

Design of an Efficient Support System 112 for the Republic of Serbia

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Vesna Ćorić

GAP ANALYSIS WITH RECOMMENDATIONS CONCERNING 112
SYSTEM IN LIGHT OF EUROPEAN STANDARDS

2020

Project Identification No. EuropeAid/138439/DH/SER/RS.



This project is funded
by the European Union
ABD



1 Preliminary Gap Analysis

The regulatory framework governing the successful operation of a 112 system is complex. It has taken the EU over 20 years to develop it in its current stage, while the process is still ongoing.

The relevance of provisions on access to emergency services through the single European emergency number 112 cannot be understated. Firstly, the adequate regulation of the 112 system significantly improves the level of protection and security of all citizens, including those traveling in the EU. Secondly, its importance is proved, *inter alia*, by the fact that this year, the European Commission has pursued infringement procedures against five Member States (Croatia, Czech Republic, Germany, Greece, and Spain) for their lack of compliance with EU law in the implementation of 112.¹ Croatia, the Czech Republic, Greece, and Spain are criticised for failing to ensure that people with disabilities have 'equal access' to emergency services. In addition, the European Commission has also expressed concerns about how location information is provided to emergency control rooms (PSAPs) in Germany and Greece. Although the EU acquis requires emergency calls to be located "as soon as the call reaches" the emergency control room, Greek authorities reported that on average it takes more than four minutes for emergency services to obtain this information. The Serbian legal framework for the time being also contains strong guarantees for providing rapid response in times of emergency.

The majority of the EU acquis governing the key issues related to the 112 system are directives, which means that their transposition into national law is mandatory for Member States. The eCall Regulation and Roaming Regulation constitute exceptions in that regard. This means that **the implementation of this system is not uniform across EU Member States** and that **both national legislation and practices can differ**.

The variations among legal frameworks of Member States are also attributable to the fact that some relevant issues on the 112 system are regulated by the soft EU acquis, such as the European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number. Through such EU acquis, the Member States are called on to exchange best practices on the cooperation of their competent national authorities and civil society organizations so as to improve the efficiency of the 112 emergency services both at the national and European levels.² It is further recommended that this exchange should be extended to EU candidates and neighbouring countries. It is noteworthy that when it comes to the issue of the organization of 112 system the views expressed by EENA (European Emergency Number Association) are also of key relevance. Given that some issues related to the operation of the 112 system, such as funding of the 112 system and operator training are regulated only by the soft law, a particular emphasis within this analysis in those cases will be placed on European best practices, EENA documents, as well as the findings of the European Commission in its annual reports. On the other hand, when it comes to issues governed by hard EU acquis, the gap analysis will be elaborated more concretely through the preparation of tables of concordance for each specific EU hard acquis.

¹ <https://eena.org/eu-commission-infringement-112-legislation/>

² See European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number (2010/2274(INI)), para. 32.

The acquis relevant for the operation of the 112 system is complemented by the governing disaster response and emergency management system, where particular focus is given to civil assistance and humanitarian aid. The gap analysis will therefore also cover EU acquis and Serbian regulatory framework in this field, with a view to identifying and, if appropriate, advancing the particular role of the Serbian 112 service in disaster response and emergency management system and in cooperation with relevant EU communication and emergency management systems, such as the ERCC (Emergency Response Coordination Centre) and CECIS (Common Emergency Communication Information System).

The approach in this gap analysis will be to analyse the key provisions related to the 112 system individually and then identify the related Serbian legislation and identify potential gaps. This approach will be taken for two reasons. First, certain pieces of the EU acquis are amendments of the previous acquis, which in certain aspects is still in force. It is, therefore, easier to identify the rules and standards and their progression, and potential gaps in Serbian legislation, which has been on the path towards harmonization with the EU acquis for some time, in this way. The second reason lies in the Serbian rules governing the transposition of EU acquis, which requires the development of tables of concordance of Serbian law with individual pieces of EU acquis one legal act at a time. The approach taken in this gap analysis is aimed at facilitating the future development of the tables of concordance and helping pinpoint the sections of the laws and secondary legislation that require regulatory intervention.

2.1. Universal Service Directive (Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) as amended by Universal Service Directive - Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (Text with EEA relevance)

The 'Universal Service Directive' ensures specific rules for the provision of electronic communications services within the EU. One of the **key obligations set out for Member States is to ensure the supply of certain mandatory services (universal service)**. These are the following:

- **electronic communications** services of a specified quality and at an affordable price have to be **available to all users** in their territory, regardless of their geographical location; This obligation is relevant for the 112 system as it relies on the possibility of a person to inform the 112 service of the emergency.
- those users who request a connection to the **public communications network** (i.e. electronic communications services available to the public, such as telephone and internet) at a given place are provided with one (this is important, for example for consumers in rural or geographically isolated areas); **Again, this is a *sine qua non* for contacting the 112 system.**

- users who are disabled can benefit from an offer tailored to their needs and at a level equivalent to that enjoyed by other users; This is an important obligation as it enables disabled users to contact the 112 service **under conditions that are equivalent** to those that are at the disposal of persons who are not disabled.
- consumers with low incomes have access to special tariffs or receive special help.
- free delivery of the European emergency call number '112', with a requirement for operators to transmit emergency services information on the location of the caller.

It is important to note that the last two obligations, which the Member State imposes on privately owned for-profit suppliers of electronic communication services, are coupled with the state's obligation to compensate such suppliers, in order to offset the net costs that service suppliers incur as a result of providing a universal service (which is not always profitable).

The Universal Service Directive mandates the widest possible geographic coverage with services. Article 1 of the Directive stipulates that Member States shall ensure that the services set out in the Directive are made available at the quality specified to all end-users in their territory, independently of geographical location, and, in the light of specific national conditions, at an affordable price. The publicly available electronic communication services must support the transfer between network termination points of speech communications, and also other forms of communication, such as facsimile and data.

The Serbian **Law on Electronic Communications**³ defines universal service as a set of basic electronic communication services of a given scope and quality that are available to everyone on the territory of the Republic of Serbia at affordable prices. Further, in Article 55 this Law prescribes that universal service includes access to public communication network and public phones at a fixed location, including the service of transfer of data that enables functional access to the internet. In this respect, the Serbian law seems to be in line with the Directive, inasmuch as it expressly refers to transfer of data but does not refer to facsimile. It should be borne in mind that this Law was passed in 2010, after the amendments to the Universal Service Directive and as such is more in line with the 2009 amendments to the Universal Service Directive.

In addition to the Law, the Serbian legal system also has a **Rulebook on Universal Service**⁴ which states that access to public communication network at a fixed location relates to fulfilment of every reasonable request from a user on the territory of the Republic of Serbia for access to public communication network for the purpose of using publicly available phone services, at one fixed user location. The Rulebook states that the use of such services includes the possibility to make and receive local, inter-city and international calls, communication via telefax and functional access to the internet. The functional access to internet implies data transfer speed not slower than the one possible through dial-up. This provision seems somewhat anachronous.

The Universal Service Directive further requires that, when it comes to the connection, the Member States need to take into account prevailing technologies used by the majority of subscribers and technological feasibility.⁵ In addition, the Directive requires Member States to determine the most efficient and appropriate approach for ensuring the implementation of

³ RS Official Journal No. 44/2010, 60/2013 – Constitutional Court decision, 62/2014 i 95/2018 – other statute.

⁴ RS Official Journal No. 24/2012.

⁵ Article 4, para. 2.

universal service whilst respecting the principles of objectivity, transparency, non-discrimination and proportionality.

In that respect, the Serbian law prescribes that universal service is provided on a technologically neutral basis, with prescribed quality and at affordable prices. The Rulebook prescribes that the quality of service shall be measured in line with ETSI recommendation EG 201769-1.

As to the obligation of Member States to ensure that all reasonable requests for connection at a fixed location to the public telephone network and for access to publicly available telephone services at a fixed location are met by at least one undertaking, as prescribed in Article 4 of the Directive, the Serbian Law on Electronic Communications prescribes that public pay phone booths are positioned in public places, in accordance with the reasonable needs of the users in a given geographic area, where such placement corresponds to the greatest possible extent to the distribution of the population at a given geographic area. It seems that the wording of the Serbian text leaves more room for interpretation of what a reasonable request is, given that it prescribes additional criteria for the positioning of public pay phone linking them to the distribution of the population. This criterion is not further elaborated in the legislation and it can be argued that a clearer standard needs to be set in order to ensure adequate geographic coverage of the universal service. Croatia, for example, sets a clear demand whereby the universal service operator must ensure at least one public pay phone for every 1500 inhabitants, where the positioning of the public pay phones will to the greatest extent possible correspond to the distribution of the population.⁶ There is room for improvement of Serbian legislation in this respect, both with regards to ensuring that at least one undertaking provides this service, and that clearer standards are set, so as to facilitate access to 112 system.⁷

It seems that when it comes to the general outline of the universal service, Serbian legislation is line with the provisions of the Directive, which means that the general environment for providing universal service in Serbia is sound.

When it comes to the requirement of providing adequate access to universal services for persons with disabilities, the Directive prescribes in Article 7 that Member States are to take specific measures for disabled end-users in order to ensure access to and affordability of publicly available telephone services, including access to emergency services, directory enquiry services and directories, equivalent to that enjoyed by other end-users. Further, the directive allows Member States to take specific measures, in the light of national conditions, to ensure that disabled end-users can also take advantage of the choice of undertakings and service providers available to the majority of end-users.

In the Serbian Law on Electronic Communications (hereinafter: LEC), this obligation of the state is worded rather generally. Firstly, the Law states that universal service includes special measures that ensure equal opportunities for access to publicly available services for persons with disabilities and socially endangered categories of persons. The Law further prescribes in Article 110 that undertakings providing universal service are under the obligation to ensure equal accessibility of its services to persons with disabilities, within their technical capabilities.

⁶ Pravilnik o univerzalnim uslugama u elektroničkim komunikacijama, NN No. 146/12, 82/14 i 41/16

⁷ It does not seem that Serbia has pursued the option provided in the Directive, whereby a Member State shall ensure that its national regulatory authority can decide not to impose obligations under paragraph 1 in all or part of its territory, if it is satisfied that these facilities or comparable services are widely available, on the basis of a consultation of interested parties as referred to in Article 33.

The Law states that the relevant state authority can impose special obligations in this respect to the operators.

It seems that again the wording “according to its technical capabilities” renders this obligation somewhat relative. The Rulebook on Universal Service prescribes in Article 9 that these special measures include:

- 1) terminal equipment suited to the needs of disabled persons in the offer of universal service providers (adapted to persons with visual and hearing impairments and the like)
- 2) adapted public pay telephones
- 3) special tariff packages.

It seems that this obligation should be prescribed in more detail. Similarly, Serbian regulatory framework does not prescribe a minimum requirement related to adapted public pay telephones (e.g. at least one for in every settlement with more than 1000 inhabitants, as the case is in Croatia, for example).

When it comes to more specific and concrete requirements related to the 112 number, these are embedded in Article 26 of the Directive.

Firstly, the Directive mandates the Member States to ensure that, in addition to any other national emergency call numbers, all end-users of publicly available telephone services, including users of public pay telephones, are able to call the emergency services free of charge by using the single European emergency call number “112”. The Directive is clear in allowing Member States to keep other national emergency numbers functional, as 112 is not necessarily a complete replacement of the national emergency numbers.

In that respect, the Serbian Law on Electronic Communications prescribes in Article 89 that operators of publicly available phone services, including public pay-phones, are under the obligation to enable that all end-users are able to call the single emergency call number and other national numbers free of charge. Article 8 of the Rulebook on Universal Service elaborates this norm only by stating that calling emergency services must be enabled from public phones without the end-user having to insert a card or coins into the public pay-phone.

In addition to making the calls to 112 and to national services free of charge, Serbia has recently adopted the **Law on Disaster Risk Reduction and Managing Emergency Situations**⁸ (hereinafter: LDRMES) which clearly positions 112 system as the pivotal emergency response system. This is underlined in Article 99 of the Law, which states that 112 single European emergency number is introduced so as to enable every natural and legal person to call 112 free of charge and thus be provided by help and assistance from emergency services. This Law also reiterates the obligations of publicly available communication networks and publicly available phone services to enable all end-users free calls to the single emergency number 112, including calls from public pay-phones.

In this respect, the Serbian regulatory framework seems to be sufficiently in line with the Directive.

⁸ Law on Disaster Risk Reduction and Managing Emergency Situations, RS Official Journal No. 87/2018.

In Article 26 the Directive further requires that member states ensure that calls to the single European emergency call number "112" are **appropriately answered and handled** in a manner best suited to the national organisation of emergency systems.

This obligation is not consistently regulated in Serbian legislation. This lack of alignment of national law could be attributed to the fact that the LDRMES was adopted only recently and that the concept it introduces goes towards ensuring that all calls to emergency services are handled by the 112 services. Let us elaborate on this in more detail.

Namely, the Serbian LEC does not guarantee that the calls made to 112 will be appropriately answered and handled. It is as if the LEC assumes that once the call is made, this will be done in practice. The Rulebook on Universal Service does not provide any further regulation of the issue. It is only the LDRMES that explicitly envisages, in Article 95, that the 112 service is comprised of the National centre, operative centres, situation centres and public alert system, and that the 112 service is in charge of receiving, processing and forwarding the emergency calls (and also early warning and alerting) as well as with ensuring a single communication and information system and information protection system. The Law further prescribes that 112 service also uses publicly available networks and special purpose networks. It is therefore only with the adoption of this recent Law that the Serbian legal system has provided a clear legal grounding for the adequate processing of the calls made to 112 emergency number (this grounding did to an extent exist in the previous Law on Emergency Situations). The current Law does not elaborate on the matter much further. What it does prescribe is that the manner in which special-purpose telecommunication systems are used is to be established by an agreement of the heads of relevant state bodies. It is clear that the matter must be regulated further; currently the LDRMES envisages that the Government adopts secondary legislation to that effect. To date, such secondary legislation has not been adopted, and the Rulebooks that were in force that related to emergency situations continue to apply. They do not include guarantees as to the adequate handling of calls. This is a clear legal gap that needs to be filled in the development of a functional 112 system. Apparently, the given legal gap has to be bridged by means of regulating this issue by the law, instead of through bylaws. The need for legal transparency through a statutory mechanism is particularly underlined in case of the implementation of 112, given that EU acquis, including the Directive state that Member States shall ensure that citizens are adequately informed about the existence and use of the single European emergency number 112. This obligation concerns citizens, both nationals and visitors, and the obligation to inform them of the existence of 112 and the circumstances in which they should call it.

The Serbian regulatory framework is rather laconic when it comes to this obligation. Article 99 of the LDRMES states that information of the 112 emergency call number and warning signs must be displayed in a prominent place in all public institutions and all public places. The LDRMES also prescribes related fines for failure to display such information. However, it cannot be interpreted that this provision means that the aim of the Universal Service Directive is fully transposed in the Serbian legislation, as the type of information required by the Directive is more proactive and implies information in not only in national official language, but in a language that is intelligible to visitors. There seems to be room for a more concrete obligation related the information provided to citizens about the existence and use of the 112 number to be introduced to national legislation as well as to national strategic documents in Serbia. It

should be noted that currently, given the existence of parallel numbers, this would be of particular importance.

There is some evidence on how handling of 112 calls is done in practice in Serbia. As explained by Milenkovic, Kekic and Glavas⁹ in practice, the 112 system works only when it comes to reacting to natural disasters and technical and technological accidents. If citizens were to call 112, the call would be redirected to the territorially competent police administration. This is not a good solution as currently there are still three different and mutually independent systems in place: calls to 193 number are answered by the firefighters, calls to 192 number is answered by the police and calls to 194 number is answered by the emergency medical service. **These three are independent operating centres with different staff that has undergone different training**, and in cases of emergencies requiring the response of all three (or more) services, as the alerting of all three services must in fact be done by the citizens themselves, according to Milenkovic, Kekic and Glavas.

It is clear that this situation is not optimal and needs to be addressed, particularly in the light of the Directive requirement for adequate processing of 112 calls.¹⁰ From the current practices it seems that a person who is in need of medical assistance would be losing precious time by calling 112; as the call would be in fact answered by operators in the police emergency response centre. There is currently no publicly available information on any cooperation and data exchange agreements between the three emergency response centres.

In paragraph 5 of Article 26, the Directive prescribes that Member States shall ensure that undertakings which operate public telephone networks make caller location information available free of charge to authority handling emergencies as soon as the call reaches that that authority. This requirement is essential to enable proper emergency response.

The Serbian LEC envisages that the undertaking which operates public telephone networks is under the obligation to forward to emergency services, free of charge, all available data on the calls made to 112 and other emergency services call numbers, and in particular the date on the identity of the caller, the number from which the call was made, the time and duration of the call and the caller location information, to the extent technically feasible.¹¹ However, it fails to include the requirement of rapidity of the prescribed information provision.

The **Rulebook on General Conditions for Performance of Business Activity of Electronic Communication under a General Authorisation Regime**¹² prescribes this obligation in more detail. Namely, the Rulebook clearly states that the undertakings are under the obligation to ensure the existence of a system that enables the identification of geographic location of the terminal equipment in real time for all users of publicly available electronic communication network.

This system must provide this data with the following minimum precision requirements:

- in an inhabited settlement 200 meters when the request was initiated from the network side, that is, 100 meters when the request was initiated from terminal equipment

⁹ M. Milenković, D.Kekić and D. Glavaš "Implementacija jedinstvenog evropskog broja 112 za hitne slučajeve u Republici Srbiji –Prednosti i nedostaci", Sinteza 2018 International Scientific Conference on Information Technology and Data Related Research, 111-115.

¹⁰ See Article 26 of the Directive.

¹¹ Article 80.

¹² RS Official Journal No. 58/2018.

- outside of inhabited settlement 1500 meters when the request was initiated from the network side, that is, 100 meters when the request was initiated from terminal equipment

This Rulebook further states that the undertaking is under the obligation to provide up-to-date and accurate data on base stations, identity of the caller, location of the call and the number from which the call was made.¹³ However, this Rulebook also omits to address the issue of promptness of the information provision.

The Directive prescribes in Article 23 that Member States need to take all necessary steps to ensure the integrity of the public telephone network at fixed locations and, in the event of catastrophic network breakdown or in cases of force majeure, the availability of the public telephone network and publicly available telephone services at fixed locations. Further, it requires that Member States ensure that undertakings providing publicly available telephone services at fixed locations take all reasonable steps to ensure uninterrupted access to emergency services.

The Serbian LEC prescribes in Article 124 that the undertakings operating the public electronic communication networks are services under the obligation to protect the safety and integrity of network and services, but also of confidentiality of personal data, to apply adequate technical and organisational measures.

The recently adopted **Law on Critical Infrastructure**¹⁴ envisages in Article 6 that sectors in which critical infrastructure is determined include telecommunication and information technologies. This means that undertakings operating in this sector are under the obligation to develop relevant Safety plans for risk management, and as a result, the operation of the critical infrastructure should be ensured at all times. The regulatory framework does not prescribe any further obligations of the undertakings in these terms.

Further, the LEC prescribes in Article 54 the special cases of interconnection of special purpose electronic communication networks for and public communication networks. The Article states that, at the request of defence authorities, security authorities or emergency services, the Electronic Communications Agency can oblige the undertaking to enable priority interconnection with the special purpose electronic communication network for a period of no longer than 14 days.

The Rulebook on General Conditions for Performance of Business Activity of Electronic Communication under a General Authorisation Regime reiterates in Article 18 that undertakings are under the obligation to adjust the use of their electronic communication network and equipment in emergency situations and make them available to the relevant authorities. Article 100 of the LDRMES prescribes that undertakings operating in the telecommunication sector are under the obligation to provide and maintain priority networks for the need of warning.

It seems that currently the Serbian regulatory framework does not sufficiently guarantee uninterrupted service and this obligation could be prescribed more concretely.

¹³ See its Article 16.

¹⁴ RS Official Journal 87/2018.

2.2. Roaming regulation: Regulation (EC) No 544/2009 of the European Parliament and of the Council of 18 June 2009 amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services

The Roaming Regulation, which entered into force in July 2009, provides that citizens using their mobile phone when traveling to another EU Member State will automatically receive an SMS with information about the European emergency number 112. In practice, this is provided by the "home" mobile phone network operator and sent to the citizen directly. Also included in this SMS is tariff information and other roaming-specific information.

When it comes to this obligation, it is not clearly regulated in the Serbian legal framework. It seems that the introduction of this obligation is much needed, particularly in the context of well-established practice whereby candidate countries align their national legislation with the provisions of EU regulations even before they join the EU (once they do join the EU, the need for their transposition no longer exists as regulations are directly applicable in the Member States). Furthermore, the need for alignment with the given roaming-related EU provisions at this stage is also attributable to the fact that the proper transposition of the Universal Service Directive requires strengthening the protection of all citizens of the EU, thus including persons traveling between Member States.

2.3. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on Privacy and Electronic Communications) as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

This Directive harmonises the provisions of the Member States required to ensure an equivalent level of protection of fundamental rights and freedoms, and in particular the right to privacy, with respect to the processing of personal data in the electronic communication sector and to ensure the free movement of such data and of electronic communication equipment.

The Directive indicates that Member States may restrict the users 'and subscribers' right to privacy with regard to calling line identification and location data where this is necessary to enable emergency services to carry out their tasks. As explained above, the transfer of such collected data to emergency services is an obligation embedded in the Universal Service Directive.

The Directive further prescribes that Member States shall ensure the confidentiality of communications and the related traffic data by means of a public communications network and publicly available electronic communications services, through national legislation. In particular, they shall prohibit listening, tapping, storage or other kinds of interception or surveillance of communications and the related traffic data by persons other than users, without the consent of the users concerned, except when legally authorised to do so in accordance with Article

15(1). This paragraph shall not prevent technical storage, which is necessary for the conveyance of a communication without prejudice to the principle of confidentiality.

When it comes to personal data and data protection, there is an overarching source of the EU *acquis* related to this matter, namely, the **General Data Protection Regulation**.¹⁵

In principle, the material scope of the GDPR covers any form of processing of personal data, regardless of the technology used, which would imply that the GDPR will also apply to any type of personal data processing, including the data processing for the purpose of facilitating the work of the emergency services. However, as explained in a recently published Opinion of the European Data Protection Board,¹⁶ the GDPR lays down common rules on data processing, so as to ensure consistent effective protection of personal data throughout the EU and to prevent divergences hampering the free movement of personal data within the internal market, while the Directive has the objective to harmonise the national provisions required to ensure an equivalent level of protection of fundamental rights and freedoms, and in particular the right to privacy and confidentiality, with respect to the processing of personal data in the electronic communication sector and to ensure the free movement of such data and of electronic communication equipment and services in the Community. In this regard, the ePrivacy Directive aims to “particularise and complement” the provisions of the GDPR, with respect to the processing of personal data in the electronic communication sector.¹⁷ The interplay between the two sources of law is very complex and needs to be examined under the circumstances of the specific case. When it comes to exceptions from the principle of confidentiality, Article 10 of the e-Privacy Directive reads as follows:

Exceptions

Member States shall ensure that there are transparent procedures governing the way in which a provider of a public communications network and/or a publicly available electronic communications service may override:

(a) the elimination of the presentation of calling line identification, on a temporary basis, upon application of a subscriber requesting the tracing of malicious or nuisance calls. In this case, in accordance with national law, the data containing the identification of the calling subscriber will be stored and be made available by the provider of a public communications network and/or publicly available electronic communications service;

(b) the elimination of the presentation of calling line identification and the temporary denial or absence of consent of a subscriber or user for the processing of location data, on a per-line basis for organisations dealing with emergency calls and recognised as such by a Member State, including law enforcement agencies, ambulance services and fire brigades, for the purpose of responding to such calls.

The second paragraph of this Article is of particular relevance for emergency services, as it states that it is possible to allow calling line identification for organisations dealing with

¹⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

¹⁶ Opinion 5/2019 on the interplay between the ePrivacy Directive and the GDPR, in particular regarding the competence, tasks and powers of data protection authorities, available at https://edpb.europa.eu/sites/edpb/files/files/file1/201905_edpb_opinion_eprivacydir_gdpr_interplay_en_0.pdf.

¹⁷ Opinion, p. 7-8.

emergency calls, for the purpose of responding to such calls. Without this exception, the functioning of emergency services would be severely impeded.

However, the importance of the first paragraph of this Article should also be emphasised, as it also provides legal grounds for tracing malicious or nuisance calls, which can have severe adverse effect on the functioning of the emergency services (unnecessary delays and unwarranted interventions, inadequate use of resources). It should be kept in mind that this Directive does not particularly addresses the malicious or nuisance calls in the specific context of handling and answering calls to the number 112.

As explained in the above analysis, the grounds for processing and forwarding of personal data for the purpose of facilitating the work of emergency services can be found in the provisions of the Serbian LEC and the LDRMES. When it comes to personal data protection, in Serbia it is regulated by the **Law on Personal Data Protection**.¹⁸ The Law does not delve particularly in the issue of e-privacy. However, as the overarching law in the area of data protection, the Law does regulate the lawfulness of personal data processing.

The Law stipulates in Article 5 that the processing of personal data is lawful, *inter alia*, if the person to whom the data pertains has consented to processing, the processing is necessary in order to protect the vital interests of the person to whom the data pertains or other natural person, or that processing is necessary for performing activities that are in public interest or exercise of the authority prescribed by law. The Law further stipulates in Article 6 that the grounds for such processing must be envisaged by the law and that the law must also prescribe the purpose of processing or the fact that the processing is in public interest. In addition, such law must also envisage the observance of the principle of proportionality in the processing, the type of data that can be processed and the persons to whom such data can be disclosed.

The Serbian regulatory framework, in that respect, does not seem to be in contravention of the EU acquis and also seems to be internally aligned. However, there could be room for ensuring that the processing of data done by the 112 without explicit consent is done fully in line with data protection legislation even when it comes to calls that are not made in order to protect the vital interests of persons, e.g. calls made to fire departments to report a fire on a remote or uninhabited location, but where fires could seriously damage wildlife. In theory, it could be questioned whether the processing of personal data of a caller in such a case is done in order to protect vital interests. The other interpretation that could be offered is that any and all processing of personal data by the 112 service is done in order to exercise the authority prescribed by law. If this interpretation is adopted, then the future law regulating the 112 service would need to explicitly envisage that the Service processes personal data in order to exercise its authority under this law without the need for consent of the caller, also regulating the issue of proportionality in the processing, the type of data that can be processed, and the persons to whom such data can be disclosed.

When it comes to malicious or nuisance calls, these are regulated by Article 116 of the Serbian LEC, which envisages the collecting of data related to nuisance calls reported by the subscriber in a written format. Namely, the undertaking operating public communication network is under the obligation to record and keep data on call identification and date and time of the call or attempted call. If the undertaking finds, based on the report, that the call was made from its' subscriber's number, it shall issue a warning or, in case of repeated malicious or nuisance calls,

¹⁸ RS Official Journal 87/2018.

take other corresponding measures. If the call was made by a subscriber of another undertaking the data related to the call and subscriber shall be forwarded to such undertaking. Furthermore, the misdemeanour liability is envisaged for legal persons who fail to take measures on detection and prevention of malicious or nuisance calls.

The LEC also stipulates that the undertaking operating a public communication network can process user location information data that do not constitute traffic data only if the persons to which such data relates are rendered not recognisable.

2.4. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

The Directive (EU) 2016/680 is a part of the reform package aimed at improving the regulatory framework on personal data protection in the EU.

It is worth noting that the Directive is envisaged as a legal instrument complementary to the General Data Protection Regulation,¹⁹ and that it has a distinct field of application from the said regulation. Furthermore, it needs to be transposed into national law; the time limit for EU member states to do so was May 6, 2018. Due to failure to transpose the Directive, the Commission has referred Spain and Greece to the Court of Justice of the EU in July 2019.²⁰

The Directive lays down the rules relating to the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.²¹

In principle, the Directive does not apply to the functioning of the 112 emergency number services in terms of processing of personal data by the 112 emergency service: this is covered by the General Data Protection Regulation. However, the Directive may apply in cases when personal data, such as location data²² are being processed by competent law enforcement or judicial authorities.

2.5. European Code of Electronic Communication. The European Code of Electronic Communication is regulated by Directive (EU) 2018/1972 of the European Parliament and of

¹⁹ GDPR & PUBLIC SAFETY, EENA, p. 7, available at <https://eena.org/document/gdpr-public-safety/>

²⁰ https://ec.europa.eu/commission/presscorner/detail/en/IP_19_4261.

²¹ Article 1, paragraph 1 of the Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

²² See Article 3, paragraph 1, point 1 of the Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)

The Directive has entered into force in December 2018, but Member States have until December 21, 2020 to adopt national legislation transposing the Directive into national legislation.

The Directive addresses four existing directives: Framework, Access, Authorisation and Universal Service Directives, by amending them and integrating them into a single legal text.

When it comes to emergency services, the Directive builds on the existing regulatory framework but seeks to ensure even more coherence in harmonised national regulations. Namely, in Article 38 the Directive prescribes that when the Commission finds that divergences in implementation by the national regulatory or other competent authorities create a barrier to internal market, the Commission may adopt recommendations or decisions by means of implementing acts to ensure the harmonised application of the Directive. The Commission is allowed to take such decisions to address, *inter alia*, access to emergency services through the single European emergency number “112”.

The Directive regulates emergency communications and the single European emergency number in Article 109. It stipulates that Member States are to ensure that all end-users of electronic communication services, including users of public pay telephones, are able to access the emergency services through emergency communications free of charge and without having to use any means of payment, by using the single European emergency number 112. This obligation is already in place by virtue of the current EU acquis. This Directive, however goes further and requires Member States to promote access to emergency services through the 112 number from electronic communication networks which are not publicly available but which enable calls to public networks. In addition, it requires Member States to ensure that providers of publicly available number-based interpersonal communications services, where those services allow end-users to originate calls to a number in a national or international numbering plan, provide access to emergency services through emergency communications to the most appropriate PSAP.

The Directive then reiterates the obligation of Member States to ensure that all emergency communications to the 112 number are appropriately answered and handled, and that this is done at least as expeditiously and effectively as emergency communications to national emergency numbers.

When it comes to end-users with disabilities, the Member States must ensure that they are able to access emergency communications in a manner that is equivalent to that enjoyed by other end-users. Further, the European Commission and the national regulatory or other competent authorities are to take appropriate measures to ensure that whilst traveling to another Member State, end users with disabilities can access emergency services on equivalent basis. This is a requirement that implies an even more proactive approach on the part of the Member States, and one that Serbia would need to take additional measures to implement.

The Directive prescribes that Member States need to ensure that caller location information is made available to the most appropriate emergency control room (PSAP) without delay. This includes network-based location information, and, where available, handset-derived caller location information. In addition, the establishment and the transmission of the caller location

information are free of charge for the end-user and the PSAP with regard to all emergency communications to the 112 number. Although the LEC in its Article 80 paragraph 2 clearly stipulates the obligation to make available the determined set of information including the caller location information free of charge to the Service 112, it fails to include the requirement of rapidity of the given information provision. The other pieces of national legislation are also silent in that regard.

When it comes to awareness of the 112 single European emergency number and its accessibility features, the European Electronic Communication Code does not introduce any changes compared to the Universal Service Directive, except from starting to refer to the notion of the EU instead of European Community.²³ Therefore, when it comes to the alignment of the Serbian legal framework with its provisions, the same applies what was already stated on its alignment with the Universal Service Directive.

The Directive goes on to prescribe rules for a harmonised public warning system. It obliges the Member States to ensure that public warnings are transmitted by providers of mobile number-based interpersonal communications services to the end-users concerned in cases of imminent or developing major emergencies and disasters. However, Member States may determine that public warnings can be transmitted through publicly available electronic communication services other than these, and other than broadcasting services, or through a mobile application, but only provided that the effectiveness of such a public warning system is equivalent in terms of coverage and capacity to reach end-users.

The Serbian regulatory framework will need to be further amended to ensure such public warning mechanism.

2.6. ITS Directive (Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the Framework for The Deployment of Intelligent Transport Systems in the Field of Road Transport and For Interfaces with Other Modes of Transport

“Intelligent Transport Systems” (ITS) means applying Information and Communication Technologies to transport. ITS applications and services can be very diverse, including e.g. journey planners, travel information services, intelligent message signs and traffic lights, safety applications (automatic 112 calls, advanced cruise control), traffic management and more.²⁴ These applications are being developed for different transport modes and for interaction between them. The ITS Directive was adopted as the first EU-wide legislative basis to accelerate and coordinate the deployment of ITS in road transport, including interfaces with other transport modes.²⁵ It supports the coordinated and coherent deployment and use of ITS within the EU, in particular across borders in four defined priority areas. As one of priority areas for the development and use of specifications and standards is set *inter alia* the ITS road safety and security applications, while an EU-wide eCall service is determined as one of priority actions

²³ Compare recital 289 of the European Electronic Communication Code with recital 39 of the Universal Service Directive.

²⁴ Evaluation of the Intelligent Transport Systems (ITS) Directive, <https://clepa.eu/mediaroom/evaluation-intelligent-transport-systems-directive/>.

²⁵ Commission Staff Working Document, Executive Summary, Ex post evaluation of the Intelligent Transport Systems Directive 2010/40/EU, {SWD(2019) 368 final}, Brussels, 9.10.2019 SWD(2019) 369 final, pp.1-3, https://ec.europa.eu/transport/sites/transport/files/legislation/swd20190369-its-ex-post-evaluation-exec-summ_en.pdf.

applicable to each of the given priority areas.²⁶ In its Annex 1, the Directive further specifies the scope of priority areas and actions. When it comes to the functioning of emergency call response centres it states that the specifications and standards for ITS road safety and security applications shall include *inter alia* the definition of necessary measures for the harmonised provision of an interoperable EU-wide eCall, including:

- the availability of the required in-vehicle ITS data to be exchanged,
- the availability of the necessary equipment in the emergency call response centres receiving the data emitted from the vehicles,
- and the facilitation of the electronic data exchange between the vehicles and the emergency call response centres.²⁷

The Directive has been supplemented by a number of Commission delegated acts, each of which sets the specifications for one of the Directive's priority actions, necessary for the compatibility, interoperability and continuity of the respective services.²⁸

The key specifications pertaining to the field of this assessment are contained in the following act:

2.7. Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 Supplementing Directive 2010/40/EU of the European Parliament and of the Council with Regard to the Harmonised Provision for an Interoperable EU-wide eCall (text with EEA relevance)

Under the Regulation, it is expected that by reducing the response time of the emergency services, the interoperable EU-wide eCall will reduce the number of fatalities in the EU as well as the severity of injuries caused by road accidents.²⁹ The regulation further makes reference to common standards for the deployment of a pan-European eCall service, which have been developed by the European Standardisation Organisations, ETSI and CEN.

This act establishes the specifications for the upgrading of the Public Safety Answering Point (PSAP) infrastructure required for the proper receipt and handling of eCalls using the 112 number, in order to ensure the compatibility, interoperability and continuity of the harmonised EU-wide eCall service.

Under this regulation, the Member States are committed to ensure that:

the eCall PSAP is able to provide location, type of eCall activation (manual or automatic) and other relevant data to the appropriate emergency service(s) or service partner(s) through (OR by means of) meeting the following requirements:

eCall PSAP are equipped to handle eCalls and receive the MSD originating from the in-vehicle equipment according to the standards 'Intelligent transport system — eSafety — PanEuropean

²⁶ Articles 2 and 3 of the ITS Directive.

²⁷ ITS Directive, p. 11.

²⁸ See Article 7 of ITS Directive.

²⁹ Recital 6 of Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall.

eCall- Operating requirements' (EN 16072) and 'Intelligent transport systems — eSafety — eCall High Level Application Requirements (HLAP)' (EN 16062),

the eCall PSAP shall handle eCalls as expeditiously and effectively as any other call made to the single European emergency number 112,

the eCall PSAP shall process eCalls in line with the requirements of national regulations for emergency call processing,

The eCall PSAP shall be able to receive the data contents of the MSD and present them to the eCall PSAP operator clearly and understandably,

The eCall PSAP shall have access to an appropriate Geographical Information System (GIS) or an equivalent system allowing the eCall PSAP operator to identify the position and heading of the vehicle to a minimum degree of accuracy as defined in EN 15722 for the MSD coordinates,

the eCall PSAP (initially receiving the eCall) shall establish audio communication with the vehicle and handle the eCall data; if necessary, the eCall PSAP may reroute the call and MSD data to another PSAP, emergency control centre or service partner according to national procedures determined by the national authority. Rerouting may be done via data or audio connection, or, preferably, both

- the authorities competent for assessing the conformity of the operations of the eCall PSAPs with the aforementioned eCall PSAP requirements are designated and shall be notified to the Commission,³⁰

- the eCall PSAPs are liable only for that part of the eCalls for which they are responsible, which starts at the time the eCalls reach the eCall PSAP, in accordance with national procedures,

- the processing of personal data in the context of the handling of the eCalls by the PSAPs, the emergency services and service partners is carried out in accordance with Directives 95/46/EC and 2002/58/EC, and that this compliance is demonstrated to the national data protection authorities,

- the raw MSD received with the eCall and the MSD contents presented to the eCall operator are retained for a determined period of time, in accordance with national regulations. Such data shall be stored in accordance with Articles 6, 13 and 17 of Directive 95/46/EC,

Finally, the given regulation provides relevant definitions such as one of 'emergency control centre', 'Vehicle Identification Number (VIN)', 'eCall transaction', 'service partner' and 'eCall PSAP' which should be overtaken by national legislators in the process of its implementation. Under the notion of a 'service partner' is meant a public or private organisation recognised by national authorities, that has a role in the handling of incidents related to an eCall (e.g. road operator, assistance service). Its introduction is relevant as it extends the list of actors, which play a role in the handling of incidents related to an eCall.

³⁰ Conformity assessment shall be based on the part of the standard 'Intelligent transport systems — eSafety — eCall end to end conformance testing' (EN 16454) that relates to PSAPs conformance to pan-European eCall. See Article 4 of Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall.

2.8. Commission Recommendation of 8 September 2011 on Support for an EU-wide eCall Service in Electronic Communication Networks for the Transmission of In-Vehicle Emergency Calls Based on 112 ('eCalls') (2011/750/EU)

This recommendation was adopted as the first act, which at that time contained the definitions of 'emergency service', 'public safety answering point', 'minimum set of data' and 'eCall'.

In addition, it was the first act stating that it will allow Member States to design the eCall response organisation in a way that best suits their emergency response infrastructure.³¹ Finally, it recommends that Member States should draw up detailed rules for public mobile network operators operating in their countries on handling eCalls. The rules should fully comply with the data protection provisions enshrined in Directives 95/46/EC and 2002/58/EC indicating the most appropriate public safety answering point to route eCalls. However, the aforementioned definitions and commitments were reiterated in subsequently enacted EU acts (which constitute hard *acquis*.)³²

2.9. Decision No 585/2014/EU of the European Parliament and of the Council of 15 May 2014 on The Deployment of the Interoperable EU-Wide eCall Service

The decision calls on Member States to deploy the eCall (in-vehicle emergency call system) infrastructure necessary for proper receipt and handling of all eCalls in the EU by 1 October 2017 at the latest.³³ More concretely, the decision sets a deployment deadline of at least six months before the date of application of the regulation on the mandatory fitting of the eCall device in vehicles, which is going to be analyzed later in the text. By setting the given deadline, the decision went one step further than the aforementioned Commission Delegated Regulation (EU) No 305/2013³⁴. The key reason for setting the above deadline was that manufacturers were unwilling to invest in equipping all vehicles with eCall if the authorities (previously) did not take similar action to ensure that PSAPs would be able to receive and handle eCalls.³⁴

eCall infrastructure includes call centers, or PSAPs (public safety answering points), which will receive and handle eCalls using the European single emergency number 112.³⁵

The decision also recognizes the right of each EU Member State to:

organise its eCall services in a way that is most cost effective and appropriate to its needs, for example, by rejecting any non-emergency calls coming into its PSAPs;

allow nationally recognised private organisations to deal with the receipt and handling of eCalls. The given organizations referred to as "service partners"³⁶ were already included in the above presented Commission Delegated Regulation (EU) No 305/2013.

³¹ Recital 11 of the Commission Recommendation of 8 September 2011 on support for an EU-wide eCall service in electronic communication networks for the transmission of in-vehicle emergency calls based on 112 ('eCalls').

³² Commission Recommendation of 8 September 2011 on support for an EU-wide eCall service in electronic communication networks for the transmission of in-vehicle emergency calls based on 112 ('eCalls'), p. 47.

³³ EU emergency services: rolling out eCall infrastructure, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:3209_2&qid=1578671710003.

³⁴ European Commission, Commission Staff Working Document, Ex post evaluation of the Intelligent Transport Systems Directive 2010/40/EU {SWD(2019) 369 final}, Brussels, 9.10.2019 SWD(2019) 368 final, p. 43

³⁵ EU emergency services: rolling out eCall infrastructure, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:3209_2&qid=1578671710003.

³⁶ *Ibidem*.

2.10. eCall Regulation: Regulation 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC

The Regulation establishes a general requirement for the EU type-approval of 112-based eCall vehicle systems, components and separate technical units. The purpose of the eCall is to alert emergency services in the event of a serious accident. The Regulation is applicable as of March 31, 2018, and it prescribes that all new types of cars and vans in the EU are to be equipped with eCall technology.

Pursuant to this Regulation, 112-based eCall in-vehicle system means an emergency system, comprising in-vehicle equipment and the means to trigger, manage and enact the eCall transmission, that is activated either automatically via in-vehicle sensors or manually, which carries, by means of public mobile wireless communications networks, a minimum set of data and establishes a 112-based audio channel between the occupants of the vehicle and an eCall PSAP. In other words, in case of an incident, the deployment of one or more sensors generates an automatic eCall with the immediate transfer of the crash data. Additionally, an eCall can be manually activated by vehicle passengers.

The Regulation applies to:

cars (category M1 - passenger cars comprising not more than eight seats in addition to the driver's seat),

light commercial vehicles (category N1 - vehicles used to transport goods with a maximum mass not exceeding 3.5 tonnes).

The Regulation imposes an obligation on the manufacturers to equip all new types of abovementioned vehicles with a permanently installed 112-based eCall in-vehicle system, and to have an eCall facility that can be triggered manually, and to provide the occupants with a warning if there is a critical system failure that leaves them unable to use the eCall system.

It is important to note that the PSAP answering the eCall may not be the same one that processes the usual 112 calls. In addition to the mandatory installation of the so called the 112-based eCall in-vehicle system, the Regulation also introduces voluntary third-party services eCall in-vehicle system (TPS-system). Under the given Regulation, TPS providers need to reach an agreement with each Member State where they want to provide their services, while the respective Member State does not have any obligation to accept TPS eCall.³⁷ Third-Party Service eCall is based on using a third party to filter and route the calls prior to the PSAP routing.³⁸

Under EU rules, one has the right to use a third party service (TPS) eCall system in addition to the standard 112-based one. These additional services could for example include roadside assistance. One may need to pay for any additional services provided by a TPS, unlike the free 112-based e-Call.³⁹ Any TPS eCall system must comply with EU approved technical standards,

³⁷ EENA Committees Document, eCall and open issues, 2018 revision, p. 20.

³⁸ *Ibid.*, p. 18.

³⁹ See recital 14 of the eCall Regulation.

ensure an automatic switch to the 112 eCall if the TPS does not work and allow the owner of the vehicle to choose between the 112-based eCall and the TPS service.⁴⁰

The Regulation also prescribes that any personal data processed through the eCall system must comply with the EU data protection and privacy rules. Further, it prescribes that the personal data collected through the eCall system can only be used for dealing with the emergency, and are kept only as long as it is needed to handle the emergency and are then deleted.

When it comes to Serbian legislation, the operation of eCalls or similar systems is not supported for the time being. Further, there seems to be a certain level of reluctance when it comes to the alignment of Serbian legislation with regulations. This notwithstanding, it seems that the Serbian legislator must formulate sound legal grounds and create prerequisites for the implementation of this system. The overview of comparative practices demonstrates that some Member States, such as Lithuania, do provide specific provisions on the eCall within its statute titled the Law on Emergency Response Centre. Moreover, there is a well-established and recommended practice for the EU candidate countries to transpose even the provisions of EU regulations in the accession process as a provisional measure till the moment when the country accesses the EU. Therefore, the national legislation should be already at this stage aligned with the provisions of the given regulations, which govern the obligations of manufacturers, obligations attributable to Member States and rules on privacy and data protection.

In addition, the national law framework should not contradict the definitions set by the Regulation such as those on ‘112-based eCall in-vehicle system’, and ‘most appropriate PSAP’. On the other hand, the definition of ‘third-party service provider’ and ‘third-party services eCall in-vehicle system’ should be overtaken only if national authorities decide to allow their operation.⁴¹

2.11. Commission Delegated Regulation (EU) 2017/79 of 12 September 2016 establishing detailed technical requirements and test procedures for the EC type-approval of motor vehicles with respect to their 112-based eCall in-vehicles systems, of 112-based eCall in-vehicle separate technical units and components and supplementing and amending Regulation (EU) 2015/758 of the European Parliament and of the Council with regard to the exemptions and applicable standards

The Regulation establishes detailed technical requirements and test procedures for the EC type-approval of the vehicles determined by Regulation (EU) 2015/758 in respect of their 112-based eCall in-vehicle systems and of 112-based eCall in-vehicle separate technical units and components.⁴² Tests and requirements should be designed in such a way that duplicated testing is avoided.⁴³

The Regulation further lists, in its Annex IX, the classes of vehicles which for technical reasons cannot be fitted with an appropriate eCall triggering mechanism and for that reason are exempted from the requirement to be equipped with a 112-based eCall in-vehicle system.⁴⁴

⁴⁰ eCall Service Called by the Third Parties, https://europa.eu/youreurope/citizens/travel/security-and-emergencies/emergency-assistance-vehicles-ecall/index_en.htm.

⁴¹ See Article 2 of the eCall Regulation.

⁴² Article 1 of the Commission Delegated Regulation (EU) 2017/79.

⁴³ Recital 4 of the Commission Delegated Regulation (EU) 2017/79.

⁴⁴ Article 2 of the Commission Delegated Regulation (EU) 2017/79.

It mandates Member States to refuse to grant EC type-approval for new types of motor vehicles that do not comply with the requirements set out in this Regulation.⁴⁵

The date of application of this Regulation should be the same as the date of compulsory application of the 112-based eCall in-vehicle systems in accordance with above presented Regulation (EU) 2015/758.⁴⁶

2.12. The Commission Recommendation on Caller Location - Commission Recommendation of 25 July 2003 on the Processing of Caller Location Information in Electronic Communication Networks for the Purpose of Location-Enhanced Emergency Call Services (Text with EEA relevance) (Notified Under Document Number C(2003) 2657)

It should be noted that the Recommendation is a part of the so-called soft EU acquis, which means that it does not impose obligations on EU Member States. However, it seems that this particular Recommendation is important as it urges Member States to **implement the “push” method rather than the “pull” for the provision of caller location information**. This would have the effect of providing the location information to the emergency services as soon as the call is presented rather than having the emergency services pull the information, often on a request basis.

The Serbian legislation, as described above, is in line with this recommendation.

2.13. The Written Declaration 0044/2007 on the European Emergency Number 112, Adopted by the European Parliament in 2007

With the aim of improving 112 services across the EU, the declaration calls upon the Commission to evaluate by independent bodies the real state of implementation of the 112 throughout the EU, and to deal with emergency telecommunications by involving all policies concerned and by building upon the example of countries who deal with this issue in new and innovative ways.

When it comes to Serbian legislation and what seems to be the underlying idea behind the 112 platform, it is in line with the current developments in the EU.

2.14. The Written Declaration on Early Warning for Citizens in Major Emergencies Was Adopted by the European Parliament in 2008

The Declaration calls on member states and the Commission to implement the necessary processes and resources for developing an efficient EW system for citizens in case of imminent or developing major emergencies throughout the EU.

The new Serbian regulatory framework addresses precisely this issue, with the idea of the disaster risk reduction system being in line with the Sendai Framework for Disaster Risk Reduction 2015-2030 (and the preceding Hyogo Framework for Action (HFA) 2005-2015:

⁴⁵ Article 8 of the Commission Delegated Regulation (EU) 2017/79.

⁴⁶ Recital 15 of the Commission Delegated Regulation (EU) 2017/79.

Building the Resilience of Nations and Communities to Disasters). The practical implementation of the EW system is yet to be tested in practice.

2.15. European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number (2010/2274(INI))

This resolution is important as it underlines, among others, several relevant issues which should be addressed to support the 112 emergency number, as according to the European Parliament it is still far from having reached its full potential.⁴⁷ Some of these issues were already covered by other hard EU *acquis* (such as the eCall Regulation and European Code of Electronic Communication) and therefore will not be elaborated again in the following paragraphs.

The European Parliament in its resolution considers that basic steps still need to be taken with regard to issues relevant to technology and better coordination. Furthermore, it especially highlights the importance of better coordination between emergency bodies both at national and cross-border/EU level in order to achieve the highest level of effectiveness and, to this end, calls on the European Commission to support and coordinate with Member State administrations to explore ways of improving interoperability between their systems.⁴⁸ The proposed improvement of interoperability within the European Emergency System 112 should be clearly set by national legislation in order to strengthen its effectiveness.

Furthermore, when it comes to public awareness activities, this resolution is more specific than is the case with other *acquis* in the field. It urges the European Commission and the Member States to jointly intensify their efforts to increase public awareness of the existence and use of the 112 number, *inter alia*, through the development of a targeted and far-reaching communication strategy which addresses the preoccupations and queries that citizens have with regard to the mechanics of the system.⁴⁹ In a similar vein to other *acquis* in the field, the resolution mentions other emergency number 112 related promotional activities aimed at reaching all EU citizens and travellers through the media, particularly the print and audio-visual media, by means of information campaigns such as the 'EU-wide' emergency number, and to organise and support promotional activities to raise public awareness and events held each year on 11 February, which has been established as 'European 112 Day'.⁵⁰ Also, it points out that special attention should be paid to practical information on available avenues to access to 112 Service as well as to have 112 number displayed prominently on all emergency vehicles including police cars, ambulances, fire engines and vehicles belonging to other services.

As it was already mentioned, the Serbian regulatory framework so far has not paid sufficient attention to this obligation. Namely, the provision contained in Article 99 of the LDRMES which provides that information of the 112 emergency call number and warning signs must be

⁴⁷ Para. 19 of the European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number.

⁴⁸ Para. 30 of the European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number.

⁴⁹ Para. 20 of the European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number.

⁵⁰ Para. 21 of the European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number.

displayed in a prominent place in all public institutions and all public places is incapable of increasing awareness of the single European emergency number 112 in a manner envisaged by the aforementioned resolution.

Furthermore, the Resolution calls on the Member States to take the measures needed to reduce the number of unsuccessful emergency call attempts—and reduce the number of hoax/false calls. In respect of blocking of false calls from SIM-less mobile phones, it calls on the Member States to exchange best practices.⁵¹ The given Resolution's paragraphs are very important as they address, for the first time, the issues of malicious or nuisance calls in the context of the 112 Service, providing guidelines for the operation of the National Services 112. Although malicious or nuisance calls are always undesirable, they may have especially negative consequences when they are made to the Service 112. Therefore, it would be advisable to regulate how the Service 112 should handle hoax/false calls in Serbian legislation in line with Resolution's proposals, given that the Serbian legal framework is currently silent on that issue.

It is interesting that this regulation recommends the exchange of best practices with regard to various aspects of the handling of 112 calls as to improve the efficiency of the 112 emergency services in Europe.⁵² Apparently, that shows the need for setting additional uniform European standards aimed at improving the operation of 112 services in Europe. Meanwhile, it is important to rely on comparative models of best practices as well as on soft law standards. In that context, the European Commission's annual reports from 2018 and 2019 on Serbia are relevant as they specify the importance of ensuring permanent financing of the 112 Service in Serbia. The national legal framework does not yet provide clear ground for that. The EENA recommendations should also guide national lawmakers, particularly when it comes to an issue of the Virtual Operations Support Teams (VOSTs).⁵³ They are digital volunteers who are supposed to make use of new communication technologies and social media tools so that a team of agents can lend support via the Internet to those on-site who may otherwise be overwhelmed by the volume of data generated during a disaster. The EENA warns that it is of particular importance to make sure that the national legal framework is not counter-productive in this quite new field. The Serbian legal framework does not have any legal provision which enables their activities.

2.16. Regulation EC No. 1257/96 Concerning Humanitarian Aid

The Regulation provides for financing (in the form of grants) the purchase, delivery of any product, or different expenditures directly related to the implementation of humanitarian operations.⁵⁴ It specifies that humanitarian aid operations financed by the EU may be implemented either at the request of international or non-governmental agencies and organizations from a Member State or a recipient third country or on the initiative of the Commission.⁵⁵ The regulation further sets out criteria which have to be met by non-

⁵¹ Para. 33 of the European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number.

⁵² Para. 32 of the European Parliament resolution of 5 July 2011 on universal service and the 112 emergency number.

⁵³ EENA Operations Committee Document, VOST: Crowdsourcing and Digital Volunteering in Emergency Response, European Emergency Number Association – EENA 112, 2017, p. 26.

⁵⁴ Article 3 and Article 4 of the Regulation EC No. 1257/96 concerning humanitarian aid.

⁵⁵ Article 6 of the Regulation EC No. 1257/96 concerning humanitarian aid.

governmental organizations in order to become eligible for EU financing for the implementation of EU financing for the implementation of humanitarian aid operations.

The regulation in principle does not set out any obligations on member states apart from stipulating that Member States, along with the Commission, shall operate a system for exchange of information. It was stated that through those operations the effectiveness and consistency of EU and national humanitarian aid systems will be enhanced and guaranteed.⁵⁶ Article 11 para 2 point 8 of the LDRMES is relevant as it addresses the procedures, which should be introduced with regard to efficient humanitarian aid provision. However, opposite to the Law on Remediation of the Consequences of Floods in the Republic of Serbia, which stipulates that consequences of the floods are to be remedied *inter alia* through financial assistance of the EU, the LDRMES is less specific in that regard.⁵⁷ This could be partially attributed to the fact that the Law on Remediation of Consequences of Floods relates to a particular incident (the floods of 2014, as stated in Article 1 of the Law) and that it was developed to provide a legal basis for already agreed financial assistance. Although all EU regulations are going to be directly applicable once the Republic of Serbia enters into the EU, it is recommendable to raise awareness in advance about conditions that national non-governmental organizations have to meet to be qualified for EU funding in the sense of the given regulation as well as about the possibilities for EU funding in that respect. Legislative amendments reflecting those possibilities would be most welcomed.

Finally, although this regulation does not deal with the operation of 112 system it is relevant as it defines the EU's humanitarian aid. Its humanitarian aid is aimed to provision of assistance, relief and conducting of protection operations, as well as to preparation for risks or preventing disasters to victims of disasters. The term disaster is broadly determined as to include natural disasters, man-made crises, such as wars and outbreaks of fighting, or exceptional situations or circumstances comparable to natural or man-made disasters. In a similar vein, the regulation sets out principal objectives of humanitarian aid operations including:

- saving and preserving life during emergencies and their immediate aftermath and natural disasters that have entailed major loss of life, physical, psychological or social suffering or material damage;
- ensuring preparedness for risks of natural disasters or comparable exceptional circumstances and using a suitable rapid early-warning and intervention system; and
- supporting civil operations to protect the victims of fighting or comparable emergencies, in accordance with current international agreements.⁵⁸

2.17. 2004/277/EC, Euratom: Commission Decision of 29 December 2003 Laying Down Rules for the Implementation of Council Decision 2001/792/EC, Euratom Establishing a Community Mechanism to Facilitate Reinforced Cooperation in Civil Protection Assistance (Notified Under Document Number C(2003) 5185)

⁵⁶ Article 10 of the Regulation EC No. 1257/96 concerning humanitarian aid.

⁵⁷ Article 5 of the Law on Remediation of Consequences of Floods in the Republic of Serbia.

⁵⁸ Article 2 of the Regulation EC No. 1257/96 concerning humanitarian aid.

This Decision establishes rules for implementing Decision 2001/792/EC, whereby Community mechanism to facilitate reinforced cooperation in civil protection assistance intervention was established. Decision 2004/277 outlines the rules on:

1. information on the relevant resources available for civil protection assistance intervention;
2. the establishment of a monitoring and information centre;
3. the establishment of a common emergency communication and information system, hereinafter referred to as "CECIS";
4. the assessment and/or coordination teams, including criteria for the selection of experts;
5. establishment of a training programme;
6. interventions inside and outside the Community.

Firstly, the Decision requires from Member States to provide the Commission with information on the resources available for civil protection assistance interventions, including regular updates of such information. The specific information needed is listed in Article 3 of the Decision, and mainly focuses on the capacities of the resources, such as intervention teams and experts and the degree of their mobility. Further, the Decision prescribes that in the event of a request for assistance, the participating States are responsible for activating the available experts and put them in touch with the Monitoring and Information Centre, which then mobilises and dispatches assistance on a need-basis.

Secondly, the Decision establishes a Monitoring and Information Centre accessible and able to react immediately 24 hours a day in the premises of the Commission.

Thirdly, the Decision establishes a common emergency communication and information system (CECIS), comprising the following three components:

- (a) a network layer, consisting of the physical network connecting the competent authorities and the contact points in the participating States and the Monitoring and Information Centre;
- (b) an application layer, consisting of the databases and other information systems necessary for the functioning of the civil protection assistance interventions and in particular those needed:
- (c) a security layer, consisting of the set of systems, rules and procedures necessary for ensuring the confidentiality of the data stored in and exchanged via the CECIS.

It is important to note that the Decision also mandates a common training programme covering civil protection assistance interventions. The programme includes general and specific courses, exercises and an exchange of expert systems. The target groups of the training programme are participating States' intervention teams; participating States' intervention team leaders, their deputies and liaison officers; designated experts of the participating States, national key contact point staff; and officials of the Community/EU institutions.⁵⁹ The training programme covers *inter alia* the exchange system which includes the exchange of experts between participating States and/or the Commission, with the aim of enabling experts *inter alia* to gain experience in other fields and study approaches taken by other participating emergency services and institutions.

⁵⁹ Article 22 of the 2004/277/EC, Euratom: Commission Decision.

Under the Decision, the participating States are bound to provide information and update on contact points in the context of civil protection and, where appropriate, of other services handling natural, technological, radiological or environmental accidents, including accidental marine pollution.⁶⁰

The Decision also outlines the procedures for alerting and for requesting assistance.⁶¹ Namely, in the case of a major emergency or an imminent threat of a major emergency, which can cause cross-border effects or may result in a call for assistance, the Decision mandates the competent authorities and the contact points in the state or states in question to inform the Monitoring and Information Centre thereof. This information is then shared with the Commission and all participating states. It is the obligation of the Member State in which the emergency occurred to keep the Centre informed of all developments.

When it comes to requests for assistance, they must be formally submitted to the Monitoring and Information Centre. The Commission may also, at its own initiative, inform a third country of the potential assistance. The requesting country has to share all relevant information with the Monitoring and Information Centre, and in particular, specific needs, the support requested and the location. Following coordination between the Monitoring and Information Centre and the requesting State, the Monitoring and Information Centre dispatches the request for assistance to the participating States and, where appropriate consults the resources database and informs the relevant Commission services. Also, following the formal request, the participating States shall immediately inform the Monitoring and Information Centre about their current capacity for providing assistance, indicating its scope and terms. This information is immediately compiled and transmitted by the Monitoring and Information Centre to the requesting State and to the other participating States. The requesting State then informs the Monitoring and Information Centre of which intervention teams and means it has selected.

The Decision also establishes an important follow-up mechanism, requiring the competent authorities of the requesting State and of the participating States having provided assistance, as well as the dispatched EU experts, to present their conclusions on all aspects of the intervention to the Monitoring and Information Centre. The Centre then prepares a summary report and disseminates lessons learnt in order to evaluate and improve the civil protection assistance interventions.

The Decision imposes certain obligations on both Member States and third countries, which will have to be taken into account by Serbia.

The LDRMES regulates the issue of international cooperation in a rather general manner, stating that international cooperation includes the exchange of information relevant to disaster risk reduction and that a special type of international cooperation includes the deployment of international rescue teams.⁶² However, when it comes to the regulatory framework applicable to the exchange of information the LDRMES remains silent. It could be assumed from the provisions of Article 130, paragraph 1, that in cases when bilateral agreements apply in cases of disaster risk prevention or management, the provisions of such agreement shall apply.

When it comes to international civil assistance, the LDRMES is somewhat more precise, as it states that, while deployed on protection and rescue international assistance activities, the

⁶⁰ Article 11 of the 2004/277/EC, Euratom: Commission Decision.

⁶¹ Articles 28 and 29 of the 2004/277/EC, Euratom: Commission Decision.

⁶² Article 130, paragraphs 1 and 2 of LDRMES.

members of protection and rescue services shall be subject to the rules applicable to the use of Army and other defence forces in multinational operations outside Serbia. The applicable law in this case is the Law on the Use of the Army and Other Defence Forces in the Multinational Operation outside the Borders of the Republic of Serbia.⁶³ This Law explicitly states that any such deployment is subject to concluded international agreements, and that national laws but also international rules and rules of engagement prescribed by the UN and the EU for that specific multinational operation shall apply.⁶⁴ Even though the overall regulatory framework seems to be sufficiently aligned with EU acquis, it could be worthwhile considering to include explicit references to the applicable EU acquis or other relevant bilateral treaties related to civil assistance in the LDRMES. This could be particularly useful since the law governing the participation of the Serbian Army and other defence forces states in Article 1 that all issues not directly regulated by it shall be governed by regulations on defence, civil assistance and the Army and concluded international treaties in the field of defence, security and military cooperation, and also by regulations governing the competence and operation of other defence forces. Explicit reference to applicable law in the LDRMES could eliminate some inconsistencies and ambiguities that could perhaps arise from such cross-referencing.

2.18. 2008/73/EC, Euratom: Commission Decision of 20 December 2007 amending Decision 2004/277/EC, Euratom as Regards Rules for The Implementation of Council Decision 2007/779/EC, Euratom Establishing a Community Civil Protection Mechanism (Notified Under Document Number C(2007) 6464) (Text with EEA relevance)

The Decision incorporates implementing rules concerning European civil protection. These rules should cover the main characteristics of civil protection modules such as their tasks, capacities, components, and deployment time, and define their appropriate degree of self-sufficiency and interoperability to be able to contribute to responding to major emergencies, their main characteristics should meet certain general requirements. In the given context, it stipulates that the Member States shall take necessary measures to ensure that the requirements on the capability of civil protection modules and technical assistance support teams to operate among themselves are met.⁶⁵

These rules are outlined in more detail in the Annex to the Decision.

2.19. 2010/481/EU, Euratom: Commission Decision of 29 July 2010 Amending Decision 2004/277/EC, Euratom as Regards Rules For The Implementation of Council Decision 2007/779/EC, Euratom Establishing a Community Civil Protection Mechanism

Based on previous civil protection operations and exercises with the deployment of modules, the Decision partially changes the general requirements of two modules: the ‘Aerial forest firefighting using airplanes’ and ‘Field hospital’ modules. Further, based on identified needs, the Decision adds and implements four new types of civil protection modules to reinforce the civil protection rapid response capability, namely ‘Ground forest firefighting’, ‘Ground forest firefighting using vehicles’, ‘Flood containment’ and ‘Flood rescue using boats’ modules.

⁶³ RS Official Journal No. 88/2009 and 36/2018.

⁶⁴ Articles 4, 5 and 21.

⁶⁵ Article 3 c.

2.20. 2014/762/EU: Commission Implementing Decision of 16 October 2014 laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism and repealing Commission Decisions 2004/277/EC, Euratom and 2007/606/EC, Euratom

This Decision lays down detailed rules for the implementation of Decision No 1313/2013/EU. A particular focus is placed on the following rules laying down Member States' obligations.

- (a) Rules regarding the interaction of the Emergency Response Coordination Centre ('ERCC') with Member States' contact points;

The Decision prescribes that each Member State has to designate a national contact point for the ERCC available 24 hours a day and seven days a week. The ERCC shall maintain close contact with the contact points of Member States for the purpose of carrying out its regular duties and the response operations provided for in this decision and Decision No 1313/2013/EU.

Furthermore, the decision reiterates the provision provided in the Decision 2004/277/EC according to which Member States shall provide information and any update on contact points and, where necessary, of other services handling natural, technological, and radiological disasters or environmental accidents, including accidental marine pollution.⁶⁶

Member States shall implement the appropriate CECIS information technology environment on their territory in accordance with the commitments made using the template annexed to this decision.⁶⁷

- (b) Rules regarding components of the Common Emergency Communication and Information System ('CECIS') as well as the organisation of information sharing through CECIS;

It reiterates provisions of the **Decision 2004/277/EC** pertaining to a network layer, an application layer, and a security layer.

- (c) Rules regarding the identification of modules, other response capacities and experts, as well as the operational requirements for the functioning and interoperability of modules, including their tasks, capacities, main components, self-sufficiency and deployment;

Member States shall register their modules, technical assistance and support teams, other response capacities and experts identified in accordance with Decision No 1313/2013/EU in a designed section of the CECIS database.⁶⁸

Member States shall take the necessary measures to ensure that:

- modules have the capability to operate with other modules;
- technical assistance and support teams have the capability to operate with other technical assistance and support teams and with relevant actors on the ground;

⁶⁶ Article 6.

⁶⁷ See Annex 1.

⁶⁸ See Article 9(6) of Decision No 1313/2013/EU.

- components of a module have the capability to operate together as one module;
- components of a technical assistance and support team have the capability to operate together as one technical assistance and support team;
- modules and technical assistance and support teams, when deployed outside the EU, are able to operate with international disaster response capabilities supporting the affected country; and
- team leaders, deputy team leaders and liaison officers of modules and technical assistance and support teams participate in appropriate training courses and exercises organised by the Commission, as set out in this decision.⁶⁹

(d) Rules regarding capacity goals, the quality and interoperability requirements and the certification and registration procedure necessary for the functioning of the EERC, including financial arrangements;

Member States shall provide the Commission with relevant information on risks necessary for the assessment of the capacity goals of the EERC. They can be revised on the basis of risks identified in national risk assessments or other appropriate national or international sources of information.⁷⁰

Member States offering a particular module, technical assistance and support team, other response capacity, or expert for inclusion in the EERC, shall provide the required information to the Commission which decides in that respect. If considered for inclusion in the EERC, the Commission shall initiate the respective certification procedure.

Member States may request a grant for the financing of adaptation costs individually per module, technical assistance and support team, or other response capacity, without the Commission publishing a call for proposals. Adaptation costs comprise the cost elements specified in the the above analysed Decision No 1313/2013/EU.⁷¹ In order to substantiate this request, Member States shall submit to the Commission implementation plans for adaptation costs, including estimated costs and timeline.

(e) Rules governing identifying and filling gaps in the EERC;

As part of monitoring the progress towards the capacity goals, the Commission, in cooperation with Member States, shall assess the difference between Member States' registered capacities in the EERC and the capacity goals set out in Annex III of this decision.

Member States shall inform the Commission in writing within the set deadline of details of any of the following capacities which are available outside the EERC: (a) capacities registered in CECIS; (b) buffer capacities; or (c) capacities not covered by points (a) and (b) but that may be made readily available to the Member State or Member States in the required quantities, at the required location, within the required timeframe for the required duration.⁷²

⁶⁹ See Articles 26-32.

⁷⁰ Article 14.

⁷¹ Article 21(2)(c) of Decision No 1313/2013/EU.

⁷² Article 20.

The Commission shall invite Member States in writing to address the strategic response capacity gaps, in accordance with Decision No 1313/2013/EU.⁷³ Member States shall communicate to the Commission if, when, and how they plan to address the strategic response capacity gaps, either individually or through cooperating with other Member States.⁷⁴

(f) Rules on the organisation of the training programme, exercise framework and lessons learnt programme;

The target groups of the training programme include *inter alia* Member States' civil protection and disaster management personnel, as well as selected experts from the European Neighbourhood Policy countries and candidate countries and potential candidates.

(g) Rules on the operational procedures for the response to disasters within as well as outside the EU, including identification of relevant international organisations

A Member State or a third country affected by a disaster or threatened by an imminent disaster shall, if they wish to request assistance through the EU Mechanism, address a written request for civil protection assistance to the ERCC through its competent national authorities. If they wish to request assistance through the EU Mechanism, the United Nations and its agencies, or any of the international organisations specified in the Annex of this decision, they shall address a written request for civil protection assistance to the ERCC.⁷⁵ The requester of assistance shall provide the ERCC with all relevant information concerning the situation, and in particular specific needs, the support requested, and the location. Member States to which an invitation is addressed to deploy capacities from the EERC shall, in accordance with the Decision No 1313/2013/EU, communicate their ultimate decision on deployment to the ERCC. The ERCC shall specify the time limit within which the Member State shall in principle reply. This deadline shall be based on the nature of the disaster and shall in any case not be less than two hours. The requester of assistance shall inform the ERCC which offers of assistance it has accepted.⁷⁶

(h) Rules on the process for deploying expert teams;

Member States shall classify the experts in the following categories: (a) technical experts; (b) assessment experts; (c) coordination experts; (d) team leaders.⁷⁷

In the event of a request for assistance, Member States shall be responsible for nominating the available experts and for sharing their contact details with the ERCC.⁷⁸

The system for the exchange of experts between Member States or with the Commission shall enable experts to: (a) gain and share experience; (b) become acquainted with various techniques and operational procedures used; (c) study approaches taken by other participating emergency services and institutions.⁷⁹

(i) Rules on the organisation of support for the transport of assistance.

The Commission shall, upon receipt of a request for support, immediately notify the contact points, designated by Member States. Member States which can provide transport support

⁷³ See Article 12(3) of Decision No 1313/2013/EU.

⁷⁴ See Article 21 of the Decision.

⁷⁵ See Annex 7.

⁷⁶ Article 35.

⁷⁷ Article 41.

⁷⁸ Article 45.

⁷⁹ Article 29.

shall inform the Commission as soon as possible, and at the latest within 24 hours of receiving the notification of any transport resources they can make available on a voluntary basis in response to the request for support for pooling or identifying transport resources. The Commission shall, as soon as possible, compile the information on available transport resources and forward it to the Member State making the request.⁸⁰

The Member State making the request shall inform the Commission of the transport solutions it has selected and shall liaise with Member States providing such support or the operator identified by the Commission. In addition, the Member State shall keep the Commission regularly informed of the progress in the delivery of its civil protection assistance.⁸¹

Where a possible transport solution has been identified by a Member State but EU funding is required to allow the transport of the civil protection assistance, the Member State may request a grant from the EU.⁸² In cases where no transport solution has been identified by the Member State requesting transport support, it may request the Commission to contract a transport service to private or other entities in order to transport its civil protection assistance to the affected country.⁸³

Member States shall designate the competent authorities authorised to request and receive financial support from the Commission in the application of this Decision and shall inform the Commission thereof within 60 days after notification of this Decision. Any changes in that information shall be immediately notified to the Commission.⁸⁴

The given documents do not explicitly refer to Service 112. However, the analysed EU acts occasionally refer to emergency services, for instance, to exchange system aimed at studying approaches taken by other participating emergency services. In addition, operation of civil protection assistance interventions is of key importance for the operation of Service 112 given that their mandates/operations are regularly interrelated. The Serbian LDRMES explicitly states that data automatically collected by the entities of the system of disaster risk reduction and emergency management shall be submitted to Service 112.⁸⁵ and that the National Centre of the Service 112 is in charge of international communication in this field.⁸⁶ However, the LDRMES does not explicitly state that the 112 service or the National Centre of the Service 112 are available 24 hours a day, 7 days a week. It seems that this should be explicitly regulated in the Law and/or in the specific law governing 112 service.

2.21. Regulation (EU) No 375/2014 of the European Parliament and of the Council of 3 April 2014 establishing the European Voluntary Humanitarian Aid Corps

The EU Aid Volunteers initiative is designed to empower Europeans from different backgrounds to jointly demonstrate solidarity with the victims of disasters (natural disasters or provoked by human activity outside the EU). It is aimed at providing practical support to humanitarian aid

⁸⁰ Article 50.

⁸¹ Article 50.

⁸² Article 51.

⁸³ Article 52.

⁸⁴ Article 56.

⁸⁵ Article 94

⁸⁶ Article 95, paragraph 6 of the LDRMES.

projects and contributing to strengthening local capacity and resilience of disaster-affected communities.

EU citizens aged 18 or older are eligible to participate in the initiative. The participation is based on bilateral agreements between the EU and these non-EU countries, which also financially contribute to the initiative. The initiative provides training and organises placements for volunteers with humanitarian organisations, based on the needs of beneficiary countries.

Before starting, volunteers must sign a deployment contract with the sending organisation, which may be an emergency response organisation. This contract includes standards such as the specification of the volunteers' role, performance management, working conditions, expected conduct, and learning capabilities. Sending and hosting organisations must demonstrate in a self-assessment that they have a policy or practice in place, to fulfil the necessary requirements regarding candidate volunteers and EU Aid Volunteers that cover relevant standards and procedures.

When it comes to Serbia, the possibility of volunteering in cases of disasters is regulated by LDRMES. Firstly, this Law explicitly prescribes that firefighters can be organised as professional and volunteer firefighting units.⁸⁷ It should be noted that volunteer units are organised as volunteer units of legal persons or associations. The Ministry of Interior is in charge of controlling the conditions for establishment of firefighting units. Secondly, in Articles 77-93 of the Law regulates the establishment and functioning of the civil service system, which, *inter alia*, includes active civil protection reserve whose function is to, following mobilisation on a needs-basis, participate in prevention and rescue activities.⁸⁸ The civil protection system is also regulated by the Law on Defence.⁸⁹ The LDRMES does not have any further reference to volunteers. Serbia also has a separate Law on Volunteering⁹⁰, which regulates various modalities of volunteering. This law sets the age limit for volunteering as low as 15, but requires parent's consent for volunteering for all persons under the age of 18. However, this law does not apply to Red Cross volunteers nor to performance of *ad hoc* activities of general interest or for the general good which last under 10 hours a week for a maximum of 30 days during one calendar year, with or without interruption. It is therefore difficult to say whether volunteering in humanitarian aid activities will in each specific case fall under the provisions of the law or not. It seems that there is room to improve the Serbian regulatory framework to regulate the possibilities for voluntary participation in humanitarian aid actions both in Serbia and abroad, in a manner that is in line with the EU acquis.

2.22. Regulation (EU) 2016/369 on the Provision of Emergency Support Within the EU

This Regulation lays down the framework within which EU emergency support may be awarded in response to disasters that result in severe and wide-ranging humanitarian consequences in one or more EU Member States. It comes into play when other instruments prove insufficient, and it supports and complements the actions of the affected EU Member States.

⁸⁷ Article 48 of LDRMES.

⁸⁸ Article 89 of LDRMES.

⁸⁹ Articles 77-80.

⁹⁰ RS Official Gazette, No. 36/2010.

The emergency support provided under this regulation is based on needs and is meant to preserve life, prevent human suffering and maintain human dignity.

The activation of humanitarian support under this regulation is decided by the Council of the EU on the basis of a proposal by the European Commission.

Emergency humanitarian assistance can be delivered, in close coordination with EU Member States, to the most vulnerable victims of disasters via projects carried out on the ground by the EU's humanitarian partner organisations. These organisations are UN agencies, international organisations, Member State specialised services or NGOs that have signed a framework agreement with the EU. Where necessary, the EU can also directly fund assistance, relief and protection operations.⁹¹ The mechanism was activated for the first time in Greece in 2016 to respond to the influx of refugees and migrants into the EU.⁹²

The Regulation does not apply to the functioning of the 112 emergency response system. Further, there are no grounds for considering harmonisation of Serbian legislation with the provisions of this Regulation at this time, given its nature. Once Serbia becomes a member of the EU, the mechanism will become directly applicable and Serbia will be able to benefit from the mechanism should the need arise.

2.23. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism as amended by Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism

The Union Civil Protection Mechanism (hereinafter: the mechanism) seeks to strengthen cooperation between the EU and EU Member States and to facilitate coordination between them, in the field of civil protection. Decision (EU) 2019/420 amends the original decision of 2013 to strengthen the EU's collective capacity to prevent, prepare for and respond to disasters.

The mechanism's main objective is to improve the effectiveness of systems for preventing, preparing for and responding to natural and man-made disasters of all kinds within and outside the EU. Although its focus is on protecting people, it also covers the environment and property, including natural heritage.

Disaster prevention is a major focus of the mechanism with particular emphasis on improved risk assessment and risk management planning.

When it comes to risk management, the Decision mandates that Member States to further develop risk assessments, assessment of risk management capability and disaster risk management planning at national or appropriate sub-national level in order to promote an effective and coherent approach to the prevention of and preparedness for disasters by sharing

⁹¹ https://ec.europa.eu/echo/printpdf/what-we-do/humanitarian-aid/emergency-support-within-eu_en

⁹² https://ec.europa.eu/echo/what-we-do/humanitarian-aid/emergency-support-within-eu_en

non- sensitive information and to promote the exchange of best practices within the Union Mechanism.⁹³

An important feature of the mechanism is the establishment of the Emergency Response Coordination Centre (ERCC) managed by the European Commission in Brussels. The ERCC is a communication and coordination hub available to civil protection actors, and it is operational 24 hours a day. The centre coordinates the delivery of assistance to disaster-stricken countries, such as relief items, expertise, civil protection teams and specialised equipment. The centre also ensures the rapid deployment of emergency support and acts as a coordination hub.⁹⁴ The communication between the centre and the participating countries (EU Member States and six participating states: Iceland, Norway, Serbia, North Macedonia, Montenegro and Turkey) is enabled through the Common Emergency Communication and Information System (CECIS). Serbia became a part of this mechanism in 2015.⁹⁵ The relevant agreement, signed by the Serbian government and the European Commission, envisages in Article 2 that Serbia shall participate in the Programme and its activities in conformity with the objectives, requirements, criteria, procedures and deadlines as defined in Decision No 1313/2013/E. Further, it envisages that terms and conditions applicable to the submission, assessment and selection of applications by eligible institutions, organisations and individuals of Serbia shall be the same as those applicable to eligible institutions, organisations and individuals of the Member States of the EU.

The decision establishes the European Civil Protection Pool: a voluntary pool of pre-committed EU countries' disaster response capacities, ready to mobilise for EU civil protection operations. This includes high-quality modules of relief teams, experts and equipment.

Decision (EU) 2019/420 also establishes 'rescEU', an additional pool of capacities to provide assistance in situations where the overall existing capacities at national level and the capacities previously allocated by EU countries to the European Civil Protection Pool are insufficient to ensure an effective response.

Serbia has once already activated the mechanism, when faced with a major influx of refugees.⁹⁶

The Decision introduces relevant definitions such as 'disaster', 'preparedness' and 'risk assessment', which mostly correspond to notions contained in the Serbian LDRMES.⁹⁷ For instance, the Decision defines the 'disaster' as any situation, which has or may have a severe impact on people, the environment, or property, including cultural heritage. The Serbian LDRMES contains the similar definition. However, the definition contained in the LDRMES is more specific as it additionally states that the disaster is an occurrence that could not have been prevented or redressed by regular operation of competent public authorities.⁹⁸ Despite the existence of slight divergences, the Serbian regulatory framework seems to be in line with the Decision (see for instance, Article 25 para. 2 points 14, 15, 16 and 20 and Articles 102 to 104 of the LDRMES).

⁹³ Article 6 of the Decision of 2019.

⁹⁴ https://ec.europa.eu/echo/what/civil-protection/emergency-response-coordination-centre-ercc_en.

⁹⁵ Agreement between the Republic of Serbia and the European Union on the participation of the Republic of Serbia in the Union Civil Protection Mechanism, RS Official Gazette – International Treaties No. 11/2015.

⁹⁶ https://ec.europa.eu/commission/presscorner/detail/en/MEX_15_5692.

⁹⁷ Article 8 of the LDRMES and Article 4 of the Decision of 2013. Pls. note that the amending Decision of 2019 did not contain any revision in the given regard.

⁹⁸ Article 2, paragraph 1, point 5) of LDRMES.

The following section provides a summary, a comparative overview of best European practices as well as an overview of national Serbian regulatory practices with regards to the organisation and operation of the 112 services.

2 Overview of Best European Practices

As pointed out above, there is no EU hard acquis that regulates the manner in which the 112 services are organised and different Member States have adopted various approaches, which are best suited to their regulatory and institutional frameworks.

Two prevailing approaches on organization and operation of the 112 system/Service are the following:

- regulating the 112 Service's operation through bylaw/s
- regulating the 112 Service's operation through a specific law.

The instances where the 112 Service is mainly regulated through bylaw/s are common, including Slovenia⁹⁹ and Finland.¹⁰⁰ Those bylaws are adopted based on a legal ground set by a statute. However, although it would be expected that the legal ground for the adoption of the given bylaw is provided by the umbrella emergency law, there are often exceptions from that rule in practice. For instance, the Slovenian bylaw on the operation of 112 Service is adopted based on the Act on the Protection against Natural and Other Disasters, which cannot be considered as the umbrella emergency law as it unduly neglects the relevance of incidents which also trigger the 112 regime. Moreover, that practice creates confusion among citizens whether disaster risks are necessary preconditions for the 112 responding or mere incidents also do meet the threshold for 112 triggering. This undermines the coherence and clarity within the national legal framework. A similar framework has been established in Serbia, given that the Service 112 is determined by the LDRMES, which does not constitute the umbrella emergency law. Furthermore, the given law introduced only partial legal ground for adopting bylaws in the given field.

The second approach is taken by the European countries which enacted separate laws governing the operation of 112 Services. Those countries include, but are not limited to, Moldavia, Lithuania, Romania and Estonia. It is important to note that some of those countries, such as Romania, initially adopted a bylaw on the given matter that was latter transformed to the law. This approach seems more appropriate as it takes into account the sensitivity, complexity, and relevance of the 112 system, and is in line with the legal transparency and legal certainty requirements. However, it should be kept in mind that there are some variations within this approach related to the mandate and structure of the 112 Service. While laws of certain countries such as Moldova and Lithuania task their 112 emergency responses services exclusively with the matters involving the danger to life, health or property, other countries such as Estonia give broader mandate to its so-called Alert Service. Its mandate also covers road information line and local government helpline. When it comes to the structure, some 112

⁹⁹ Ordinance on the Organization and Activity of the Observance, Information and Alert System based on the Act on the Protection against Natural and Other Disasters.

¹⁰⁰ Government Decree on the Functioning of the Emergency Response Center, https://www.112.fi/en/erca/cooperation_between_authorities.

services are under the Ministry of Interior, others are under the agencies for information and electronic communications technologies, etc.¹⁰¹

However, it is hard to assess which model so far has given the best results on the ground. The EU document on the implementation of the European emergency number 112 from 2016 is not sufficiently helpful in that regard. Although it is based on key performance indicators, it failed to bring them in any connection with data on national legal frameworks of the analysed Member States. Moreover, this document does not refer to national legal provisions.

3 Overview of National Serbian Regulatory Practices – Understanding the Local Context

As has been elaborated, there is no one-size-fits-all solution, when it comes to the optimal method for setting up the 112 service that Serbia could easily transplant. There are, however, some important lessons to be learnt both from Member States with success stories in introduction of the 112 system and from efforts to effect sound institutional setup and cooperation of various state institutions and bodies aimed to pursue a singular goal. Namely, the track record of Serbia when it comes to the functioning of such mechanisms is not always exemplary.

The cases of statutory interventions whereby an institutional setup is introduced in order to ensure enhanced cooperation of various state bodies and organisations with the aim to improve their performance has so far been mainly limited to the area of penal law. By all means it constitutes a positive development which contributes to legal certainty and legal transparency of the Serbian regulatory framework. In the past, before this practice was introduced, the cooperation of various state bodies was as a rule regulated by means of memorandum of understanding (MoU). Those MoUs gave negative results on the ground in terms of strengthening the envisaged cooperation among state bodies and organizations).

The fact that so far enacted laws on cooperation of government authorities are limited to the field of penal law may be explained by the relevance of the given legal matter as well as significance of implications which the given cooperation has for public order. It goes without saying that the same arguments can be applied in the case of 112 system as its proper functioning is needed for protecting the security of people, regardless of their place of residence, nationality or disabilities.

The current Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and other Severe Criminal Offences and the Law on Organization and Competence of Government Authorities in Combating Cyber Crime may serve as good examples of such an statutory intervention. For instance, the first aforementioned law was introduced with the aim to ensure that specialized units (such as courts, public prosecutors and police) conduct investigations and proceedings in order to fight organised crime, terrorism and corruption. In addition to fostering specialisation (meaning special and advanced knowledge

¹⁰¹ See for instance Moldavian Law No. 174 on the organization and functioning of the single national Emergency Call Service 112.

and skills), the given law also envisages enhanced mechanisms for the cooperation of the key stakeholders: the existence of liaison officers in a number of state institutions and the formation of task forces.

However, although it constitutes a positive development, the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and other Severe Criminal Offences still did not render the envisaged cooperation fully effective. Namely, even though that Law is explicit in terms of the obligation of state institutions to nominate a liaison officer, it fails to further regulate the obligations and models of cooperation between the liaison officers, on the one hand, and police officers and public prosecutors, on the other hand, leaving the matter to be regulated by MoU. In theory, the flexible approach of regulating this matter through bylaws, could be fully justified by the fact that technical details of cooperation by their very nature rather fall under the realm of bylaws' regulation than the statutory regulation. Moreover, it may be understood as a way of ensuring that the best possible model of cooperation or the most feasible one is developed in each individual case. Nevertheless, the given approach in practice has resulted in confusion and ambiguity as liaison officers are not sure whom they answer to, what is the scope of their duties and how to balance their role of the liaison officer with their everyday tasks. The police and public prosecutors have at their disposal a mechanism that looks good on paper but is not functional in practice and they often circumvent it and try get the information they need in other ways, while investing more time and energy. The notorious tendency of Serbian administration to resort to the so-called "mechanical interpretation" of the law can in this case impede the effective functioning of cooperation mechanism, even more so if the obligation to cooperate is not clearly set out in the law. This is also true for cases of overlap of competences or cases when it is not clear who is competent and which law is applicable to a given situation.

The current Serbian regulations governing the 112 Service are an example of rather laconic regulation of the cooperation and coordination mechanisms that are at the core of successful functioning of the 112 system. It seems that the complexity and relevance of the 112 system has been so far neglected by lawmakers. It is for this reason that it would be more prudent to regulate the overarching obligations in the legislative text, while secondary legislation would be used to prescribe standard operating procedures and other technical issues.

Another frequently encountered feature of Serbian legislation is lack of mutual compliance in regulating the same subject-matter that are within the purviews of different ministries or government agencies. A good example of this inconsistency is the divergence in terminology in the LEC and LDRMES when it comes to emergency services (hitne službe/službe za hitne intervencije). This is why in cases when a particular task requires a common understanding on the part of several state bodies or agencies, it is always advisable to ensure that there is an overarching law in place that defines the main notions and ensures their uniform interpretation and application across different stakeholders.

Furthermore, the shortcoming of the current legal framework on 112 in Serbia is attributable to the fact that the structure and the main features of the 112 Service are regulated by the Law which prescribes the rules for reacting to national disasters and technical and technological accidents, while fully neglects incidents which also to the same extent trigger the 112 system.

4 Conclusions and Recommendations

The conducted needs assessment and gap analysis confirmed the need for further reform of the national regulatory framework, particularly through the adoption of a new law on 112 Service. A complex set of EU acquis including five directives, six regulations, two delegated regulations, five decisions and one delegated decision, two recommendations, two declarations, and one resolution were analysed with a view to the main rules and standards governing the operation of the 112 system and its role in emergency management and response. In addition, six national statutes along with their respective bylaws were subject to assessment in order to come up with proposals for achieving the acquis-compliant national legislation on the 112 system.

The detailed findings on gaps that have to be bridged are be systematically and comprehensively presented in the form of tables of concordance in the Annex II of this report.

The proposals for the 112 related alignments and setting the grounds for its effective functioning will be elaborated to the extent to which they are focused on the enactment of future Law on 112 Service, the draft of which is annexed to this report as Annex I.

Both the gap analysis and the developed table of concordance show that there is room to advance Serbian legislation governing 112 service, disaster response, and emergency management system and better align them with relevant EU acquis.

The gap analysis demonstrated that there is no piece of national legislation that sets sufficient guarantees for the adequate handling of calls made to 112 emergency number, although the Universal Service Directive and European Electronic Communication Code are clear in that regard. Although the LDRMES leaves room for the Government to adopt secondary legislation to that effect, it appears more appropriate to recourse to a statutory mechanism in regulating the operation of the 112 system.

That solution is more favorable from the standpoint of fostering legal transparency and legal certainty as well as from the standpoint of strengthening the consistency of the national legal system. Through the adoption of the new law, it would be avoided to regulate the operation of the emergency response 112 service within the realm of the LDRMES which does not deal with all aspects of the emergency regime. The proposed separate law on the operation of 112 Service should also include acquis- compliant provisions on personal data protection, eCall, roaming, proper handling of calls to 112, equal access, caller identification and location information in a single legislative text, while referring to the relevant Serbian sectoral legislation (LEC, Law on Personal Data Protection etc.). Further, the Law should also spearhead acquis-compliant norms on promotional activities which should be conducted on the road of strengthening public awareness of the 112 system. That obligation also stems from the hard law acquis. In addition, by means of the given law the local context will be considered which requires that sensitive and complex issues of high relevance should be regulated in the form of statute.

The structure and content of the new law are the following:

General provisions

Provisions specifying the purpose and scope of the law

Provisions including definitions (main notions) to enable, *inter alia*, a better understanding of key concepts introduced by the EU acquis while not getting into technical rules

Basic principles which govern the activities of the Emergency Call Service 112

Tasks, duties and responsibilities of the Service 112 with a particular focus on those related to general data protection, transmission of public warning alerts, accessibility for people with disabilities, and transnational emergency calls.

Delimitation of competences between the Service 112, specialized emergency services and other engaged bodies as well as establishing the general framework for cooperation between the given bodies

Organisation of Service 112 (e.g. management, territorial units) and status of Service's officers

Financing of the Service 112

Rights, duties and liabilities of Service officers, including those related to training

Links with other laws and timelines for adoption of bylaws

The future law will require the adoption of bylaws including but not limited to a catalog of national incidents and various operational procedures

Transitional and final provisions.

To summarize, the most notable recommendation is to adopt a separate law governing the operation of the 112 system. The preferred approach is to regulate the overarching obligations related to the 112 service in the legislative text while regulating technical details in secondary national legislation. Through a well-balanced approach, both issues of needed transparency and flexibility are to be met.

However, it would be recommended that in addition to amending certain parts of the LDRMES and other umbrella laws, also to focus on improving all aspects which are needed for fully operational 112 service. The separate law and legal amendments provided in the analyses did not only come as a result of the "mere" transposition of the EU acquis. Instead, they also resulted from the comparative legal analysis of the best European practices.

As already discussed, in addition to disaster response and emergency management systems, the quality of legislation pertaining to electronic communications and personal data protection is of key importance.

When it comes to the issues identified as not harmonised or partially harmonised with EU acquis, the following recommendations can be formulated:

1. When it comes to partial harmonisation, it is recommendable to amend Serbian legislation in a way to achieve full harmonisation. This can mostly be done through improving the wordings of Serbian norms to reflect the acquis requirements more closely. However, in some cases it may be necessary to adopt additional norms in the analysed Serbian legislative acts. In some instances it may be prudent to amend the national legislation by including a general reference to certain procedures that can be then elaborated in a secondary act, that is yet to be developed. The relationship between the National Centre 112 and the ERCC is a good example of such a case.

2. When it comes to the lack of harmonisation, it is mostly attributable to the fact that Serbian legislation does not include any provisions on the given subject matter. The issue of e-Call is a good example in that regard. In such cases, there is an evident need for Serbian legislation to be amended by completely new norms, both in terms of provisions of the law and in the adoption of secondary legislation. The provisions in the Law on Roads that enable the operation of Intelligent Transport Systems do constitute the right step in the right direction.

It is worth noting that, unlike the EU acquis, the Serbian regulatory framework on personal data protection does not have dedicated norms that would regulate the issue of e-privacy. Even though this issue is outside of the scope of this gap analysis, a closer and more detailed regulation of the issue of e-privacy would contribute considerably to the level of protection of human rights in the operation of the 112 system.

Serbia seems to be reluctant to impose a requirement concerning the introduction of the eCall in-vehicle system. Any reference to the system is lacking from the Serbian legal framework. Given the importance assigned by the EU to the system and its potential to considerably facilitate emergency response, Serbia will soon need to advance its legislation and fully harmonise it with EU acquis in this respect. Perhaps the gradual approach taken at the EU level can serve as a good model to be followed locally. At the EU level, Member States were firstly mandated to deploy the eCall (in-vehicle emergency call system) infrastructure necessary for proper receipt and handling of all eCalls and then afterward mandatory fitting of the eCall device in vehicles became applicable.

Further, it seems that, despite the relatively new regulatory framework governing disaster risk reduction and emergency management, there is still room for it to be advanced. This is particularly visible with regard to the rules governing cooperation with relevant EU bodies operating in the field of disaster risk reduction, emergency response, civil assistance and humanitarian aid. Currently, these issues are regulated rather laconically in Serbian laws. It seems that Serbia would largely benefit from upgrading its regulatory framework in this field, both in terms of norms found in laws and in bylaws. Also, it is important not only to regulate relevant issues in line with the EU requirements but also to transpose definitions of the overtaken notions in order to eliminate further misconceptions of their meaning. Moreover, explicit reference to the use of various forms of EU civil assistance and humanitarian aid, including financial support, would be well advised to be included in Serbian legislation as soon as possible.

ANNEX 1 PREDLOG MODELA ZAKONA:

Zakon o Službi 112 za hitne pozive (ALTERNATIVA: hitne slučajeve)

OSNOVNE ODREDBE

Predmet i cilj zakona

Član 1

Ovim zakonom uređuje se organizacija i rad Službe 112 kao organa u sastavu Ministarstva unutrašnjih poslova (u daljem tekstu: Služba 112) (ALTERNATIVA: kao posebnog pravnog lica) zaduženog za prijem, registraciju, obradu i prosleđivanje podataka u vezi sa službama za hitne intervencije i vanrednim situacijama, koji i regulisanje njenih odnosa sa drugim subjektima koji su povezani sa sistemom 112 sa ciljem da jamči visok nivo zaštite i bezbednosti lica i dobara, kroz efikasno i celishodno korišćenje kapaciteta informaciono-komunikacionih tehnologija. Ovim Zakonom se takođe reguliše status zaposlenih u Službi 112 i njihova prava, obaveze i odgovornost.

Značenje izraza

Član 2

Pojedini izrazi upotrebljeni u ovom zakonu imaju sledeće značenje:

- 1) poziv Službi 112 za hitne pozive ALTERNATIVA: hitne slučajeve predstavlja svako obaveštenje ili zahtev za pomoć u slučaju postojanja opasnosti za život ili zdravlje ljudi, javni red, materijalna dobra ili životnu sredinu upućen Službi 112 u vezi sa kojim je potrebna intervencija službi za hitne intervencije/hitnih službi
- 2) jedinstveni broj za hitne slučajeve 112 predstavlja jedinstveni telefonski broj koji se koristi za obaveštavanje o svakoj situaciji, trenutnoj, planiranoj ili budućoj, koja predstavlja rizik za zdravlje, život i bezbednost ljudi, materijalnih i nematerijalnih dobara i životnu sredinu. Nastupeli hitan slučaj postojanja rizika po život ili zdravlje ljudi, javni red, materijalna dobra ili životnu sredinu predstavlja dovoljan osnov za opavdanost poziva Službi 112, kao što je slučaj i sa situacijama kod kojih postoji opasnost od nastupanja katastrofa.
- 3) zlonamerni ili uznemiravajući poziv Službi 112 predstavlja namerno lažno obaveštenje ili zahtev za pomoć službi za hitne intervencije/hitnoj službi koji se ostvaruje pozivanjem jedinstvenog broja za hitne slučajeve ALTERNATIVNO: za hitne pozive 112 prilikom kog lice koje upućuje poziv ne može ili odbija da opravda zahtev za pomoć službi za hitne intervencije/hitnih službi.
- 4) slučajni poziv predstavlja nenamerno obaveštavanje ili pozivanje jedinstvenog broja za hitne slučajeve/hitne pozive 112.
- 5) podaci o lokaciji su podaci koji označavaju trenutni ili stalni geografski položaj terminalne opreme lica koje je uputilo poziv Službi 112 unutar elektronske komunikacione mreže

6) Služba 112 je organ u sastavu Ministarstva unutrašnjih poslova čiji organizacioni i tehnološki kapaciteti obezbeđuju prijem, registraciju, obradu i prosleđivanje zahteva za pomoć službi za hitne intervencije i njihovu koordinaciju, kao i komunikaciju sa operatorima u smislu Zakona o elektronskim komunikacijama (u daljem tekstu:operator).

7) Službe za hitne intervencije/hitne službe su organi i organizacije koji su ovlašćeni ili pozvani da neposredno intervenišu u cilju otklanjanja situacija neposredne opasnosti u slučaju postojanja rizika za život ili zdravlje ljudi, javni red, materijalna dobra ili životnu sredinu. One obuhvataju policiju, vatrogasno-spasilačke jedinice i službe za hitnu medicinsku pomoć, kao i druga pravna i fizička lica, javne službe i druge organizacije, kada se od njih traži da odgovore na pozive upućene službi 112 pod uslovima i u postupku propisanim Zakonom.

8) Automatizovani informacioni sistem Službe 112 predstavlja hardver i softver, elektronsko komunikacionu opremu i mreže kojima se obezbeđuje pravilan rad Službe 112.

9) Posebna terminalna oprema prilagođena za korišćenje osobama sa različitim vrstama invaliditeta, kao što su oštećenje sluha, poremećaj govora i vida, zasniva se na sistemu automatizovanog prenosa i obrade podataka kojim se omogućava njihovo upućivanje hitnih poziva Službi 112, kao i rano upozoravanje, obaveštavanje i uzbunjivanje tih kategorija stanovništva.

10) ePoziv (eCall) predstavlja bežični poziv upućen službi 112 bilo automatski putem aktivacije senzora ugrađenih u vozilo ili ručno.

11) Upravljanje operativnim resursima predstavlja donošenje odluka o upućivanju i raspoređivanju resursa službi za hitne intervencije (alternativno: hitnih službi) u odgovoru na poziv upućen Službi 112, koordinaciju njihovog rada i njihovo obaveštavanje o raspoloživim informacijama od značaja za intervenciju.

12) Pomoć u hitnom slučaju predstavlja neposrednu aktivnost koju preduzimaju Služba 112 i službe za hitne intervencije/hitne službe u okviru svojih nadležnosti u odgovoru na izveštaj o hitnom slučaju. Saveti, objašnjenja ili uputstva koje putem telefona daje službenik u Službi 112 koji je odgovorio na poziv upućen na jedinstveni broj za hitne slučajeve/hitne pozive takođe se smatra pomoći u hitnom slučaju.

13) Izveštaj o hitnom slučaju podrazumeva izveštaj o svim okolnostima u vezi sa pozivom ili obaveštenjem upućenim Službi 112 i potrebi za intevencijom koji priprema i upućuje službenik Službe 112 koji je prihvatio poziv a koji se prosleđuje službama za hitne intervencije/hitnim službama i koji je, tamo gde je to potrebno, dopunjen podacima pribavljenim iz informacionog sistema Službe 112 ili drugim podacima.

14) Odgovor na poziv predstavlja svaku aktivnost koju preduzme Služba 112, uključujući i prihvatanje poziva za hitnu intervenciju, njihovu procenu, određivanje potrebe za hitnom intervencijom, pružanje pomoći putem telefona, izradu izveštaja o hitnom slučaju i njihovo prosleđivanje službama za hitne intervencije/hitnim službama (ALTERNATIVNO operativnim centrima hitnih službi) kao i dalje pružanje podataka hitnim službama).

15) Subjekti povezani sa sistemom 112 su službe za hitne intervencije/hitne službe, Regulatorna agencija za elektronske komunikacije i poštanske usluge, operatori, drugi državni organi i organi lokalne samouprave.:

Član 3

Rad Službe 112 i sistema 112 zasnivaju se na sledećim načelima:

- 1) načelu stalne besplatne dostupnosti usluga što podrazumeva da Služba 112 odgovara na pozive na jedinstveni broj za hitne slučajeve/hitne pozive 24 časa dnevno, uključujući i državne i druge praznike;
- 2) načelu hitnosti, što podrazumeva da Služba 112 obezbeđuje trenutni i odgovarajući odgovor na hitne pozive;
- 3) načelu stručnosti, što podrazumeva da poslove Službe 112 obavljaju službenici i koji su prošli posebnu obuku za odgovaranje na hitne pozive i koji imaju odgovarajuće stručne kvalifikacije;
- 4) načelu jednakog pristupa za lica sa invaliditetom i lica koja govore jezike koji su u službenoj upotrebi u Srbiji a koji nisu srpski jezik, kao i druge jezike imaju mogućnost da upute poziv na broj 112;
- 5) načelu obezbeđivanja visokog nivoa zaštite podataka o ličnosti i privatnosti lica koje je uputilo poziv Službi 112, a u skladu sa Zakonom o zaštiti podataka o ličnosti, Zakonom o elektronskim komunikacijama i drugim zakonima.

Tajnost podataka i zaštita podataka o ličnosti

Član 4

Služba 112 i drugi subjekti povezani sa sistemom 112 dužni su da podatke o ličnosti obrađuju u skladu sa Zakonom o zaštiti podataka o ličnosti i Zakonom o elektronskim komunikacijama, kao i da obezbede zaštitu osnovnih prava i sloboda lica, pre svega, prava na nepovredivost privatnog života u skladu sa važećim propisima.

Služba 112 neće objaviti podatke koje primi i obradi ukoliko bi to moglo da povredi ili ugrozi ljudsko dostojanstvo, čast ili bezbednost ili ukoliko bi se objavljivanjem podataka moglo promovisati izvršenje kažnjivih dela.

Svi operatori dužni su da omoguće da njihovi korisnici upute pozive Službi 112 i da Službi 112 omoguće pristup podacima o identitetu pozivajućeg pretplatnika, pozivajućem broju, vremenu i trajanju poziva, kao i podatke o lokaciji sa koje je poziv upućen.

Pristup Službe 112 i službi za hitne intervencije podacima o lokaciji dozvoljen je samo od trenutka kada Služba 112 prihvati poziv koji joj je upućen do završetka intervencije službe za hitne intervencije i to samo u svrhe takve intervencije.

U pogledu pitanja od značaja za zaštitu podataka o ličnosti u elektronskim komunikacionim mrežama Služba 112 sarađuje sa Poverenikom za pristup informacijama od javnog značaja i zaštitu podataka o ličnosti.

NADLEŽNOST SLUŽBE 112

Poslovi Službe 112

Član 5

Služba 112 obavlja sledeće poslove:

- 1) odgovara na hitne pozive/pozive za hitne slučajeve na broj 112 bez obaveštavanja lica koje upućuje poziv da se poziv koji je on uputio snima,
- 2) prima i hitno ocenjuje zahteve za pomoć i ocenjuje potrebu za takvom pomoći;
- 3) pruža hitnu pomoć putem telefona ili drugog sredstva komunikacije kojim Služba 112 raspolaže u okviru svoje nadležnosti;
- 4) prosleđuje poziv i izveštaj o hitnom slučaju dispečerima hitnih službi/ službi za hitne intervencije;
- 5) prima i obrađuje ePozive (eCall);
- 6) vrši rano upozoravanje, obaveštavanje i uzbunjivanje stanovništva, nadležnih organa, privrednih društava i drugih pravnih lica u zoni ugroženosti, kao i snaga zaštite i spasavanja;
- 7) obezbeđuje pravilan rad i funkcionisanje informacionog sistema Službe 112 i zaštitu obrađenih podataka;
- 8) obezbeđuje nastanak i funkcionalnost automatizovanog informacionog sistema Servisa 112 i njihovo povezivanje sa informacionim sistemima službi za hitne intervencije/hitnih službi, a naročito onim koje koriste dispečeri službi za hitne intervencije/hitnih službi;
- 8) uvodi tehnička i softverska rešenja kojima se smanjuje vreme odgovora na obaveštenje ili poziv za hitnu pomoć;
- 9) obrađuje podatke o ličnosti i druge podatke od značaja za obavljanje poslova Službe (uključujući i naročito osetljive podatke o ličnosti) bez prethodno pribavljene saglasnosti lica automatskim ili neautomatskim putem kada je to potrebno radi zaštite javnog interesa, zaštite vitalnog interesa lica koje traži hitnu pomoć ili radi obavljanja poslova Službe;
- 10) prosleđuje podatke o licima koja ometaju rad Službe 112 nadležnim državnim organima;
- 11) sprovodi mere u cilju smanjenja broja zlonamernih i uznemiravajućih poziva;
- 12) pruža podatke kojima raspolaže Služba 112 službama za hitne intervencije/hitnim službama i drugim državnim organima i organima lokalne samouprave;
- 13) obezbeđuje međunarodnu razmenu podataka sa stranim organima koji su deo sistema 112 u cilju pružanja hitne pomoći;
- 14) obavlja druge poslove koji se odnose na upravljanje vanrednim situacijama u skladu sa Zakonom o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama
- 15) obavlja i druge poslove u skladu sa zakonom.

STRUKTURA, UPRAVLJANJE I ZAPOSLENI U SLUŽBI 112

Struktura Službe 112

Član 6

Službu 112 čine Nacionalni centar 112, operativni centri 112, situacioni centri i sistem javnog uzbunjivanja.

Upravljanje

Član 7

Službom upravlja direktor službe, koga postavlja Vlada na pet godina, na predlog ministra, prema zakonu kojim se uređuje položaj državnih službenika.

Direktor službe:

- 1) upravlja radom Službe i snosi neposrednu odgovornost za rad Službe;
- 2) predstavlja Službu u zemlji i inostranstvu;
- 3) odobrava akte kojima se uređuje unutrašnja organizacija Službe, donosi interne akte službe, uključujući i pravilnike o sistematizaciji radnih mesta;
- 4) rešava u upravnim stvarima iz delokruga Službe 112 i odlučuje o pravima i dužnostima zaposlenih u Službi 112;
- 5) izveštava Ministra unutrašnjih poslova o aktivnostima Službe 112;
- 6) obavlja druge funkcije poverene zakonom i drugim propisima;

Pomoćnika direktora Službe 112 postavlja Vlada na pet godina, na predlog Ministra unutrašnjih poslova, prema zakonu kojim se uređuje položaj državnih službenika.

Zaposleni u Službi 112

Član 8

U Službi 112 su zaposleni službenici, koji imaju status državnih službenika.

Kategorije službenika, bliži uslovi i način zasnivanja radnog odnosa regulišu se podzakonskim aktom.

Na pitanja položaja službenika Službe 112 koji nisu regulisani ovim zakonom primenjuje se odredbe Zakona o državnim službenicima.

PRAVA I DUŽNOSTI SLUŽBENIKA SLUŽBE 112

Prava službenika u Službi 112

Član 9

Službenici u službi 112 imaju sledeća prava:

- 1) da traže dodatne podatke od lica koje zahteva hitnu pomoć i/ili od službi za hitne intervencije o okolnostima od značaja za intervenciju;

2) da odbiju pružanje hitne pomoći i prekinu poziv ako ocene da se upućeni zahtev ne može smatrati zahtevom za hitnu pomoć (nezavisno od nadležnosti hitnih službi);

3) da traže, u okviru svojih nadležnosti, da im službe za hitne intervencije dostave podatke o rezultatima pružene hitne pomoći.

Dužnosti službenika u Službi 112

Član 10

Službenici u Službi 112 imaju sledeće dužnosti:

1) da adekvatno ocene zahteve za hitnu pomoć, proslede izveštaj o hitnom slučaju odgovarajućoj službi / službama za hitne intervencije i pruže, gde je to potrebno, hitnu pomoć putem telefona ili drugog sredstva komunikacije do dolaska službi za hitne intervencije/hitne službe;

2) da obezbede, u okviru svojih nadležnosti, da su podaci koji se čuvaju u informacionom sistemu Službe 112 istiniti i bezbedni;

3) da koriste podatke obrađene u informacionom sistemu Službe 112 isključivo za potrebe njenog rada;

4) da pohađaju organizovane obuke zajedno sa dispečerima službi za hitne intervencije/hitnih službi;

5) da se prilikom obavljanja poslova Službe 112 ponašaju stručno i savesno, da u kontaktu sa građanima budu ljubazni i efikasni, i da postupaju u skladu sa zakonom i drugim propisima;

6) da prilikom obavljanja poslova Službe 112, bezuslovno postupaju u skladu sa aktima kojima se bliže reguliše rad Službe, smernicama službe i odredbama drugih propisa.

Odgovornost službenika Službe 112

Član 11

Službenici u Službi 112 snose ličnu odgovornost za svoje postupke, odluke i njihove posledice, kao i za postupke i odluke lica kojima su neposredno nadređeni, u skladu sa odgovarajućim sistemom ovlašćenja u okviru Službe 112 i odgovornosti kao i za njihove posledice.

Službenici u Službi 112 nisu oslobođeni odgovornosti ako postupe po nezakonitom nalogu nadređenog.

Obuka zaposlenih u Službi 112

Član 12

Zaposleni u Službi 112 dužni su da pohađaju početnu obuku za rad u Službi 112 u organizaciji nadležnog državnog organa kao i stalnu obuku.

Nije dozvoljeno organizovanje obuke za zaposlene u Službi 112 koje je u suprotnosti sa važećim propisima.

RAZMENA PODATAKA I SARADNJA SLUŽBE 112 SA SLUŽBAMA ZA HITNE INTERVENCIJE/HITNIM SLUŽBAMA DRUGIM ORGANIMA, REGULATORNOM AGENCIJOM I OPERATORIMA

Saradnja Službe 112 i službi za hitne intervencije/hitnih službi

Saradnja Službe 112 prilikom odgovora na poziv

Član 13

Služba 112 zadužena je da odgovarajući na pozive:

- primi zahteve za hitnu pomoć,
- odredi vrstu hitnog slučaja na osnovu kataloga hitnih slučajeva, koji se donosi u formi podzakonskog akta)
- izrađuje izveštaje o hitnom slučaju na osnovu podataka koje dobije od lica koje je uputilo poziv kao i na osnovu podataka o lokaciji
- prosleđuje poziv i pripremljen izveštaj dispečaru hitne službe/službe za hitne intervencije.

Katalog hitnih slučajeva donosi se u formi podzakonskog akta.

Saradnja službi za hitne intervencije prilikom upravljanja operativnim resursima i obaveštavanja o pruženoj pomoći

Član 14

Službe za hitne intervencije zadužene su za upravljanje operativnim resursima u skladu sa zakonom i podzakonskim aktima kojima se reguliše rad Službe, kao i za obaveštavanje. Službe 112 o hitno pruženoj pomoći.

Službe za hitne intervencije upravljajući operativnim resursima:

odlučuje o upućivanju i raspoređivanju resursa službi za hitne intervencije (ALTERNATIVNO: hitnih službi) u odgovoru na poziv upućen Službi 112,
koordiniše njihov rad
obaveštava ih o raspoloživim informacijama od značaja za intervenciju.

Nakon što prime izveštaj o hitnom slučaju koji im prosledi Služba 112, službe za hitne intervencije/hitne službe su dužne da u skladu sa aktima koji regulišu njihovo postupanje odgovore na taj izveštaj i pruže usluge hitne pomoći iz okvira svojih nadležnosti.

Dispečer službe za hitne intervencije nakon dopunjavanja izveštaja o hitnom slučaju, donosi odluku o raspoređivanju resursa službe za hitne intervencije na osnovu opreme potrebne za intervenciju, kao i lokacije i dostupnosti resursa.

Služba 112 dužna je da službama za hitne intervencije pruži raspoložive podatke koji im mogu pomoći u efikasnom pružanju hitne pomoći ili u delotvornom korišćenju njihovih kapaciteta.

Dispečeri nadležne službe za hitne intervencije su dužni da obaveste Službu 112 o pruženoj hitnoj pomoći.

Dispečeri nadležne službe za hitne intervencije ne odgovaraju za potpunost i tačnost pribavljenih podataka, već je to odgovornost nadležne službe za hitne intervencije/hitne službe.

Služba 112 nije odgovorna za štetu koja nastane za službe za hitne intervencije prilikom odgovara na netačne izveštaje o hitnom slučaju ako je takav izveštaj izrađen na osnovu zlonamernih ili uznemiravajućih poziva za hitnu pomoć.

Bliži uslovi i način saradnje između Službe 112 i službi za hitne intervencije /hitne službe (uključujući njihove dispečare) uređuje se podzakonskim aktom.

Služba 112 i službe za hitne intervencije dužne su da obezbede interoperabilnost svojih informacionih sistema, u skladu sa zakonom i drugim propisima.

Saradnja Službe 112 sa Regulatornom agencijom za elektronske komunikacije i poštanske usluge i operatorima i službama za hitne intervencije

Član 15

Operator je dužan je da Službi 112, bez naknade, hitno prosleđuje sve raspoložive podatke o ostvarenim pozivima Službi 112, a naročito podatke o identitetu pozivajućeg pretplatnika, pozivajućem broju, vremenu i trajanju poziva, kao i podatke o lokaciji sa koje je poziv upućen, u skladu sa tehničkim mogućnostima.

Druge obaveze operatora u pogledu lica koja upućuju poziv Službi 112 propisane su Zakonom o elektronskim komunikacijama.

Služba 112 u saradnji sa Regulatornom agencijom za elektronske komunikacije i poštanske usluge na osnovu podzakonaskog akta sprovodi mere u cilju:

smanjenja broja zlonamernih, uznemiravajućih i slučajnih poziva, između ostalog, putem njihovih blokiranja,

smanjenja broja neuspelih pokušaja upućivanja poziva Službi 112,

skraćivanja vremena potrebnog za davanje odgovora na pozive povodom zlonamernih ili uznemiravajućih poziva, između ostalog putem njihovog blokiranja.

PROMOCIJA RADA SLUŽBE 112

Član 16

Obaveza obaveštavanja građana o postojanju broja 112

Služba 112, službe za hitne intervencije, Regulatorna agencija za elektronske komunikacije i poštanske usluge i operatori su dužni da na odgovarajući način obaveste građane o postojanju i korišćenju jedinstvenog broja 112 za hitne pozive/za hitne slučajeve.

Sve službe za hitne intervencije moraju da imaju na svojim vozilima vidljivo istaknut jedinstveni broj 112 za hitne pozive.

Nije dozvoljeno obaveštavati građane o postojanju posebnih brojeva za hitne pozive različitih službi za hitne intervencije iako su oni i dalje u paralelenoj upotrebi sve do uspostavljanja broja 112 kao jedinstvenog.

Promotivne aktivnosti i kampanje koje se odnose na podizanje svesti građana o mogućnosti besplatnog pristupu Službi 112 su posebno usmerene na putnike koji dolaze u Srbiju, na lica sa invaliditetom, kao i lica koja pripadaju socijalno ugroženim kategorijama stanovništva.

Dan Službe 112 obeležava se 11. februara svake godine kroz promotivne aktivnosti i kampanje.

Promotivne aktivnosti i kampanje koje su usmerene na obaveštavanje javnosti o postojanju i upotrebi jedinstvenog evropskog broja 112 za hitne pozive predviđaju se u Nacionalnom programu za uspostavljanje i rad Službe 112.

FINANSIRANJE SLUŽBE 112

Član 17

Sredstva za rad Službe 112 obezbeđuju se iz budžeta Republike Srbije.

Služba 112 takođe se može finansirati iz drugih sredstava kao što su donacije, u skladu sa zakonom.

NADZOR NAD RADOM SLUŽBE

Član 18

Nadzor nad radom Službe 112 sprovodi Ministarstvo unutrašnjih poslova i drugi državni organi i organizacije u okviru svojih nadležnosti i u skladu sa zakonom.

ANNEX II

Introductory Remarks and Tables of Concordances

The legal gap analysis has covered a comprehensive set of EU acquis relevant for the establishment and operation of the 112 emergency service, and its role in disaster response and emergency management system. It includes all types of secondary legislation: regulations, directives, decisions, delegated and implementing acts and recommendations. It also includes soft-law instruments, such as declarations and resolutions. The legal gap analysis clearly outlines the difference in the binding force of various pieces of EU acquis.

The subject-matters of some of the pieces of acquis analysed are only partially linked to the scope of the legal gap analysis. They are originally developed to regulate a separate complex subject-matter, such as the personal data protection or the electronic communication services in general, where the scope of legislative intervention and the bodies competent for their implementation and, where applicable, transposition in Member States and accession countries are not the ones that are mandated with those tasks with regards to 112 emergency service or emergency management. Such acts were included in the analysis to the extent to which they are relevant to the analyzed topics.

The approach in the development of tables of concordance of Serbian legislation with the EU acquis has been based along similar lines.

Firstly, the tables of concordance have been developed only for legally binding pieces of secondary EU law.

Secondly, the tables of concordance are developed only for the specific articles of the given piece of secondary EU acquis that is directly relevant to the subject matter of the legal gap analysis. The remaining articles are not included in the table of concordance in order to avoid confusion and digression. Also, in order to reduce the volume of Annex 1 to the report, some of the non-transferable provisions of the analysed legally binding pieces of secondary EU law will not be included in the tables of concordance.

Thirdly, tables of concordance were not developed for three pieces of secondary legally binding pieces of EU acquis where it was deemed that:

a) the subject matter of the EU acquis is only indirectly relevant for the operation of 112 Service and Disaster Response and Emergency Management (Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons With Regard to the Processing Of Personal Data by Competent Authorities For The Purposes of The Prevention, Investigation, Detection or Prosecution of Criminal Offenses or The Execution of Criminal Penalties, and The Free Movement of Such Data, And Repealing Council Framework Decision 2008/977/JHA) and

b) where the piece of EU acquis does not envisage any concrete obligations of Member States (Regulation (EU) 2016/369 on the Provision of Emergency Support Within the EU).

c) where the piece of amending EU acquis only replaces the annex of the initial act (2010/481/EU, Euratom: Commission Decision of 29 July 2010 Amending Decision 2004/277/EC, Euratom as Regards Rules for the Implementation of Council Decision 2007/779/EC, Euratom Establishing a Community Civil Protection Mechanism).

When it comes to the assessment of whether a specific norm of a Serbian legal act is harmonised with EU acquis, this was done primarily with a view to the concrete norms of the analysed piece of secondary legislation of the EU in the light of the rules governing the operation of 112 service, disaster response and emergency management. It may well happen that further alignment with EU acquis and proper positioning of the norms in the Serbian legal system will require additional wider consultations with competent line ministries and bodies. That is attributable to the fact that comparative experience shows that a systematic approach leading to parallel amendments of various umbrella laws along with the adoption of the proposed new specific law would turn as the most fruitful solution.

1. Title of EU act: Universal Service Directive (Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) as amended by Universal Service Directive - Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (Text with EEA relevance				2. CELEX number of EU act 02002L0022-20160430	
3. Title of the legal act the provisions the concordance of which with EU act are being analysed 0.1 Law on Electronic Communication (Zakon o elektronskim komunikacijama "Službeni glasnik RS", br. 44/2010, 60/2013 (Odluka Ustavnog suda), 62/2014, 95/2018 (drugi zakon)) 0.2 Rulebook on Universal Service (Pravilnik o univerzalnom servisu,"Sl. glasnik RS", br. 24/2012) 0.3 Law on Critical Infrastructure (Zakon o kritičnoj infrastrukturi,"Sl. glasnik RS", br. 87/2018) 0.4 Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, Službeni glasnik RS, br. 87/2018)					
4. Concordance of the provision of the legal act with the provisions of EU act:					
a)	a1)	b)	b1)	c)	d)

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹⁰²	Reasons for partial harmonisation, no harmonisation or non-transferability
1	<p>1. Within the framework of Directive 2002/21/EC (Framework Directive), this Directive concerns the provision of electronic communications networks and services to end-users. The aim is to ensure the availability throughout the Community of good-quality publicly available services through effective competition and choice and to deal with circumstances in which the needs of end-users are not satisfactorily met by the market. The Directive also includes provisions concerning certain aspects of terminal equipment, including provisions intended to facilitate access for disabled end-users.</p> <p>2. This Directive establishes the rights of end-users and the corresponding obligations of undertakings providing publicly available electronic communications networks and services. With regard to ensuring provision of universal service within an environment of open and competitive markets, this Directive defines the minimum set of services of specified quality to which all end-users have access, at an affordable price in the light of specific national conditions, without distorting competition. This Directive also sets out obligations with regard to the provision of certain mandatory services.</p> <p>3. National measures regarding end-users' access to, or use of, services and applications through electronic communications networks shall respect the fundamental rights and freedoms of natural persons, including in relation to privacy and due process, as defined in Article 6</p>	<p>0.1</p> <p>1.</p>	<p>Ovim zakonom uređuju se: uslovi i način za obavljanje delatnosti u oblasti elektronskih komunikacija; nadležnosti državnih organa u oblasti elektronskih komunikacija; položaj i rad Regulatorne agencije za elektronske komunikacije i poštanske usluge; naknade; sprovođenje javnih konsultacija u oblasti elektronskih komunikacija; obavljanje delatnosti elektronskih komunikacija po režimu opšteg ovlašćenja; projektovanje, izgradnja ili postavljanje, korišćenje i održavanje elektronskih komunikacionih mreža, pripadajućih sredstava, elektronske komunikacione opreme i terminalne opreme; pravo službenosti i zajedničkog korišćenja; međupovezivanje i pristup; pružanje usluga univerzalnog servisa; određivanje tržišta podložnih prethodnoj regulaciji, analiza tržišta, određivanje operatora sa značajnom tržišnom snagom (u daljem tekstu: operator sa ZTS) i ovlašćenja Regulatorne agencije za elektronske komunikacije i poštanske usluge u odnosu na operatora sa ZTS; upravljanje i korišćenje adresa i brojeva (u daljem tekstu: numeracija); upravljanje, korišćenje i kontrola radio-frekvencijskog spektra; distribucija i emitovanje medijskih sadržaja; zaštita prava korisnika i pretplatnika; bezbednost i integritet elektronskih komunikacionih mreža i usluga; tajnost elektronskih komunikacija, zakonito presretanje i zadržavanje podataka; nadzor nad primenom ovog zakona; mere za postupanje suprotno odredbama ovog</p>	PH	<p>Serbian law does not include explicit references to the standards of protection of human rights.</p>

¹⁰² Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	<p>of the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> <p>4. The provisions of this Directive concerning end-users' rights shall apply without prejudice to Community rules on consumer protection, in particular Directives 93/13/EEC and 97/7/EC, and national rules in conformity with Community law.</p>	<p>0.1</p> <p>2.</p> <p>0.1</p> <p>3-</p>	<p>zakona, kao i druga pitanja od značaja za funkcionisanje i razvoj elektronskih komunikacija u Republici Srbiji.</p> <p>Odredbe ovog zakona ne odnose se na elektronske komunikacione mreže za posebne namene, osim odredaba koje se odnose na korišćenje radio-frekvencija za posebne namene i posebne slučajeve međupovezivanja elektronskih komunikacionih mreža za posebne namene i javnih komunikacionih mreža.</p> <p>Ciljevi i načela regulisanja odnosa u oblasti elektronskih komunikacija zasnivaju se na:</p> <p>1) obezbeđivanju uslova za ravnomeran razvoj elektronskih komunikacija na celoj teritoriji Republike Srbije;</p> <p>2) obezbeđivanju predvidivosti poslovanja i ravnopravnih uslova za poslovanje operatora;</p> <p>3) usklađivanju obavljanja delatnosti u oblasti elektronskih komunikacija sa domaćim i međunarodnim standardima;</p> <p>4) obezbeđivanju dostupnosti usluga univerzalnog servisa svim građanima u Republici Srbiji, uz zadovoljenje potreba specifičnih društvenih grupa, uključujući osobe sa invaliditetom, starije i socijalno ugrožene korisnike;</p> <p>5) obezbeđivanju međupovezivanja elektronskih komunikacionih mreža i usluga, odnosno operatora, pod ravnopravnim i uzajamno prihvatljivim uslovima;</p> <p>6) podsticanju konkurencije, ekonomičnosti i</p>		

a)	a1)	b)	b1)	c)	d)
			<p>delotvornosti u obavljanju delatnosti elektronskih komunikacija, na tehnološki neutralnoj osnovi;</p> <p>7) podsticanju racionalnog i ekonomičnog korišćenja numeracije i radio-frekvencijskog spektra, na tehnološki neutralnoj osnovi;</p> <p>8) obezbeđivanju maksimalne koristi za korisnike elektronskih komunikacija, uključujući osobe sa invaliditetom, starije i socijalno ugrožene korisnike, naročito u smislu izbora, cene i kvaliteta;</p> <p>9) obezbeđivanju visokog nivoa zaštite interesa potrošača u odnosu sa operatorima, naročito obezbeđivanjem dostupnosti jasnih i potpunih informacija o cenama, uslovima pristupa i korišćenja (uključujući ograničenja) i kvalitetu javnih komunikacionih mreža i usluga, kao i efikasnim postupanjem po pritužbama na rad operatora;</p> <p>10) obezbeđivanju stalnog unapređenja kvaliteta usluga elektronskih komunikacija;</p> <p>11) obezbeđivanju mogućnosti krajnjih korisnika da, prilikom korišćenja javnih komunikacionih mreža i usluga, slobodno pristupaju i distribuiraju informacije, kao i da koriste aplikacije i usluge po svom izboru;</p> <p>12) obezbeđivanju visokog nivoa zaštite podataka o ličnosti i privatnosti korisnika, a u skladu sa Zakonom o zaštiti podataka o ličnosti i drugim zakonima;</p> <p>13) osiguravanju bezbednosti i integriteta javnih komunikacionih mreža i usluga.</p>		
2.1.a	(a) "electronic communications network" means transmission systems and, where applicable, switching or routing equipment and other resources which permit the conveyance of signals by wire, by radio, by optical or by other electromagnetic means, including satellite	0.1 4.1.7.	elektronska komunikaciona mreža predstavlja sisteme prenosa i, tamo gde je to primenjeno, uređaje za komutaciju i usmeravanje i druge resurse, uključujući pasivne mrežne elemente, koji omogućavaju prenos signala pomoću žičnih, radio, optičkih ili drugih	FH	

a)	a1)	b)	b1)	c)	d)
	networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed;		elektromagnetskih sredstava, uključujući satelitske mreže, fiksne (sa komutacijom kola i paketa, uključujući Internet) i mobilne mreže, energetske kablovske sisteme, u delu koji se koristi za prenos signala, mreže koje se koriste za distribuciju i emitovanje medijskih sadržaja, bez obzira na vrstu podataka i informacija koji se prenose		
2.1.c	"electronic communications service" means a service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on electronic communications networks, including telecommunications services and transmission services in networks used for broadcasting, but exclude services providing, or exercising editorial control over, content transmitted using electronic communications networks and services; it does not include information society services, as defined in Article 1 of Directive 98/34/EC, which do not consist wholly or mainly in the conveyance of signals on electronic communications networks;	0.1 4.1.10	elektronska komunikaciona usluga je usluga koja se po pravilu pruža uz naknadu, a sastoji se u celini ili pretežno od prenosa signala u elektronskim komunikacionim mrežama, uključujući telekomunikacione usluge i usluge distribucije i emitovanja medijskih sadržaja, ali ne obuhvata usluge pružanja medijskih sadržaja ili obavljanja uredničke kontrole nad medijskim sadržajima koji se prenose putem elektronskih komunikacionih mreža i usluga, niti obuhvata usluge informacionog društva koje se u celini ili pretežno ne sastoje od prenosa signala elektronskim komunikacionim mrežama;	FH	
2.1.d	(d) "public communications network" means an electronic communications network used wholly or mainly for the provision of publicly available electronic communications services;	0.1 4.1.18	javna komunikaciona mreža jeste elektronska komunikaciona mreža koja se, u celini ili pretežno, koristi za pružanje javno dostupnih elektronskih komunikacionih usluga i omogućava prenos podataka između terminalnih tačaka mreže;	FH	
2.1.h	(h) "user" means a legal entity or natural person using or requesting a publicly available electronic communications service;	0.1 4.1.24	korisnik je fizičko ili pravno lice koje koristi ili zahteva javno dostupnu elektronsku komunikacionu uslugu;	FH	
2.1.i	(i) "consumer" means any natural person who uses or requests a publicly available electronic communications service for purposes which are outside his or her trade, business or profession;	0.1 4.1.34	potrošač je fizičko lice koje koristi ili zahteva javno dostupnu elektronsku komunikacionu uslugu za lične potrebe, koje se pretežno ne odnose na obavljanje poslovne delatnosti, profesije ili zanata;	FH	
2.1.j	(j) "universal service" means the minimum set of services, defined in Directive 2002/22/EC (Universal Service	0.1	univerzalni servis predstavlja skup osnovnih elektronskih komunikacionih usluga određenog obima i kvaliteta, koje	FH	

a)	a1)	b)	b1)	c)	d)
	Directive), of specified quality which is available to all users regardless of their geographical location and, in the light of specific national conditions, at an affordable price;	4.1.52	su dostupne svima na teritoriji Republike Srbije po prihvatljivim cenama		
2.1. k	(k) "subscriber" means any natural person or legal entity who or which is party to a contract with the provider of publicly available electronic communications services for the supply of such services;	0.1 4.1.41	pretplatnik je fizičko ili pravno lice koje je zaključilo ugovor sa operatorom javno dostupnih elektronskih komunikacionih usluga o pružanju tih usluga;	FH	
2.1.a	(a) 'public pay telephone' means a telephone available to the general public, for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes;	0.1 4.1.20	javna telefonska govornica je javno dostupan telefon čije se korišćenje plaća;	PH	No reference to means of payment in the Serbian Law
2.1.c	(c) 'publicly available telephone service' means a service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan;	0.1 4.1.21	javno dostupna telefonska usluga je javno dostupna elektronska komunikaciona usluga za, direktno ili indirektno, upućivanje i primanje nacionalnih, odnosno nacionalnih i međunarodnih poziva preko jednog ili više brojeva iz nacionalnog ili međunarodnog plana numeracije;	FH	
2.1.d	(d) 'geographic number' means a number from the national telephone numbering plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the network termination point (NTP);	0.1 4.1.13	geografski broj je broj iz nacionalnog plana numeracije čiji deo cifara ima geografsko značenje, koje se koristi za usmeravanje poziva na fizičko mesto terminalne tačke mreže;	FH	
2.1.n	(n) "end-user" means a user not providing public communications networks or publicly available electronic communications services.	0.1 4.1.25	25) krajnji korisnik je korisnik koji ne obavlja delatnost elektronskih komunikacija;	FH	
2.1.f	(f) "non-geographic number" means a number from the national telephone numbering plan that is not a geographic number. It includes, inter alia, mobile, freephone and premium rate numbers.	0.1 4.1.29	29) negeografski broj je broj iz nacionalnog plana numeracije koji nije geografski, a obuhvata, između ostalog, brojeve u mobilnoj mreži, brojeve usluga besplatnog poziva i brojeve usluga sa dodatom vrednošću	FH	

a)	a1)	b)	b1)	c)	d)
3.	<p>1. Member States shall ensure that the services set out in this Chapter are made available at the quality specified to all end-users in their territory, independently of geographical location, and, in the light of specific national conditions, at an affordable price.</p> <p>2. Member States shall determine the most efficient and appropriate approach for ensuring the implementation of universal service, whilst respecting the principles of objectivity, transparency, non-discrimination and proportionality. They shall seek to minimise market distortions, in particular the provision of services at prices or subject to other terms and conditions which depart from normal commercial conditions, whilst safeguarding the public interest</p>			NT	
4.	<p>1. Member States shall ensure that all reasonable requests for connection at a fixed location to a public communications network are met by at least one undertaking.</p> <p>2. The connection provided shall be capable of supporting voice, facsimile and data communications at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.</p> <p>3. Member States shall ensure that all reasonable requests for the provision of a publicly available telephone service over the network connection referred to in paragraph 1 that allows for originating and receiving national and international calls are met by at least one undertaking.</p>	<p>0.2</p> <p>3.1</p> <p>0.2</p> <p>3.2</p> <p>0.2</p> <p>3.3</p> <p>0.2</p> <p>3.4</p>	<p>Pristup javnoj komunikacionoj mreži na fiksnoj lokaciji se odnosi na ispunjenje svakog razumnog zahteva korisnika na teritoriji Republike Srbije za pristup javnoj komunikacionoj mreži, radi korišćenja javno dostupnih telefonskih usluga, na jednoj fiksnoj lokaciji korisnika, odnosno na mestu njegovog prebivališta ili boravišta. Korišćenje javno dostupnih telefonskih usluga iz stava 1. ovog člana obuhvata mogućnost upućivanja i primanja lokalnih, međumskih i međunarodnih poziva, komunikaciju putem telefaksa i funkcionalni pristup internetu.</p> <p>Pristup iz stava 1. ovog člana ostvaruje se posredstvom najmanje jednog operatora, koji je određen za pružaoca usluga univerzalnog servisa, u skladu sa Zakonom.</p> <p>Pristup javnoj komunikacionoj mreži i korišćenje javno dostupnih telefonskih usluga iz st. 1. i 2. ovog člana obezbeđuje se na tehnološki neutralnoj osnovi.</p> <p>Funkcionalni pristup internetu iz stava 2. ovog člana podrazumeva protok podataka koji nije manji od onoga</p>	PH	No reference to taking into account prevailing technologies used by the majority of subscribers and technological feasibility in the Serbian law

a)	a1)	b)	b1)	c)	d)
		0.2 3.5	koji se može ostvariti putem dial-up pristupa.		
5.	<p>1. Member States shall ensure that:</p> <p>(a) at least one comprehensive directory is available to end-users in a form approved by the relevant authority, whether printed or electronic, or both, and is updated on a regular basis, and at least once a year;</p> <p>(b) at least one comprehensive telephone directory enquiry service is available to all end-users, including users of public pay telephones.</p> <p>2. The directories referred to in paragraph 1 shall comprise, subject to the provisions of Article 12 of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (13), all subscribers of publicly available telephone services.</p> <p>3. Member States shall ensure that the undertaking(s) providing the services referred to in paragraph 1 apply the principle of non-discrimination to the treatment of information that has been provided to them by other undertakings</p>	0.2 6.1 0.2 6.2	<p>Pristup uslugama obaveštenja i javnim telefonskim imenicima obuhvata mogućnost korisnika javno dostupnih telefonskih usluga na celoj teritoriji Republike Srbije da:</p> <p>1) od operatora javno dostupnih telefonskih usluga dobiju ažurne informacije o pretplatnicima čiji su podaci uneti u telefonski imenik, koji vode u skladu sa Zakonom;</p> <p>2) dobiju ažurne informacije o pretplatnicima javno dostupnih telefonskih usluga u Republici Srbiji, posredstvom najmanje jednog javno dostupnog sveobuhvatnog telefonskog imenika.</p> <p>Pristup uslugama obaveštenja i javnim telefonskim imenicima iz stava 1. ovog člana obezbeđuje putem telefonskog servisa za obaveštenja, kao i putem telefonskih imenika u elektronskom obliku, posredstvom interneta, ili u štampanom obliku.</p>	PH	<p>No reference to the regular updating of the directory (at least once a year), no reference to legislative framework governing processing of personal data and the protection of privacy in the electronic communications sector. No reference to the principle of non-discrimination to the treatment of information that has been provided by other undertakings.</p>
6.1	<p>1. Member States shall ensure that national regulatory authorities may impose obligations on undertakings in order to ensure that public pay telephones or other public voice telephony access points are provided to meet the reasonable needs of end-users in terms of the geographical coverage, the number of telephones or other access points, accessibility to disabled end-users and the quality of services.</p>	0.1 56.1 0.1 56.2	<p>Agencija određuje jednog ili više operatora sa obavezom pružanja pojedinih ili svih usluga univerzalnog servisa, na delu ili celoj teritoriji Republike Srbije, vodeći računa da se obezbedi pokrivanje cele teritorije Republike Srbije uslugama univerzalnog servisa.</p> <p>Operatori iz stava 1. ovog člana određuju se na objektivan, javan i nediskriminatoran način, tako da se obezbedi efikasnost i ekonomičnost u pružanju usluga univerzalnog servisa, odnosno tako da obim utvrđenih</p>	PH	<p>The Serbian law only references to universal service in general. It also includes a general reference to ensuring that the entire territory of Serbia is covered by universal service. No reference to number of telephones or other access points, accessibility to disabled end users and the quality of service.</p>

a)	a1)	b)	b1)	c)	d)
		0.1 56.3	<p>obaveza ne predstavlja prekomerno opterećenje za operatore.</p> <p>Operatori iz stava 1. ovog člana dužni su da učine javno dostupnim ažurne podatke o svojim ponudama usluga univerzalnog servisa, uključujući naročito podatke o geografskoj dostupnosti, cenama, uslovima pristupa i korišćenja (uključujući ograničenja) i kvalitetu.</p>		
		0.1 56.4	<p>Agencija bliže uređuje nivo detaljnosti i način objavljivanja podataka iz stava 3. ovog člana.</p>		
		0.1 56.5	<p>Agencija je ovlašćena da operatoru iz stava 1. ovog člana naloži prilagođavanje ponuđenih cena ili uslova korišćenja usluga univerzalnog servisa, na način koji je javan i nediskriminatoran, ako proceni da je to u interesu obezbeđivanja jednakih mogućnosti za korišćenje usluga osobama sa invaliditetom, odnosno obezbeđivanja pristupačnosti za socijalno ugrožene korisnike.</p>		
		0.1 56.6	<p>Agencija proverava postupanje operatora iz stava 1. ovog člana u vezi sa određenim obavezama i analizira pružanje usluga univerzalnog servisa u Republici Srbiji, uključujući kvalitet i cene pružanja tih usluga, najmanje jednom tokom perioda od tri godine počev od dana donošenja akta iz stava 1. ovog člana, te shodno utvrđenom stanju odlučuje u vezi sa obavezama operatora iz stava 1. ovog člana, kao i predlaganjem izmena akta iz člana 55. stav 3. ovog zakona.</p>		
		0.1 56.7	<p>Analiza iz stava 6. ovog člana objavljuje se na Internet stranici Agencije.</p>		

a)	a1)	b)	b1)	c)	d)
6.2	2. A Member State shall ensure that its national regulatory authority can decide not to impose obligations under paragraph 1 in all or part of its territory, if it is satisfied that these facilities or comparable services are widely available, on the basis of a consultation of interested parties as referred to in Article 33.	0.1	Not regulated`	NH	The possibility of not imposing universal service obligation is not envisaged in Serbian Law
6.3	Member States shall ensure that it is possible to make emergency calls from public pay telephones using the single European emergency call number '112' and other national emergency numbers, all free of charge and without having to use any means of payment	01. 55.4 0.2 8.1 0.2 8.2	4) besplatno upućivanje poziva službama za hitne intervencije Besplatno upućivanje poziva službama za hitne intervencije (policija, vatrogasna služba, hitna medicinska pomoć), odnosno objedinjenom centru za pristup službama za hitne intervencije, odnosi se na mogućnost svih korisnika javno dostupnih telefonskih usluga na teritoriji Republike Srbije da bez naknade upućuju pozive ka službama za hitne intervencije i objedinjenom centru za pristup službama za hitne intervencije. Mogućnost upućivanja besplatnih poziva iz stava 1. ovog člana obezbeđuje se i sa javnih telefonskih govornica, i to bez ubacivanja kovanica ili kartica u aparat.	PH	No explicit reference to the single European emergency call number "112".
7.	Unless requirements have been specified under Chapter IV which achieve the equivalent effect, Member States shall take specific measures to ensure that access to, and affordability of, the services identified in Article 4(3) and	0.1 110.1	Operator javno dostupne elektronske komunikacione usluge je dužan da, u okviru svojih tehničkih mogućnosti, osigura jednaku dostupnost svojih usluga osobama sa	PH	The requirement for ensuring equivalent access and affordability for disabled end-users is provided

a)	a1)	b)	b1)	c)	d)
	<p>Article 5 for disabled end-users is equivalent to the level enjoyed by other end-users. Member States may oblige national regulatory authorities to assess the general need and the specific requirements, including the extent and concrete form of such specific measures for disabled end-users.</p> <p>2. Member States may take specific measures, in the light of national conditions, to ensure that disabled end-users can also take advantage of the choice of undertakings and service providers available to the majority of end-users.</p> <p>3. In taking the measures referred to in paragraphs 1 and 2, Member States shall encourage compliance with the relevant standards or specifications published in accordance with Articles 17 and 18 of Directive 2002/21/EC (Framework Directive)</p>	<p>0.1 110.2</p> <p>0.2 9.1</p>	<p>invaliditetom.</p> <p>Operatoru iz stava 1. ovog člana Agencija može da propiše posebne obaveze u pogledu obezbeđivanja dostupnosti određenih elektronskih komunikacionih usluga osobama sa invaliditetom.</p> <p>Jednake mogućnosti za pristup javno dostupnim telefonskim uslugama, uključujući upućivanje poziva službama za hitne intervencije, uslugama obaveštenja i javnim telefonskim imenicima, obezbeđuju se za osobe sa invaliditetom primenom sledećih posebnih mera:</p> <p>1) uvršćivanjem terminalne opreme prilagođene za korišćenje osobama sa različitim vrstama invaliditeta (oštećenja sluha, vida itd) u ponudu operatora, koji su određeni za pružaoce usluga univerzalnog servisa, u skladu sa Zakonom;</p> <p>2) prilagođavanjem telefonskih govornica za pristup i korišćenje osobama sa invaliditetom.</p>		<p>within the undertaking's technical possibilities. No reference to standards</p>
23.	<p>Member States shall take all necessary measures to ensure the fullest possible availability of publicly available telephone services provided over public communications networks in the event of catastrophic network breakdown or in cases of force majeure. Member States shall ensure that undertakings providing publicly available telephone services take all necessary measures to ensure uninterrupted access to emergency services.</p>	<p>0.1 124. 1</p> <p>0.1 124.2</p>	<p>Operator je dužan da, radi obezbeđivanja bezbednosti i integriteta javnih elektronskih komunikacionih mreža i usluga, tajnosti komunikacija, kao i zaštite podataka o ličnosti, saobraćaju i lokaciji, primeni adekvatne tehničke i organizacione mere, primerene postojećim rizicima, a posebno mere za prevenciju i minimizaciju uticaja bezbednosnih incidenata po korisnike i međupovezane mreže, kao i mere za obezbeđivanje kontinuiteta rada javnih komunikacionih mreža i usluga.</p> <p>Ako operator pruža uslugu koristeći elektronsku komunikacionu mrežu, pripadajuća sredstva ili usluge drugog operatora, dužan je da sarađuje sa tim operatorom u obezbeđivanju bezbednosti i integriteta javnih komunikacionih mreža i usluga.</p>	PH	<p>The cited regulations of the Serbian Law do not clearly state that undertakings providing publicly available telephone services take all necessary measures to ensure uninterrupted access to emergency services. They are simply obliged to provide priority access of their capacities in cases of the need to alert the public.</p>

a)	a1)	b)	b1)	c)	d)
		0.1 124.3	Kada postoji poseban rizik povrede bezbednosti i integriteta javnih komunikacionih mreža i usluga (neovlašćeni pristup, značajan gubitak podataka, ugrožavanje tajnosti komunikacija, bezbednosti ličnih podataka i drugo), operator je dužan da o tom riziku obavesti pretplatnike i, ako je takav rizik van opsega mera koje je operator dužan da primeni, obavesti pretplatnike o mogućim merama zaštite i troškovima u vezi sa primenom tih mera.		
		0.1 54.1	Agencija, na zahtev organa odbrane, bezbednosti i službi za hitne intervencije, može rešenjem obavezati operatora da, u okvirima postojećih tehničkih mogućnosti, prioritarno obezbedi međupovezivanje sa elektronskom komunikacionom mrežom za posebne namene na period ne duži od 14 dana, u slučaju kada na određenom području ne postoje odgovarajući kapaciteti elektronske komunikacione mreže za posebne namene, odnosno kada ih zbog razloga hitnosti ili nepredvidivosti nije bilo moguće blagovremeno predvideti i realizovati, a međupovezivanje je neophodno radi vršenja zakonom propisanih poslova organa odbrane, bezbednosti i službi za hitne intervencije (npr. radi obezbeđivanja poseta stranih državnika, sportskih manifestacija i javnih skupova, delovanja u slučajevima većih saobraćajnih nezgoda, požara i havarija, hitnih intervencija u slučaju terorističkih napada, vojnih vežbi i slično).		
		0.1 54.2	Rešenjem iz stava 1. ovog člana utvrđuju se tehnički uslovi i naknade za međupovezivanje.		

a)	a1)	b)	b1)	c)	d)
		0.3 6.1	<p>Sektori u kojima se vrši identifikacija i određivanje kritične infrastrukture jesu:</p> <ol style="list-style-type: none"> 1) energetika; 2) saobraćaj; 3) snabdevanje vodom i hranom; 4) zdravstvo; 5) finansije; 6) telekomunikacione i informacione tehnologije; 7) zaštita životne sredine; 8) funkcionisanje državnih organa. 		
		0.4 100.1	<p>Vlasnici zgrada, vlasnici posebnih i samostalnih delova u stambenim zgradama i zgradama drugih namena dužni su da, bez nadoknade, za potrebe ranog upozoravanja, obaveštavanja i uzbunjivanja omoguće instaliranje sirena i drugih odgovarajućih uređaja i sredstava na tim objektima i omoguće pristup za njihovo održavanje, uz uvažavanje mera zaštite ljudi i životne sredine.</p>		
		0.4 100.2	<p>Privredna društva za distribuciju električne energije dužna su da obezbede neprekidno snabdevanje električnom energijom uređaja sistema osmatranja, obaveštavanja i uzbunjivanja.</p> <p>Privredna društva i druga pravna lica koja se bave delatnošću iz oblasti telekomunikacija, dužna su da</p>		

a)	a1)	b)	b1)	c)	d)
		0.4 100.3	prioritetno u okviru svojih kapaciteta obezbede i održavaju veze za potrebe uzbunjivanja.		
		0.4 100.5	Rešenje o postavljanju sirena, uređaja i sredstava iz stava 1. ovog člana donosi nadležni organ jedinica lokalne samouprave.		
		0.4 100.6	Rešenje o demontaži i premeštanju sirena i uređaja iz stava 1. ovog člana donosi nadležni organ jedinica lokalne samouprave, nakon prethodno pribavljene saglasnosti Ministarstva.		
26	<p>Emergency services and the single European emergency call number</p> <p>1. Member States shall ensure that all end-users of the service referred to in paragraph 2, including users of public pay telephones, are able to call the emergency services free of charge and without having to use any means of payment, by using the single European emergency call number '112' and any national emergency call number specified by Member States.</p> <p>2. Member States, in consultation with national regulatory authorities, emergency services and providers, shall ensure that undertakings providing end-users with an electronic communications service for originating national calls to a number or numbers in a national telephone numbering plan provide access to emergency services.</p> <p>3. Member States shall ensure that calls to the single European emergency call number '112' are appropriately answered and handled in the manner best suited to the national organisation of emergency systems. Such calls shall be answered and handled at least as expeditiously and effectively as calls to the national emergency number or numbers, where these continue to be in use.</p>	<p>0.4 99.1</p> <p>0.4 99.2</p> <p>0.4 99.3</p> <p>0.4 99.4</p>	<p>Jedinstveni evropski broj za hitne službe 112, uvodi se u upotrebu radi stvaranja uslova svakom fizičkom i pravnom licu da besplatnim pozivanjem broja 112 dobiju pomoć hitnih službi.</p> <p>Obaveštenje o telefonskom broju 112 i znaci za uzbunjivanje moraju biti istaknuti na vidnom mestu u svim javnim ustanovama i drugim javnim mestima.</p> <p>Do uspostavljanja broja 112 kao jedinstvenog broja za teritoriju Republike Srbije koristiće se dosadašnji telefonski broj 1985, kao i ostali brojevi telefona hitnih službi.</p> <p>Organizaciju i funkcionisanje ranog upozoravanja, obaveštavanja i uzbunjivanja bliže uređuje Vlada.</p>	PH	<p>The Serbian Law on Electronic Communications does not guarantee that the calls made to 112 will be appropriately answered and handled. It is as if the LEC assumes that once the call is made, this will be done in practice. The Rulebook on Universal Service does not provide any further regulation of the issue.</p> <p>Not harmonised in the part regulating access for disabled users.</p> <p>The Serbian Law on Electronic Communications fails to include the requirement of rapidity of the prescribed information provision</p>

a)	a1)	b)	b1)	c)	d)
	<p>4. Member States shall ensure that access for disabled end-users to emergency services is equivalent to that enjoyed by other end-users. Measures taken to ensure that disabled end-users are able to access emergency services whilst travelling in other Member States shall be based to the greatest extent possible on European standards or specifications published in accordance with the provisions of Article 17 of Directive 2002/21/EC (Framework Directive), and they shall not prevent Member States from adopting additional requirements in order to pursue the objectives set out in this Article.</p> <p>5. Member States shall ensure that undertakings concerned make caller location information available free of charge to the authority handling emergency calls as soon as the call reaches that authority. This shall apply to all calls to the single European emergency call number '112'. Member States may extend this obligation to cover calls to national emergency numbers. Competent regulatory authorities shall lay down criteria for the accuracy and reliability of the caller location information provided.</p> <p>6. Member States shall ensure that citizens are adequately informed about the existence and use of the single European emergency call number '112', in particular through initiatives specifically targeting persons travelling between Member States.</p> <p>7. In order to ensure effective access to '112' services in the Member States, the Commission, having consulted BEREC, may adopt technical implementing measures. However, these technical implementing measures shall be adopted without prejudice to, and shall have no impact on, the organisation of emergency services, which remains of the exclusive competence of Member States.</p>	<p>0.1 80. 1</p> <p>0.1 80.2</p>	<p>Operator javno dostupnih telefonskih usluga dužan je da omogući svim korisnicima uslugu besplatnog poziva prema jedinstvenom broju za pristup službama za hitne intervencije 112, kao i drugim brojevima za pristup službama za hitne intervencije u Republici Srbiji, u skladu sa planom numeracije, sa bilo kog telefonskog uređaja, uključujući i javne telefonske govornice.</p> <p>Operator iz stava 1. ovog člana dužan je da centru za opsluživanje poziva službama za hitne intervencije, bez naknade, prosleđuje sve raspoložive podatke o ostvarenim pozivima prema broju 112 i drugim brojevima za pristup službama za hitne intervencije, a naročito podatke o identitetu pozivajućeg pretplatnika, pozivajućem broju, vremenu i trajanju poziva, kao i podatke o lokaciji sa koje je poziv upućen, u skladu sa tehničkim mogućnostima.</p>		

a)	a1)	b)	b1)	c)	d)
	Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 37(2).				

1. . Title of EU act: Regulation (EC) No 544/2009 of the European Parliament and of the Council of 18 June 2009 amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (Text with EEA relevance)	2. CELEX number of EU act 32009R0544
3. Title of the legal act the provisions the concordance of which with EU act are being analysed 0.1 Law on Electronic Communication (Zakon o elektronskim komunikacijama "Službeni glasnik RS", br. 44/2010, 60/2013 (Odluka Ustavnog suda), 62/2014, 95/2018 (drugi zakon))	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹⁰³	Reasons for partial harmonisation, no harmonisation or non-transferability
6.1	To alert a roaming customer to the fact that he will be subject to roaming charges when making or receiving a call or when sending an SMS message, each home provider shall, except when the customer has notified his home provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when he enters a Member State other than that of his home network, with basic personalised pricing	0.1	Does not have express provisions related to this issue	NH	When it comes to this obligation, it is not clearly regulated in the Serbian legal framework. It seems that introduction of this obligation is much needed, particularly in the context of well established practice whereby candidate countries align their national legislation with the

¹⁰³ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	<p>information on the roaming charges (including VAT) that apply to the making and receiving of calls and to the sending of SMS messages by that customer in the visited Member State.</p> <p>This basic personalised pricing information shall include the maximum charges the customer may be subject to under his tariff scheme for:</p> <p>(a)</p> <p>making calls within the visited country and back to the Member State of his home network, as well as for calls received; and</p> <p>(b)</p> <p>sending regulated roaming SMS messages while in the visited Member State.</p> <p>It shall also include the free of charge number referred to in paragraph 2 for obtaining more detailed information and information on the possibility of accessing emergency services by dialling the European emergency number 112 free of charge.</p> <p>A customer who has given notice that he does not require the automatic Message Service shall have the right at any time and free of charge to require the home provider to provide the service again.</p> <p>Home providers shall provide blind or partially-sighted customers with this basic personalised pricing information automatically, by voice call, free of charge, if they so request.</p>				provisions of EU regulations even before they join the EU

1. Title of EU act: Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on Privacy and Electronic Communications) as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws	2. CELEX number of EU act 02002L0058-20091219
3. Title of the legal act the provisions the concordance of which with EU act are being analysed: 0.1 Law on Personal Data Protection (Zakon o zaštiti podataka o ličnosti, "Sl. glasnik RS", br. 87/2018) 0.2 Law on Electronic Communication (Zakon o elektronskim komunikacijama "Službeni glasnik RS", br. 44/2010, 60/2013 (Odluka Ustavnog suda), 62/2014, 95/2018 (drugi zakon))	
4. . Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹⁰⁴	Reasons for partial harmonisation, no harmonisation or non-transferability
1.	1. This Directive provides for the harmonisation of the national provisions required to ensure an equivalent level of protection of fundamental rights and freedoms, and in		No provision	NH	The Serbian Law on Personal Data Protection does not have any special provision dealing with

¹⁰⁴ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	<p>particular the right to privacy and confidentiality, with respect to the processing of personal data in the electronic communication sector and to ensure the free movement of such data and of electronic communication equipment and services in the Community.</p> <p>2. The provisions of this Directive particularise and complement Directive 95/46/EC for the purposes mentioned in paragraph 1. Moreover, they provide for protection of the legitimate interests of subscribers who are legal persons.</p> <p>3. This Directive shall not apply to activities which fall outside the scope of the Treaty establishing the European Community, such as those covered by Titles V and VI of the Treaty on European Union, and in any case to activities concerning public security, defence, State security (including the economic well-being of the State when the activities relate to State security matters) and the activities of the State in areas of criminal law.</p>				processing of personal data in the electronic communication sector.
2. 2.a)	(a) 'user' means any natural person using a publicly available electronic communications service, for private or business purposes, without necessarily having subscribed to this service;	0.2 4.1.24	korisnik je fizičko ili pravno lice koje koristi ili zahteva javno dostupnu elektronsku komunikacionu uslugu;	PH	There is no definition of the user or publicly available electronic communication service for the purpose of application of personal data protection laws in Serbia. The Law on Electronic Communications does include a definition of the user. It does not, however, explicitly state that the user does not have to be subscribed to the service.
2.2.b)	(b) 'traffic data' means any data processed for the purpose of the conveyance of a communication on an electronic communications network or for the billing thereof;	0.2 4.1.32	podaci o saobraćaju se odnose na podatke koji se obrađuju prilikom prenosa i tarifiranja komunikacije unutar elektronske komunikacione mreže;	FH	

a)	a1)	b)	b1)	c)	d)
2.2.c)	'location data' means any data processed in an electronic communications network or by an electronic communications service, indicating the geographic position of the terminal equipment of a user of a publicly available electronic communications service;	0.2 4.1.23	podaci o lokaciji su podaci koji označavaju trenutni ili stalni geografski položaj terminalne opreme korisnika unutar elektronske komunikacione mreže	PH	The Serbian Law does not state that location data means any data processed in an electronic communications network of service, since the law regulating this issue deals with electronic communications and not with data processing
2.2.d)	'communication' means any information exchanged or conveyed between a finite number of parties by means of a publicly available electronic communications service. This does not include any information conveyed as part of a broadcasting service to the public over an electronic communications network except to the extent that the information can be related to the identifiable subscriber or user receiving the information;	0.2 4.1.23	komunikacija označava razmenu ili prenošenje informacija između određenog broja osoba putem javno dostupnih elektronskih komunikacionih usluga, izuzev informacija koje se prenose u sklopu usluga javnog emitovanja programa preko elektronskih komunikacionih mreža i koje se ne mogu povezati sa određenim pretplatnikom ili korisnikom, odnosno primaocem	FH	
2.2.f)	'consent' by a user or subscriber corresponds to the data subject's consent in Directive 95/46/EC	0.1 4.1.12	"pristanak" lica na koje se podaci odnose je svako dobrovoljno, određeno, informisano i nedvosmisleno izražavanje volje tog lica, kojim to lice, izjavom ili jasnom potvrdnom radnjom, daje pristanak za obradu podataka o ličnosti koji se na njega odnose	FH	
2.2.g)	'value added service' means any service which requires the processing of traffic data or location data other than traffic data beyond what is necessary for the transmission of a communication or the billing thereof;	0.2 4.1.53	usluga sa dodatom vrednošću je usluga koja zahteva obradu podatka o saobraćaju ili podataka o lokaciji koji nisu podaci o saobraćaju, izvan opsega neophodnog za prenos komunikacije ili za obračun i naplatu troškova	FH	
2.2.h)	'electronic mail' means any text, voice, sound or image message sent over a public communications network which can be stored in the network or in the recipient's terminal equipment until it is collected by the recipient;	0.2 4.1.11	"elektronska poruka je svaki tekstualni, glasovni, zvučni ili slikovni zapis, poslat preko javne komunikacione mreže, koji se može pohraniti u mreži ili u terminalnoj opremi primaoca sve dok je primalac ne preuzme ili joj pristupi	FH	
2.2. i)	'personal data breach' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of a publicly available electronic communications service in the Community.	0.1 4.1.13	"povreda podataka o ličnosti" je povreda bezbednosti podataka o ličnosti koja dovodi do slučajnog ili nezakonitog uništenja, gubitka, izmene, neovlašćenog otkrivanja ili pristupa podacima o ličnosti koji su preneseni, pohranjeni ili na drugi način obrađivani	FH	Harmonised although there is no specific reference to electronic communications service

a)	a1)	b)	b1)	c)	d)
3.	This Directive shall apply to the processing of personal data in connection with the provision of publicly available electronic communications services in public communications networks in the Community, including public communications networks supporting data collection and identification devices.	0.1 4.1.23 0.2 4.1.10	<p>“usluga informacionog društva” je svaka usluga koja se uobičajeno pruža uz naknadu, na daljinu, elektronskim sredstvima na zahtev primaoca usluga</p> <p>elektronska komunikaciona usluga je usluga koja se po pravilu pruža uz naknadu, a sastoji se u celini ili pretežno od prenosa signala u elektronskim komunikacionim mrežama, uključujući telekomunikacione usluge i usluge distribucije i emitovanja medijskih sadržaja, ali ne obuhvata usluge pružanja medijskih sadržaja ili obavljanja uredničke kontrole nad medijskim sadržajima koji se prenose putem elektronskih komunikacionih mreža i usluga, niti obuhvata usluge informacionog društva koje se u celini ili pretežno ne sastoje od prenosa signala elektronskim komunikacionim mrežama</p>	PH	The definition of information society service in the Serbian Law on Personal Data Protection differs from the definition of electronic communication service provided in the Serbian Law on Electronic Communications. Neither refer to the public communications networks supporting data collection and identification devices.
4.1	1. The provider of a publicly available electronic communications service must take appropriate technical and organisational measures to safeguard security of its services, if necessary in conjunction with the provider of the public communications network with respect to network security. Having regard to the state of the art and the cost of their implementation, these measures shall ensure a level of security appropriate to the risk presented.	0,2 124.1 124.2	<p>Operator je dužan da, radi obezbeđivanja bezbednosti i integriteta javnih elektronskih komunikacionih mreža i usluga, tajnosti komunikacija, kao i zaštite podataka o ličnosti, saobraćaju i lokaciji, primeni adekvatne tehničke i organizacione mere, primerene postojećim rizicima, a posebno mere za prevenciju i minimizaciju uticaja bezbednosnih incidenata po korisnike i međupovezane mreže, kao i mere za obezbeđivanje kontinuiteta rada javnih komunikacionih mreža i usluga.</p> <p>Ako operator pruža uslugu koristeći elektronsku komunikacionu mrežu, pripadajuća sredstva ili usluge drugog operatora, dužan je da sarađuje sa tim operatorom u obezbeđivanju bezbednosti i integriteta javnih komunikacionih mreža i usluga.</p>	FH	

a)	a1)	b)	b1)	c)	d)
4.1a	<p>1a. Without prejudice to Directive 95/46/EC, the measures referred to in paragraph 1 shall at least:</p> <ul style="list-style-type: none"> — ensure that personal data can be accessed only by authorised personnel for legally authorised purposes, — protect personal data stored or transmitted against accidental or unlawful destruction, accidental loss or alteration, and unauthorised or unlawful storage, processing, access or disclosure, and, — ensure the implementation of a security policy with respect to the processing of personal data, <p>Relevant national authorities shall be able to audit the measures taken by providers of publicly available electronic communication services and to issue recommendations about best practices concerning the level of security which those measures should achieve.</p>		No provision	NH	
4.2	<p>In case of a particular risk of a breach of the security of the network, the provider of a publicly available electronic communications service must inform the subscribers concerning such risk and, where the risk lies outside the scope of the measures to be taken by the service provider, of any possible remedies, including an indication of the likely costs involved.</p>	0.2 124.3	<p>Kada postoji poseban rizik povrede bezbednosti i integriteta javnih komunikacionih mreža i usluga (neovlašćeni pristup, značajan gubitak podataka, ugrožavanje tajnosti komunikacija, bezbednosti ličnih podataka i drugo), operator je dužan da o tom riziku obavesti pretplatnike i, ako je takav rizik van opsega mera koje je operator dužan da primeni, obavesti pretplatnike o mogućim merama zaštite i troškovima u vezi sa primenom tih mera.</p>	FH	

a)	a1)	b)	b1)	c)	d)
4.3-4.5	<p>In the case of a personal data breach, the provider of publicly available electronic communications services shall, without undue delay, notify the personal data breach to the competent national authority.</p> <p>When the personal data breach is likely to adversely affect the personal data or privacy of a subscriber or individual, the provider shall also notify the subscriber or individual of the breach without undue delay.</p> <p>Notification of a personal data breach to a subscriber or individual concerned shall not be required if the provider has demonstrated to the satisfaction of the competent authority that it has implemented appropriate technological protection measures, and that those measures were applied to the data concerned by the security breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.</p> <p>Without prejudice to the provider's obligation to notify subscribers and individuals concerned, if the provider has not already notified the subscriber or individual of the personal data breach, the competent national authority, having considered the likely adverse effects of the breach, may require it to do so.</p> <p>The notification to the subscriber or individual shall at least describe the nature of the personal data breach and the contact points where more information can be obtained, and shall recommend measures to mitigate the possible adverse effects of the personal data breach. The notification to the competent national authority shall, in addition, describe the consequences of, and the measures proposed or taken by the provider to address, the personal data breach.</p>	<p>0.1</p> <p>53.1.</p> <p>53.2</p> <p>53.3</p> <p>53.4</p>	<p>Ako povreda podataka o ličnosti može da proizvede visok rizik po prava i slobode fizičkih lica, rukovalac je dužan da bez nepotrebnog odlaganja o povredi obavesti lice na koje se podaci odnose.</p> <p>U obaveštenju iz stava 1. ovog člana rukovalac je dužan da na jasan i razumljiv način opiše prirodu povrede podataka i navede najmanje informacije iz člana 52. stav 4. tač. 2) do 4) ovog zakona.</p> <p>Rukovalac nije dužan da obavesti lice iz stava 1. ovog člana ako:</p> <p>1) je preduzeo odgovarajuće tehničke, organizacione i kadrovske mere zaštite u odnosu na podatke o ličnosti čija je bezbednost povređena, a posebno ako je kriptozastitom ili drugim merama onemogućio razumljivost podataka svim licima koja nisu ovlašćena za pristup ovim podacima;</p> <p>2) je naknadno preduzeo mere kojima je obezbedio da povreda podataka o ličnosti sa visokim rizikom za prava i slobode lica na koje se podaci odnose više ne može da proizvede posledice za to lice;</p> <p>3) bi obaveštavanje lica na koje se podaci odnose predstavljalo nesrazmeran utrošak vremena i sredstava. U tom slučaju, rukovalac je dužan da putem javnog obaveštavanja ili na drugi delotvoran način obezbedi pružanje obaveštenja licu na koje se podaci odnose.</p> <p>Ako rukovalac nije obavestio lice na koje se podaci odnose o povredi podataka o ličnosti, Poverenik može, uzimajući u obzir mogućnost da povreda podataka proizvede visok rizik, da naloži rukovaocu da to učini ili može da utvrdi da su ispunjeni uslovi iz stava 3. ovog člana.</p>	PH	The provisions not harmonised concern the Commission efforts aimed at consistent application

a)	a1)	b)	b1)	c)	d)
	<p>4. Subject to any technical implementing measures adopted under paragraph 5, the competent national authorities may adopt guidelines and, where necessary, issue instructions concerning the circumstances in which providers are required to notify personal data breaches, the format of such notification and the manner in which the notification is to be made. They shall also be able to audit whether providers have complied with their notification obligations under this paragraph, and shall impose appropriate sanctions in the event of a failure to do so.</p> <p>Providers shall maintain an inventory of personal data breaches comprising the facts surrounding the breach, its effects and the remedial action taken which shall be sufficient to enable the competent national authorities to verify compliance with the provisions of paragraph 3. The inventory shall only include the information necessary for this purpose.</p> <p>5. In order to ensure consistency in implementation of the measures referred to in paragraphs 2, 3 and 4, the Commission may, following consultation with the European Network and Information Security Agency (ENISA), the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC and the European Data Protection Supervisor, adopt technical implementing measures concerning the circumstances, format and procedures applicable to the information and notification requirements referred to in this Article. When adopting such measures, the Commission shall involve all relevant stakeholders particularly in order to be informed of the best available technical and economic means of implementation of this Article.</p> <p>Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be</p>	<p>0.2 125.1</p> <p>0.1 54</p>	<p>Operator je dužan da obavesti Agenciju o svakoj povredi bezbednosti i integriteta javnih komunikacionih mreža i usluga, koja je značajno uticala na njihov rad, a naročito o povredama koje su imale za posledicu narušavanje zaštite podataka o ličnosti ili narušavanje privatnosti pretplatnika ili korisnika.</p> <p>Ako je verovatno da će neka vrsta obrade, posebno upotrebom novih tehnologija i uzimajući u obzir prirodu, obim, okolnosti i svrhu obrade, prouzrokovati visok rizik za prava i slobode fizičkih lica, rukovalac je dužan da pre nego što započne sa obradom izvrši procenu uticaja predviđenih radnji obrade na zaštitu podataka o ličnosti.</p> <p>Ako više sličnih radnji obrade mogu prouzrokovati slične visoke rizike za zaštitu podataka o ličnosti, može se izvršiti zajednička procena.</p> <p>Prilikom procene uticaja rukovalac je dužan da zatraži mišljenje lica za zaštitu podataka o ličnosti, ako je ono određeno.</p> <p>Procena uticaja iz stava 1. ovog člana obavezno se vrši u slučaju:</p> <p>1) sistematske i sveobuhvatne procene stanja i osobina fizičkog lica koja se vrši pomoću automatizovane obrade podataka o ličnosti, uključujući i profilisanje, na osnovu koje se donose odluke od značaja za pravni položaj pojedinca ili na sličan način značajno utiču na njega;</p> <p>2) obrade posebnih vrsta podataka o ličnosti iz člana 17. stav 1. i člana 18. stav 1. ili podataka o ličnosti u vezi sa krivičnim presudama i kažnjivim delima iz člana 19. ovog</p>		

a)	a1)	b)	b1)	c)	d)
	adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14a(2).		<p>zakona, u velikom obimu;</p> <p>3) sistematskog nadzora nad javno dostupnim površinama u velikoj meri.</p> <p>Poverenik je dužan da sačini i javno objavi na svojoj internet stranici listu vrsta radnji obrade za koje se mora izvršiti procena uticaja iz stava 1. ovog člana, a može da sačini i objavi i listu vrsta radnji obrade za koje procena nije potrebna.</p> <p>Procena uticaja najmanje mora da sadrži:</p> <p>1) sveobuhvatan opis predviđenih radnji obrade i svrhu obrade, uključujući i opis legitimnog interesa rukovaoca, ako on postoji;</p> <p>2) procenu neophodnosti i srazmernosti vršenja radnji obrade u odnosu na svrhe obrade;</p> <p>3) procenu rizika za prava i slobode lica na koje se podaci odnose iz stava 1. ovog člana;</p> <p>4) opis mera koje se nameravaju preduzeti u odnosu na postojanje rizika, uključujući mehanizme zaštite, kao i tehničke, organizacione i kadrovske mere u cilju zaštite podatka o ličnosti i obezbeđivanja dokaza o poštovanju odredbi ovog zakona, uzimajući u obzir prava i legitimne interese lica na koje se podaci odnose i drugih lica.</p> <p>Stav 6. ovog člana ne primenjuje se na procenu uticaja obrade koju vrše nadležni organi u posebne svrhe.</p> <p>Procena uticaja obrade koju vrše nadležni organi u posebne svrhe najmanje mora da sadrži sveobuhvatan opis predviđenih radnji obrade, procenu rizika po prava i slobode lica na koje se podaci odnose, opis mera koje se nameravaju preduzeti u odnosu na postojanje rizika,</p>		

a)	a1)	b)	b1)	c)	d)
			<p>uključujući mehanizme zaštite, kao i tehničke, organizacione i kadrovske mere u cilju zaštite podataka o ličnosti i obezbeđivanja dokaza o poštovanju odredbi ovog zakona, uzimajući u obzir prava i legitimne interese lica na koje se podaci odnose i drugih lica.</p> <p>Primena odobrenog kodeksa postupanja iz člana 59. ovog zakona od strane rukovoca ili obrađivača mora se uzeti u obzir prilikom procene uticaja radnji obrade na zaštitu podataka o ličnosti.</p> <p>Stav 9. ovog člana ne primenjuje se na obradu koju vrše nadležni organi u posebne svrhe.</p> <p>Prema potrebi, rukovalac od lica na koje se podaci odnose ili njihovih predstavnika traži mišljenje o radnjama obrade koje namerava da vrši, ne dovodeći u pitanje zaštitu poslovnih ili javnih interesa ili bezbednost radnji obrade.</p> <p>Ako se posebnim zakonom propisuju pojedine radnje obrade, odnosno grupe radnji obrade, a obrada se vrši u skladu sa članom 12. stav 1. tačka 3) ili tačka 5) ovog zakona, pa je procena uticaja na zaštitu podataka o ličnosti već izvršena u okviru opšte procene uticaja prilikom donošenja zakona, st. 1. do 9. ovog člana se ne primenjuje, osim ako se utvrdi da je neophodno izvršiti novu procenu.</p> <p>Prema potrebi, a najmanje u slučaju kad je došlo do promene nivoa rizika u vezi sa radnjama obrade, rukovalac je dužan da preispita da li se radnje obrade vrše u skladu sa izvršenom procenom uticaja na zaštitu podataka o ličnosti.</p>		
10.	Member States shall ensure that there are transparent procedures governing the way in which a provider of a public communications network and/or a publicly available electronic communications service may	0.1 5	<p>Podaci o ličnosti moraju:</p> <p>1) se obrađivati zakonito, pošteno i transparentno u odnosu na lica na koje se podaci odnose ("zakonitost,</p>	PH	Serbain law does not seem to be in contravention of the EU acquis and also seems to be internally aligned. However, there could be room for

a)	a1)	b)	b1)	c)	d)
	<p>override:</p> <p>(a) the elimination of the presentation of calling line identification, on a temporary basis, upon application of a subscriber requesting the tracing of malicious or nuisance calls. In this case, in accordance with national law, the data containing the identification of the calling subscriber will be stored and be made available by the provider of a public communications network and/or publicly available electronic communications service;</p> <p>(b) the elimination of the presentation of calling line identification and the temporary denial or absence of consent of a subscriber or user for the processing of location data, on a per-line basis for organisations dealing with emergency calls and recognised as such by a Member State, including law enforcement agencies, ambulance services and fire brigades, for the purpose of responding to such calls.</p>	6.	<p>poštenje i transparentnost"). Zakonita obrada je obrada koja se vrši u skladu sa ovim zakonom, odnosno drugim zakonom kojim se uređuje obrada;</p> <p>2) se prikupljati u svrhe koje su konkretno određene, izričite, opravdane i zakonite i dalje se ne mogu obrađivati na način koji nije u skladu sa tim svrhama ("ograničenje u odnosu na svrhu obrade");</p> <p>3) biti primereni, bitni i ograničeni na ono što je neophodno u odnosu na svrhu obrade ("minimizacija podataka");</p> <p>4) biti tačni i, ako je to neophodno, ažurirani. Uzimajući u obzir svrhu obrade, moraju se preduzeti sve razumne mere kojima se obezbeđuje da se netačni podaci o ličnosti bez odlaganja izbrišu ili isprave ("tačnost");</p> <p>5) se čuvati u obliku koji omogućava identifikaciju lica samo u roku koji je neophodan za ostvarivanje svrhe obrade ("ograničenje čuvanja");</p> <p>6) se obrađivati na način koji obezbeđuje odgovarajuću zaštitu podataka o ličnosti, uključujući zaštitu od neovlašćene ili nezakonite obrade, kao i od slučajnog gubitka, uništenja ili oštećenja primenom odgovarajućih tehničkih, organizacionih i kadrovskih mera ("integritet i poverljivost").</p> <p>Rukovalac je odgovoran za primenu odredaba stava 1. ovog člana i mora biti u mogućnosti da predoči njihovu primenu ("odgovornost za postupanje").</p> <p>Izuzetno od člana 5. stav 1. tačka 2) ovog zakona, ako se dalja obrada vrši u svrhe arhiviranja u javnom interesu, u svrhe naučnog ili istorijskog istraživanja, kao i u statističke</p>		<p>ensuring that the processing of data done by the 112 without explicit consent is done fully in line with data protection legislation even when it comes to calls that are not made in order to protect the vital interests of persons</p>

a)	a1)	b)	b1)	c)	d)
			<p>svrhe, u skladu sa ovim zakonom, smatra se da se podaci o ličnosti ne obrađuju na način koji nije u skladu sa prvobitnom svrhom.</p> <p>Ako obrada u svrhu koja je različita od svrhe za koju su podaci prikupljeni nije zasnovana na zakonu koji propisuje neophodne i srazmerne mere u demokratskom društvu radi zaštite ciljeva iz člana 40. stav 1. ovog zakona, ili na pristanku lica na koje se podaci odnose, rukovalac je dužan da oceni da li je ta druga svrha obrade u skladu sa svrhom obrade za koju su podaci prikupljeni, posebno uzimajući u obzir:</p> <p>1) da li postoji veza između svrhe za koju su podaci prikupljeni i druge svrhe nameravane obrade;</p> <p>2) okolnosti u kojima su podaci prikupljeni, uključujući i odnos između rukovodaca i lica na koje se podaci odnose;</p> <p>3) prirodu podataka, a posebno da li se obrađuju posebne vrste podataka o ličnosti iz člana 17. ovog zakona, odnosno podaci o ličnosti u vezi sa krivičnim presudama i kažnjivim delima iz člana 19. ovog zakona;</p> <p>4) moguće posledice dalje obrade za lica na koje se podaci odnose;</p> <p>5) primenu odgovarajućih mera zaštite, kao što su kriptozastita i pseudonimizacija.</p> <p>Odredbe st. 1. i 2. ovog člana ne primenjuju se na obradu koju vrše nadležni organi u svrhe sprečavanja, istrage i otkrivanja krivičnih dela, gonjenja učinilaca krivičnih dela ili izvršenja krivičnih sankcija, uključujući sprečavanje i zaštitu od pretnji javnoj i nacionalnoj bezbednosti (u daljem tekstu: u posebne svrhe).</p>		

a)	a1)	b)	b1)	c)	d)
		0.2 116	<p>Operator javno dostupnih telefonskih usluga kome pretplatnik u pisanom obliku prijavi i opiše način, odnosno sadržinu, okvirni datum i vreme zlonamernog ili uznemiravajućeg poziva, dužan je da zabeleži i sačuva podatke o identifikaciji tog dolaznog poziva, datumu i vremenu poziva ili pokušaju pozivanja.</p> <p>Ako operator utvrdi, na osnovu prijave iz stava 1. ovog člana, da je zlonamerni ili uznemiravajući poziv upućen sa broja njegovog pretplatnika, dužan je da tom pretplatniku uputi upozorenje, odnosno, u slučaju ponovnog uznemiravanja, preduzme druge odgovarajuće mere radi sprečavanja daljeg uznemiravanja.</p> <p>Ako operator utvrdi, na osnovu prijave iz stava 1. ovog člana, da je zlonamerni ili uznemiravajući poziv upućen sa pretplatničkog broja u mreži drugog operatora, prosleđuje tom operatoru prijavu o uznemiravanju iz stava 1. ovog člana, kako bi taj operator svom pretplatniku uputio upozorenje, odnosno, u slučaju ponovnog uznemiravanja, preduzeo druge odgovarajuće mere radi sprečavanja daljeg uznemiravanja.</p> <p>Operatori javno dostupnih telefonskih usluga dužni su da sarađuju radi praćenja i otkrivanja zlonamernih ili uznemiravajućih poziva, a naročito radi razmene podataka i postupanja po prosleđenim prijavama iz stava 3. ovog člana.</p>		

<p>1. . Title of EU act:</p> <p>The European Code of Electronic Communication is regulated by Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)Text with EEA relevance</p>	<p>2. CELEX number of EU act</p> <p>32018L1972</p>
<p>3. Title of the legal act the provisions the concordance of which with EU act are being analysed</p> <p>0.1 Law on Electronic Communication (Zakon o elektronskim komunikacijama "Službeni glasnik RS", br. 44/2010, 60/2013 (Odluka Ustavnog suda), 62/2014, 95/2018 (drugi zakon))</p> <p>0.2 Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, Službeni glasnik RS, br. 87/2018)</p> <p>0.3 Rulebook on Universal Service (Pravilnik o univerzalnom servisu,"Sl. glasnik RS", br. 24/2012)</p>	
<p>4. Concordance of the provision of the legal act with the provisions of EU act:</p>	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹⁰⁵	Reasons for partial harmonisation, no harmonisation or non-transferability
38	1. Where the Commission finds that divergences in the implementation by the national regulatory or other competent authorities of the regulatory tasks specified in this Directive could create a barrier to the internal market, the Commission may, taking the utmost account		No provisions	NT	

¹⁰⁵ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	<p>of the opinion of BEREC or, where relevant, the RSPG, adopt recommendations or, subject to paragraph 3 of this Article, decisions by means of implementing acts to ensure the harmonised application of this Directive and in order to further the achievement of the objectives set out in Article 3.</p> <p>2. Member States shall ensure that national regulatory and other competent authorities take the utmost account of the recommendations referred to in paragraph 1 in carrying out their tasks. Where a national regulatory or other competent authority chooses not to follow a recommendation, it shall inform the Commission, giving the reasons for its position.</p> <p>3. The decisions adopted pursuant to paragraph 1 shall include only the identification of a harmonised or coordinated approach for the purpose of addressing the following matters:</p> <p>(a)</p> <p>the inconsistent implementation of general regulatory approaches by national regulatory authorities on the regulation of electronic communications markets in the application of Articles 64 and 67, where it creates a barrier to the internal market; such decisions shall not refer to specific notifications issued by the national regulatory authorities pursuant to Article 32; in such a case, the Commission shall propose a draft decision only:</p> <p>(i)</p> <p>after at least two years following the adoption of a Commission recommendation dealing with the same matter; and</p> <p>(ii)</p>				

a)	a1)	b)	b1)	c)	d)
	<p>taking utmost account of an opinion from BEREC on the case for adoption of such a decision, which shall be provided by BEREC within three months of the Commission's request;</p> <p>(b)</p> <p>numbering, including number ranges, portability of numbers and identifiers, number and address translation systems, and access to emergency services through the single European emergency number '112'.</p>				
109.1	<p>1. Member States shall ensure that all end-users of the services referred to in paragraph 2, including users of public pay telephones, are able to access the emergency services through emergency communications free of charge and without having to use any means of payment, by using the single European emergency number '112' and any national emergency number specified by Member States.</p> <p>Member States shall promote the access to emergency services through the single European emergency number '112' from electronic communications networks which are not publicly available but which enable calls to public networks, in particular when the undertaking responsible for that network does not provide an alternative and easy access to an emergency service.</p>	0.1 80.1	<p>Operator javno dostupnih telefonskih usluga dužan je da omogući svim korisnicima uslugu besplatnog poziva prema jedinstvenom broju za pristup službama za hitne intervencije 112, kao i drugim brojevima za pristup službama za hitne intervencije u Republici Srbiji, u skladu sa planom numeracije, sa bilo kog telefonskog uređaja, uključujući i javne telefonske govornice.</p>	PH	<p>There is no provision in the Serbian legislation referring to promotion of access to emergency services from electronic communication networks which are not publicly available but which enable calls to public networks.</p>
109.2	<p>2. Member States shall, after consulting national regulatory authorities and emergency services and providers of electronic communications services, ensure that providers of publicly available number-based interpersonal communications services, where those services allow end-users to originate calls to a number in a national or international numbering plan, provide access to emergency services through emergency communications to the most appropriate PSAP.</p>	0.1 80.1	<p>Operator javno dostupnih telefonskih usluga dužan je da omogući svim korisnicima uslugu besplatnog poziva prema jedinstvenom broju za pristup službama za hitne intervencije 112, kao i drugim brojevima za pristup službama za hitne intervencije u Republici Srbiji, u skladu sa planom numeracije, sa bilo kog telefonskog uređaja, uključujući i javne telefonske govornice.</p>	NH	<p>There is no provision regulating the obligation to provide access to emergency services through emergency communications to the most appropriate PSAP.</p>

a)	a1)	b)	b1)	c)	d)
		0.2 95.	<p>Službu 112 čine Nacionalni centar 112, operativni centri 112, situacioni centri i sistem javnog uzbunjivanja.</p> <p>Služba 112 obavlja sledeće zadatke:</p> <p>1) prijem, obradu i prosleđivanje poziva za pomoć;</p> <p>2) rano upozoravanje, obaveštavanje i uzbunjivanje stanovništva, nadležnih organa, privrednih društava i drugih pravnih lica u zoni ugroženosti, kao i snaga zaštite i spasavanja;</p> <p>3) obezbeđenje jedinstvenog komunikaciono-informacionog sistema i sistema zaštite informacija;</p> <p>4) obezbeđenje funkcionalne integracije službi od interesa za smanjenje rizika od katastrofa i upravljanje vanrednim situacijama;</p> <p>5) obezbeđenje međunarodne razmene podataka u oblasti zaštite i spasavanja od posledica katastrofa.</p> <p>Služba 112 za izvršavanje svojih zadataka, pored sopstvenih, koristi i telekomunikacione sisteme opšte i posebne namene.</p> <p>Način korišćenja telekomunikacionih sistema posebne namene utvrđuju sporazumno rukovodioci nadležnih državnih organa.</p>		

a)	a1)	b)	b1)	c)	d)
			<p>Nacionalni centar 112 i operativni centri 112, od subjekata sistema smanjenja rizika od katastrofa i upravljanja vanrednim situacijama prikupljaju, analiziraju, prate i obaveštavaju nadležne organe i institucije o svim vrstama informacija iz oblasti smanjenja rizika i upravljanja vanrednim situacijama, u skladu sa propisanim procedurama.</p> <p>Nacionalni centar 112 obavlja međunarodne komunikaciono-informativne poslove iz ove oblasti.</p> <p>Procedure iz stava 5. ovog člana propisuje Vlada.</p>		
109.3	<p>3. Member States shall ensure that all emergency communications to the single European emergency number '112' are appropriately answered and handled in the manner best suited to the national organisation of emergency systems. Such emergency communications shall be answered and handled at least as expeditiously and effectively as emergency communications to the national emergency number or numbers, where those continue to be in use.</p>	<p>0.1 80.1</p> <p>0.2 95</p>	<p>Operator javno dostupnih telefonskih usluga dužan je da omogući svim korisnicima uslugu besplatnog poziva prema jedinstvenom broju za pristup službama za hitne intervencije 112, kao i drugim brojevima za pristup službama za hitne intervencije u Republici Srbiji, u skladu sa planom numeracije, sa bilo kog telefonskog uređaja, uključujući i javne telefonske govornice.</p> <p>Službu 112 čine Nacionalni centar 112, operativni centri 112, situacioni centri i sistem javnog uzbunjivanja.</p> <p>Služba 112 obavlja sledeće zadatke:</p> <p>1) prijem, obradu i prosleđivanje poziva za pomoć;</p>	NH	<p>There is no explicit demand for calls to 112 to be answered and handled at least as expeditiously and effectively as national emergency numbers. LDRMES does refer to 112 as the main emergency number, but no secondary legislation was passed to further regulate the issue.</p>

a)	a1)	b)	b1)	c)	d)
			<p>2) rano upozoravanje, obaveštavanje i uzbunjivanje stanovništva, nadležnih organa, privrednih društava i drugih pravnih lica u zoni ugroženosti, kao i snaga zaštite i spasavanja;</p> <p>3) obezbeđenje jedinstvenog komunikaciono-informacionog sistema i sistema zaštite informacija;</p> <p>4) obezbeđenje funkcionalne integracije službi od interesa za smanjenje rizika od katastrofa i upravljanje vanrednim situacijama;</p> <p>5) obezbeđenje međunarodne razmene podataka u oblasti zaštite i spasavanja od posledica katastrofa.</p> <p>Služba 112 za izvršavanje svojih zadataka, pored sopstvenih, koristi i telekomunikacione sisteme opšte i posebne namene.</p> <p>Način korišćenja telekomunikacionih sistema posebne namene utvrđuju sporazumno rukovodioci nadležnih državnih organa.</p> <p>Nacionalni centar 112 i operativni centri 112, od subjekata sistema smanjenja rizika od katastrofa i upravljanja vanrednim situacijama prikupljaju, analiziraju, prate i obaveštavaju nadležne organe i institucije o svim vrstama informacija iz oblasti smanjenja rizika i upravljanja vanrednim situacijama, u skladu sa propisanim procedurama.</p> <p>Nacionalni centar 112 obavlja međunarodne komunikaciono-informativne poslove iz ove oblasti.</p> <p>Procedure iz stava 5. ovog člana propisuje Vlada.</p>		
109.4	By 21 December 2020 and every two years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the effectiveness of the implementation of the single European emergency number '112'.	Not applicable	Not applicable	NT	

a)	a1)	b)	b1)	c)	d)
	accuracy and reliability of the caller location information provided				
109.7	Member States shall ensure that end-users are adequately informed about the existence and the use of the single European emergency number '112', as well as its accessibility features, including through initiatives specifically targeting persons travelling between Member States and end-users with disabilities. That information shall be provided in accessible formats, addressing different types of disabilities. The Commission shall support and complement Member States' action.	0.2 99	<p>Jedinstveni evropski broj za hitne službe 112, uvodi se u upotrebu radi stvaranja uslova svakom fizičkom i pravnom licu da besplatnim pozivanjem broja 112 dobiju pomoć hitnih službi.</p> <p>Obaveštenje o telefonskom broju 112 i znaci za uzbunjivanje moraju biti istaknuti na vidnom mestu u svim javnim ustanovama i drugim javnim mestima.</p> <p>Do uspostavljanja broja 112 kao jedinstvenog broja za teritoriju Republike Srbije koristiće se dosadašnji telefonski broj 1985, kao i ostali brojevi telefona hitnih službi.</p> <p>Organizaciju i funkcionisanje ranog upozoravanja, obaveštavanja i uzbunjivanja bliže uređuje Vlada.</p>	PH	Article 99 of the LDRMES states that information of the 112 emergency call number and warning signs must be displayed in a prominent place in all public institutions and all public places. The LDRMES also prescribes related fines for failure to display such information. However, it cannot be interpreted that this provision means that the aim of the Universal Service Directive is fully transposed in the Serbian legislation, as the type of information required by the Directive is more proactive and implies information in not only in national official language, but in a language that is intelligible to visitors. There seems to be room for a more concrete obligation related the information provided to citizens about the existence and use of the 112 number to be introduced to national legislation as well as to national strategic documents in Serbia. It should be noted that currently, given the existence of parallel numbers, this would be of particular importance
109.8	In order to ensure effective access to emergency services through emergency communications to the single European emergency number '112' in the Member States, the Commission shall, after consulting BEREC, adopt delegated acts in accordance with Article 117 supplementing paragraphs 2, 5 and 6 of this Article on the measures necessary to ensure the compatibility,		No provision	NT	Prescribes the mandate for adopting delegated acts

a)	a1)	b)	b1)	c)	d)
	<p>interoperability, quality, reliability and continuity of emergency communications in the Union with regard to caller location information solutions, access for end-users with disabilities and routing to the most appropriate PSAP. The first such delegated act shall be adopted by 21 December 2022.</p> <p>Those delegated acts shall be adopted without prejudice to, and shall have no impact on, the organisation of emergency services, which remains in the exclusive competence of Member States.</p> <p>BEREC shall maintain a database of E.164 numbers of Member State emergency services to ensure that they are able to contact each other from one Member State to another, if such a database is not maintained by another organisation.</p>				
110.1	<p>By 21 June 2022, Member States shall ensure that, when public warning systems regarding imminent or developing major emergencies and disasters are in place, public warnings are transmitted by providers of mobile number-based interpersonal communications services to the end-users concerned.</p>	<p>0.2</p> <p>98.1</p> <p>98.2</p> <p>98.3</p>	<p>Radio-difuzne i televizijske stanice dužne su da na zahtev Ministarstva preduzmu mere radi hitnog prenošenja odgovarajućih informacija od interesa za zaštitu i spasavanje.</p> <p>Operateri mobilne telefonije dužni su da na zahtev Ministarstva obezbede besplatno prenošenje obaveštenja od interesa za zaštitu i spasavanje telefonskim pretplatnicima.</p> <p>Pravna lica koja se bave mobilnim telekomunikacijama dužna su da u cilju zaštite i spasavanja, obezbede besplatnu uslugu lociranja mesta pozivaoca (dolaznog poziva).</p>	PH	<p>The public warnings by providers of mobile number-based interpersonal communication services is triggered at the request of the line ministry, and are not provided automatically. The request is limited to mobile phone service providers, not all mobile number-based interpersonal communications services</p>
110.2	<p>Notwithstanding paragraph 1, Member States may determine that public warnings be transmitted through publicly available electronic communications services other than those referred to in paragraph 1, and other than broadcasting services, or through a mobile application relying on an internet access service, provided that the effectiveness of the public warning system is equivalent in terms of coverage and capacity to reach end-users, including those only temporarily present in the area</p>	<p>0.2</p> <p>98.1</p> <p>98.2</p> <p>98.3</p>	<p>Radio-difuzne i televizijske stanice dužne su da na zahtev Ministarstva preduzmu mere radi hitnog prenošenja odgovarajućih informacija od interesa za zaštitu i spasavanje.</p> <p>Operateri mobilne telefonije dužni su da na zahtev Ministarstva obezbede besplatno prenošenje obaveštenja od interesa za zaštitu i spasavanje telefonskim pretplatnicima.</p>	PH	<p>Serbian regulatory framework envisages that public warnings regarding imminent or developing major emergencies and disasters are transmitted through radio or TV stations or mobile phone communication providers. There is no reference to the possibility of using other broadcasting services, or</p>

a)	a1)	b)	b1)	c)	d)
	<p>concerned, taking utmost account of BEREC guidelines. Public warnings shall be easy for end-users to receive.</p> <p>By 21 June 2020, and after consulting the authorities in charge of PSAPs, BEREC shall publish guidelines on how to assess whether the effectiveness of public warning systems under this paragraph is equivalent to the effectiveness of those under paragraph 1</p>		<p>Pravna lica koja se bave mobilnim telekomunikacijama dužna su da u cilju zaštite i spasavanja, obezbede besplatnu uslugu lociranja mesta pozivaoca (dolaznog poziva).</p>		<p>mobile application relying on internet service.</p>

1. Title of EU act: Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport	2. CELEX number of EU act 32010L0040
3. Title of the legal act the provisions the concordance of which with EU act are being analysed: 0.1. Law on Road Safety (Zakon o bezbednosti saobraćaja na putevima, "Sl. glasnik RS", br. 41/2009, 53/2010, 101/2011, 32/2013 - odluka US, 55/2014, 96/2015 - dr. zakon, 9/2016 - odluka US, 24/2018, 41/2018, 41/2018 - dr. zakon, 87/2018 i 23/2019) 0.2. Law on Roads (Zakon o putevima, "Sl. glasnik RS", br. 41/2018 i 95/2018 - dr. zakon) 0.2 Rulebook on technical examination of vehicles (Pravilnik o tehničkom pregledu vozila: 31/2018-41, 70/2018-45) 0.3 Law on Personal Data Protection (Zakon o zaštiti podataka o ličnosti, "Sl. glasnik RS", br. 87/2018)	
4. . Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹⁰⁶	Reasons for partial harmonisation, no harmonisation or non-transferability
4.1.1.	For the purposes of this Directive, the following definitions shall apply: (1) 'Intelligent Transport Systems' or 'ITS' means systems in which information and communication technologies are applied in the field of road transport, including infrastructure, vehicles and users, and in traffic management and mobility management, as well as for	2.1. Law on Roads	Pojedini izrazi, upotrebljeni u ovom zakonu, imaju sledeće značenje: 53) inteligentni transportni sistemi (ITS) jesu sistemi informacionokomunikacionih tehnologija u drumskom saobraćaju koji se odnose na puteve, vozila i učesnike u saobraćaju i koriste se za upravljanje saobraćajem i mobilnošću, kao i za veze sa ostalim vidovima saobraćaja;	FH	

¹⁰⁶ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	interfaces with other modes of transport;				
4.1.2.	(2) 'interoperability' means the capacity of systems and the underlying business processes to exchange data and to share information and knowledge;	2.1. Law on Roads	58) interoperabilnost je mogućnost sistema i pridruženih poslovnih procesa da nesmetano razmenjuju podatke;	FH	
4.1.3.	(3) 'ITS application' means an operational instrument for the application of ITS;	14.3. Law on Roads	Inteligentni transportni sistem (u daljem tekstu: ITS), razvija se i primenjuje u sledećim prioritetnim oblastima: 3) aplikacije ITS u funkciji bezbednosti saobraćaja na putevima i zaštiti korisnika puteva; 4	PH	The definition of the ITS is not provided in the Law on Roads. However, the Law on Roads refers to ITS applications as one of priority areas.
4.1.5.	(5) 'ITS service provider' means any provider of an ITS service, whether public or private;		No provisions.	NH	There are no provisions in the Law on Roads in this respect, nor in other applicable pieces of legislation.
4.1.6.	(6) 'ITS user' means any user of ITS applications or services including travelers, vulnerable road users, road transport infrastructure users and operators, fleet managers and operators of emergency services;		No provisions.	NH	There are no provisions in the Law on Roads in this respect, nor in other pieces of legislation.
	(8) 'nomadic device' means a portable communication or information device that can be brought inside the vehicle to support the driving task and/or the transport operations; (No provisions	NH	There are no provisions in the Law on Roads in this respect, nor in other pieces of legislation.
	(14) 'road data' means data on road infrastructure characteristics, including fixed traffic signs or their regulatory safety attributes;		No provisions	NH	There are no provisions in the Law on Roads in this respect, nor in other pieces of legislation.
	(15) 'traffic data' means historic and real-time data on road traffic characteristics;		No provisions	NH	There are no provisions in the Law on Roads in this respect, nor in other pieces of legislation.
4.	(12) 'compatibility' means the general ability of a device or system to work with another device or system without modification;		No provisions	NH	There are no provisions in the Law on Roads in this respect, nor in

a)	a1)	b)	b1)	c)	d)
					other pieces of legislation.
	(9) 'platform' means an on-board or off-board unit enabling the deployment, provision, exploitation and integration of ITS applications and services;		No provisions	NH	There are no provisions in the Law on Roads in this respect, nor in other pieces of legislation.
10	<p>1. Member States shall ensure that the processing of personal data in the context of the operation of ITS applications and services is carried out in accordance with Union rules protecting fundamental rights and freedoms of individuals, in particular Directive 95/46/EC and Directive 2002/58/EC.</p> <p>2. In particular, Member States shall ensure that personal data are protected against misuse, including unlawful access, alteration or loss.</p> <p>3. Without prejudice to paragraph 1, in order to ensure privacy, the use of anonymous data shall be encouraged, where appropriate, for the performance of the ITS applications and services.</p> <p>Without prejudice to Directive 95/46/EC personal data shall only be processed insofar as such processing is necessary for the performance of ITS applications and services.</p> <p>4. With regard to the application of Directive 95/46/EC and in particular where special categories of personal data are involved, Member States shall also ensure that the provisions on consent to the process</p>		No provisions.	NH	No specific provisions neither in the Law on Roads nor in the Law on Personal Data Protection is contained.

1. Title of EU act: Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonized provision for an interoperable EU-wide eCall	2. CELEX number of EU act 32013R0305
3. Title of the legal act the provisions the concordance of which with EU act are being analysed: 0.1. Law on Roads (Zakon o putevima, "Sl. glasnik RS", br. 41/2018 i 95/2018 - dr. zakon) 0.2. Rulebook on technical examination of vehicles (Pravilnik o tehničkom pregledu vozila: 31/2018-41, 70/2018-45) 0.3 Law on Personal Data Protection (Zakon o zaštiti podataka o ličnosti, "Sl. glasnik RS", br. 87/2018) 0.4. Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, "Sl. glasnik RS", br. 87/2018) 0.5. Law on Electronic Communication (Zakon o elektronskim komunikacijama "Službeni glasnik RS", br. 44/2010, 60/2013 (Odluka Ustavnog suda), 62/2014, 95/2018 (drugi zakon))	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹⁰⁷	Reasons for partial harmonisation, no harmonisation or non-transferability
2.1.a)	The following definitions shall apply for the purposes of this Regulation: (a) 'emergency service' means a service, recognised as		No provisions.	NH	There is no specific definition in Serbian legislation which defines the 'emergency service', although

¹⁰⁷ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	such by the Member State, that provides immediate and rapid assistance in situations where there is, in particular, a direct risk to life or limb, to individual or public health or safety, to private or public property, or to the environment, in accordance with national legislation;				there are provisions mentioning them although not using the same terminology (for instance there is A difference between the Law on Electronic Communications and the LDRMES in that respect.
2.1.b)	(2) ‘public safety answering point’ (PSAP) means a physical location where emergency calls are first received under the responsibility of a public authority or a private organisation recognised by the Member State;		No provisions.	NH	There is no specific definition in Serbian legislation.
2.1.c)	(3) ‘most appropriate PSAP’ means a PSAP defined beforehand by responsible authorities to cover emergency calls from a certain area or for emergency calls of a certain type;		No provisions.	NH	There is no specific definition in Serbian legislation.
2.1.d)	‘eCall PSAP’ means a most appropriate PSAP defined beforehand by the authorities to first receive and handle the eCalls;		No provisions.	NH	There is no specific definition in Serbian legislation.
2.1.e)	(e) ‘eCall PSAP operator’ means a person in the eCall PSAP receiving and/or handling the emergency calls;		No provisions.	NH	There are no provisions in the Law on Roads in this respect, nor in other pieces of legislation.
2.1.f)	‘service partner’ means a public or private organisation recognized by national authorities, that has a role in the handling of incidents related to an eCall (e.g. road operator, assistance service);		No provisions.	NH	There is no specific definition in Serbian legislation.
2.1.g)	‘in-vehicle equipment’ means equipment within the vehicle that provides or has access to the in-vehicle data required to perform the eCall transaction via a public mobile wireless communications network; (No provisions.	NH	There is no specific definition in Serbian primary or secondary legislation.
2.1.h)	‘eCall’ (referred to in Directive 2010/40/EU as ‘interoperable EU-wide eCall’) means an in-vehicle emergency call to 112, made either automatically by means of the activation of in- vehicle sensors or manually, which carries a standardised minimum set of data and establishes an audio channel between the vehicle and the eCall PSAP via public mobile wireless communications		No provisions.	NH	There is no specific definition in Serbian legislation. Neither in LDRMES, nor in Law on Roads and Law on Electronic Communications.

a)	a1)	b)	b1)	c)	d)
	networks;				
2.1.i)	‘eCall transaction’ means the establishment of a mobile wireless communications session across a public wireless communications network and the transmission of a minimum set of data from a vehicle to an eCall PSAP and the establishment of an audio channel between the vehicle and the same eCall PSAP;		No provisions.	NH	There is no specific definition in Serbian primary or secondary legislation.
2.1.j)	‘minimum set of data’ (MSD) means the information defined by the standard ‘Road transport and traffic telematics — eSafety — eCall minimum set of data (MSD)’ (EN 15722) which is sent to the eCall PSAP;		No provisions.	NH	There are no provisions in the Law on Roads in this respect, nor in other pieces of legislation.
2.1.k)	‘Vehicle Identification Number (VIN)’ means the alphanumeric code assigned to a vehicle by the manufacturer in order to ensure proper identification of every vehicle, as described in ISO standard 3779		No provisions.	NH	There are no provisions in the Law on Roads in this respect, nor in other pieces of legislation.
2.1.l)	‘mobile wireless communications network’ means wireless communications network with homogeneous handover between network access points;		No provisions.	NH	There is no specific definition in Serbian primary or secondary legislation.
2.1.m)	‘public mobile wireless communications network’ means mobile wireless communications network available to the public in accordance with Directive 2002/22/EC and with Directive 2002/21/EC of the European Parliament and of the Council (1);		No provisions.	NH	There is no specific definition in Serbian primary or secondary legislation.
2.1.n)	‘emergency control centre’ means a facility used by one or more emergency services to handle emergency calls;		No provisions.	NH	This definition is not contained in the LDRMES nor in other pieces of legislation.
2.1.o)	‘raw MSD’ means a representation of the transmitted minimum set of data before being presented in an intelligible way to the eCall PSAP operator.		No provisions.	NH	There is no specific definition in Serbian primary or secondary legislation.
3	1. Member States shall ensure that any eCall PSAP is equipped to handle eCalls and receive the MSD originating from the in-vehicle equipment according to the standards ‘Intelligent transport system — eSafety — PanEuropean eCall- Operating requirements’ (EN 16072)		No provisions.	NH	There is no respective provision in national legislation.

a)	a1)	b)	b1)	c)	d)
	<p>and ‘Intelligent transport systems — eSafety — eCall High Level Application Requirements (HLAP)’ (EN 16062)</p> <p>2. The eCall PSAP shall handle eCalls as expeditiously and effectively as any other call made to the single European emergency number 112. The eCall PSAP shall process eCalls in line with the requirements of national regulations for emergency call processing.</p> <p>3. The eCall PSAP shall be able to receive the data contents of the MSD and present them to the eCall PSAP operator clearly and understandably.</p> <p>4. The eCall PSAP shall have access to an appropriate Geographical Information System (GIS) or an equivalent system allowing the eCall PSAP operator to identify the position and heading of the vehicle to a minimum degree of accuracy as defined in EN 15722 for the MSD coordinates.</p> <p>5. The abovementioned requirements shall enable the eCall PSAP to provide location, type of eCall activation (manual or automatic) and other relevant data to the appropriate emergency service(s) or service partner(s).</p> <p>6. The eCall PSAP (initially receiving the eCall) shall establish audio communication with the vehicle and handle the eCall data; if necessary, the eCall PSAP may reroute the call and MSD data to another PSAP, emergency control centre or service partner according to national procedures determined by the national authority. Rerouting may be done via data or audio connection, or, preferably, both.</p> <p>7. When appropriate, and depending on national procedures and legislation, the eCall PSAP and appropriate emergency service(s) or service partner(s) may be granted access to the characteristics of the vehicle contained in national databases and/or other relevant resources, in order to obtain information that is necessary</p>			<p>NH</p> <p>NH</p> <p>NH</p> <p>NH</p> <p>NH</p> <p>NT</p>	

a)	a1)	b)	b1)	c)	d)
	for dealing with an eCall, notably to allow the interpretation of the Vehicle Identification Number (VIN) and the presentation of additional relevant information, particularly vehicle type and model.				
4	Member States shall designate the authorities that are competent for assessing the conformity of the operations of the eCall PSAPs with the requirements listed in Article 3 and shall notify them to the Commission. Conformity assessment shall be based on the part of the standard ‘Intelligent transport systems — eSafety — eCall end to end conformance testing’ (EN 16454) that relates to PSAPs conformance to pan-European eCall.		No provisions.	NH	There is no respective provision in national legislation.
6	<p>1. The PSAPs, including eCall PSAPs, shall be regarded as data controllers within the meaning of Article 2(d) of Directive 95/46/EC. Where the eCall data is to be sent to other emergency control centres or service partners pursuant to Article 3(5), the latter shall also be considered as data controllers. Member States shall ensure that the processing of personal data in the context of the handling of the eCalls by the PSAPs, the emergency services and service partners is carried out in accordance with Directives 95/46/EC and 2002/58/EC, and that this compliance is demonstrated to the national data protection authorities.</p> <p>2. In particular, Member States shall ensure that personal data are protected against misuse, including unlawful access, alteration or loss, and that protocols concerning personal data storage, retention duration, processing and protection are established at the appropriate level and properly observed.</p>		No provisions.	NH	There is no respective provision in national legislation.
7	<p>1. The eCall PSAPs must be able to demonstrate to the competent authorities that they meet all specified conformance requirements of the eCall standards listed in Article 3(1) in respect of the part(s) of the system under their design and/or control. They shall be liable only for that part of the eCalls for which they are responsible, which starts at the time the eCalls reach the eCall PSAP, in accordance with national procedures.</p> <p>2. To that end, and in addition to other existing measures related to the handling of 112 calls in particular, both the</p>		No provisions.	NH	There is no respective provision in national legislation.

a)	a1)	b)	b1)	c)	d)
	raw MSD received with the eCall and the MSD contents presented to the eCall operator shall be retained for a determined period of time, in accordance with national regulations. Such data shall be stored in accordance with Articles 6, 13 and 17 of Directive 95/46/EC.				

1. Title of EU act: Decision No 585/2014/EU of the European Parliament and of the Council of 15 May 2014 on the deployment of the interoperable EU-wide eCall service	2. CELEX number of EU act 32014D0585
3. Title of the legal act the provisions the concordance of which with EU act are being analysed: 0.1. Law on Roads (Zakon o putevima, "Sl. glasnik RS", br. 41/2018 i 95/2018 - dr. zakon) 0.2 Law on Personal Data Protection (Zakon o zaštiti podataka o ličnosti, "Sl. glasnik RS", br. 87/2018) 0.4. Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, "Sl. glasnik RS", br. 87/2018) 0.5. Law on Electronic Communication (Zakon o elektronskim komunikacijama "Službeni glasnik RS", br. 44/2010, 60/2013 (Odluka Ustavnog suda), 62/2014, 95/2018 (drugi zakon))	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹⁰⁸	Reasons for partial harmonisation, no harmonisation or non-transferability
1.1.	Member States shall deploy on their territory, at least six months before the date of application of the Regulation of the European Parliament and of the Council concerning the type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC and in any case no later than 1 October 2017, the eCall PSAP infrastructure required for the proper		No provisions.	NH	There are no provisions in this respect in Serbian legislation.

¹⁰⁸ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	receipt and handling of all eCalls, if necessary purged of non-emergency calls, in accordance with the specifications laid down in Delegated Regulation (EU) No 305/2013, in order to ensure the full functionality, compatibility, interoperability, continuity and conformity of the interoperable EU-wide eCall service.				
1.2.	<p>Paragraph 1 is without prejudice to the right of each Member State to organise its emergency services in a way which is most cost-effective and most appropriate to its needs, including the ability to reject calls that are not emergency calls and might not be handled by eCall PSAPs, in particular in the case of manually triggered eCalls</p> <p>This paragraph and paragraph 1 are without prejudice to the right of each Member State to allow private organisations recognised by it to deal with the receipt and handling of some or all eCalls, in accordance with the specifications laid down in Delegated Regulation (EU) No 305/2013.</p>			NT	
1.3.	Member States shall ensure that data transmitted via the eCall service are used exclusively for the attainment of the objectives of this Decision.		No provisions.	NH	There are no provisions in this respect in Serbian legislation.
2.	Member States shall ensure that the handling of eCalls is provided free of charge to users of the EU-wide eCall service.		No provisions.	NH	There are no provisions in this respect in Serbian legislation.
3.	By 24 December 2015, Member States shall report to the Commission on the state of implementation of this Decision. In their reports, they shall include at least the list of competent authorities entrusted with the assessment of the conformity of operations of the eCall PSAPs with the requirements listed in Article 3 of Delegated Regulation (EU) No 305/2013, the list and geographical coverage of the eCall PSAPs, the description of the conformance tests and the description of the privacy and data protection protocols.			NT	
4.	Member States shall ensure that eCalls can originate from anywhere in their territory, provided there is at least one public mobile wireless communications network available.		No provisions.	NH	There are no provisions in this respect in Serbian legislation.

1. . Title of EU act: Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid	2. CELEX number of EU act 01996R1257-20190726
3. Title of the legal act the provisions the concordance of which with EU act are being analysed 0.1 Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, Službeni glasnik RS, br. 87/2018)	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹⁰⁹	Reasons for partial harmonisation, no harmonisation or non-transferability
10.1	In order to guarantee and enhance the effectiveness and consistency of Community and national humanitarian aid systems, the Commission may take any measure necessary to promote close coordination between its own activities and those of the Member States, both at decision-making level and on the ground. To that end, the Member States and the Commission shall operate a system for exchange of information.	0.1 11.2.8 25.2.14	uspostavljanje preciznih procedura za razmenu informacija i iskustava od značaja za smanjenje rizika i za efikasno pružanje i primanje međunarodne operativne i humanitarne pomoći radi otklanjanja posledica katastrofe i početne obnove pogođenih područja; neposredno sarađuje, razmenjuje informacije i podatke sa službama iste delatnosti drugih zemalja i međunarodnim organizacijama	FH	The Law includes a general provision on establishment of precise procedures for exchange of information aimed at efficient provision and receipt of humanitarian aid within the national system of disaster risk reduction. It also envisages that the Ministry of Interior, or more, specifically, its

¹⁰⁹ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
		95.5	Nacionalni centar 112 i operativni centri 112, od subjekata sistema smanjenja rizika od katastrofa i upravljanja vanrednim situacijama prikupljaju, analiziraju, prate i obaveštavaju nadležne organe i institucije o svim vrstama informacija iz oblasti smanjenja rizika i upravljanja vanrednim situacijama, u skladu sa propisanim procedurama.		competent services, directly exchanges information with peer services from other countries and with international organisations. The duty of international communication and information exchange is entrusted to the National centre of the 112 service. However, secondary legislation that prescribes the procedure in more detail is not adopted. The Law includes no reference to relevant EU acquis.
		95.6	Nacionalni centar 112 obavlja međunarodne komunikaciono-informativne poslove iz ove oblasti.		

1. Title of EU act : Regulation 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC	2. CELEX number of EU act 02015R0758-20180331
3. Title of the legal act the provisions the concordance of which with EU act are being analysed 0.1. Law on Road Safety (Zakon o bezbednosti saobraćaja na putevima, "Sl. glasnik RS", br. 41/2009, 53/2010, 101/2011, 32/2013 - odluka US, 55/2014, 96/2015 - dr. zakon, 9/2016 - odluka US, 24/2018, 41/2018, 41/2018 - dr. zakon, 87/2018 i 23/2019) 0.2 Rulebook on technical examination of vehicles (Pravilnik o tehničkom pregledu vozila: 31/2018-41, 70/2018-45) 0.3 Law on Personal Data Protection (Zakon o zaštiti podataka o ličnosti, "Sl. glasnik RS", br. 87/2018)	
4. Concordance of the provision of the legal act with the provisions of EU act:	

Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹¹⁰	Reasons for partial harmonisation, no harmonisation or non-transferability
1	This Regulation establishes the general requirements for the EC type-approval of vehicles in respect of the 112-based eCall in-vehicle systems, and of 112-based eCall in-vehicle systems, components and separate technical units.	0.1 0.2.	No provisions	NH	No provisions on eCall in the relevant Serbian acts
2	1. This Regulation shall apply to vehicles of categories M1 and N1 as defined in points 1.1.1 and 1.2.1 of Part A of Annex II to Directive 2007/46/EC and to 112-based	0.1 0.2	No provisions	NH	No provisions on eCall in the relevant Serbian acts and hence no

¹¹⁰ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

	<p>eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles.</p> <p>It shall not apply to the following vehicles:</p> <p>(a) vehicles produced in small series approved pursuant to Articles 22 and 23 of Directive 2007/46/EC;</p> <p>(b) vehicles approved pursuant to Article 24 of Directive 2007/46/EC;</p> <p>(c) vehicles which cannot for technical reasons be equipped with an appropriate eCall triggering mechanism, as determined in accordance with paragraph 2.</p> <p>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 8 to identify classes of vehicles of categories M1 and N1 which cannot be equipped with an appropriate eCall triggering mechanism for technical reasons, on the basis of a study assessing the costs and benefits which is carried out or mandated by the Commission and taking into account all relevant safety and technical aspects.</p> <p>The first such delegated acts shall be adopted by 9 June 2016</p>				scope of application
3	<p>For the purposes of this Regulation and in addition to the definitions laid down in Article 3 of Directive 2007/46/EC, the following definitions apply:</p> <p>(1) ‘112-based eCall in-vehicle system’ means an emergency system, comprising in-vehicle equipment and the means to trigger, manage and enact the eCall transmission, that is activated either automatically via in-vehicle sensors or manually, which carries, by means of public mobile wireless communications networks, a minimum set of data and establishes a 112-based audio channel between the occupants of the vehicle and an eCall PSAP;</p> <p>(2) ‘eCall’ means an in-vehicle emergency call to 112, made either automatically by means of the activation of in-vehicle sensors or manually, which carries a minimum set of data and establishes an audio channel between the</p>	0.1 0.2	No provisions	NH	No provisions on eCall in the relevant Serbian acts

<p>vehicle and the eCall PSAP via public mobile wireless communications networks;</p> <p>(3) ‘public safety answering point’ or ‘PSAP’ means a physical location where emergency calls are first received under the responsibility of a public authority or a private organisation recognised by the Member State;</p> <p>(4) ‘most appropriate PSAP’ means a PSAP determined beforehand by the responsible authorities to cover emergency calls from a certain area or for emergency calls of a certain type;</p> <p>(5) ‘eCall PSAP’ means the most appropriate PSAP determined beforehand by the authorities to first receive and handle eCalls;</p> <p>(6) ‘minimum set of data’ or ‘MSD’ means the information defined by the standard ‘Intelligent transport systems — eSafety — eCall minimum set of data (MSD)’ (EN 15722:2011) which is sent to the eCall PSAP;</p> <p>(7) ‘in-vehicle equipment’ means equipment permanently installed within the vehicle that provides or has access to the in-vehicle data required to perform the eCall transaction via a public mobile wireless communications network;</p> <p>(8) ‘eCall transaction’ means the establishment of a mobile wireless communications session across a public wireless communications network and the transmission of the MSD from a vehicle to an eCall PSAP and the establishment of an audio channel between the vehicle and the same eCall PSAP;</p> <p>(9) ‘public mobile wireless communications network’ means a mobile wireless communications network available to the public in accordance with Directives 2002/21/EC (1) and 2002/22/EC (2) of the European Parliament and of the Council;</p> <p>(10) ‘third party services supported eCall’ or ‘TPS eCall’ means an in-vehicle emergency call to a third party service provider, made either automatically by means of the</p>				
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	<p>activation of in-vehicle sensors or manually, which carries, by means of public mobile wireless communications networks, the MSD and establishes an audio channel between the vehicle and the third party service provider;</p> <p>(11) ‘third party service provider’ means an organisation recognised by national authorities as being allowed to receive a TPS eCall and to forward the MSD to the eCall PSAP;</p> <p>(12) ‘third party services eCall in-vehicle system’ or ‘TPS eCall in-vehicle system’ means a system activated either automatically via in-vehicle sensors or manually, which carries, by means of public mobile wireless communications networks, the MSD and establishes an audio channel between the vehicle and the third party service provider.</p>				
4	<p>Manufacturers shall demonstrate that all new types of vehicles referred to in Article 2 are equipped with a permanently installed 112-based eCall in-vehicle system, in accordance with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation.</p>	<p>0.1</p> <p>0.2</p>	No provision	NH	<p>No provisions on eCall in the relevant Serbian acts and hence no provision on the need to demonstrate that all new types of vehicles are equipped with a permanently installed 112-based eCall in-vehicle system</p>
5	<p>1. Manufacturers shall ensure that all of their new types of vehicle and 112-based eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles are manufactured and approved in accordance with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation.</p> <p>2. Manufacturers shall demonstrate that all new types of vehicles are constructed in such a way as to ensure that, in the event of a severe accident, detected by activation of one or more sensors or processors within the vehicle, which occurs in the territory of the Union, an eCall to the single European emergency number 112 is triggered automatically.</p> <p>Manufacturers shall demonstrate that new types of vehicles are constructed in such a way as to ensure that an</p>	<p>0.1</p> <p>0.2</p>	No provision	NH	<p>No provisions on eCall in the relevant Serbian acts and hence no provision on the related obligations of manufacturers</p>

<p>eCall to the single European emergency number 112 can also be triggered manually.</p> <p>Manufacturers shall ensure that the manual trigger control of the 112-based eCall in-vehicle system is designed in such a way as to avoid mishandling.</p> <p>3. Paragraph 2 is without prejudice to the right of the vehicle owner to use a TPS eCall in-vehicle system providing a similar service, in addition to the 112-based eCall in-vehicle system, provided that all the following conditions are met:</p> <p>(a) the TPS eCall in-vehicle system shall comply with the standard EN 16102:2011 ‘Intelligent transport systems — eCall — Operating requirements for third party support’;</p> <p>(b) manufacturers shall ensure that there is only one system active at a time and that the 112-based eCall in-vehicle system is triggered automatically in the event that the TPS eCall in-vehicle system does not function;</p> <p>(c) the vehicle owner shall have the right to choose to use the 112-based eCall in-vehicle system rather than a TPS eCall in-vehicle system at all times;</p> <p>(d) manufacturers shall include information on the right referred to in point (c) in the owner's manual.</p> <p>4. Manufacturers shall ensure that the receivers in the 112-based eCall in-vehicle systems are compatible with the positioning services provided by the Galileo and the EGNOS systems. Manufacturers may also choose, in addition, compatibility with other satellite navigation systems.</p> <p>5. Only those 112-based eCall in-vehicle systems, either permanently installed within the vehicle or type-approved separately, which can be tested shall be accepted for the purposes of EC type-approval.</p> <p>6. Manufacturers shall demonstrate that, in the event of a critical system failure which would result in an inability to execute a 112-based eCall, a warning will be given to the</p>				
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<p>occupants of the vehicle.</p> <p>7. The 112-based eCall in-vehicle system shall be accessible to all independent operators for a reasonable fee not exceeding a nominal amount and without discrimination for repair and maintenance purposes in accordance with Regulation (EC) No 715/2007.</p> <p>8. The Commission shall be empowered to adopt delegated acts in accordance with Article 8 establishing the detailed technical requirements and tests for the EC type-approval of vehicles in respect of their 112-based eCall in-vehicle systems and the EC type-approval of 112-based eCall in-vehicle systems, components and separate technical units.</p> <p>The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 2 to 7 and on the available standards relating to eCall, where applicable, including:</p> <p>(a) EN 16072:2015 ‘Intelligent transport systems — eSafety — Pan-European eCall operating requirements’;</p> <p>(b) EN 16062:2015 ‘Intelligent transport systems — eSafety — eCall high level application requirements (HLAR)’;</p> <p>(c) EN 16454:2015 ‘Intelligent transport systems — eSafety — Ecall end to end conformance testing’;</p> <p>(d) EN 15722:2015 ‘Intelligent transport systems — eSafety — eCall minimum set of data (MSD)’;</p> <p>(e) EN 16102:2011 ‘Intelligent transport systems — eCall — Operating requirements for third party support’;</p> <p>(f) any additional European standards relating to the eCall system adopted in conformity with the procedures laid down in Regulation (EU) No 1025/2012 of the European Parliament and of the Council (3), or Regulations of the United Nations Economic Commission for Europe (UNECE Regulations) relating to eCall systems to which</p>				
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	<p>the Union has acceded.</p> <p>The first such delegated acts shall be adopted by 9 June 2016.</p> <p>9. The Commission shall be empowered to adopt delegated acts in accordance with Article 8 to update the versions of the standards referred to in paragraph 8 of this Article when a new version is adopted.</p>				
6	<p>1. This Regulation is without prejudice to Directives 95/46/EC and 2002/58/EC. Any processing of personal data through the 112-based eCall in-vehicle system shall comply with the personal data protection rules provided for in those Directives.</p> <p>2. The personal data processed pursuant to this Regulation shall only be used for the purpose of handling the emergency situations referred to in the first subparagraph of Article 5(2).</p> <p>3. The personal data processed pursuant to this Regulation shall not be retained longer than necessary for the purpose of handling the emergency situations referred to in the first subparagraph of Article 5(2). Those data shall be fully deleted as soon as they are no longer necessary for that purpose.</p> <p>4. Manufacturers shall ensure that the 112-based eCall in-vehicle system is not traceable and is not subject to any constant tracking.</p> <p>5. Manufacturers shall ensure that, in the internal memory of the 112-based eCall in-vehicle system, data are automatically and continuously removed. Only the retention of the last three locations of the vehicle shall be permitted in so far as it is strictly necessary to specify the current location and the direction of travel at the time of the event.</p> <p>6. Those data shall not be available outside the 112-based eCall in-vehicle system to any entities before the eCall is triggered.</p> <p>7. Privacy enhancing technologies shall be embedded in</p>	<p>0.3</p> <p>5.</p>	<p>Podaci o ličnosti moraju:</p> <p>1) se obrađivati zakonito, pošteno i transparentno u odnosu na lice na koje se podaci odnose ("zakonitost, poštenje i transparentnost"). Zakonita obrada je obrada koja se vrši u skladu sa ovim zakonom, odnosno drugim zakonom kojim se uređuje obrada;</p> <p>2) se prikupljati u svrhe koje su konkretno određene, izričite, opravdane i zakonite i dalje se ne mogu obrađivati na način koji nije u skladu sa tim svrhama ("ograničenje u odnosu na svrhu obrade");</p> <p>3) biti primereni, bitni i ograničeni na ono što je neophodno u odnosu na svrhu obrade ("minimizacija podataka");</p> <p>4) biti tačni i, ako je to neophodno, ažurirani. Uzimajući u obzir svrhu obrade, moraju se preduzeti sve razumne mere kojima se obezbeđuje da se netačni podaci o ličnosti bez odlaganja izbrišu ili isprave ("tačnost");</p> <p>5) se čuvati u obliku koji omogućava identifikaciju lica samo u roku koji je neophodan za ostvarivanje svrhe obrade ("ograničenje čuvanja");</p> <p>6) se obrađivati na način koji obezbeđuje odgovarajuću zaštitu podataka o ličnosti, uključujući zaštitu od neovlašćene ili nezakonite obrade, kao i od slučajnog gubitka, uništenja ili oštećenja primenom odgovarajućih tehničkih, organizacionih i kadrovskih mera ("integritet i poverljivost").</p> <p>Rukovalac je odgovoran za primenu odredaba stava 1. ovog člana i mora biti u mogućnosti da predoči njihovu</p>	<p>PH</p>	<p>The Law does not delve particularly in the issue of e-privacy. However, as the overarching law in the area of data protection, the Law does regulate the lawfulness of personal data processing.</p> <p>The Law stipulates in Article 5 that the processing of personal data is lawful, inter alia, if the person to whom the data pertains has consented to processing, the processing is necessary in order to protect the vital interests of the person to whom the data pertains or other natural person, or that processing is necessary for performing activities that are in public interest or exercise of the authority prescribed by law. The Law further stipulates in Article 6 that the grounds for such processing must be envisaged by the law and that the law must also prescribe the purpose of processing or the fact that the processing is in public interest. In addition, such law must also envisage the observance of the principle of proportionality in the processing, the type of data that can be processed and the persons to whom such data can be disclosed. there could be room for ensuring that the processing of data done by the 112 without explicit consent is</p>

<p>the 112-based eCall in-vehicle system in order to provide eCall users with the appropriate level of privacy protection, as well as the necessary safeguards to prevent surveillance and misuse.</p> <p>8. The MSD sent by the 112-based eCall in-vehicle system shall include only the minimum information as referred to in the standard EN 15722:2011 'Intelligent transport systems — eSafety — eCall minimum set of data (MSD)'. No additional data shall be transmitted by the 112-based eCall in-vehicle system. That MSD shall be stored in such a way as to make its full and permanent deletion possible.</p> <p>9. Manufacturers shall provide clear and comprehensive information in the owner's manual about the processing of data carried out through the 112-based eCall in-vehicle system. That information shall consist of:</p> <p>(a) the reference to the legal basis for the processing;</p> <p>(b) the fact that the 112-based eCall in-vehicle system is activated by default;</p> <p>(c) the arrangements for data processing that the 112-based eCall in-vehicle system performs;</p> <p>(d) the specific purpose of the eCall processing, which shall be limited to the emergency situations referred to in the first subparagraph of Article 5(2);</p> <p>(e) the types of data collected and processed and the recipients of that data;</p> <p>(f) the time limit for the retention of data in the 112-based eCall in-vehicle system;</p> <p>(g) the fact that there is no constant tracking of the vehicle;</p> <p>(h) the arrangements for exercising data subjects' rights as well as the contact service responsible for handling access requests;</p>	<p>0.3. 6</p>	<p>primenu ("odgovornost za postupanje").</p> <p>Izuzetno od člana 5. stav 1. tačka 2) ovog zakona, ako se dalja obrada vrši u svrhe arhiviranja u javnom interesu, u svrhe naučnog ili istorijskog istraživanja, kao i u statističke svrhe, u skladu sa ovim zakonom, smatra se da se podaci o ličnosti ne obrađuju na način koji nije u skladu sa prvobitnom svrhom.</p> <p>Ako obrada u svrhu koja je različita od svrhe za koju su podaci prikupljeni nije zasnovana na zakonu koji propisuje neophodne i srazmerne mere u demokratskom društvu radi zaštite ciljeva iz člana 40. stav 1. ovog zakona, ili na pristanku lica na koje se podaci odnose, rukovalac je dužan da oceni da li je ta druga svrha obrade u skladu sa svrhom obrade za koju su podaci prikupljeni, posebno uzimajući u obzir:</p> <p>1) da li postoji veza između svrhe za koju su podaci prikupljeni i druge svrhe nameravane obrade;</p> <p>2) okolnosti u kojima su podaci prikupljeni, uključujući i odnos između rukovaoa i lica na koje se podaci odnose;</p> <p>3) prirodu podataka, a posebno da li se obrađuju posebne vrste podataka o ličnosti iz člana 17. ovog zakona, odnosno podaci o ličnosti u vezi sa krivičnim presudama i kažnjivim delima iz člana 19. ovog zakona;</p> <p>4) moguće posledice dalje obrade za lica na koje se podaci odnose;</p> <p>5) primenu odgovarajućih mera zaštite, kao što su kriptozastita i pseudonimizacija.</p> <p>Odredbe st. 1. i 2. ovog člana ne primenjuju se na obradu koju vrše nadležni organi u svrhe sprečavanja, istrage i otkrivanja krivičnih dela, gonjenja učinilaca krivičnih dela ili izvršenja krivičnih sankcija, uključujući sprečavanje i zaštitu od pretnji javnoj i nacionalnoj bezbednosti (u daljem tekstu: u posebne svrhe).</p> <p>Obrada u druge svrhe od strane nadležnih organa</p>	<p>done fully in line with data protection legislation even when it comes to calls that are not made in order to protect the vital interests of persons.</p>
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<p>(i) any necessary additional information regarding traceability, tracking and processing of personal data in relation to the provision of a TPS eCall and/or other added value services, which shall be subject to explicit consent by the owner and in compliance with Directive 95/46/EC. Particular account shall be taken of the fact that differences may exist between the data processing carried out through the 112-based eCall in-vehicle system and the TPS eCall in-vehicle systems or other added value services.</p> <p>10. In order to avoid confusion as to the purposes pursued and the added value of the processing, the information referred to in paragraph 9 shall be provided in the owner's manual separately for the 112-based eCall in-vehicle system and the TPS eCall systems prior to the use of the system.</p> <p>11. Manufacturers shall ensure that the 112-based eCall in-vehicle system and any additional system providing TPS eCall or an added-value service are designed in such a way that no exchange of personal data between them is possible. The non-use of a system providing TPS eCall or an added-value service or the refusal of the data subject to give consent to the processing of his or her personal data for a TPS eCall service or an added value service shall not create any adverse effects on the use of the 112-based eCall in-vehicle system.</p> <p>12. The Commission shall be empowered to adopt delegated acts in accordance with Article 8 in order to establish:</p> <p>(a) the detailed technical requirements and test procedures for the application of the rules on personal data processing referred to in paragraphs 2 and 3;</p> <p>(b) the detailed technical requirements and test procedures for ensuring that there is no exchange of personal data between the 112-based eCall in-vehicle system and third party systems as referred to in paragraph 11.</p> <p>The first such delegated acts shall be adopted by 9 June 2016.</p>	<p>0.3</p> <p>7</p>	<p>Član 7</p> <p>Podaci o ličnosti koji su prikupljeni od strane nadležnih organa u posebne svrhe ne mogu se obrađivati u svrhu koja je različita od svrhe za koju su podaci prikupljeni, osim ako je ta dalja obrada propisana zakonom.</p> <p>Obrada koju vrše nadležni organi u posebne svrhe, koje su različite od svrhe za koji su podaci o ličnosti prikupljeni, dozvoljena je ako su zajedno ispunjeni sledeći uslovi:</p> <p>1) rukovalac je ovlašćen da obrađuje te podatke o ličnosti u takve druge svrhe, u skladu sa zakonom;</p> <p>2) obrada je neophodna i srazmerna toj drugoj svrsi, u skladu sa zakonom.</p> <p>Obrada koju vrše nadležni organi u posebne svrhe može da obuhvati arhiviranje podataka o ličnosti u javnom interesu, odnosno njihovo korišćenje u naučne, statističke ili istorijske svrhe, pod uslovom da se primenjuju odgovarajuće tehničke, organizacione i kadrovske mere u cilju zaštite prava i sloboda lica na koje se podaci odnose.</p>	
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	<p>13. The Commission shall, by means of implementing acts, lay down:</p> <p>(a) the practical arrangements for assessing the absence of traceability and tracking referred to in paragraphs 4, 5 and 6;</p> <p>(b) the template for the user information referred to in paragraph 9.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).</p> <p>The first such implementing acts shall be adopted by 9 June 2016.</p>				
7	<p>With effect from 31 March 2018, national authorities shall only grant EC type-approval in respect of the 112-based eCall in-vehicle system to new types of vehicles and to new types of 112-based eCall in-vehicle systems, components and separate technical units designed and constructed for such vehicles which comply with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation.</p>	<p>0.1</p> <p>0.2</p>	No provision	NH	No provisions on eCall in the relevant Serbian acts and hence no provision on granting of EC type-approval in respect of the 112-based eCall in-vehicle system

Articles 8-14 not applicable as they relate to delegation of powers to adopt implementing legislation, the procedure and penalties.

1. Title of EU act: 2004/277/EC, Euratom: Commission Decision of 29 December 2003 laying down rules for the implementation of Council Decision 2001/792/EC, Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions	2. CELEX number of EU act 32004D0277
3. Title of the legal act the provisions the concordance of which with EU act are being analysed: 0.1. Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, "Sl. glasnik RS", br. 87/2018)	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹¹¹	Reasons for partial harmonisation, no harmonisation or non-transferability
2	For the purpose of this Decision the following definitions shall apply: (a) 'participating States' means the Member States, the candidate countries having signed a memorandum of understanding with the Commission, and Norway, Iceland and Liechtenstein; (b) 'third countries' means countries not participating in the mechanism.		No provisions.	NH	

¹¹¹ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
11.1. 11.2. 11.3.	<p>1. The participating States shall submit to the Commission the appropriate information using the 'Country card template' set out in the Annex.</p> <p>2. The participating States shall provide information on contact points in the context of civil protection and, where appropriate, of other services handling natural, technological, radiological or environmental accidents, including accidental marine pollution.</p> <p>3. The participating States shall notify the Commission of any changes to the information referred to in paragraphs 1 and 2 immediately.</p>		No provisions.	NH	
13.2.	2. The participating States shall ensure the fulfilment of the engagements undertaken in the context of the country card template, such as connection to the TESTA II network, availability of conformant web browsers and e-mail clients and implementation of PKI procedures, in line with the approved planning.		No provisions.	NH	
14	The participating States shall provide and regularly update their information on the experts selected in accordance with Article 3(b) of Decision 2001/792/EC, Euratom.		No provisions.	NH	
18	The experts shall, where necessary, follow the training programme set up in accordance with Article 21.		No provisions.	NH	
19	In the event of a request for assistance, the participating States shall be responsible for activating the available experts and put them in touch with the Monitoring and Information Centre.		No provisions.	NH	
27.2	2. The participating States and the Commission shall designate their trainees for each training session.		No provisions.	NH	
28.1	1. In the event of a major emergency within the participating States or imminent threat thereof, which causes or is capable of causing transboundary effects or which may result in a call for assistance through the Monitoring and Information Centre from one or more countries, the competent authority and/or contact points of the State in which the emergency is imminent or has		No provisions.	NH.	

a)	a1)	b)	b1)	c)	d)
	occurred, shall without delay inform the Monitoring and Information Centre via the established communication channels.				
28.5	Following the formal request, the participating States shall immediately inform the Monitoring and Information Centre about their current capacity for providing assistance, indicating its scope and terms.		No provisions.	NH	
29.1	A participating State or a third country affected by a major emergency shall, if assistance is required through the Community mechanism, address a formal request for civil protection assistance to the Monitoring and Information Centre.		No provisions	NH	
29.3	The State requesting assistance shall provide the Monitoring and Information Centre with all relevant information concerning the situation, and in particular, specific needs, the support requested and the location. If assistance in the form of experts and/or intervention teams and means is requested, the requesting State shall inform the Monitoring and Information Centre about the time frame and location of arrival of the assistance, and the on-site operational contact point managing the emergency.		No provisions.	NH	
29.5	Following the formal request, the participating States shall immediately inform the Monitoring and Information Centre about their current capacity for providing assistance, indicating its scope and terms.		No provisions.	NH	
29.7	The requesting State shall inform the Monitoring and Information Centre of which intervention teams and means it has selected.		No provisions	NH	
29.8	With regard to requests for intervention teams and means, the Monitoring and Information Centre shall inform the participating States of the selection of the requesting State. The participating States providing the assistance shall keep the Monitoring and Information Centre regularly informed on the dispatch of the intervention teams and means.		No provisions	NH	

a)	a1)	b)	b1)	c)	d)
29.11	The requesting State shall activate its own arrangements allowing coordination of the dispatched assistance at national or regional levels. The requesting State shall facilitate border crossings for the interventions and ensure logistical support.		No provisions	NH	
32.4	The requesting State shall inform the Monitoring and Information Centre on a regular basis about the evolution of ongoing activities at the site of the emergency		No provisions.	NH	
33.1	The requesting State or any of the participating States providing assistance shall inform the Monitoring and Information Centre and the dispatched Community experts and assistance intervention teams when their assistance is no longer required or can no longer be provided. The effective disengagement shall be organised in an appropriate way by the requesting State and the participating States; the Monitoring and Information Centre shall be kept informed thereof.		No provisions.	NH	
34.1	1. The competent authorities of the requesting State and of the participating States having provided assistance, as well as the dispatched Community experts, shall present their conclusions on all aspects of the intervention to the Monitoring and Information Centre. A summary report shall then be prepared by the Monitoring and Information Centre on the assistance provided.		No provisions.	NH	

The number of provisions are not transferrable including but not limited to: Articles 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13.1, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27.1, 27.3, 28.2, 28. 3, 28.4, 29.2, 29.4, 29.6, 29.9, 29.10, 30, 31, 35, 36, 37,

1. Title of EU act: Commission Decision of 20 December 2007 amending Decision 2004/277/EC, Euratom as regards rules for the implementation of Council Decision 2007/779/EC, Euratom establishing a Community civil protection mechanism (2008/73/EC, Euratom)	2. CELEX number of EU act 32008D0073
3. Title of the legal act the provisions the concordance of which with EU act are being analysed: 0.1. Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, "Sl. glasnik RS", br. 87/2018)	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹¹²	Reasons for partial harmonisation, no harmonisation or non-transferability
1.1.	Decision 2004/277/EC, Euratom is amended as follows: 1. In Article 2, the following definitions are added '(c) "intervention teams" means the human and material resources including civil protection modules (as referred to in Articles 3a, 3b and 3c) set-up by the Member States for civil protection interventions. (d) "technical assistance support teams" means the human and material resources set-up by the Member		No provisions.	NH	

¹¹² Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	States to fulfil support tasks.'				
1.2.	<p>Article 3c</p> <p>The Member States shall take the necessary measures to ensure that the following requirements are met:</p> <p>(a) civil protection modules have the capability to operate with other civil protection modules;</p> <p>(b) technical assistance support teams have the capability to operate with other technical assistance support teams and with civil protection modules;</p> <p>(c) components of a civil protection module have the capability to operate together as one civil protection module;</p> <p>(d) components of a technical assistance support team have the capability to operate together as one technical assistance support team;</p> <p>(e) civil protection modules and technical assistance support teams, when deployed outside the EU, are able to operate with international disaster response capabilities supporting the affected state;</p> <p>EN L 20/24 Official Journal of the European Union 24.1.2008</p> <p>(f) team leaders, deputy team leaders and liaison officers of civil protection modules and technical assistance support teams participate in appropriate training courses and exercises organised by the Commission in accordance with Article 5(5) of Decision 2007/NNN/EC, Euratom.'</p>		No provisions.	NH.	

1. Title of EU act : Commission Delegated Regulation (EU) 2017/79 of 12 September 2016 establishing detailed technical requirements and test procedures for the EC type-approval of motor vehicles with respect to their 112-based eCall in-vehicles systems, of 112-based eCall in-vehicle separate technical units and components and supplementing and amending Regulation (EU) 2015/758 of the European Parliament and of the Council with regard to the exemptions and applicable standards	2. CELEX number of EU act 32017R0079
3. Title of the legal act the provisions the concordance of which with EU act are being analysed 0.1. Law on Road Safety (Zakon o bezbednosti saobraćaja na putevima, "Sl. glasnik RS", br. 41/2009, 53/2010, 101/2011, 32/2013 - odluka US, 55/2014, 96/2015 - dr. zakon, 9/2016 - odluka US, 24/2018, 41/2018, 41/2018 - dr. zakon, 87/2018 i 23/2019) 0.2 Rulebook on technical examination of vehicles (Pravilnik o tehničkom pregledu vozila: 31/2018-41, 70/2018-45) 0.3 Law on Personal Data Protection (Zakon o zaštiti podataka o ličnosti, "Sl. glasnik RS", br. 87/2018)	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹¹³	Reasons for partial harmonisation, no harmonisation or non-transferability
1	This Regulation establishes detailed technical requirements and test procedures for the EC type-approval of the vehicles referred to in Article 2 of Regulation (EU) 2015/758 in respect of their 112-based eCall in-vehicle systems and of 112-based eCall in-vehicle separate technical units ('STUs') and components	0.1 0.2.	No provisions	NH	No provisions on eCall in the relevant Serbian acts

¹¹³ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
2	The classes of vehicles which for technical reasons cannot be fitted with an appropriate eCall triggering mechanism and for that reason are exempted from the requirement to be equipped with a 112-based eCall in-vehicle system are listed in Annex IX.	0.1 0.2	No provisions	NH	No provisions on eCall in the relevant Serbian acts
3	In case of multi-stage type-approval of the special purpose vehicles defined in points 5.1 and 5.5 of part A of Annex II to Directive 2007/46/EC, the type-approval granted at a previous stage in respect of the installation of a 112-based eCall in-vehicle system in the (base) vehicle shall remain valid, provided that the 112-based eCall in-vehicle system and the relevant sensors are not modified.	0.1 0.2	No provisions	NH	No provisions on eCall in the relevant Serbian acts
4	<p>For the purposes of this Regulation the following definitions shall apply:</p> <p>(1) ‘vehicle type with regard to the installation of a 112-based eCall in-vehicle system’ means motor vehicles that do not differ in such essential respects as the characteristics of the integration within the vehicle as well as the functionality and capability of essential hardware deploying an in-vehicle emergency call.</p> <p>(2) ‘type of 112-based eCall in-vehicle STU’ means a combination of specific hardware which does not differ in such essential respects as the characteristics, functionality and capability of deploying an in-vehicle emergency call when installed in a motor vehicle.</p> <p>(3) ‘type of 112-based eCall in-vehicle system component’ means specific hardware which does not differ in such essential respects as the characteristics, functionality and capability of facilitating the deployment of an in-vehicle emergency call when integrated in a 112-based eCall in-vehicle STU or 112-based eCall in-vehicle system.</p> <p>(4) ‘representative arrangement of parts’ means all parts required by the 112-based eCall in-vehicle system to successfully populate and transmit in an in-vehicle emergency call the minimum set of data referred to in the standard EN 15722:2015 ‘Intelligent transport systems —</p>	0.1 0.2	No provision	NH	No provisions on eCall in the relevant Serbian acts and hence

a)	a1)	b)	b1)	c)	d)
	<p>eSafety — eCall minimum set of data' ('MSD') including the control module, the power source, the mobile network communication module, the Global Navigation Satellite System receiver and the external Global Navigation Satellite System antenna and their connectors and wiring;</p> <p>(5) 'control module' means a component of the e-Call in-vehicle system designed to ensure the combined functioning of all modules, components and features of the system;</p> <p>(6) 'power source' means the component that supplies power to the 112-based e-Call in-vehicle system, including a back-up source if fitted, which feeds the system after the test referred to in point 2.3 of Annex I;</p> <p>(7) 'eCall log file' means any record generated at the moment of an automatic or manual eCall activation which is stored within the internal memory of the 112-based eCall in-vehicle system and consists only of the MSD;</p> <p>(8) 'Global Navigation Satellite System' ('GNSS') means an infrastructure composed of a constellation of satellites and a network of ground stations, which provides accurate timing and geolocation information to users having an appropriate receiver;</p> <p>(9) 'Satellite-Based Augmentation System' ('SBAS') means a regional navigation satellite system for monitoring and correcting signals emitted by existing global satellite navigation systems, giving the users better performance in terms of accuracy and integrity;</p> <p>(10) 'cold start mode' means the condition of a GNSS receiver when position, velocity, time, almanac and ephemeris data are not stored in the receiver and therefore the navigation solution is to be calculated by means of a full sky search;</p> <p>(11) 'up-to-date location' means the last known vehicle position determined at the latest moment possible before</p>				

a)	a1)	b)	b1)	c)	d)
	generation of the MSD.				
5	<p>1. EC type-approval of a vehicle with regard to the installation of a 112-based eCall in-vehicle system shall be subject to the vehicle and its system passing the tests laid down in Annexes I to VIII and complying with the relevant requirements laid down in those Annexes.</p> <p>2. Where the motor vehicle is fitted with a type of 112-based eCall in-vehicle STU that has been type-approved in accordance with Article 7, the vehicle and its system shall have to pass the tests laid down in Annexes II, III and V and to comply with all relevant requirements laid down in those Annexes.</p> <p>3. Where the 112-based eCall in-vehicle system of the motor vehicle comprises one or more components that have been type-approved in accordance with Article 6, the motor vehicle and its system shall have to pass the tests laid down in Annexes I to VIII and to comply with all relevant requirements laid down in those Annexes. The assessment of whether the system complies with those requirements may however partly be based on the results of the tests referred to in Article 6(3).</p>	0.1 0.2	No provision	NH	No provisions on eCall in the relevant Serbian acts
6	<p>1. EC type-approval of a 112-based eCall in-vehicle system component shall be subject to the component passing the tests laid down in Annex I and complying with the relevant requirements in that Annex.</p> <p>2. For the purposes of paragraph 1, only the verification procedure for components laid down in point 2.8 of Annex I shall apply after the individual parts are subjected to the test referred to in point 2.3 of this Annex.</p> <p>3. Upon request of the manufacturer, a component may additionally be tested by the technical service for compliance with the requirements set out in Annexes IV, VI and VII that are relevant to the functionalities of the component. Compliance with those requirements shall be indicated on the type-approval certificate issued in</p>	0.1 0.2	No provision	NH	

a)	a1)	b)	b1)	c)	d)
	accordance with Article 3(3) of Commission Implementing Regulation (EU) 2017/78				
7	<p>1. EC type-approval of a 112-based eCall in-vehicle STU shall be subject to the STU passing the tests laid down in Annexes I, IV, VI, VII and VIII and complying with the relevant requirements laid down in those Annexes.</p> <p>2. Where the 112-based eCall in-vehicle STU comprises one or more components that have been type-approved in accordance with Article 6, the STU shall have to pass the tests laid down in Annexes I, IV, VI, VII and VIII and to comply with all relevant requirements laid down in those Annexes. The assessment of whether the STU complies with those requirements may however partly be based on the results of the test referred to in Article 6(3).</p>	0.1 0.2	No provision	NH	
8	Member States shall refuse to grant EC type-approval for new types of motor vehicles that do not comply with the requirements set out in this Regulation.	0.1	No provisions	NH	
9	<p>The second subparagraph of Article 5(8) of Regulation (EU) 2015/758 is replaced by the following:</p> <p>‘The technical requirements and tests referred to in the first subparagraph shall be based on the requirements set out in paragraphs 2 to 7 and on the available standards relating to eCall, where applicable, including:</p> <p>(a)</p> <p>EN 16072:2015 “Intelligent transport systems — eSafety — Pan-European eCall operating requirements”;</p> <p>(b)</p> <p>EN 16062:2015 “Intelligent transport systems — eSafety — eCall high level application requirements (HLAR)”;</p> <p>(c)</p> <p>EN 16454:2015 “Intelligent transport systems — eSafety — Ecall end to end conformance testing”;</p>	0.1 0.2	No provision	NH	

a)	a1)	b)	b1)	c)	d)
	<p>(d)</p> <p>EN 15722:2015 “Intelligent transport systems — eSafety — eCall minimum set of data (MSD)”;</p> <p>(e)</p> <p>EN 16102:2011 “Intelligent transport systems — eCall — Operating requirements for third party support”;</p> <p>(f)</p> <p>any additional European standards relating to the eCall system adopted in conformity with the procedures laid down in Regulation (EU) No 1025/2012 of the European Parliament and of the Council (*1), or Regulations of the United Nations Economic Commission for Europe (UNECE Regulations) relating to eCall systems to which the Union has acceded.</p>				

1. . Title of EU act: Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism as amended by Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism	2. CELEX number of EU act 02013D1313-20190321
3. Title of the legal act the provisions the concordance of which with EU act are being analysed 0.1 Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, Službeni glasnik RS, br. 87/2018	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹¹⁴	Reasons for partial harmonisation, no harmonisation or non-transferability
4.1.1	'disaster' means any situation which has or may have a severe impact on people, the environment, or property, including cultural heritage	0.1 2.1	katastrofa predstavlja elementarnu nepogodu ili tehničko-tehnološku nesreću čije posledice ugrožavaju bezbednost, život i zdravlje većeg broja ljudi, materijalna i kulturna dobra ili životnu sredinu u većem obimu, a čiji nastanak ili posledice nije moguće sprečiti ili otkloniti redovnim delovanjem nadležnih organa i službi	PH	The Serbian law definition of disaster is more specific as it additionally states that the disaster is an occurrence that could not have been prevented or redressed by regular operation of competent public authorities
4.1.2	'response' means any action taken upon request for assistance under the Union Mechanism in the event of an imminent disaster, or during or after a disaster, to address its immediate adverse consequences;	0.1 2.20	ublažavanje posledica je smanjenje ili ograničenje nepovoljnih uticaja ili posledica katastrofa nastalih gubitkom života i zdravlja ljudi, fizičkim i psihičkim bolom, strahom ili gubitkom, nestankom, umanjeanjem imovine,	PH	Serbian Law includes a definition of remediation or containment of adverse effects or consequences of

¹¹⁴ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
			ili sprečavanjem povećanja njene vrednosti, na prostoru koji je ugrožen nastalom katastrofom		distaters.
4.1.3	'preparedness' means a state of readiness and capability of human and material means, structures, communities and organisations enabling them to ensure an effective rapid response to a disaster, obtained as a result of action taken in advance	0.1 2.19	pripremljenost podrazumeva znanje i kapacitete koji se razvijaju za efikasan odgovor i obnovu od katastrofa	PH	The Serbian law includes a laconic reference to capacities
4.1.4	prevention' means any action aimed at reducing risks or mitigating adverse consequences of a disaster for people, the environment and property, including cultural heritage	0.1 2.14	prevencija obuhvata skup mera i aktivnosti za ublažavanje postojećih rizika kao i smanjenje rizika od nastanka novih posledica katastrofe	FH	
4.1.5	early warning' means the timely and effective provision of information that allows action to be taken to avoid or reduce risks and the adverse impacts of a disaster, and to facilitate preparedness for an effective response	0.1 94.1	Rano upozoravanje, obaveštavanje i uzbunjivanje predstavlja skup aktivnosti usmerenih na otkrivanje, praćenje i prikupljanje informacija kao i blagovremeno obaveštavanje i upozoravanje subjekata i snaga sistema smanjenja rizika od katastrofa i upravljanja vanrednim situacijama o svim vrstama opasnosti koje mogu ugroziti ljude, životnu sredinu, materijalna i kulturna dobra.	FH	
4.1.6	'module' means a self-sufficient and autonomous predefined task- and needs-driven arrangement of Member States' capabilities or a mobile operational team of the Member States, representing a combination of human and material means that can be described in terms of its capacity for intervention or by the task(s) it is able to undertake;	0.1	No provision	NH	
4.1.7	'risk assessment' means the overall cross-sectoral process of risk identification, risk analysis, and risk evaluation undertaken at national or appropriate sub-national level;	0.1	procena rizika je utvrđivanje prirode i stepena rizika od potencijalne opasnosti, stanja ugroženosti i posledica koje mogu da ugroze život i zdravlje ljudi, životnu sredinu i materijalna i kulturna dobra	PH	There is no reference to cross-sectoral process of risk identification in the Serbian law
4.1.8 – 4.1.12	'risk management capability' means the ability of a Member State or its regions to reduce, adapt to or mitigate risks (impacts and likelihood of a disaster), identified in its risk assessments to levels that are acceptable in that Member State. Risk management capability is assessed in terms of the technical, financial	0.1	No provision	NH	

a)	a1)	b)	b1)	c)	d)
	<p>and administrative capacity to carry out adequate:</p> <p>(a) risk assessments;</p> <p>(b) risk management planning for prevention and preparedness; and</p> <p>(c) risk prevention and preparedness measures</p> <p>'host nation support' means any action undertaken in the preparedness and response phases by the country receiving or sending assistance, or by the Commission, to remove foreseeable obstacles to international assistance offered through the Union Mechanism. It includes support from Member States to facilitate the transiting of this assistance through their territory;</p> <p>10. 'response capacity' means assistance that may be provided through the Union Mechanism upon request;</p> <p>11. 'logistical support' means the essential equipment or services required for expert teams referred to in Article 17(1) to perform their tasks, inter alia communication, temporary accommodation, food or in-country transport;</p> <p>12. 'participating State' means a third country participating in the Union Mechanism in accordance with Article 28(1).</p>				
14	<p>In the event of a disaster within the Union, or of an imminent disaster, which causes or is capable of causing trans-boundary effects or affects or is capable of affecting other Member States, the Member State in which the disaster occurs or is likely to occur shall, without delay, notify the potentially affected Member States and, where</p>	<p>0.1</p> <p>25.1.20</p>	<p>20) prikuplja i obrađuje podatke i informacije o katastrofama, vrši razmenu informacija i podataka sa nadležnim službama drugih država ili međunarodnim organizacijama o opasnostima, udesima sa prekograničnim efektima, katastrofama i drugim nesrećama;</p>	PH	<p>The Serbian law does envisage the possibility of sharing information with services of other countries or international organisations related to disasters. but does not envisage an obligation of notifying other</p>

a)	a1)	b)	b1)	c)	d)
	<p>the effects are potentially significant, the Commission.</p> <p>The first subparagraph shall not apply where the obligation of notification has already been addressed under other Union legislation, under the Treaty establishing the European Atomic Energy Community or under existing international agreements.</p>				potentially affected states
16.1	<p>When a disaster occurs outside the Union, or is imminent, the affected country may request assistance through the ERCC. The assistance may also be requested through or by the United Nations and its agencies, or a relevant international organisation. A request for assistance shall lapse after a maximum period of 90 days, unless new elements justifying the need for continued or additional assistance are provided to the ERCC.</p>	<p>0.1</p> <p>25.1.16</p> <p>95.6</p>	<p>koordinira primanje i pružanje međunarodne pomoći</p> <p>Nacionalni centar 112 obavlja međunarodne komunikaciono-informativne poslove iz ove oblasti</p>	PH	<p>The Law mandates the Ministry of Interior with coordinating the requests for assistance. International communication is further entrusted to the National Centre 112. The Law does not further regulate or refer to the relation between the National Centre 112 and the ERCC.</p>
16.3	<p>The Commission shall support the consistency in the delivery of the assistance through the following actions:</p> <p>(a) maintaining a dialogue with the Member States' contact points in order to ensure an effective and coherent Union disaster response contribution through the Union Mechanism to the overall relief effort, in particular by:</p> <p>(i) informing Member States without delay of the full requests for assistance;</p> <p>(ii) supporting a common assessment of the situation and needs, providing technical advice and/or facilitating the coordination on site of assistance through the presence of a civil protection expert team on site;</p> <p>(iii) sharing relevant assessments and analyses with all relevant actors;</p> <p>(iv) providing an overview of assistance being offered by Member States and other actors;</p>	<p>0.1</p> <p>25.1.16</p> <p>95.6</p>	<p>koordinira primanje i pružanje međunarodne pomoći</p> <p>Nacionalni centar 112 obavlja međunarodne komunikaciono-informativne poslove iz ove oblasti</p>	PH	<p>It seems that for all intents and purposes the National Centre 112 is the contact point. However, the Serbian law regulates this issue in very broad terms and additional provisions on cooperation in the law, and more detailed ones in a secondary act, would be most useful.</p>

a)	a1)	b)	b1)	c)	d)
	<p>(v) advising on the type of assistance required in order to ensure that the assistance provided is consistent with the needs assessments; and</p> <p>(vi) assisting in overcoming any practical difficulties in the delivery of assistance in areas such as transit and customs;</p> <p>(b) immediately making recommendations, when possible in cooperation with the affected country, based on the needs on the ground and any relevant pre-developed plans, inviting Member States to deploy specific capacities and facilitating the coordination of the requested assistance;</p> <p>(c) liaising with the affected country on technical details, such as the precise needs for assistance, the acceptance of offers and the practical arrangements for the local reception and distribution of assistance;</p> <p>(d) liaising with or supporting OCHA, and cooperating with other relevant actors that contribute to the overall relief effort, in order to maximise synergies, seek complementarities and avoid duplication and gaps; and</p> <p>(e) liaising with all relevant actors, in particular in the closing phase of the assistance intervention under the Union Mechanism, to facilitate a smooth handover.</p>				

1. Title of EU act: Commission Implementing Decision of 16 October 2014 laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism and repealing Commission Decisions 2004/277/EC, Euratom and 2007/606/EC, Euratom (2014/762/EU)	2. CELEX number of EU act 32014D0762
3. Title of the legal act the provisions the concordance of which with EU act are being analysed: 0.1. Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, "Sl. glasnik RS", br. 87/2018)	
4. Concordance of the provision of the legal act with the provisions of EU act:	

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹¹⁵	Reasons for partial harmonisation, no harmonisation or non-transferability

¹¹⁵ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
2.1.	<p>For the purposes of this Decision, the following definitions shall apply:</p> <p>‘requester of assistance’ means the Member State or a third country affected by a disaster or imminent disaster or expecting to be affected by an imminent disaster, as well as the United Nations and its agencies and other relevant international organisations as specified in Annex VII;</p> <p>(2) ‘civil protection assistance’ means teams, experts or modules intended for civil protection, with their equipment, as well as relief materials or supplies needed to mitigate the immediate consequences of a disaster;</p> <p>(3) ‘buffer capacities’ means disaster response capacities, the availability of and rapid access to which are co-financed under Article 21(2)(d) of Decision No 1313/2013/EU;</p> <p>(4) ‘intervention team’ means the human and material resources, including modules, set up by one or more Member States for civil protection interventions;</p> <p>(5) ‘technical assistance and support team’ means the human and material resources set-up by one or more Member States to fulfil support tasks, as referred to in Annex II.</p>		No provisions.	NH	
3.1.	<p>Each Member State shall designate a national contact point for the ERCC available 24 hours a day and seven days a week. The designation shall be made using the ‘Country card template’ set out in Annex I.</p>		No provisions.	NH	

a)	a1)	b)	b1)	c)	d)
6.1.	1. Member States shall submit to the Commission the appropriate information using the 'Country card template' set out in Annex I.		No provisions.	NH	
6.2.	2. Member States shall provide information on contact points and, where necessary, of other services handling natural, technological, and radiological disasters or environmental accidents, including accidental marine pollution.		No provisions.	NH	
6.3.	3. Member States shall notify the Commission of any changes to the information referred to in paragraphs 1 and 2 immediately.		No provisions.	NH	
6.5.	Member States shall ensure that the designated section in the CECIS database is always up-to-date as regards the availability status and all necessary factual data concerning the relevant characteristics of all registered response capacities in the EERC.		No provisions	NH	

a)	a1)	b)	b1)	c)	d)
8.2.	2. Member States shall implement the appropriate CECIS information technology environment on their territory in accordance with the commitments made using the 'Country card template' set out in Annex I.		No provisions.	NH	
10.1.	Member States shall register their modules, technical assistance and support teams, other response capacities and experts identified in accordance with Article 9(6) of Decision No 1313/2013/EU in the CECIS database.		No provisions.	NH	
13.4	4Member States shall take the necessary measures to ensure that: (a) modules have the capability to operate with other modules; (b) technical assistance and support teams have the capability to operate with other technical assistance and support teams and with relevant actors on the ground; (c) components of a module have the capability to operate together as one module; (d) components of a technical assistance and support team have the capability to operate together as one technical assistance and support team; (e) modules and technical assistance and support teams, when deployed outside the Union, are able to operate with international disaster response capabilities supporting the affected country; (f) team leaders, deputy team leaders and liaison officers of modules and technical assistance and support teams participate in appropriate training courses and exercises organised by the Commission, as set out in Articles 26-3		No provisions.	NH	

a)	a1)	b)	b1)	c)	d)
14.3.	Member States shall provide to the Commission relevant information on risks necessary for the assessment of the capacity goals.		No provisions.	NH	
16.3.	Member States offering a particular module, technical assistance and support team, other response capacity, or expert for inclusion in the EERC, shall provide the information elements set out in Annex V.		No provisions.	NH	
17.1.	1. Member States may request a grant for the financing of adaptation costs individually per module, technical assistance and support team, or other response capacity, without the Commission publishing a call for proposals. Adaptation costs comprise the cost elements specified in Article 21(2)(c) of Decision No 1313/2013/EU.		No provisions.	NH	
17.2.	2. In order to substantiate this request, Member States shall submit to the Commission implementation plans for adaptation costs, including estimated costs and timeline.				
17.5.	5. Member States shall report to the Commission on the details of the costs incurred for adaptation costs. 6				

a)	a1)	b)	b1)	c)	d)
20.5.	5. Member States shall inform the Commission in writing within the set deadline of the details of any capacities referred to in paragraph 2.		No provisions.	NH	
20.6.	6. Where a Member State does not reply in writing within the specified deadline the Commission shall assume for the purpose of this assessment that no capacities referred to in paragraph 2 are available in that Member State.				
21.3.	3. Member States shall communicate to the Commission if, when, and how they plan to address the strategic response capacity gaps, either individually or through cooperating with other Member States.		No provisions.		
22.3.	3. Member States shall indicate, inter alia, the percentage of Union co-financing required		No provisions.	NH	
25.2.	2. Member States shall make buffer capacities available as part of the voluntary pool.		No provisions.	NH	
25.9.	9. Buffer capacities registered in the voluntary pool shall be available for domestic use in the Member States that have co-financed the availability of the capacities. Prior to				

a)	a1)	b)	b1)	c)	d)
	the domestic use, these Member States shall consult with the ERCC to confirm that: (i) there is no simultaneous or imminent extraordinary disaster that may lead to a request for deployment of the buffer capacity; (ii) the domestic use does not unduly hinder the rapid access of other Member States in the event new extraordinary disasters arise.				
34. 4.	4. Member States shall periodically report on progress made in the implementation of identified lessons which fall into their national responsibility.		No provisions.	NH	
35.3. 35.4. 35.5.	3. A Member State or a third country affected by a disaster or threatened by an imminent disaster shall, if they wish to request assistance through the Union Mechanism, address a written request for civil protection assistance to the ERCC through its competent national authorities. If they wish to request assistance through the Union Mechanism, the United Nations and its agencies, or any of the international organisations specified in Annex VII, shall address a written request for civil protection assistance to the ERCC. 4. The requester of assistance shall provide the ERCC with all relevant information concerning the situation, and in particular specific needs, the support requested, and the location. 5. The requester of assistance shall inform the ERCC about the time frame, the entry point, and the location for which the assistance is requested, and the on-site operational contact point managing the disaster.		No provisions.	NH	

a)	a1)	b)	b1)	c)	d)
35.9.	9. Member States to which an invitation is addressed to deploy capacities from the EERC shall, in accordance with Article 11(7) of Decision No 1313/2013/EU, communicate their ultimate decision on deployment to the ERCC. The ERCC shall specify the time limit within which the Member State shall in principle reply. This deadline shall be based on the nature of the disaster and shall in any case not be less than two hours.				
35.10.	10. The requester of assistance shall inform the ERCC which offers of assistance it has accepted.				
37.1.	1. The requesting Member State or any of the Member States providing assistance shall inform as soon as possible the ERCC and the dispatched experts and intervention teams in case they consider their assistance is no longer required or can no longer be provided. The effective disengagement shall be organised in an appropriate way by the requester of assistance and the Member States. The ERCC shall be kept informed thereof.		No provisions.	NH	
38.1	1. The competent authorities of the requester of assistance and of the Member States having provided assistance, as well as the dispatched experts, shall have the possibility to present their conclusions on all aspects of the intervention to the ERCC. A summary report shall be prepared by the ERCC on the assistance provided and any relevant lessons identified. 2		No provisions.	NH	

a)	a1)	b)	b1)	c)	d)
39.2.	2. Any Member State providing assistance may, bearing in mind in particular the nature of the disaster and the extent of any damage, offer its assistance entirely or partially free of charge. That Member State may also waive all or part of the reimbursement of its costs at any time.				
39.3.	3. Unless agreed otherwise, for the duration of the intervention, the requester of assistance shall facilitate board and accommodation for the assisting teams and replenish supplies and provisions free of charge. Nevertheless, assisting teams shall be initially logistically independent and self-sufficient for a reasonable period depending on the used assets and shall inform the ERCC accordingly.		No provisions.	NH	
40.	1. Member States requesting assistance shall refrain from making any request for compensation from Member States for damage caused where such damage is the consequence of assistance intervention provided under the Union Mechanism and this Decision, unless it is proven to be the result of fraud or serious misconduct. 2. In the event of damage suffered by third parties as the result of assistance interventions, the Member States requesting assistance and the Member State providing assistance shall cooperate to facilitate compensation of such damage in accordance with applicable laws and relevant frameworks.		No provisions.	NH	
45.	In the event of a request for assistance, Member States shall be responsible for nominating the available experts and for sharing their contact details with the ERCC.		No provisions.	NH	

a)	a1)	b)	b1)	c)	d)
50.4.	4. The Member State making the request shall inform the Commission of the transport solutions it has selected and shall liaise with Member States providing such support or the operator identified by the Commission.		No provisions.	NH	
50.5.	5. The Commission shall inform all Member States of the selection made by the Member State making the request. That Member State shall keep the Commission regularly informed of the progress in the delivery of its civil protection assistance.				
51.1.	1. Where a possible transport solution has been identified by a Member State but Union funding is required to allow the transport of the civil protection assistance, the Member State may request a grant from the Union.		No provisions.	NH	
51.2.	2. The Member State shall indicate in its request the percentage of Union co-financing it applies for, which shall not exceed 55 % of the eligible costs for transport actions under Article 23(2) of Decision No 1313/2013/EU and not exceed a maximum of 85 % of the eligible costs for transport actions under Article 23(3)(a) and (b) of Decision No 1313/2013/EU. The Commission shall immediately inform all Member States of the request.				
52.3.	3. On the basis of the exchange of information referred to in paragraphs 1 and 2, the Member State shall confirm in writing its request for a transport service and its commitment to reimburse the Commission according to the provisions of Article 54. The Member State shall indicate what percentage of the costs it will reimburse. That percentage shall be no less than 45 % for transport actions under Article 23(2) of Decision No 1313/2013/EU and 15 % for transport actions under Article 23(3)(a) and (b) of Decision No 1313/2013/EU.		No provisions.	NH	

a)	a1)	b)	b1)	c)	d)
52.4.	4. The Member State shall immediately notify the Commission of any changes to the request for a transport service.				
53.2.	2. Member States shall provide any additional information needed to assess the fulfilment of the criteria set out in Article 23(1)(d) of Decision No 1313/2013/EU. Member States shall inform the Commission as soon as possible upon receipt of a request from the Commission for such information.		No provisions.	NH	
55	The Member State requesting transport support shall refrain from making any request for compensation from the Union for damage caused to its property or service staff where such damage is the consequence of the provision of transport support governed by this Decision, unless it is proven to be the result of fraud or serious misconduct.		No provisions.	NH	
56	Member States shall designate the competent authorities authorised to request and receive financial support from the Commission in application of this Decision and shall inform the Commission thereof within 60 days after notification of this Decision. Any changes in that information shall be immediately notified to the Commission. However, notifications of competent authorities made by Member States under Article 12 of Decision 2007/606/EC, Euratom, shall remain valid until further notice from the		No provisions.	NH	

a)	a1)	b)	b1)	c)	d)
	concerned Member State.				

<div>1. . Title of EU act:</div> <div>Regulation (EU) No 375/2014 of the European Parliament and of the Council of 3 April 2014 establishing the European Voluntary Humanitarian Aid Corps</div>	<div>2. CELEX number of EU act</div> <div>02014R0375-20140101</div>
<div>3. Title of the legal act the provisions the concordance of which with EU act are being analysed</div> <div>0.1 Law on Disaster Risk Reduction and Managing Emergency Situations (Zakon o smanjenju rizika od katastrofa i upravljanju vanrednim situacijama, Službeni glasnik RS, br. 87/2018)</div> <div>0.2 Law on Volunteering (Zakon o volontiranju "Sl. glasnik RS", br. 36/2010)</div>	
<div>4. Concordance of the provision of the legal act with the provisions of EU act:</div>	

a)	a1)	b)	b1)	c)	d)

a)	a1)	b)	b1)	c)	d)
Provision of EU Act	Content of the provision	Provisions of Serbian legal act	Content of the provisions	Concordance ¹¹⁶	Reasons for partial harmonisation, no harmonisation or non-transferability
1.1	This Regulation establishes a European Voluntary Humanitarian Aid Corps ('the EU Aid Volunteers initiative') as a framework for joint contributions from European volunteers to support and complement humanitarian aid in third countries.		No provision	NH	
1.2	This Regulation lays down the rules and procedures for the operation of the EU Aid Volunteers initiative and rules for the provision of financial assistance.				
2.	<p>This Regulation applies to:</p> <p>(1) selection, training and deployment of EU Aid Volunteers to support and complement humanitarian aid in third countries;</p> <p>(2) actions that support, promote and prepare the deployment of EU Aid Volunteers to support and complement humanitarian aid in third countries;</p> <p>(3) actions inside and outside the Union aimed at building the hosting organisations' capacity for humanitarian aid in third countries.</p>		No provision	NH	
3.	<p>For the purposes of this Regulation, the following definitions apply:</p> <p>(a) 'volunteer' means a person who chooses freely and without pecuniary motivation to engage in activities that benefit a community and society at large;</p>	<p>0.2</p> <p>2.1</p>	Volontiranje, u smislu ovog zakona, jeste organizovano dobrovoljno pružanje usluge ili obavljanje aktivnosti od opšteg interesa, za opšte dobro ili za dobro drugog lica, bez isplate novčane naknade ili potraživanja druge imovinske koristi, osim ako ovim zakonom nije drukčije određeno.	PH	The provisions of the Serbian Law on Volunteering is harmonised with respect to the definition of volunteering i.e volunteer. However, given that the law also

¹¹⁶ Fully harmonised FH, Partially harmonised PH, Not harmonised NH, Not transferable NT

a)	a1)	b)	b1)	c)	d)
	<p>(b) ‘candidate volunteer’ means a person eligible in accordance with Article 11(3) to apply for participation in the actions under the EU Aid Volunteers initiative;</p> <p>(c) ‘EU Aid Volunteer’ means a candidate volunteer who has been selected, trained in accordance with the specific standards, procedures and reference criteria, assessed as eligible and registered as available for deployment to support and complement humanitarian aid in third countries;</p> <p>(d) ‘humanitarian aid’ means activities and operations in third countries intended to provide needs-based emergency assistance aimed at preserving life, preventing and alleviating human suffering, and maintaining human dignity in the face of man-made crises or natural disasters. It encompasses assistance, relief and protection operations in humanitarian crises or their immediate aftermath, supporting measures to ensure access to people in need and to facilitate the free flow of assistance, as well as actions aimed at reinforcing disaster preparedness and disaster risk reduction, and contributing towards strengthening resilience and capacity to cope with, and recover from, crises;</p> <p>(e) ‘third country’ means a country outside the Union where humanitarian aid activities and operations referred to in point (d) take place.</p>	0.2 3	<p>Volontiranjem, u smislu ovog zakona, ne smatra se:</p> <p>1) vreme provedeno na stručnom osposobljavanju i usavršavanju ili na praktičnom radu bez zasnivanja radnog odnosa, u skladu sa zakonom;</p> <p>2) rad van radnog odnosa, u skladu sa zakonom;</p> <p>3) obavljanje usluga ili aktivnosti koje je jedno lice dužno da pruži drugom licu, u skladu sa zakonom i drugim propisom;</p> <p>4) izvršavanje sudskih, prekršajnih i drugih odluka nadležnih organa;</p> <p>5) obavljanje usluga ili aktivnosti koje su uobičajene u porodičnim, prijateljskim ili susedskim odnosima;</p> <p>6) obavljanje poslova Crvenog krsta Srbije koji su vezani za ostvarivanje ciljeva i zadataka u skladu sa zakonom i drugim propisom;</p> <p>7) obavljanje poslova i aktivnosti u političkim strankama, sindikatima i drugim udruženjima, koji su vezani za ostvarivanje ciljeva i zadataka tih organizacija, odnosno udruženja od strane njihovih članova, u skladu sa statutom;</p> <p>8) obavljanje "ad hoc" aktivnosti od opšteg interesa, za opšte dobro ili za dobro trećeg lica, koje ne traju duže od 10 časova nedeljno, najduže 30 dana bez prekida ili sa prekidima, u toku kalendarske godine.</p>		<p>prescribes that it does consider the operation of the Red Cross as volunteering and that volunteering on ad hoc basis for less than 10 hours a week as volunteering, it may well occur that some types of volunteering activities that would be covered by EU acquis are not covered by Serbian Law.</p> <p>Relevant Serbian regulatory framework does not include any provisions on EU AID volunteers or on the meaning of the term humanitarian aid.</p>

a)	a1)	b)	b1)	c)	d)
4.	<p>The objective of the EU Aid Volunteers initiative shall be to contribute to strengthening the Union's capacity to provide needs-based humanitarian aid aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity and to strengthening the capacity and resilience of vulnerable or disaster-affected communities in third countries, particularly by means of disaster preparedness, disaster risk reduction and by enhancing the link between relief, rehabilitation and development. That objective shall be attained through the added value of joint contributions of EU Aid Volunteers, expressing the Union's values and solidarity with people in need and visibly promoting a sense of European citizenship.</p>				
5.	<p>General principles</p> <p>1. The actions under the EU Aid Volunteers initiative shall be conducted in compliance with the humanitarian aid principles of humanity, neutrality, impartiality and independence and with the European Consensus on Humanitarian Aid.</p>		No provision	NT	

a)	a1)	b)	b1)	c)	d)
	<p>2. The actions under the EU Aid Volunteers initiative shall respond to the humanitarian needs of local communities and the requirements of the hosting organisations and shall aim to contribute to enhancing the effectiveness of the humanitarian sector.</p> <p>3. The safety and security of candidate volunteers and EU Aid Volunteers shall be a priority.</p> <p>4. The EU Aid Volunteers initiative shall promote needs-based joint projects and transnational partnerships between participating volunteers from different countries and organisations implementing the actions under that initiative as referred to in Article 10.</p>				
6.	<p>1. In implementing this Regulation, coherence and complementarity shall be ensured with other instruments and areas of Union external action and with other relevant Union policies, in particular humanitarian aid policy, development cooperation policy and the Union Civil Protection Mechanism, while avoiding duplication and overlap, and recognising that humanitarian aid is governed by the humanitarian aid principles referred to in Article 5(1) of this Regulation. Particular attention shall be paid to ensure smooth transition between relief, rehabilitation and development.</p> <p>2. The Commission and the Member States shall cooperate to achieve efficiency and effectiveness, by ensuring consistency and coherence between relevant national volunteering schemes and the actions under the EU Aid Volunteers initiative. Those actions shall build on relevant good practices and existing programmes and, where appropriate, make use of established European networks.</p> <p>3. The Union shall foster cooperation with relevant international organisations, and other humanitarian partners and local and regional actors, in implementing the actions under the EU Aid Volunteers initiative.</p>		No provision	NT	

a)	a1)	b)	b1)	c)	d)
	In promoting a coherent international response to humanitarian crises, the actions under the EU Aid Volunteers initiative shall be in accordance with those undertaken by the United Nations, in order to support the central and overall coordinating role of UN-OCHA.				
7.	<p>1. The EU Aid Volunteers initiative shall pursue the following operational objectives:</p> <p>(a) Contribute to increasing and improving the capacity of the Union to provide humanitarian aid.</p> <p>Progress towards the achievement of this operational objective shall be assessed on the basis of indicators, such as:</p> <p>— the number of EU Aid Volunteers deployed or ready for deployment with the required qualifications and the number of EU Aid Volunteers who have completed their contracts of deployment;</p> <p>— the number of people reached by humanitarian aid provided through the EU Aid Volunteers initiative and the average cost per person reached;</p> <p>— the degree of satisfaction of EU Aid Volunteers deployed and of the sending and hosting organisations with regard to the effective humanitarian contribution of EU Aid Volunteers on the ground.</p> <p>(b) Improve the skills, knowledge and competences of volunteers in the field of humanitarian aid and the terms and conditions of their engagement.</p> <p>Progress towards the achievement of this operational objective shall be assessed on the basis of indicators, such as:</p> <p>— the number of candidate volunteers trained and volunteers who have successfully passed the assessment after the training;</p>		No provision	NT	

a)	a1)	b)	b1)	c)	d)
	<p>— the number of certified sending organisations applying the standards and procedures for management of candidate volunteers and EU Aid Volunteers;</p> <p>— the degree of satisfaction of the volunteers trained and deployed, of the sending and hosting organisations with regard to the quality of the training, level of knowledge and competences of volunteers, the fulfilment and adequacy of the standards and procedures for management of candidate volunteers and EU Aid Volunteers.</p> <p>(c) Build the capacity of hosting organisations and foster volunteering in third countries.</p> <p>Progress towards the achievement of this operational objective shall be assessed on the basis of indicators, such as:</p> <p>— the number and type of capacity building actions in third countries;</p> <p>— the number of third country staff and volunteers participating in the capacity building actions.;</p> <p>— the degree of satisfaction of staff of the hosting organisations and volunteers from third countries participating in capacity building actions with regard to the quality and effectiveness of the actions carried out.</p> <p>(d) Communicate the Union's humanitarian aid principles agreed in the European Consensus on Humanitarian Aid.</p> <p>Progress towards the achievement of this operational objective shall be assessed on the basis of indicators, such as:</p> <p>— the number, type and costs of information, communication and awareness-raising actions.</p> <p>(e) Enhance coherence and consistency of volunteering</p>				

a)	a1)	b)	b1)	c)	d)
	<p>across Member States in order to improve opportunities for Union citizens to participate in humanitarian aid activities and operations.</p> <p>Progress towards the achievement of this operational objective shall be assessed on the basis of indicators, such as:</p> <ul style="list-style-type: none"> — the number of certified sending organisations; — the number and type of technical assistance actions for sending organisations; — dissemination and replication of the standards and procedures for management of candidate volunteers and EU Aid Volunteers by other volunteering schemes. <p>2. The indicators referred to in points (a) to (e) of paragraph 1 shall be used for the monitoring, evaluation and review of performance as appropriate. They are indicative and may be amended by means of delegated acts in accordance with Article 24 in order to take into account experience from the progress measurement.</p>				
8.	<p>The EU Aid Volunteers initiative shall pursue the objectives referred to in Articles 4 and 7 through the following types of actions:</p> <ul style="list-style-type: none"> — development and maintenance of standards and procedures regarding candidate volunteers and EU Aid Volunteers; — development and maintenance of a certification mechanism for sending and hosting organisations; — identification and selection of candidate volunteers; — establishment of a training programme and support for training and apprenticeship placements; — establishment, maintenance and updating of a database 		No provision	NH	The Serbian regulatory framework does not expressly refer to types of actions to be pursued by volunteer

a)	a1)	b)	b1)	c)	d)
	<p>of EU Aid Volunteers;</p> <p>— deployment of EU Aid Volunteers to support and complement humanitarian aid in third countries;</p> <p>— capacity building of hosting organisations;</p> <p>— establishment and management of a network for the EU Aid Volunteers initiative;</p> <p>— communication and awareness raising;</p> <p>— ancillary activity that furthers the accountability, transparency and effectiveness of the EU Aid Volunteers initiative.</p>				
9	<p>Building on existing relevant practices, the Commission shall establish standards and procedures covering the necessary conditions, arrangements and requirements to be applied by sending and hosting organisations when identifying, selecting, preparing, managing and deploying candidate volunteers and EU Aid Volunteers to support humanitarian aid operations in third countries.</p> <p>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 to set out standards concerning:</p> <p>— a competence framework used for the identification, selection and preparation of volunteers as junior or senior professionals;</p> <p>— provisions to ensure equal opportunities and non-discrimination in the identification and selection process;</p> <p>— provisions to ensure compliance of sending and hosting organisations with relevant national and Union law and law of the hosting country;</p> <p>— standards governing the partnerships between sending and hosting organisations;</p>		No provision	NH	

a)	a1)	b)	b1)	c)	d)
	<p>— provisions for recognition of the skills and competences acquired by EU Aid Volunteers in line with existing relevant Union initiatives.</p> <p>3. The Commission shall be empowered to adopt implementing acts to set out the following:</p> <p>— the procedures to be followed for the identification, selection and necessary pre-deployment preparation of candidate volunteers, including apprenticeship placements, where relevant;</p> <p>— provisions for the deployment and management of EU Aid Volunteers in third countries, including, inter alia, supervision in the field, continued support through coaching, mentoring, additional training, necessary working conditions, post deployment support;</p> <p>— the provision of insurance coverage and living conditions of volunteers including the coverage of subsistence, accommodation, travel and other relevant expenses;</p> <p>— procedures to be followed before, during and after deployment to ensure duty of care and appropriate safety and security measures, including medical-evacuation protocols and security plans that cover emergency evacuation from third countries, including the necessary procedures for liaison with national authorities;</p> <p>— procedures for monitoring and assessing the individual performance of EU Aid Volunteers.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 26(2).</p>				
10.	<p>1. The Commission shall develop a certification mechanism by means of implementing acts, with the involvement, if appropriate, of humanitarian partners, ensuring that sending organisations comply with the</p>		No provision	NH	Neither the Serbian Law on Volunteering nor the LDRMES include any provisions concerning the certification mechanism in the

a)	a1)	b)	b1)	c)	d)
	<p>standards and procedures referred to in Article 9, and a differentiated certification mechanism for hosting organisations.</p> <p>The Commission shall establish the procedure relating to the functioning of the certification mechanisms, building on existing relevant certification mechanisms and procedures, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 26(2).</p> <p>2. In designing the certification mechanism, the Commission shall seek synergies with the Commission's partnership instruments in the humanitarian field and existing humanitarian standards, with the aim of administrative simplification. The certification mechanism shall be inclusive and non-discriminatory as regards any type of eligible organisation.</p> <p>3. Sending organisations shall be eligible for certification, if:</p> <p>(a) they adhere to the standards and procedures referred to in Article 9;</p> <p>(b) they are active in the field of humanitarian aid as defined in point (d) of Article 3; and</p> <p>(c) they belong to any of the following categories:</p> <p>(i) non-governmental not-for-profit organisations formed in accordance with the law of a Member State and whose headquarters are located within the Union,</p> <p>(ii) public law bodies of a civilian character governed by the law of a Member State,</p> <p>(iii) non-governmental not-for-profit organisations</p>				<p>humanitarian field. Since there is no specific reference to standards referred to in Articles 3 and 9 of the Regulation, it remains unclear whether and how the Serbian humanitarian organisations can qualify as either sending or hosting organisations.</p>

a)	a1)	b)	b1)	c)	d)
	<p>established in the countries referred to in Article 23 under the conditions laid down in that Article and the agreements mentioned therein,</p> <p>(iv) public law bodies of civilian character established in the countries referred to in Article 23 under the conditions laid down in that Article and the agreements mentioned therein,</p> <p>(v) the International Federation of National Red Cross and Red Crescent Societies.</p> <p>4. Organisations in third countries shall be eligible as hosting organisations if:</p> <p>(a) they adhere to the standards and procedures referred to in Article 9;</p> <p>(b) they are active in the field of humanitarian aid as defined in point (d) of Article 3; and</p> <p>(c) they belong to any of the following categories:</p> <p>(i) non-governmental not-for-profit organisations operating or established in a third country under the laws in force in that country,</p> <p>(ii) public law bodies of a civilian character governed by the law of a third country,</p> <p>(iii) international agencies and organisations.</p> <p>5. Without prejudice to the requirements referred to in paragraphs 3 and 4, sending and hosting organisations may implement actions under the EU Aid Volunteers initiative in association with for-profit private organisations.</p>				

a)	a1)	b)	b1)	c)	d)
	<p>6. On the basis of a prior assessment of needs, sending organisations to be certified may benefit from technical assistance aimed at strengthening their capacity to participate in the EU Aid Volunteers initiative and to ensure compliance with the standards and procedures referred to in Article 9.</p> <p>Hosting organisations to be certified may also benefit from the assistance referred to in the first subparagraph in the context of the actions referred to in Article 15.</p> <p>7. The Commission shall publish the list of certified sending and hosting organisations in due time after certification.</p>				
11.	<p>1. On the basis of prior assessment of the needs in third countries by sending or hosting organisations or other relevant actors, certified sending organisations shall identify and select candidate volunteers for training.</p> <p>2. The identification and selection of candidate volunteers shall comply with the standards and procedures referred to in Article 9 and respect the principles of non-discrimination and equal opportunities.</p> <p>3. The following persons having a minimum age of 18 years shall be eligible to apply to be candidate volunteers:</p> <p>(a) citizens of the Union;</p> <p>(b) third country nationals who are long-term residents in a Member State; and</p> <p>(c) citizens from countries referred to in Article 23(1) under the conditions referred to in that Article.</p>	<p>0.2</p> <p>11.</p>	<p>Volontiranje može da obavlja lice koje ima najmanje 15 godina života.</p> <p>Lice mlađe od 18 godina života može da volontira uz pismenu saglasnost roditelja ili staratelja.</p> <p>Lice mlađe od 15 godina života može biti uključeno u obavljanje vaspitno-obrazovnih volonterskih aktivnosti, u skladu sa propisima o obrazovanju i vaspitanju i ratifikovanim međunarodnim konvencijama.</p> <p>Volonteri ne mogu raditi na poslovima koji su opasni za život i zdravlje ili se obavljaju u uslovima opasnim za život i zdravlje.</p>	PH	<p>The partial harmonisation is in part attributable to the fact that EU acquis also regulates the issue of citizenship of volunteers in Civil aid corps, whilst the Serbian Law does not delve into the issue of citizenship when it comes to volunteering. Further, Serbian law sets the age limit for volunteering lower than the EU Regulation, at 15 years of age. However, any volunteering of persons between the age of 15 and 18 is made conditional on parents' (or ward's) consent. The Serbian Law even allows volunteering of persons younger than 15 in educational activities. The given age limit is attributable to the fact that the Serbian law does not regulate only volunteering for purposes of providing humanitarian aid, but also other types of volunteering, including volunteering linked to</p>

a)	a1)	b)	b1)	c)	d)
					dual-education.
12.	<p>1. Building on existing programmes and procedures and with the involvement, if appropriate, of specialised institutions, the Commission shall establish a training programme in order to prepare the candidate volunteers for deployment to support and complement humanitarian aid.</p> <p>2. Candidate volunteers who have been identified and selected in accordance with Article 11 shall be eligible to participate in the training programme implemented by qualified organisations. The individual scope and content of the training each candidate volunteer needs to accomplish shall be established by the certified sending organisation concerned, in consultation with the certified hosting organisation, on the basis of needs, taking into account the prior experience of the candidate volunteer and the deployment envisaged.</p> <p>3. As part of their training and particularly their preparation for deployment, candidate volunteers may be required to undertake apprenticeship placements in certified sending organisations, where possible in a country other than their country of origin.</p> <p>4. Without prejudice to paragraph 3, candidate volunteers who have not benefited from an apprenticeship placement may receive, where appropriate, additional pre-deployment preparation specifically tailored to the needs and special circumstances of the deployment. This preparation and the apprenticeship placement shall comply with the standards and procedures for preparation referred to in Article 9.</p> <p>5. The training programme shall include an assessment of the candidate volunteers' readiness to be deployed to support and complement humanitarian aid in third</p>	0.2 21.1.4	na odgovarajuće osposobljavanje, ako je takvo osposobljavanje potrebno za obavljanje volonterskih usluga i aktivnosti;	PH	Serbian laws do not include provisions on training of volunteers in case of humanitarian aid. It only states that the volunteer is entitled to relevant training necessary for performance of volunteering activities, without going into further details.

a)	a1)	b)	b1)	c)	d)
	<p>countries, and to meet the local needs. That assessment shall be performed in cooperation with the sending organisations.</p> <p>6. The Commission shall adopt the arrangements for the training programme and the procedure for assessing the candidate volunteers' readiness to be deployed by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 26(2).</p>				
13	<p>1. Candidate volunteers who have successfully passed the assessment referred to in Article 12(5) shall be considered to be EU Aid Volunteers and shall be eligible for deployment. They shall be included as such in the database of EU Aid Volunteers.</p> <p>2. The Commission shall establish, maintain and update the database of EU Aid Volunteers, including as regards the availability and eligibility of EU Aid Volunteers for deployment, and shall regulate access to and the use of it. The processing of personal data collected in or for this database shall be carried out, where relevant, in accordance with Directive 95/46/EC and Regulation (EC) No 45/2001.</p>		No provision	NT	
14	<p>1. EU Aid Volunteers included in the database may be deployed to support and complement humanitarian aid, as defined in point (d) of Article 3:</p> <p>(a) by certified sending organisations to hosting organisations in third countries; or</p> <p>(b) where appropriate, by the Commission to its humanitarian aid field offices for support tasks.</p> <p>2. Deployments shall meet the real needs expressed at local level by the hosting organisations.</p> <p>3. For deployment as referred to in point (a) of paragraph</p>		No provision	NH	The Serbian law does not refer to certification and it is hence not clear how the host organisation is determined.

a)	a1)	b)	b1)	c)	d)
	<p>1, certified sending organisations shall ensure compliance with the standards and procedures referred to in Article 9. EU Aid Volunteers shall not be deployed to operations conducted in the theatre of international and non-international armed conflicts.</p> <p>4. Certified sending organisations shall inform the relevant national authorities of Member States and other participating countries in accordance with Article 23, before one of their citizens is deployed as an EU Aid Volunteer in accordance with the standards and procedures referred to in Article 9.</p> <p>5. The specific terms of deployment and the role of EU Aid Volunteers shall be set out, in close consultation with the hosting organisations, in a contract between the sending organisations and EU Aid Volunteers, including the rights and obligations, the duration and location of deployment and the tasks of EU Aid Volunteers.</p> <p>6. For deployment as referred to in point (b) of paragraph 1, the Commission shall sign a volunteer deployment contract with EU Aid Volunteers, defining specific terms and conditions of deployment. Volunteer deployment contracts shall not confer upon the volunteer rights and obligations arising from the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (14).</p> <p>7. Each EU Aid Volunteer shall have a designated mentor from the hosting organisation to supervise and support the EU Aid Volunteer during deployment.</p>				
15.	<p>Capacity building for humanitarian aid of hosting organisations</p> <p>On the basis of a prior assessment of needs in third</p>		No provision	NH	The Serbian LDRMES does not include any reference to strengthening the capacities of host

a)	a1)	b)	b1)	c)	d)
	<p>countries by sending and hosting organisations or other relevant actors, the Commission shall support actions aimed at strengthening the hosting organisations' capacity for humanitarian aid in order to enhance local preparedness and response to humanitarian crises and to ensure effective and sustainable impact of the EU Aid Volunteers' work on the ground, including:</p> <p>(a) disaster risk management, preparedness and response, coaching, training in volunteer management, and other relevant areas for staff and volunteers from hosting organisations;</p> <p>(b) exchange of best practices, technical assistance, twinning programmes and exchange of staff and volunteers, creation of networks and other relevant actions.</p>				organisations
16.	<p>1. The Commission shall establish and manage a network for the EU Aid Volunteers initiative composed of:</p> <p>(a) candidate volunteers and EU Aid Volunteers who are participating or have participated in the initiative;</p> <p>(b) sending and hosting organisations;</p> <p>(c) representatives of the Member States and of the European Parliament.</p> <p>2. The network for the EU Aid Volunteers initiative shall in particular:</p> <p>(a) facilitate interaction and serve as a platform for sharing knowledge, consultation and dissemination of information, for the exchange of good practice as well as for the purposes of the needs assessment referred to in Article 21(3);</p> <p>(b) facilitate partnership building and the development of</p>		NO provisions	NT	

a)	a1)	b)	b1)	c)	d)
	<p>joint projects for deployment and capacity-building activities involving sending organisations across the Union and hosting organisations in third countries;</p> <p>(c) provide a basis upon which to build on the actions under the EU Aid Volunteers initiative with a view to ensuring continuous improvement and effective monitoring and evaluation;</p> <p>(d) provide opportunities for on-line volunteering in projects related to the EU Aid Volunteers initiative.</p>				
17	<p>1. The Commission shall support public information, communication and awareness raising actions, to promote a visible EU Aid Volunteers initiative and to encourage volunteering in humanitarian aid within the Union and its Member States as well as in the third countries benefitting from the actions under that initiative.</p> <p>2. The Commission shall develop a communication plan on the objectives, actions and visible results of the EU Aid Volunteers initiative which shall define communication and dissemination activities towards the public, in particular towards future potential candidate volunteers and beneficiaries of the actions under that initiative. That communication plan shall be implemented by the Commission and by beneficiaries, particularly sending and hosting organisations, as well as EU Aid Volunteers.</p>	0.2 5.	<p>Volontiranje se promoviše kao aktivnost od interesa za Republiku Srbiju, odnosno od javnog interesa, kojom se doprinosi aktivnom uključivanju građana u društvene procese i razvoju humanijeg i ravnopravnijeg demokratskog društva jednakih mogućnosti, kao i poboljšanju kvaliteta života građana.</p>	PH	<p>Serbian law includes only very general provisions stating that volunteering is promoted as an activity of public interest, which, inter alia, contributes to the development of a more humane society.</p>
18-21	<p>Article 18</p> <p>Eligible actions</p> <p>1. The actions referred to in Article 8 shall be eligible for financial assistance, including the measures necessary for their implementation as well as necessary measures aimed at strengthening the coordination between the EU Aid Volunteers initiative and other relevant schemes at national and international level, building on existing good</p>		No provision	NT	

a)	a1)	b)	b1)	c)	d)
	<p>practices.</p> <p>2. The financial assistance referred to in paragraph 1 may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities, which are required for the management of the EU Aid Volunteers initiative and the achievement of its objectives.</p> <p>3. Expenses referred to in paragraph 2 may, in particular, cover studies, meetings of experts, information and communication actions as set out in Article 17, including corporate communication of the policy priorities of the Union, as far as they are related to the objectives of the EU Aid Volunteers initiative, expenses linked to IT networks focusing on information processing and exchange (including their interconnection with existing or future systems designed to promote cross-sectoral data exchange and related equipment), together with all other technical and administrative assistance expenses incurred by the Commission.</p> <p>Article 19</p> <p>Financial beneficiaries</p> <p>Financial assistance under this Regulation may be awarded to natural persons and legal persons, whether governed by private or public law, which shall then be deemed financial beneficiaries within the meaning of Regulation (EU, Euratom) No 966/2012.</p> <p>Article 20</p> <p>Financial envelope</p> <p>1. The financial envelope for the implementation of this Regulation for the period 1 January 2014 to 31 December</p>				

a)	a1)	b)	b1)	c)	d)
	<p>2020 shall be EUR 147 936 000 in current prices. Annual appropriations shall be authorised by the European Parliament and the Council within the limits of the multiannual financial framework. If necessary, payment appropriations could be entered in the budget beyond 2020 to cover similar expenses, in order to enable the payment management of actions not yet completed by 31 December 2020.</p> <p>2. The financial envelope referred to in paragraph 1 shall be allocated, over the period 2014-2020, in accordance with the operational objectives, thematic priorities and percentages set out in the Annex.</p> <p>3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 24, to amend the priorities and adjust each of the figures in the Annex by more than 10 and up to 20 percentage points. Such adjustment shall only take place following the results of a Commission review of the thematic priorities and percentages set out in the Annex in the light of the outcome of the interim evaluation referred to in point (b) of Article 27(4), in which case the delegated acts shall be adopted by 30 June 2018.</p> <p>4. Where, in the case of a necessary revision of the budgetary resources available for support for emergency response actions, imperative grounds of urgency so require, the Commission shall be empowered to adopt delegated acts to revise each of the figures set out in the Annex by more than 10 and up to 20 percentage points, within the available budgetary allocations and in accordance with the procedure provided for in Article 25.</p> <p>Article 21</p> <p>Types of financial intervention and implementing procedures</p>				

a)	a1)	b)	b1)	c)	d)
	<p>1. The Commission shall implement the Union's financial assistance in accordance with Regulation (EU, Euratom) No 966/2012.</p> <p>2. Financial assistance under this Regulation may take any of the forms provided by the Regulation (EU, Euratom) No 966/2012.</p> <p>3. In order to implement this Regulation, the Commission shall adopt an annual work programme of the EU Aid Volunteers initiative by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 26(2). The annual work programme shall set out the objectives pursued, the expected results, the method of implementation and the amount of the related total expenditure. The annual work programme shall also contain the description of actions to be financed, an indication of the amount allocated to each action, taking where appropriate into account the assessed needs, and an indicative implementation timetable. For grants, the annual work programme shall include the priorities, the essential evaluation criteria and the maximum rate of co-financing. The annual work programme shall also set out the participation of third countries under the conditions referred to in Article 23.</p> <p>Article 22</p> <p>Protection of the financial interests of the Union</p> <p>1. The Commission shall take appropriate measures ensuring that, when actions financed under the EU Aid Volunteers initiative are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities by effective checks and, if</p>				

a)	a1)	b)	b1)	c)	d)
	<p>irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive penalties.</p> <p>2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors, who have received Union funds under the EU Aid Volunteers initiative.</p> <p>3. The European Anti-fraud Office (OLAF) shall be allowed to carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by such funding in accordance with the procedures laid down in Regulation (Euratom, EC) No 2185/96 and Regulation (EU, Euratom) No 883/2013 with a view to establishing whether fraud, corruption or any other illegal activity has occurred affecting the financial interests of the Union in connection with a grant agreement, grant decision or a contract funded under the EU Aid Volunteers initiative.</p> <p>4. Without prejudice to paragraphs 1 and 2, cooperation agreements with third countries and international organisations, grant agreements, grant decisions and contracts resulting from the implementation of this Regulation shall expressly empower the Commission, the Court of Auditors and OLAF to conduct such audits, on-the-spot checks and inspections with due respect to all relevant procedural guarantees.</p>				
22.	<p>. The EU Aid Volunteers initiative shall be open to participation of:</p> <p>(a) citizens and sending organisations from acceding countries, candidate countries, potential candidates and partner countries of the European Neighbourhood Policy in accordance with the general principles and general terms and conditions for the participation of those</p>		No provision	NH	Serbian law does not include provisions on volunteering in EU AID.

a)	a1)	b)	b1)	c)	d)
	<p>countries in the Union's programmes established in the respective Framework Agreements and Association Council Decisions, or similar arrangements;</p> <p>(b) citizens and sending organisations from European Free Trade Association countries which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA Agreement;</p> <p>(c) citizens and sending organisations from other European countries, subject to the conclusion of bilateral agreements with those countries.</p> <p>2. Participating volunteers and organisations implementing the actions under the EU Aid Volunteers initiative, from cooperating countries, shall also abide by the general principles outlined in Article 4.</p> <p>3. Cooperation with participating countries referred to in paragraph 1 shall be based, where relevant, on additional appropriations from participating countries to be made available in accordance with procedures to be agreed with those countries.</p>				
24/28	<p>DELEGATIONS OF POWER AND IMPLEMENTING PROVISIONS</p> <p>Article 24</p> <p>Exercise of the delegation</p> <p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>2. The power to adopt delegated acts referred to in Article 7(2), Article 9(2) and Article 20(3) and (4) shall be conferred on the Commission for a period of seven years from 25 April 2014.</p>			NT	Not transferrable as they regulate the power to adopt delegated acts, procedures, monitoring and final provisions.

a)	a1)	b)	b1)	c)	d)
	<p>3. The delegation of power referred to in Article 7(2), Article 9(2) and Article 20(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Article 7(2), Article 9(2) and Article 20(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.</p> <p>Article 25</p> <p>Urgency procedure</p> <p>1. In exceptional and duly justified circumstances delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.</p>				

a)	a1)	b)	b1)	c)	d)
	<p>2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 24(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.</p> <p>Article 26</p> <p>Committee procedure</p> <p>1. The Commission shall be assisted by the committee established under Article 17(1) of Council Regulation (EC) No 1257/96 (15). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p>CHAPTER VI</p> <p>MONITORING AND EVALUATION</p> <p>Article 27</p> <p>Monitoring and evaluation</p> <p>1. Actions under the EU Aid Volunteers initiative receiving financial assistance shall be monitored regularly in order to follow their implementation, and regularly evaluated through independent external evaluation to assess the efficiency, effectiveness and their impacts against the objectives of the EU Aid Volunteers initiative. The monitoring and evaluation shall include the reports referred to in paragraph 4 and other activities on specific aspects of this Regulation which may be launched at any</p>				

a)	a1)	b)	b1)	c)	d)
	<p>time during its implementation.</p> <p>2. Sending organisations deploying EU Aid Volunteers outside the Union shall be responsible for the monitoring of their activities and shall submit to the Commission monitoring reports on a regular basis safeguarding all rights of individual volunteers regarding personal data protection.</p> <p>3. Evaluations shall make use of existing evaluation standards, including those developed by the Organisation for Economic Cooperation and Development's Development Assistance Committee, with the objective of measuring the long-term impact of the EU Aid Volunteers initiative on humanitarian aid. In the evaluation phase, the Commission shall ensure regular consultation of all relevant stakeholders, including volunteers, sending and hosting organisations, assisted local population and communities, humanitarian organisations and workers in the field. The results of the evaluation shall feed back into the programme design and resource allocation.</p> <p>4. The Commission shall submit to the European Parliament and to the Council:</p> <p>(a) annual reports examining the progress made in implementing this Regulation, including results and, as far as possible, the main outcomes;</p> <p>(b) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this Regulation, including on the impact of EU Aid Volunteers initiative in the humanitarian sector and the cost-effectiveness of the programme, during the first three years of its implementation no later than 31 December 2017;</p> <p>(c) a Communication on the continued implementation of</p>				

a)	a1)	b)	b1)	c)	d)
	<p>this Regulation based on the interim evaluation report referred to in point (b) of this paragraph no later than 31 December 2018;</p> <p>(d) an ex post evaluation report for the seven-year financial period of implementation no later than 31 December 2021.</p> <p>5. The Commission shall review the measures laid down in this Regulation by 1 September 2019 and shall, where appropriate following the conclusion of the interim evaluation report referred to in point (b) of paragraph 4 of this Article, accompany that review with a legislative proposal for amendment of this Regulation.</p> <p>6. The Commission shall also regularly inform the EEAS about the activities of the EU Aid Volunteers initiative in accordance with relevant working arrangements.</p> <p>CHAPTER VII</p> <p>FINAL PROVISIONS</p> <p>Article 28</p> <p>Entry into force</p> <p>This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.</p> <p>It shall apply from 1 January 2014.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>				