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**NOVI PRAVILNIK O DOZVOLAMA ZA RAD**

Novi Pravilnik o dozvolama za rad (dalje: „**Pravilnik**“) iz nadležnosti Ministarstva za rad, zapošljavanje, boračka i socijalna pitanja počeo je da se primenjuje 25. avgusta 2018. godine.

Pravilnikom je bliže uređen način izdavanja, odnosno produženja dozvola za rad, način dokazivanja ispunjenosti uslova i potrebni dokazi za izdavanje, odnosno produženje dozvola za rad, te oblik i sadržina dozvola za rad.

Za razliku od prethodnog pravilnika iz iste materije, Pravilnikom je, *između ostalog*, propisano sledeće:

- Zahtev za izdavanje:

✓ *lične radne dozvole i dozvole za samozapošljavanje* podnosi stranac;

✓ *radne dozvole za zapošljavanje, radne dozvole za upućena lica i dozvole za nezavisnog profesionalca* podnosi poslodavac;

✓ *radne dozvole za kretanje u okviru privrednog društva* podnosi ogranak, odnosno zavisno društvo registrovano u RS;

✓ *radne dozvole za osposobljavanje i usavršavanje* podnosi poslodavac ili stranac.

- Novim Pravilnikom propisano je da Nacionalna služba za zapošljavanje (dalje: „**NSZ**“) po službenoj dužnosti pribavlja od nadležnih organa dokumenta izdata od strane njih (npr. rešenje o upisu poslodavca u APR, odobrenje za privremeni boravak);

- Umesto najkasnije 30 dana pre izdavanja radne dozvole za zapošljavanje, poslodavac podnosi NSZ-u zahtev za posredovanje u zapošljavanju, odnosno za sprovođenje testa tržišta rada najkasnije 10 dana (a najranije 60 dana).

**NEW RULEBOOK ON EMPLOYMENT WORK PERMITS**

New Rulebook on Employment Work Permits (hereinafter: the “**Rulebook**”) within the competence of the Ministry of Labour, Employment, Veterans’ and Social Affairs is applicable from 25 August 2018.

The Rulebook closely prescribes the method of issuance, i.e. extension of work permits, the method of proving compliance with conditions and necessary evidences for the issuance or extension of work permits, as well as the form and content of work permits.

Compared to previous rulebook related to the same matters, the Rulebook, *inter alia*, prescribes the following:

- Request for issuance of the:

✓ *personal work permits, and work permits for self-employment* are submitted by the foreigner;

✓ *employment work permits, work permits for seconded person and work permits for independent professionals* are submitted by the employer;

✓ *work permits for moving within a company* are submitted by the branch of the company or an affiliated company in Serbia;

✓ *work permits for training and improvement* are submitted by the employer or the foreigner.

- New Rulebook prescribes that the National Employment Service (hereinafter: the “**NES**”) ex officio obtains, from the competent authorities, documents issued by them (e.g. decision on registration of the employer at the Serbian Business Registers Agency, temporary residence permit);

- The employer is obliged to submit request for employment intermediation, i.e. for conducting a labour market test no later than 10 days (but 60 days at the earliest), unlike the previous deadline of no later than 30 days prior to issuance of the work permit.



Ovaj test tržišta rada je postupak koji sprovodi NSZ u cilju utvrđivanja činjenice da poslodavac nije mogao da pronađe državljane RS, lica koja imaju slobodan pristup tržištu rada ili stranca sa ličnom radnom dozvolom, odgovarajućih kvalifikacija sa evidencije NSZ.

The labour market test is the procedure conducted by the NES in order to determine whether the employer could find Serbian citizens, persons who have free access to the country's labour market or foreign citizens with a personal work permits with the requested qualifications in the records of the NES.

Pritom, u skladu sa novim Zakonom o zapošljavanju stranaca, izuzetno, kada je to u interesu RS ili to nalažu međunarodno prihvaćene obaveze, ministar nadležan za poslove zapošljavanja može odrediti i period kraći od 10 dana za sprovođenje testa tržišta rada.

Exceptionally, in accordance with the new Law on Employment of the Foreigners, the Minister responsible for labour matters may determine period shorter than 10 days if that is in the Serbian interest or if that is required by Serbian internationally accepted obligations.

- Posle sprovedenog testa tržišta rada od NSZ-a, poslodavac je dužan da u roku od 3 dana (umesto dosadašnjih 15 dana) odgovori NSZ-u na izveštaj o realizaciji potrebe za zapošljavanje.
- After the labour market test is completed by the NES, the employer is obliged to respond to NES's report on implementation of employment needs within 3 days (instead of previous 15 days).

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

**Durđa Domanović**

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

**Ljubinka Vasković**

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