

On the basis of Article 14, paragraph 3 of the Law on Classified Information (RS Official Gazette, No. 104/09) and Article 42, paragraph 1 of the Law on the Government (RS Official Official Gazette, No. 55/05, 71/05 - corrigendum, 101/07, 65/08, 68/12- the Constitutional Court Ruling and 72/12, including the previously obtained opinion of the National Security Council,

The Government has adopted the following:

DECREE

on the detailed criteria for designating the TOP SECRET RS and SECRET RS classification level

Article 1

This decree shall prescribe the detailed criteria for designating classified information at the level of TOP SECRET RS and SECRET RS.

Article 2

Classified information referred to in Article 1 of this Decree may be designated and marked with the TOP SECRET RS or SECRET RS level depending on the assessment of gravity of possible damage to the interests of the Republic of Serbia in case of its disclosure to the unauthorized person, misuse or destruction.

For the purpose of designating classified information referred to in Article 1 of this Article, the assessment of gravity of possible damage to the interests of the Republic of Serbia shall range from irreparably grave damage to grave damage to the Republic of Serbia territorial integrity and sovereignty, protection of the constitutional order, human and minority rights, national and public security, defense, internal and foreign affairs.

Article 3

Classified information referred to in Article 1 of this Decree shall be designated and marked with the TOP SECRET RS classification level, if its disclosure is likely to have the following irreparably damaging effects to the Republic of Serbia interests:

- 1) An immediate and exceptionally grave threat to the the territorial integrity and sovereignty of the Republic of Serbia;
- 2) An immediate and exceptionally grave threat to the constitutional order and democratic principles of the Republic of Serbia;
- 3) A massive loss of human lives and exceptionally grave risk to human lives or health or a threat of large- scale property damage;
- 4) An exceptionally grave and long-term damage to the Republic of Serbia economic interests;
- 5) An exceptionally grave threat to the national and public security, defense or the security and intelligence services' activities;

- 6) An exceptionally grave threat to the interests of the criminal prosecution, suppression of criminal offences and the functioning of the judiciary;
- 7) An exceptionally grave threat to the Serbian Armed Forces operational and functional capabilities, and Republic of Serbia other defense forces, and
- 8) An exceptionally grave threat to the Republic of Serbia international position and its cooperation with other countries, international organizations and other international entities.

Article 4

Classified information referred to in Article 1 of this Decree may be designated and marked with the SECRET RS classification level, if its disclosure to the unauthorized person is likely to cause the following grave damage to the Republic of Serbia interests:

- 1) An exceptionally grave threat to the the Republic of Serbia territorial integrity and sovereignty;
- 2) An exceptionally grave threat to the the Republic of Serbia constitutional order and democratic principles;
- 3) A loss of a large number of human lives or a risk to human lives or health, or a threat to important property of a large number of people;
- 4) A grave damage to the the Republic of Serbia medium-term economic interests;
- 5) A grave threat to the security and intelligence services' activities;
- 6) A grave threat to the interests of the criminal prosecution, suppression of criminal offences and the functioning of the judiciary;
- 7) A grave threat to the the Serbian Armed Forces operational and functional capabilities and the Republic of Serbia other defense forces;
- 8) A grave threat to the Republic of Serbia international position and its cooperation with other countries, international organizations and other international entities, and
- 9) A grave deterioration of a situation that may cause international tension.

Article 5

Proceeding from the criteria referred to in Articles 3 and 4 and in accordance with the law regulating classified information, the authorized person of the public authority shall take a decision to designate the classification level of information in the public authority based on prior assessment of possible damage to the interest of the Republic of Serbia.

The decision referred to in paragraph 1 of this Article shall be reconsidered in accordance with a periodical classification review.

Article 6

This Decree shall enter into force on the eighth day from the date of its publication in the Official Gazette of the Republic of Serbia and be implemented upon the expiry of three months from the date of its entry into force.

GOVERNMENT

Ivica Dačić
Prime Minister, sgd.

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Belgrade, 20 May 2013