



**USVOJEN ZAKON O IZMENAMA I  
DOPUNAMA ZAKONA O USLOVIMA ZA  
UPUĆIVANJE ZAPOSLENIH NA  
PRIVREMENI RAD U INOSTRANSTVO I  
NJIHOVOJ ZAŠTITI:**

**- Pojednostavljena procedura -**

Dana 7. jula 2018. godine stupio je na snagu Zakon o izmenama i dopunama Zakona o uslovima za upućivanje zaposlenih na privremeni rad u inostranstvo i njihovoj zaštiti (u daljem tekstu: „*Izmena Zakona*“).

Izmenama Zakona je pre svega smanjena administrativna procedura, ali je propisano i da se na rad ne mogu uputiti svi zaposleni već samo oni koji su u radnom odnosu kod poslodavca najmanje 3 meseca.

Izmenе Zakona se sastoje u sledećem:

1. Zaposleni mora biti u radnom odnosu kod poslodavca najmanje tri meseca pre dana upućivanja. Ova odredba ne važi za zaposlene koji su upućeni na privremeni rad u inostranstvo pre 07. jula 2018. godine.

Izmenama Zakona su propisana dva izuzetka kada poslodavac može da uputi zaposlene koji su u radnom odnosu kod tog poslodavca kraće od tri meseca na privremeni rad u inostranstvo, i to u slučaju da:

- i. Poslodavci upućuju zaposlene na privremeni rad u inostranstvo u okviru svoje pretežne delatnosti koja je upisana u Registar privrednih subjekata pri Agenciji za privredne registre i broj upućenih lica, zaposlenih kraće od tri meseca, ne prelazi 20% ukupnog broja zaposlenih kod poslodavca na dan upućivanja, i
  - ii. Poslodavci upućuju zaposlene u skladu sa međudržavnim sporazumom sa SR Nemačkom.
2. Ukinuta je obaveza poslodavca da Ministarstvu za rad, zapošljavanje, boračka i socijalna pitanja (u daljem tekstu: „*Ministarstvo*“) dostavlja:

**LAW ON AMENDMENTS OF THE LAW ON  
ASSIGNMENT OF EMPLOYEES TO  
TEMPORARY WORK ABROAD AND  
THEIR PROTECTION IS ADOPTED:**

**- Simplified procedure -**

Law on Amendments of the Law on Assignment of Employees for Temporary Work Abroad and Their Protection (hereinafter: the “*Amended Law*”) came into force on July 7, 2018.

Primarily, the Amended Law reduces administrative procedure, but also prescribes that the employer may not assign all its employees to work abroad, but only those employees who have been employed for at least 3 months.

The Amended Law consists of following:

1. Employee must be employed at the employer for at least three months before the day of their assignment. This provision does not apply to the employees who were assigned to temporary work abroad before 7 July 2018.

The Amended Law prescribes two exceptions, when employer may assign to temporary work abroad employees that are employed by this employer shorter than three months and that in the following cases:

- i. Employers assign employees for temporary work abroad within their predominantly business activity registered at the Register of Business Entities with the Serbian Business Registers Agency and if the number of assigned employees that are employed for less than 3 months, is less than 20% of all employees employed by employer on the day of assignment, and
  - ii. Employers assign employees in accordance with the interstate agreement with the Federal Republic of Germany.
2. Employer’s obligation to submit the following documents to the Ministry of Labour, Employment, Veteran’s and Social Affairs (hereinafter: the “*Ministry*”) is abolished:



- i. obaveštenje o upućivanju zaposlenih na privremeni rad u inostranstvo (u daljem tekstu: „**Obaveštenje**“), i
- ii. uverenje iz jedinstvene baze Centralnog registra obaveznog socijalnog osiguranja (u daljem tekstu: „**Centralni registar**“) koje sadrži spisak zaposlenih koji su upućeni na osnovu Obaveštenja (u daljem tekstu: „**Uverenje**“),

kao i odredba koja se odnosi na pravo Ministarstva da traži informacije i dokaze o ispunjenosti uslova za upućivanje zaposlenih.

Shodno navedenom, ukinute su i kaznene odredbe koje se odnose na prekršaj u vezi sa nepostupanjem prema napred navedenim procedurama.

Na ovaj način ukinuta je obaveza poslodavaca da obavestavaju Ministarstvo kao nepotrebna administrativna procedura, dok je postupak podnošenja prijava i odjava sa obaveznog socijalnog osiguranja za upućene zaposlene i dalje ostao nepromenjen u proceduri Centralnog registra.

3. Centralni registar dužan je da Ministarstvu dostavlja redovne izveštaje na mesečnom, kvartalnom i godišnjem nivou u vezi sa upućivanjem zaposlenih na privremeni rad u inostranstvo.
4. Povećane su novčane kazne za „lakše“ prekršaje.

Poslodavci sada mogu biti kažnjeni novčanom kaznom u iznosu od 150.000 dinara umesto 100.000 dinara, a preduzetnici novčanom kaznom od 70.000 dinara umesto 50.000 dinara.

Za najteže prekršaje novčane kazne su ostale nepromenjene (za pravno lica od 600.000 do 1.500.000 dinara, za odgovorno lice od 30.000 do 150.000 dinara, a za preduzetnike od 200.000 do 400.000 dinara).

Za više informacija o ovome kontaktirati / For more information about this please contact:

**Durda Domanović**  
Associate - Dokleštic & Partners  
[djurdja.domanovic@dokleštic.law](mailto:djurdja.domanovic@dokleštic.law)  
T. +381.11.414.33.60

- i. notification about assignment of employees to temporary work abroad (hereinafter: the “**Notification**”), and
- ii. certificate from the unified database of the Central Registry of Compulsory Social Insurance (hereinafter: the “**Central Registry**”) which contains the list of employees assigned based on the Notification (hereinafter: the “**Certificate**”),

as well as the provision regarding the Ministry’s right to require information and evidence for fulfilment of the conditions required for employees’ assignment.

Consequently, penal provisions regarding misdemeanours related to non-compliance with the aforementioned procedures have been abolished as well.

In this way, employers’ obligation to inform the Ministry is abolished as unnecessary administrative procedure, while the procedure for registration and deregistration from compulsory social insurance for assigned employees with the Central Registry remained unchanged.

3. With regard to the employees’ assignment to temporary work abroad, the Central Registry is obliged to submit to the Ministry regular reports on monthly, quarterly and yearly basis.
4. Increased fines for “minor” misdemeanors.

Employers now may be fined RSD 150,000 instead of previous RSD 100,000 and entrepreneurs RSD 70,000 instead of previous RSD 50,000.

For severest misdemeanors fines remained unchanged (for legal entities from RSD 600,000 to RSD 1,500,000, for the person responsible from RSD 30,000 to RSD 150,000, and for entrepreneurs from RSD 200,000 to RSD 400,000).

**Ljubinka Vasković**  
Attorney at law - Dokleštic & Partners  
[ljubinka.vaskovic@dokleštic.law](mailto:ljubinka.vaskovic@dokleštic.law)  
T. +381.11.414.33.60