

- 1) implement vocational education curricula referred to in Article 15 of the present Law;
- 2) determine personnel, material and spatial requirements and equipment for the implementation of the vocational education curricula;
- 3) keep records of vocational education referred to in Article 54 of the present Law;
- 4) prepare a draft List of the Qualification Levels required for the performance of certain types of the security-related activity referred to in Article 2 Paragraph 2 hereof (hereinafter: "the List of the Qualification Levels");
- 5) determine the amount of the required membership contribution and other sources of financing in keeping with the Statute;
- 6) supervise the work of its members;
- 7) prepare and coordinate the work of its members, the development of technical means and own technological achievements;
- 8) prepare the code of professional ethics and measures in case of its violation;
- 9) work together with the authority in charge of standardization on drafting standards for all forms of security set out under this Law;

- 10) take part in the process of testing alarm systems and other protection devices together with the competent authorities and/or institutions;
- 11) decide on behalf of security officers as their employer on concluding collective agreements for the security-related activity with a representative trade union;
- 12) represent the interest of members in the process of passing and implementing laws and other regulations in the field of the security-related activity;
- 13) organize seminars, training courses and other forms of additional vocational education and training;
- 14) organize expert gatherings and fairs;
- 15) provide its members with professional assistance upon their request, consider the situation in the field of the security-related activity and determine development projects;
- 16) perform other tasks in compliance with its Statute.

The Protection and Security Chamber shall exercise the tasks referred to in Paragraph 1 Items 1) through 4) of this Article as public powers and shall submit an annual written report on the exercise thereof to the Ministry by no later than March 30 for the previous calendar year.

The Minister shall prescribe in detail the method of the exercise of public powers and personnel and material requirements for the exercise of public powers.

#### **Means of financing of the Protection and Security Chamber Article 56**

Means of financing of the Protection and Security Chamber shall be the following:

- 1) the mandatory membership contribution (a membership fee);
- 2) contributions required for the implementation of vocational education curriculum;
- 3) other sources envisaged by the Statute of the Protection and Security Chamber.

The membership fees shall be used to finance the services provided by the Protection and Security Chamber to its members that do not fall within the purview of public powers.

Membership fee payers include business companies and/or entrepreneurs that are members of the Protection and Security Chamber under Article 7 Paragraph 1 hereof and legal and natural persons that are members of Protection and Security Chamber pursuant to Article 7 Paragraph 3 hereof.

The Protection and Security Chamber shall determine the base, amount and method of payment of the membership fee by virtue of the Statute.

#### **Funds for the implementation of vocational education curricula Article 57**

The Protection and Security Chamber shall prescribe the rate determining the amount of the contribution for the implementation of the vocational education curricula bearing in mind the funds necessary for covering the costs of the implementation of vocational education.

### III. DETECTIVE ACTIVITY

#### 1. Performing the detective activity

##### Validity of this Law for detective agencies

##### Article 58

Provisions of this Law referring to the private detective as an individual shall also be valid for the detective agency, if not provided otherwise by this Law.

##### Contract and authorisation, as prerequisites for information gathering

##### Article 59

The private detective may collect information on the basis of a written contract on rendering detective services to a client and on the basis of the client's written authorisation, wherein the purpose and the scope of collecting information referred to in Articles 61 and 62 of this Law, as well as the scope of the authorisation shall be clearly defined.

##### Requirements for obtaining the detective license

##### Article 60

In order to perform detective activities, the detective shall hold the license that shall be conferred by the Detective Chamber on his/her application, if the following requirements are fulfilled:

- 1) that he/she holds a citizenship of Serbia;
- 2) that he/she holds a higher education degree and has passed the vocational examination for detectives;
- 3) that he/she is not sentenced *res judicata* to absolute imprisonment in a duration exceeding three months for a criminal offence committed with a criminal intent prosecuted *ex officio*;
- 4) that over the last two years, he/she has not performed the tasks of authorised officials in the Ministry, the Security and Information Agency or other security service;
- 5) that there are no security impediments to perform the detective activity, set by the Statute of the Detective Chamber.

The vocational examination for detectives referred to in Paragraph 1 Item 2) of this Article shall be passed before a committee composed of:

- 1) three members of the Detective Chamber;
- 2) one representative of the Ministry;
- 3) one representative of the Ministry of Justice.

If against the applicant for the detective licence there are criminal proceedings underway due to criminal offences prosecuted *ex officio*, the decision on the applicant's fulfilment of requirements for conferring the license shall be postponed until an absolute sentence is adopted in such proceeding.

##### Detectives' sources of information

##### Article 61

The detective may collect information from persons these information directly refer to, and also from other persons who have the relevant data and are willing to give these voluntary, and also from the public media, about:

- 1) persons missing or hiding, debtors, senders of anonymous threats and those, who caused material and non-material damage;
- 2) objects stolen or lost;

- 3) exhibits required for protection or proving the client's entitlement and grounds of a claim before judiciary and other bodies, and organisations deciding upon these entitlements within a procedure;
- 4) observing employees' duties referring to the clause of competitiveness;
- 5) data on the efficiency and business operation of legal entities;
- 6) criminal offences prosecuted on the basis of a private action and about the perpetrators thereof;
- 7) disciplinary offence and the perpetrators thereof;
- 8) candidates for employment with the special written consent of the candidate for employment;
- 9) other matters, in accordance with the rights detectives are entitled to under the present Law and with the restrictions and prohibitions under Articles 6 and 65 hereof.

Prior to collecting information referred to under Paragraph 1 of this Article, the detective shall inform the person that he/she is disclosing the information voluntarily.

The detective may provide consulting services to physical and legal persons in matters of preventing criminal offences and other delinquency.

### **Accessibility of official data Article 62**

Based on evidence that the detective has been charged with a specific task for which accomplishment the detective requires data from the records, the head of the database shall produce the required data to the detective from:

- 1) the records of registered vehicles, the records on license plates, data about the owner and the vehicle;
- 2) records on residence and domicile, data on residence or domicile;
- 3) records on employees: data on employment (employer, job);
- 4) register of ships and aircraft register, data on vessels and aircraft and their owners;
- 5) other official records, under the conditions set for the client who has authorised the detective.

The detective is entitled to review court and administrative documents in cases when the client, who authorised him/her is entitled to do so.

For collecting data referred to in this Article, it shall not be deemed necessary that the person to who these data refer to is previously informed that the data about him/her will be gathered as provided under this Article. The contract concluded between the detective and the client, and the written authorisation referred to in Article 59 of this Law shall be deemed as evidence referred to in Paragraph 1 of this Article.

### **Protection of gathered personal data Article 63**

It is the duty of the detective to keep safe and use the data collected pursuant to Articles 61 and 62 hereof in accordance with the Law on the Protection of Personal Data.

The Minister shall prescribe the specific scope and manner of personal data protection by the detective referred to in Paragraph 1 of the present Article.

**Confidentiality  
Reporting  
Article 64**

The detective shall hold confidential the activities he/she performs and the tasks he/she is charged with.

Information and data referred to in Articles 61 and 62 hereof, gathered by the detective for the client shall be deemed confidential and may not be disclosed to third persons. It is the duty of the detective to hold them confidential even after the completion of the detective services provided for the client.

In case that during his/her work the detective discovers data on a committed criminal offence prosecuted *ex officio*, it is the duty of the detective to report it to the competent authority, except in cases when it would be contrary to his/her obligations towards the client stipulated by the provisions of Paragraphs 1 and 2 of this Article.

In accordance with the contract concluded with the client, the detective shall hand over all gathered data upon the implementation thereof.

**Segregation of duties  
Carrying firearms  
Article 65**

The detective shall not perform activities for which the police, investigating and other state authorities are statutorily designated or authorised.

The detective shall not perform the detective activity for domestic and foreign security agencies and state authorities or for political parties.

The detective shall hold and carry firearm solely in accordance with the Law on Firearms.

**Detective's identification card  
Article 66**

The detective shall have an identification card with a photo issued by the Detective Chamber. When referring to powers guaranteed by the present Law, it is the duty of the detective to show his/her identification card, and if required by the person from whom information is collected, the detective shall communicate the number of contract under which the information are being collected, referred to in Article 77 of this Law. In any case, it is the duty of the detective to show the identification card if requested by the inspector or the police.

**Revocation and cessation of the validity of the identification card  
Article 67**

The Detective Chamber shall revoke the issued detective license if:

- 1) the data and evidence, which served as the grounds for issuing the license prove to be false or falsified;
- 2) the detective has been sentenced absolutely on charges of criminal offence committed with criminal intent prosecuted *ex officio*, to unconditional imprisonment in the duration exceeding three months;
- 3) it has been established that the detective does not fulfil other requirements for performing the detective activity as provided by the law;

- 4) the detective becomes permanently incapable of performing the detective activity;
- 5) the detective loses his/her capacity to work;
- 6) precautionary measures or injunctive relief on performing the detective activity has been imposed on the detective;
- 7) due to disciplinary violation, the detective licence has been withdrawn by a final decision within a procedure conducted before the Court of Honour of the Detective Chamber.

The validity of the license ceases if the private detective:

- 1) deceases;
- 2) declares in a written statement, that he/she does not wish to perform the detective activity further.

It is the duty of the court *ex officio* to inform the Chamber of Private Detectives and Investigators about the sentence absolute for criminal offence referred to in Item 2), Paragraph 1 of this Article.

### **Rendering back license and identification card** **Article 68**

In cases referred to in Article 67 hereof, the private detective or his/her representative shall render the license and the identification card back to the Chamber of Private Detectives and Investigators within eight days.

## **2. Detective Agency**

### **Establishing and status** **Article 69**

The detective agency is a legal entity and may be established in compliance with the Law on Commercial Entities as the legal entity (hereinafter: "the detective agency").

### **Regulations on the establishment and operations** **Article 70**

The regulations on commercial entities shall be applied to the establishment and operation of the detective agency if not provided otherwise by the present Law.

### **Conditions for managing the detective agency** **Article 71**

The activities of the detective agency are limited on the performance of the detective activity.

At least one employee of the detective agency shall be the person holding the detective license issued by the Detective Chamber. The management of the detective agency shall not be allocated to a person who is not a detective. The detective activity shall be performed solely by detectives in possession of the license for the performance of the detective activity.

### **Registering the detective agency** **Article 72**

The approval of the Detective Chamber shall accompany the application to register the detective agency.



Such an approval may be denied only in cases when the requirements set by the present Law for the establishment and operation of the detective agency are not fulfilled.

The approval referred to in Paragraph 1 of this Article shall be issued by the highest body of the Detective Chamber pursuant to its Statute. It shall be deemed that the approval is given if a response has not been received by the applicant within 60 days upon the date of submitting the application.

### **Winding-up of the detective agency**

#### **Article 73**

If the prerequisites set by this Law on the organisation and operations of the detective agency are not fulfilled, the operation thereof is terminated by winding-up.

The termination of the activities of the detective agency due to reasons referred to in Paragraph 1 above shall be defined by the court on the proposal of the members or the Detective Chamber. Prior to adopting the decision on termination, the court shall set the detective agency a time limit not exceeding six months, wherein the agency is obliged to harmonise its organisation and work with the stipulations of this Law.

### **3. Records on the detective activity**

#### **Records kept by the Detective Chamber**

##### **Article 74**

For the purposes of pursuing investigative activities the Detective Chamber keeps and updates records on the:

- 1) detectives and investigators, the citizens of Serbia;
- 2) foreign detectives who are entitled to perform detective activities in Serbia under Article 9 hereof.

It is the duty of the Detective Chamber to submit the Ministry, on the written request thereof, the data from the records kept and updated by the Chamber.

#### **Data kept in records of the Detective Chamber**

##### **Article 75**

Records on detectives who are the citizens of Serbia include the following data:

- 1) full name;
- 2) place and date of birth (day, month, year and place of birth);
- 3) citizenship;
- 4) residence and domicile respectively;
- 5) professional qualification;
- 6) profession;
- 7) occupation;
- 8) date of passing the examination for detectives;
- 9) date and number of the issued license certificate;
- 10) date and number of the identification card;
- 11) date of the license revocation;
- 12) date of the identification card revocation.

The records on foreign detectives entitled to pursue the detective activity in Serbia under Article 9 hereof includes data referred to in Paragraph 1 Items 1) through 7) of this Article, the number of the license certificate and the detective's identification card, as well as data on the authority of the detective's native country that has issued the license and the identification card of the detective.

### **Methods of data gathering and the protection of personal data** **Article 76**

Data referred to under Article 75 of this Law shall be collected directly from the individual who these refer to.

The provisions of the Law on the Protection of Personal Data shall be applied to personal data collected and used under Article 75 hereof and not regulated by the present Law.

### **Types of records kept by the detective** **Article 77**

The detective shall keep:

- 1) records on the contracts on providing detective services;
- 2) records on the collected information;
- 3) records on the discovered criminal offences.

Records referred to in Paragraph 1 of this Article comprise of the following data:

- 1) records of contracts on providing detective services, data on the orderer of the detective services (the full name and title of the individual or the name and the business seat of the legal entity), data about the contract on providing detective services (the contract serial number, the date of the conclusion of the contract, the date of the completion of the contracted obligations), data relating to the field where the information were gathered (indicating the scope of data collection under Article 61 hereof and the description of the detective service that has been rendered and subject of the contract respectively), data on the authorisation of the contracting party (the serial number of the authorisation, the scope of the authorisation), the date of the implementation of the contract;
- 2) records of the gathered information, data on the type of gathered information (the scope of collecting information, data on individual information), data about the individual (his/her full name, residence and domicile), data about the legal entity (the corporate name and the seat of the legal entity), other data about a specific information;
- 3) records on the discovered criminal offences: data about the discovered criminal offence prosecuted *ex officio* (the source of information, date of information), discovered data about the criminal offence and filing and laying an information under Paragraph 3 of Article 64 hereof.

### **Right to review the detective's records** **Article 78**

Any individual is entitled to review his or her data entered in the records under Article 77 hereof immediately after the records have been established.

It is the duty of the detective to lay the records referred to in Paragraph 1 of this Article for the inspection on the demand of the Detective Chamber or the inspector.

The Detective Chamber and the inspector respectively shall keep the personal data from the records referred to in Article 77 hereof in accordance with the law and use them in performing supervision pursuant to this Law.

### **Archiving data in the detective's records** **Article 79**

Some data in the records referred to in Article 77 of this Act shall be archived, namely:

- 1) data in the records listed under Item 1) – five years upon the fulfilment of the contract;
- 2) data in the records listed under Item 2) – until the fulfilment of contract on providing detective services;
- 3) data in the records listed under Item 3) – five years from entering the data on discovering a criminal offence.

After the expiration of terms set in Paragraph 1 of this Article, the detective shall duly maintain these data except for the data from the record of gathered information, which shall be submitted to the subject upon the fulfilment of contract on the provision of detective services.

### **Confidentiality in relation to personal data** **Article 80**

Personal data in the records shall be kept until the detective's license is revoked, thereafter, pursuant to Article 74 hereof, only those records shall be kept which refer to the data on the detective's full name, corporate name and license revocation.

## **4. Detective Chamber**

### **Tasks of the Detective Chamber** **Article 81**

As public powers, the Detective Chamber performs the tasks as follows:

- 1) issuance and revocation of the detective license;
- 2) in agreement with the Ministry, defines the curriculum and method of passing the exam for detectives.

The Detective Chamber performs the following tasks as well:

- 1) monitors and considers the work of its members;
- 2) adopts the Code of Conduct and measures to be applied if the provisions of the Code are violated;
- 3) keeps records on detectives;
- 4) performs other tasks defined by the government authorities' statutes and regulations;
- 5) supervises the work of its members;
- 6) defines the form and content of identification card referred to in Article 66 hereof.

### **Resources of the Detective Chamber** **Article 82**

Resources needed for performing public powers and for other operations by the Detective Chamber shall be ensured from:

- 1) the mandatory contribution from members (a membership fee),
- 2) performing other operations set by the Statute.

The basis, amount and method of payment of the membership fee shall be defined by the Statute of the Detective Chamber.

### **Issuance and revocation of license for detectives**

#### **Article 83**

Decision on conferring and revoking the license respectively referred to in Article 81, Paragraph 1, Item 1 hereof shall be taken by the Detective Chamber within an administrative procedure.

The applicant for the issuance of the detective license and the detective respectively shall be entitled to file an appeal against the decision referred to in Paragraph 1 of this Article. The decision on the appeal shall be passed by the Minister within 30 days.

The decision issued in the proceedings on conferring or revoking the license shall be submitted by the Detective Chamber to the Minister within 15 days upon issuance.

## **IV. SELF-PROTECTION ACTIVITY**

### **Self-protection service**

#### **Article 84**

The Government defines by a decree those business entities, entrepreneurs, governmental and other authorities and organisations (hereinafter: "the obligers") who are liable to organise the self-protection service:

- 1) if they use or keep radio-active materials, hazardous fuels and waste and other materials and things hazardous for humans and environment, proposed by the Minister competent for the protection of environment and the Minister competent for economic affairs respectively;
- 2) if they keep an archival corpus or objects representing the cultural interest, on the proposal of the Minister competent for culture;
- 3) if they manage airports or ports of international public transportation, on the proposal of the Minister competent for traffic and transportation;
- 4) in other cases, when it proves to be indispensable on grounds of self-protection, on the proposal of the Minister competent for internal affairs, and the Minister competent for other areas respectively.

There are special grounds for self-protection referred to in Paragraph 1, Item 4) of this Article, when the obligor is engaged in operations involving predictable opportunity of accidental hazard and an increased threat for the safety of persons and their assets, and the obligor's assets respectively.

The decree referred to in Paragraph 1 of this Article shall provide for the minimum scope of the obligor's protection.

If the obligor fails to organise the self-protection service, the Ministry may, by a ruling adopted in an administrative procedure, define the scope and manner of self-protection and set a term for the obligor for carrying through the relevant measures and accomplishing the operations.

The self-protection related service referred to under Paragraph 1 of this Article may be organised by the obligors as their own service or they may provide for the permanent self-protection related service by concluding a contract with a subject referred to in Article 2 hereof.

The provisions of the present Law shall accordingly be applicable for the obligor's own self-protection service.

The provisions of this Law shall be applicable for the obligor's self-protection service referred to under Paragraph 1 of this Article, if not stipulated otherwise in special regulations.

### **Special register of license holders performing the self-protection activity**

#### **Article 85**

For license holders performing the self-protection activity referred to in Article 84 hereof a special register of license holders shall be kept, wherein the data listed under Article 46 hereof shall be entered.

## **V. SUPERVISION**

### **1. Types of supervision and duties of the Chambers**

#### **Supervising the implementation of regulations**

##### **Article 86**

The implementation of this Law and regulations adopted on the basis of this Law shall be supervised by the Ministry.

#### **Time limits for rectifying defaults. Report on financial transactions**

##### **Article 87**

If, during performing its public powers under this Law, the Ministry establishes that the Protection and Security Chamber and the Detective Chamber respectively fail to meet the requirements set forth herein to perform public powers, or fail to perform such public powers in a manner as set forth herein and in the regulations adopted under this Law, it shall set the time limit to rectify the established defaults.

It is the duty of the Chambers referred to in Paragraph 1 of the present Article to submit each year the Ministry a report on financial transactions effected in the former calendar year until March 31<sup>st</sup> of the current year as the latest.

#### **Inspection**

##### **Article 88**

Inspection shall be performed by the Ministry through the inspector.

The inspector shall perform his/her tasks autonomously, adopt decisions in the administrative procedure and fulfil other tasks within the scope of his/her mandate.

In performing their tasks, inspectors shall be supported by the police in accordance with the Law on Police.

## **2. Inspection of the security-related activity and the self-protection activity**

### **Inspector's powers Article 89**

The inspector, in performing supervisory tasks with regard to the implementation of regulations on the security-related activity and the self-protection activity shall particularly:

- 1) check status-related matters;
- 2) check professional duties;
- 3) check the existence and contents of the licence holder's records;
- 4) establish misdemeanours in performing the security-related activity under Article 25 hereof;
- 5) check the mandatory organisation of the self-protection service referred to under Article 84 hereof;
- 6) participate in performing supervision together with other state authorities and agencies and organisations with public powers.

Status-related matters referred to under Item 1), Paragraph 1 of this Article particularly include:

- 1) licences on providing protection stipulated by this Law;
- 2) identification card referred to in Article 36 hereof;
- 3) evidence on fulfilling the conditions for obtaining the licence for the security-related activity.

Professional duties referred to in Item 2), Paragraph 1 of this Article particularly include:

- 1) performing the measures and duties of the security officer;
- 2) the transportation and protection of financial and other valuables in transit;
- 3) informing the police about the use of physical force, means of restraint, limitations of movement, bodily injuries and the use of firearms;
- 4) informing the competent authority about a criminal offence;
- 5) wearing working clothes;
- 6) carrying and safekeeping the firearms.

### **Special rights and duties of the inspector Article 90**

The inspector, beyond the powers set forth by the law regulating supervision and control, has the right and duty to:

- 1) set a time limit for rectifying defaults and irregularities in implementing the regulations on the security-related and self-protection activities;
- 2) propose the Ministry the temporary or permanent revocation of the license, when reasons referred to under Article 28 Paragraph 1 Items 1) and 4) of hereof have been established;
- 3) request from the person in charge a written statement relating to the subject of inspection;
- 4) perform acts pursuant to the Law on Petty Offences;
- 5) file charges with the competent authority for criminal offences prosecuted *ex officio*.

An appeal may be submitted to the Minister against the inspector's decision referred to in Item 1, Paragraph 1 of this Article within 15 days upon its delivery.

The appeal against the inspector's decision shall not withhold the enforcement thereof.

The decision on the appeal shall be taken by the Minister within 30 days upon the submission thereof.

**Police involvement in the supervision  
Article 91**

Supervising the implementation of provisions under Articles 32, 33, 36 and 38 hereof shall also be performed by the police.

**3. Inspection of the detective activity**

**Powers of the inspector  
Article 92**

The inspector in performing the supervision of implementing the regulations referring to the detective activity shall particularly:

- 1) check the existence and validity of the license on performing the detective activity;
- 2) check the existence and content of records the detective is bound to keep;
- 3) establish the performance of non-permissible activities;
- 4) establish the manner of gathering and the type of the collected information, particularly from the point of view of the human rights protection;
- 5) establishes the method of protection for data gathered during the performance of the detective activity or in relation thereto;
- 6) participate in performing the supervisory inspection together with other governmental authorities and agencies and organisations with public powers.

**Special rights and duties of the inspector  
Article 93**

The inspector, beyond the powers set forth by the law regulating supervision and control, has the right and duty to

- 1) establish a time limit for rectifying defaults and irregularities in implementing investigative activities;
- 2) propose the Detective Chamber the revocation of the license if the detective does not fulfil the requirements stipulated by the law regulating the performance of the detective activity or if the defaults or irregularities have not been rectified within the set time limit;
- 3) propose the Detective Chamber to initiate a disciplinary procedure on establishing liability;
- 4) propose any competent authority to take up measures;
- 5) impose a fine in cases provided by the law, and propose the initiation of criminal charges pursuant to the law;
- 6) file charges with any competent authority for criminal offences prosecuted *ex officio*.

An appeal may be submitted to the Minister against the inspector's decision referred to in Item 1), Paragraph 1 of the present Article within 15 days upon its delivery.

The appeal against the inspector's decisions shall not withhold the enforcement thereof.

The Minister shall take a decision on the appeal within 30 days upon its submission.

#### **4. Common provisions on the supervision of the security-related, detective and self-protection activities**

##### **Conditions for the inspector. Inspector's official identification card Article 94**

The inspector shall be a holder of a higher education degree in law or other social sciences, shall have at least five years of work experience and passed vocational examination.

The inspector shall prove the powers to perform supervisory inspection by the official identification card for inspectors for the security-related, detective and self-protection activities. The form of the identification card and the issuing procedure thereof shall be established by the Minister.

The Minister shall prescribe the content and method for performing the vocational exam for inspectors.

##### **Rules on performing supervision Article 95**

The Minister shall prescribe the specific details of performing inspection in the field of the security-related, detective and self-protection activities.

##### **Subsidiary application of law Article 96**

If not provided by the present Law otherwise, the provisions of the law regulating supervisory inspection and of the Law on the General Administrative Procedure shall be applied to the inspection and the inspector.

### **VI. PENALTY PROVISIONS**

#### **Violations by commercial entities and entrepreneurs Article 97**

A fine for default in the amount of Dinars 25,000 to 200,000 shall be imposed on the commercial entity or an entrepreneur, who:

- 1) engages a person to perform the security-related activity with whom no contract on employment has been concluded (Article 1, Paragraph 3);
- 2) performs physical protection activities outside the protected facility or outside the borders around the protected person (Article 2, Paragraph 4);
- 3) acts contrary to Article 6 hereof;
- 4) performs the security-related activity without holding the prescribed license or against the issued license, or fails to ensure protection against liability or performs protection without the written contract or against it (Article 12, Paragraph 1);
- 5) provides the security-related services by persons who do not meet the requirements for performing such services (Article 12, Paragraph 2);
- 6) performs jobs incompatible with the security-related activity (Article 25);
- 7) does not display on a visible place the provisions on the use of the video surveillance system or, as the holder of data, does not keep them until the expiration of the time limit set for the safekeeping (Article 30, Paragraph 2);
- 8) acts contrary to Article 30, Paragraph 3 hereof;



- 9) acts contrary to Article 30, Paragraph 4 hereof;
- 10) possesses illegal weapons or weapons which quantity exceeds the quantity set by this Law, or uses weapons, which are not in its possession (Article 32, Paragraph 2);
- 11) fails to inform the police station in writing about limitations of movement, use of restraints, physical power, bodily injuries or use of firearms (Article 22, Paragraph 3);
- 12) fails to use means and devices having the prescribed product quality according to the accepted standards in Serbia, and to the accepted rules of the technical profession, or fails to ensure the correctness of the installed technical equipment or its regular maintenance and repair within guarantee period (Article 41);
- 13) fails to inform the police from the supervising centre in a manner as set forth under Article 43 hereof;
- 14) fails to provide intervention after the alarm signal (Article 44);
- 15) fails to produce the data to the Protection and Security Chamber pursuant to Article 49 hereof;
- 16) fails to keep the records it is obliged to (Article 50);
- 17) on the inspector's demand fails to produce for inspection the records it keeps (Article 51, Paragraph 1);
- 18) fails to rectify the defaults within the term set by the inspector (Article 90, Paragraph 1, Item 1).

A fine in the amount of Dinars 5,000 50,000 shall be imposed on the liable person of the commercial entity and on the entrepreneur respectively who has committed an offence under Paragraph 1 of this Article.

#### **Violations by security officers Article 98**

A fine in the amount of Dinars 5,000 to 50,000 shall be imposed on the security officer who:

- 1) acts contrary to Article 30, Paragraph 3 hereof;
- 2) acts contrary to Article 30, Paragraph 4 hereof;
- 3) acts contrary to Article 30, Paragraph 1 or 2 hereof;
- 4) acts contrary to Article 34 hereof,
- 5) while on duty, fails to produce the identification card (Article 36, Paragraph 1);
- 6) fails to show his/her identification card (Article 36, paragraph 2)
- 7) fails to wear working clothes (Article 38, Paragraph 1).

A fine in the amount of Dinars 5,000 to 50,000 shall be imposed on the security technician and the surveillance centre operator who has committed an offence under Paragraph 1 Items 3, 4, 5, 6 of this Article.

A fine in the amount of Dinars 5,000 to 50,000 shall be imposed for violation on the person liable for security, the security officer, the security technician, the authorised surveillance system engineer and surveillance centre operator respectively who fails to return the Ministry his/her identification card (Article 37, Paragraph 2).

#### **Unauthorised performance of the security-related activity Article 99**

A fine in the amount of Dinars 10,000 to 100,000 shall be imposed for violation on an individual who performs the security-related activity but fails to fulfil the requirements provided by this Law (Article 13 and 14).

**Violations by and injunctive relief for detectives  
Article 100**

A fine in the amount from Dinars 25,000 to 200,000 shall be imposed on the detective who:

- 1) performs the detective activity without a written contract concluded with the client, and without the client's written authorisation respectively (Article 59);
- 2) gather information he/she is not entitled to (Article 61, Paragraph 1);
- 3) prior to gathering information, fails to warn the person against the voluntary providing of information (Article 61, Paragraph 2);
- 4) fails to safekeep the data in the scope and manner as set by the Minister (Article 63, Paragraph 2);
- 5) fails to hold gathered information as professional and business secret, respectively (Article 64, Paragraph 1 and 2);
- 6) acts against Article 65 of this Act;
- 7) fails to show his/her identification card (Article 66);
- 8) fails to keep records he/she is obliged to (Article 74).

Beyond the fine referred to under Paragraph 1 Items 1), 2), 5), 6) and 8) of this Article, injunctive relief may be imposed on the detective in the duration of three months up to one year.

**Violations by detectives  
Article 101**

A fine in the amount of Dinars 15,000 to 150,000 shall be imposed for violations on the detective who:

- 1) fails to provide the competent authority with data about a criminal offence prosecuted *ex officio* (Article 64, Paragraph 3);
- 2) fails to lay for inspection demanded by the inspector or the Detective Chamber the records kept (Article 78, Paragraph 2);
- 3) fails to rectify the defaults within the term set by the inspector (Article 93, Paragraph 1, Item 1).

**Unauthorised performance of the detective activity  
Article 102**

A fine in the amount of Dinars 10,000 to 100,000 shall be imposed for violation on the individual, who performs the detective activity without holding the detective licence (Article 60, Paragraph 1).

**Violations by the Chambers and liable persons  
Article 103**

A fine in the amount of Dinars 25,000 to 200,000 shall be imposed for violation on the Chambers if established that they have failed to perform in the prescribed manner some of their tasks for which they have been granted public authorisation.

A fine in the amount form 5.000 to 50,000 dinars shall be imposed on the liable person of the Chamber committing a violation under paragraph 1 of this Article.

## VII. TRANSITIONAL AND FINAL PROVISIONS

### **Harmonising activities with this Law Article 104**

Entities registered for security-related, detective and self-protection activities shall within the term of two years after this Law comes into force, harmonise their organisation and activities with this Law and shall obtain all necessary licenses according to this Law.

### **Establishing the Chambers Article 105**

The Protection and Security Chamber and the Detective Chamber respectively shall be established pursuant to this Law within one year upon its entering into force, and the curriculum for the qualification check, the Code of Conduct, the form of the identification card and the setting up of records keeping provided by this Law shall be established within the term of six months upon the foundation of the Chamber.

Until the Chambers start their operation, that tasks of the Protection and Security Chamber referred to under Article 55, Paragraph 1, Items 1) through 4) and Items 6), 10) and 13), and the tasks of the Detective Chamber referred to under Article 81 Paragraph 1 Items 1) and 2) and Paragraph 2 Items 3), 5) and 6) hereof shall be performed by the Ministry.

### **Task Forces for preparing the foundation of the Chambers and the commencement of the work Article 106**

In order to establish the Chambers referred to in Article 105 hereof, the Minister shall, within the term of 30 days after this Law has entered into force, appoint the Task Force to prepare the foundation and start-up of the Protection and Security Chamber and the Task Force to prepare the foundation and start-up of the Detective Chamber.

The Tasks Forces referred to under Paragraph 1 of the present Article shall include 11 members appointed by the Minister on the proposal of the existing Protection and Security Chambers and the Chamber and associations of detectives. The Task Forces shall elect their chairpersons among their members.

The Task Force shall adopt:

- 1) the Chamber statutory decision by which essential matters relating to the Chamber foundation and start-up, the method and procedure for electing members on the Chamber constitutive assembly shall be set;
- 2) a decision on publishing and conducting the election for the Chamber Assembly members.

The procedure on nominating and electing the members of the Assembly shall be conducted within 60 days upon the adoption of the decision referred to in Paragraph 3, Item 2) of this Article and the Constitution of the Chamber bodies shall be made within 30 days upon the election of the members of the Assembly.

The Chamber shall start its activities within one year after the date this Law has come into force, and shall start to accomplish tasks it has been charged with as public powers within six months upon the Chamber started its activities as the latest.

**Appointing the inspector**  
**Article 107**

The inspector referred to under Article 88 hereof shall be appointed among the employees of the Ministry within two years upon this Law comes into force as the latest.

Until the regulation referred to under Article 94, Paragraph 2 hereof is adopted, the inspector shall prove his/her identity by showing the authorisation of the Minister.

**Government regulation on organising the self-protection service**  
**Article 108**

The Government shall, within one year after this Law has come into force, adopt a regulation on the mandatory organisation of the self-protection service (Article 84, Paragraph 1).

**Regulations of the Minister of the Interior**  
**Article 109**

The Minister shall, within one year after this Law has come into force, adopt regulations on the:

- 1) method of transportation and protection of pecuniary and other valuable shipments (Article 19, Paragraph 4);
- 2) method for applying measures for the security officers (Article 35);
- 3) method of performing public powers and on human resources and material conditions for the performance of public authorities (Article 55 Paragraph 4);
- 4) scope and manner protecting personal data by detectives (Article 83, Paragraph 2);
- 5) form of the official identification card for the inspector for the security-related, detective and self-protection activities and on the procedure for the issuance thereof (Article 94 Paragraph 2);
- 6) content and manner of conducting vocational examination for inspectors (Article 94, Paragraph 3);
- 7) manner of conducting supervision in the field of the security-related, detective and self-protection activities (Article 95).

**Confirmation of the fulfilment of requirements set by the present Law**  
**Article 110**

The requirements under Articles 13 and 14 of the present Law shall be deemed fulfilled, namely:

- 1) requirements set forth for the person liable for security and person who on the date of the enactment of this Law is the holder of a higher school degree and has at least five years of work experience gained by directly accomplishing the tasks of the liable person;
- 2) requirements set forth for the security officer and the person who on the date of the enactment of this Law is the holder of the primary school degree and has three years of work experience gained by directly providing security-related services as the security officer with an entity registered for the security-related activity.

**Entry into force**  
**Article 111**

The present Law shall enter into force on the 8<sup>th</sup> day after being published in the *Official Gazette of the Republic of Serbia*.