

**LAW
ON THE BASES REGULATING SECURITY SERVICES OF THE REPUBLIC
OF SERBIA**

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I GENERAL PROVISIONS

Law content

Article 1

Bases of security-intelligence system of the Republic of Serbia, directing and harmonizing of security services work in the Republic of Serbia (hereinafter: the security services) and supervising of their work shall be regulated by this Law.

Establishing and functioning of the security services in the Republic of Serbia outside the provisions of this Law shall be prohibited.

Security services functioning principles

Article 2

The security services function on the basis and in the framework of the Constitution, laws, other regulations and general acts, national security strategy, defense strategy and defined security-intelligence policy of the Republic of Serbia.

Security services members shall be obliged to act according to the Constitution, law, other regulations and general acts, rules of profession, impartially and neutrally in terms of politics.

The security services members cannot be members of political parties.

Security-Intelligence System

Article 3

Security services constitute part of a unique security-intelligence system of the Republic of Serbia.

For addressing issues relevant for national security, the National Security Council shall be established, while Council's activities relevant for harmonizing and directing security services work shall be regulated by this Law.

For operational harmonizing of security services work, the Bureau for security services work coordination (hereinafter: the Coordination Bureau) shall be established.

Security services work shall be under democratic civil control of the National Assembly, the President of the Republic, the Government, the National Security Council, other state authorities and the public, in compliance with the law.

II SECURITY SERVICES

Article 4

Security services shall include the Security-Information Agency, as a separate organization, the Military-Security Agency and the Military-Intelligence Agency, as governing bodies within the Ministry of Defense.

Security services shall perform their activities and tasks within their competences, in compliance with the law.

Security services shall have a legal person status.

III DIRECTING AND HARMONIZING THE SECURITY SERVICES FUNCTIONING

1. National Security Council

Competency

Article 5

The National Security Council (hereinafter: the Council) is a body of the Republic of Serbia that performs specific activities and tasks in the field of national security.

The Council shall preserve national security by:

- considering issues concerning defense, internal affairs and security services work;
- considering mutual cooperation of bodies in charge of defense, bodies in charge of internal affairs and security services and their cooperation with other competent state bodies, as well as coordination with bodies and security services of foreign countries and international organizations;

- recommending measures to competent state bodies for national security promotion;
- considering proposals for national security promotion submitted by bodies in charge of defense, bodies in charge of internal affairs, security services and other competent state bodies;
- considering issues in the scope of state administration bodies, autonomous provinces, municipalities, towns and the city of Belgrade relevant for national security;
- considering other issues relevant for national security.

The Council shall direct and harmonize security services work by:

- considering intelligence-security assessments and making conclusions that define priorities and protection manners, and directing realization of national interests carried out by intelligence-security activities;
- making conclusions regarding the work of the security services and the Coordination Bureau;
- making conclusions directing and harmonizing the work of the security services;
- making conclusions directing cooperation of the security services with security services of foreign countries and international organizations;
- making conclusions harmonizing state bodies activities dedicated to international cooperation in the field of national security and defense;
- supervising the implementation of its conclusions;
- delivering opinions on proposals of annual and middle-term work agendas of security services;
- delivering opinion to the Government on security services budget proposals and supervising the implementation of approved budgetary funds;
- delivering opinion to the Government on proposal for appointing and dismissing the security services director.

The Council shall assure the agreed application of regulations and standards for the protection of data on person, as well as other provisions protecting human rights potentially affected by information exchange or by other operational actions.

Council constituents

Article 6

The Council members shall be:

- President of the Republic
- President of the Government

- Minister of Defense

- Minister of Internal Affairs

- Minister of Justice

- Chief of General Staff of the Serbian Armed Forces;

- Directors of security services.

Council Secretary

Article 7

The Council shall have a Secretary, who participates in the work of the Council, with no right to make decisions.

The Council Secretary shall assure the Council's conclusions implementation and shall perform other duties defined by the Rules of procedure of the Council and its other acts.

Secretary of the Council shall be appointed and dismissed by the President of the Republic.

The Council's Office

Article 8

The Government shall issue regulation establishing the Office of the National Security Council (hereinafter: the Council's Office), as a government service performing expert and administrative activities for the Council's needs, particularly for:

- activities related to convening and preparation of the Council's sessions;

- expert activities related to monitoring the implementation of the Council's guidelines and conclusions;

- activities of administrative-technical support to the Coordination Bureau;
- storing and providing reports and other acts of the Council to the Council members for inspection.

Council's modus operandi

Article 9

Council's session shall be convened by the President of the Republic. Draft agenda of a session shall be defined by the President of the Republic and the President of the Government.

Council's session shall be chaired by the President of the Republic, and in his absence – the President of the Government.

Conclusions and other acts of the Council shall be signed by the President of the Republic.

Council's sessions shall be held when the necessity arise, at least once in three months.

At his initiative or at the initiative of a Council member, the President of the Republic can invite heads of other state bodies and institutions, and other non-members of the Council to participate the Council's sessions.

Rules of procedure of the Council

Article 10

The Council shall pass the Rules of procedure.

The Rules of procedure and other general acts of the Council lay down in detail other issues relevant for the work of the Council, the Coordination Bureau and the Council's Office, as well as manner in which administrative and technical activities for the Council shall be administered.

2. Coordination Bureau

Bureau's competence

Article 11

The Coordination Bureau shall operatively harmonize security services work and it shall administer conclusions of the Council related to the issues within its competences.

The Coordination Bureau shall particularly:

- define tasks that are to be carried out through operative harmonization of activities of security services, and the activities of security services with other state bodies, and shall, in that regard, coordinate their activities;
- define mode of operative harmonization in certain cases;
- form mixed working groups for operative tasks carried out through operative harmonization of activities, and shall define their tasks;
- analyze the results of operative harmonization and if need be report to the Council on those, at least once in six months.

The functioning of the Coordination Bureau is defined in detail in the Council's Rules of procedures.

Bureau constituents

Article 12

The Coordination Bureau shall be comprised of security services directors and the Council Secretary.

If invited, the following individuals may participate in the work of the Coordination Bureau:

- Ministry of Foreign Affairs representatives;
- Police Director and chiefs of the Police departments;
- Public Prosecutor of the Republic;
- Customs Administration Director;
- heads of other state bodies, organizations and institutions.

Cooperation with the Council

Article 13

In accordance with their constitutional and legal position, relevant state bodies shall be required to cooperate with the Council in issues within the Council's competence, primarily in implementing Council's conclusions.

In case the relevant state body shall not cooperate with the Council or shall not implement conclusions of the Council, the Council's Secretary shall without delay present the fact to the Council, which can, in that case, request from the head of the state body to take all the measures stipulated by the law that would result in establishing cooperation of the state body with the Council or in implementing a conclusion of the Council.

Funding

Article 14

Funds for the functioning of the Council shall be provided in the budget of the Republic of Serbia.

IV SUPERVISION OF SECURITY SERVICES WORK

Supervision principles

Article 15

Supervision of security services work shall be based on the following principles:

- subordination and accountability of the security services to the elected authorities of the Republic of Serbia;
- neutrality of the security services in terms of policies, ideologies and interests;
- obligation of the security services to inform the public about the conducted tasks in accordance with the law;
- responsibility of the subjects charged with supervision of the security services to inform the public about the results of their supervision;
- professional accountability and operational independence of the security service officers in conducting the assigned duties and security executives' accountability for the performance of the services.

Parliamentary supervision

Article 16

The National Assembly shall supervise the security services directly and through an authorized committee of the National Assembly (hereinafter: the Committee).

The Committee in particular:

- supervises the constitutionality and legality of the work of the security services;
- supervises the compliance of security services work with the national security strategy, defense strategy and security-intelligence policy of the Republic of Serbia;

- supervises the adherence to the prescribed neutrality of the security services in terms of policies, ideologies and interests;
- supervises the legality of the application of special procedures and measures for secret data gathering;
- supervises the legality of budgetary and other resources expenditure;
- reviews and approves reports on security services work;
- reviews draft laws, other regulations and general acts that lie within the competence of the security services;
- initiates motions and submits draft laws within the competence of the services;
- considers citizens' proposals, petitions and requests addressed to the National Assembly with regard to security services work, proposes measures for their resolution and subsequently notifies the submitters;
- establishes the facts regarding the observed violations and irregularities on the part of the services and their members and reaches conclusions on the issues;
- informs the National Assembly about its conclusions and proposals.

Committee sessions

Article 17

The Director of the security service is obliged to come to the sittings summoned at the Committee's request. If the Director of the security service is unable to attend the session, he/she is obliged to delegate his/her deputy or authorized representative to a Committee sitting.

Committee sittings may be closed for the public. In that case, the Committee Chairman shall inform the public about the activities of the Committee pursuant to the decisions reached during the Committee sitting.

Report to the Committee

Article 18

The Director of the security service shall submit a report on the work of the service at least once during the regular session of the National Assembly (regular report).

The Director of the security service shall also report to the Committee if need be or at the request of the Committee (extraordinary report).

Direct supervision

Article 19

Upon the request from the Committee, the Director of the security service is obliged to grant Committee members access to the service premises, allow them access to papers,

provide them with data and information on work of the service and answer their questions regarding the work of the service.

Committee members are not authorized to demand from security services information on:

- identities of current and former agents of the service;
- security service members with concealed identity;
- third parties if disclosure of such information might be damaging to them;
- methods of obtaining intelligence and security data;
- ongoing actions;
- application mode of special procedures and measures;
- data and information obtained through exchange with its foreign counterparts and international organizations;
- confidential data and information of other state authorities in the possession of the service.

Confidentiality statement

Article 20

Even upon termination of their membership or their engagement to the Committee, members and persons engaged in the activities of the Committee are obliged to safeguard and preserve confidential information they receive on the Committee.

Committee members sign a confidentiality statement following their election to the Committee and persons engaged in the activities of the Committee do the same before their engagement to the Committee.

Public oversight

Article 21

Security services shall inform the public about their work through authorities to which they submit their reports in a manner that does not infringe citizens' rights, national security or other interests of the Republic of Serbia.

Security services may also inform the public directly about specific security phenomena and events.

V TRANSITIONAL AND FINAL PROVISIONS

Article 22

Security services work shall be governed by special laws in accordance with the present Law.

Pending the entry into force of paragraph 1 of this Article, provisions of the Law on Security Services of the Federal Republic of Yugoslavia (*Official Gazette of FRY*, No. 37/02 and *Official Gazette of Serbia and Montenegro* No. 17/04) and the Law on the Security-Information Agency (*Official Gazette of the Republic of Serbia*, No. 42/02), which are not inconsistent with the provisions of the present Law, shall apply.

The relevant authorities shall adopt necessary regulations that prescribe the enforcement of this Law.

Article 23

This Law shall come into force eight days after its publication in the *Official Gazette of the Republic of Serbia*.