

L A W

**ON THE EXECUTION OF PAYMENTS OF LEGAL PERSONS, ENTREPRENEURS AND
NATURAL PERSONS NOT PERFORMING A COMMERCIAL ACTIVITY¹**

Article 1

This Law sets out the rights and obligations of legal persons, entrepreneurs and natural persons not performing a commercial activity, with regard to the opening of the current and other payment accounts, as well as the execution of payment transactions from these accounts.

The provisions of this Law pertaining to legal persons shall also apply to branches of foreign companies founded in accordance with the law governing the establishment of companies.

Article 2

Legal persons and entrepreneurs shall open a current account with a payment service provider which, in accordance with the law governing payment services, may keep a current account (a bank or the Treasury Administration), hold funds in that account and execute payment transactions from that account.

Legal persons and entrepreneurs may have more than one current account with the same payment service provider and current accounts with several payment service providers.

Notwithstanding paragraph 1 hereof, as electronic money holders in accordance with the law governing payment services, legal persons and entrepreneurs are not obligated to execute payment transactions from the current account on the grounds of purchasing and selling goods and services with that money.

The provisions of paragraphs 1 to 3 hereof shall also apply to legal persons and entrepreneurs when executing cross-border payment transactions, in accordance with regulations on foreign exchange operations.

The minister in charge of finance may prescribe in more detail the conditions and manner of payments from paragraph 3 hereof, as well as other cases where legal persons and entrepreneurs are not obligated to execute payment transactions from the current account.

Article 3

Legal persons and entrepreneurs shall deposit the dinars, which they received in cash on any grounds, to their current account within seven working days.

The provision from paragraph 1 hereof shall not apply to persons from that paragraph who have been authorised by a competent authority to perform exchange operations, and who deposit the cash in dinars, which they obtained through exchange operations, in accordance with the regulation governing exchange operations.

If an entrepreneur demands a cash payment from the current account, the bank shall pay the money immediately, without any commission. If the amount exceeds RSD 600,000 or if it is foreign cash in the dinar equivalent value of more than RSD 600,000 according to the NBS official middle exchange rate, the bank shall pay the money in excess of RSD 600,000 by no later than the following working day, without any commission.

The conditions and manner of dinar cash being paid to and drawn from the accounts of legal persons and entrepreneurs shall be prescribed by the minister in charge of finance.

Article 4

For the purpose of executing payment transactions, natural persons not performing a commercial

¹ This Law was published in the RS Official Gazette, No 68/2015.

activity may have current and other payment accounts with payment service providers defined by the law governing payment services.

As electronic money holders in accordance with the law governing payment services, the persons from paragraph 1 hereof may execute payment transactions using that money.

The provisions of paragraphs 1 and 2 hereof shall also apply when natural persons not performing a commercial activity execute cross-border payment transactions, in accordance with regulations on FX operations.

Article 5

Legal persons and entrepreneurs may settle their mutual pecuniary obligations by agreeing to substitute the creditors and/or debtors in a specific contractual relationship (assignment, cession, joining a debt, assumption of debt, assignment of debt, etc.), by offsetting (compensation), or in another manner in accordance with the law.

Legal persons and entrepreneurs may not settle their mutual pecuniary obligations in the manner set out in paragraph 1 hereof if, in the moment of payment, their accounts are blocked for the purpose of enforced collection, unless otherwise stipulated by the law governing tax procedures.

Obligations settled in the manner set out in paragraph 1 hereof, unless they are settled by offsetting (compensation), shall be recorded via the account with the payment service provider at least once a month, as a rule at the end of the month.

The payment of mutual obligations and receivables from paragraph 1 hereof shall be executed as a payment transaction between the participants.

Article 6

The implementation of the provisions of this Law with legal persons and entrepreneurs shall be supervised by the Ministry of Finance – Tax Administration.

Article 7

A legal person shall be fined RSD 50,000 to RSD 2,000,000 for the following misdemeanours:

- 1) if it fails to open a current account with a payment service provider which, in accordance with the law governing payment services, may keep the current account, or if it fails to hold funds in that account, or if it does not execute payment transaction from that account, in accordance with this Law (Article 2, paragraph 1);
- 2) if dinars received in cash on any grounds are not paid to its current account within seven working days (Article 3, paragraph 1);
- 3) if, in the moment of payment, its accounts are blocked for the purpose of enforced collection, and pecuniary obligations are settled contrary to Article 5, paragraph 2 of this Law (Article 5, paragraph 2).

The responsible person in a legal person shall also be fined RSD 5,000 to RSD 150,000 for actions set out in paragraph 1 of this Article.

An entrepreneur shall be fined RSD 10,000 to RSD 500,000 for actions set out in paragraph 1 of this Article.

Article 8

The act referred to in Article 3, paragraph 4 of this Law shall be adopted by the minister in charge of finance within 60 days of the day this Law comes into force.

Until the day the act referred to in paragraph 1 hereof is applied, the Rulebook on conditions and

manner of making dinar cash payments for legal persons and natural persons performing a commercial activity (RS Official Gazette, No 77/11) shall apply, unless it is in contravention of this Law.

Article 9

This Law shall enter into force on the eighth day following its publication in the RS Official Gazette and shall apply as of 1 October 2015.