

Pursuant to Article 9 of the Decision Amending the Rules of Procedure of the Government of the Republic of Serbia (*Official Gazette of the Republic of Serbia*, No. 51/06),

The Legislation Secretariat of the Republic of Serbia has established the revised text of the Rules of Procedure of the Government of the Republic of Serbia.

The revised text of the Rules of Procedure of the Government of the Republic of Serbia shall include the following:

1.The basic text of the Rules of Procedure of the Government of the Republic of Serbia (*Official Gazette of the Republic of Serbia*, No. 100/05), with the exception of *Chapter IX (Transitional and Final Provisions)* that incorporated Article 102 on the expiration of previous regulations and the continuation of operation by previous government working bodies under the new names, and Article 103 on coming into force of the Rules of Procedure, and

2.The Decision Amending the Rules of Procedure of the Government of the Republic of Serbia (*Official Gazette of the Republic of Serbia*, No. 51/06), with the exception of Article 9, providing the authorisation to establish and deliver for publication the revised text of the Rules of Procedure of the Government of the Republic of Serbia, and Article 10, specifying the date on which the Decision is coming into force.

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Legislation Secretariat of the Republic of Serbia

Director

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RULES OF PROCEDURE OF THE GOVERNMENT OF THE REPUBLIC OF SERBIA

(revised text)

1. BASIC PROVISIONS

Contents of the Rules of Procedure

Article 1

Under the Law on the Government of the Republic of Serbia (hereinafter referred to as “the Government”), the Rules of Procedure shall specify the organisation, operation and decision making procedures of the Government.

Responsibility for Implementation of the Rules of Procedure

Article 2

The Secretary General of the Government (hereinafter referred to as “the Secretary General”) shall be responsible for the implementation of the Rules of Procedure.

The Prime Minister may issue to the Secretary General mandatory instructions related to the exercise of powers delegated to the Secretary General under the Rules of Procedure.

Prime Minister

Article 3

The Prime Minister shall lead and guide the Government, strive to ensure the unity of political activity in the Government, coordinate the work of its members and represent the Government.

With these objectives in mind, the Prime Minister shall convene and chair government sessions, sign government acts, issue mandatory instructions and allocate special assignments to members of the Government, represent the Government before other state institutions and representatives of foreign states and international organisations and promote government positions in the media.

Acts by the Prime Minister

Article 4

The Prime Minister shall issue decisions and decrees.

The Prime Minister shall issue a decision to appoint a deputy prime minister to replace him/her while he/she is absent or otherwise unable to perform his/her duties, define the areas in which a deputy prime minister shall guide and coordinate the work of ministries and special organisations, authorise a deputy prime minister to run a project falling within the scopes of activity of several ministries and special organisations, delegate to a deputy prime minister the powers concerning the head of a government service accountable to him/her, authorise a member of the Government to take over the powers of another member of the Government whose relieve of duty he/she has suggested or whose term of office has terminated, define the duties of the minister without portfolio, establish councils for the Prime Minister, appoint and dismiss the chairpersons and members of the councils.

Decisions issued by the Prime Minister shall be published in the *Official Gazette of the Republic of Serbia*.

If in the exercise of his/her other duties the Prime Minister finds that an act in writing is required, he/she shall issue a decree, which shall not be published in the *Official Gazette of the Republic of Serbia*.

Convening the First Session of the Government

Article 5

The first session of the Government shall be convened by the Prime Minister within eight days of the date on which the government term of office commenced.

The Government shall use the first session to appoint a day of the week to be the sitting day.

Identity Cards for Members of the Government

Article 6

The Prime Minister shall issue identity cards to members of the Government for them to prove their membership of the Government and the rights arising from immunity they enjoy as members of the Government from the beginning to the end of their term of office/duty.

Information present on the document shall include personal data necessary for the verification of identity, the duty performed by the member of the Government, the date on which his/her term of office commenced and the rights arising from his/her immunity.

A member of the Government shall return the identity card to the Prime Minister within three days of the termination of his/her term of office or duty, and the Prime Minister shall deliver the returned identity cards, including his own, to the Secretary General.

Decision Making in the Government

Article 7

The Government shall operate and take decisions on the matters falling within its competence at government sessions. The Government shall rule by a majority of votes of all the members of the Government.

If the vote on a draft agenda has been attended by a majority of government members, and none challenged the existence of the majority during the session, the majority of government members shall be considered to have attended the government session all the time.

In emergencies and other well-justified cases, the Prime Minister may decide to hold a government session even if not attended by the majority of government members, and allow absent government members to vote by phone or fax.

State Administration Bodies and Government Services

Article 8

For the purposes of the Rules of Proceedings, the state administration bodies shall include the ministries, special organisations and services of the Government.

The government services shall include the services of the Government the heads of which are accountable to the Prime Minister.

II GOVERNMENT WORKING BODIES

1. Permanent Working Bodies

Committees and Commissions

Article 9

The Government shall rely on the Rules of Procedure in establishing committees and commissions as permanent government bodies.

The committees shall participate in preparations for a government session or discuss the matters that are not decided upon at the government session.

As a rule, the commissions shall issue individual acts or propose them to the Government.

Members of Permanent Working Bodies

Article 10

The members of a permanent working body shall be members of the Government and, aside from them, state secretaries and government appointees to the state administration, whose duties fall within the competence of the permanent working body.

The chairperson, his/her deputy and other members of the permanent working body shall be appointed by the Government, so that government members comprise a majority.

The Government shall define the number of members of the permanent working body in the appointment procedure.

Chairperson of a Permanent Working Body

Article 11

The chairperson of a permanent working body and his/her deputy shall be appointed from among deputy prime ministers or ministers.

The chairperson shall convene a session of the permanent working body, propose the agenda, chair the session, propose and sign the documents issued by the permanent working body.

If the chairperson and his/her deputy are prevented from attending, they shall be replaced by a government member appointed to the permanent working body.

Sessions of a Permanent Working Body

Article 12

The chairperson of a permanent working body shall convene its sessions in writing, no later than 24 hours prior to its beginning. Together with the invitation to attend, members of the permanent working body shall also receive a draft agenda, minutes from the previous session and materials for the session.

The draft agenda shall include the materials prepared under the Rules of Procedure. Only in emergencies and well-justified cases, materials that have not been included in the draft agenda shall be added to the agenda, which the Secretary General shall be notified of.

The permanent working body shall meet in closed session, unless the chairperson decides otherwise in a specific case. Minutes shall be kept at the session.

If requested by the permanent working body, shorthand notes shall be kept at the session and/or the session audiotaped.

Persons Attending a Permanent Working Body Session if Required

Article 13

The chairperson of a permanent working body may invite representatives of other bodies to attend its session.

The chairperson may also invite experts to offer their opinions.

Decision Making in a Permanent Working Body

Article 14

A permanent working body shall operate legitimately and make valid decisions in a session attended by a majority of its members.

A valid decision rendered by the permanent working body shall require a majority of votes of the attending members.

Exceptionally, a minister shall authorise in writing a state secretary to attend a permanent working group session instead of him, offer his/her opinion and vote on all items of the agenda, unless the permanent working body consists exclusively of government members.

Professional, Administrative and Technical Support

Article 15

Professional, administrative and technical support for permanent working bodies shall be provided by the General Secretariat of the Government (hereinafter referred to as “the General Secretariat”), through its services or secretaries of permanent working bodies.

The secretary of a permanent working body shall provide professional, administrative and technical support to those permanent working bodies that, under the Rules of Procedure, are not supported by a service.

Application of the Rules of Procedure

Article 16

The Rules of Procedure related to the preparation of materials delivered to a permanent working body as part of preparations for a government session shall also apply to the preparation of materials for the session of a permanent working body, discussing the matters that are not decided upon at the government session.

The Rules of Procedure pertaining to the preparation for and the course of a government session shall also accordingly to the other aspects of preparation for and the course of a permanent working body session that have not been explicitly prescribed by the Rules of Procedure.

2. Special Provisions on Committees

Conclusions of a Committee

Article 17

A committee shall adopt a conclusion on each item of the agenda at its session.

If a particular item of the agenda includes a matter not to be discussed at a government session, the committee shall adopt a conclusion, offering within its own decisions, suggestions and opinions.

The committee shall also make a conclusion on an item of the agenda discussed as part of the preparation for a government session, in accordance with the Rules of Procedure.

Consideration of a Matter Falling Within the Competence of Another Committee

Article 18

A committee may discuss the matters falling within the competence of another committee.

If their conclusions differ, the chairpersons of the two committees shall decide together which of the two shall be proposed to the Government.

If they fail to agree, the Prime Minister shall decide whether he/she shall include the controversial issue in the government agenda, or refer it back to the committees for reconsideration.

Joint Committee Sessions

Article 19

Committees shall discuss matters of importance for two or more committees at joint sessions.

The committees shall make separate decisions at the joint session.

If their conclusions differ, the Rules of Procedure referring to the consideration of a matter falling within the competence of another committee shall apply accordingly.

Participants in a Committee Session

Article 20

Without the right to vote, representatives of the proponent, the Ministry of Finance and the Legislation Secretariat of the Republic of Serbia shall attend the session of a committee.

Committee Services

Article 21

Professional, administrative and technical support to the committees shall be provided by their services.

The service of a committee and the work of its members shall be run by the secretary of the committee, appointed by the Secretary General.

The committee service shall prepare a committee session, produce reports and conclusions of the committee, monitor the implementation of conclusions in which the decisions, suggestions and opinions of the committee have been offered and perform other duties defined by the chairperson.

For the purposes of the chairperson of the committee, the committee service shall collect information from state administration bodies and other agencies and bodies, examine and process it.

3. Provisional Working Bodies

The Establishment of a Provisional Working Body

Article 22

The Government may render a decision to establish a provisional working body (a council, a working group, a group of experts, etc.) in order to discuss the matters falling within its competence and offer suggestions, opinions and professional explanations. The chairperson and members of a provisional working body shall be appointed by the decision inaugurating the provisional working body, and replaced by a special decree.

The inauguration decision shall also define the duties of the provisional working body, its term of office, deadlines within which it is to produce an activity report and other issues related to its operation.

The provisional working body shall file its reports to the competent committee and the Government in intervals no shorter than 60 and 90 days, respectively.

The provisional working body shall submit its suggestions, opinions and professional explanations to a state administration body whose scope of activity largely covers the duties of the provisional working body for which it has been established, so that the state administration body can prepare them for a government session as its own, if it deems it necessary.

Expiration of a Decision to Establish a Provisional Working Body

Article 23

A decision to establish a provisional working body shall cease to be effective upon the expiry of its term in office.

Support to Provisional Working Bodies. Proper Application of the Rules of Procedure

Article 24

Professional, administrative and technical support to a provisional working body shall be provided by a state administration body whose scope of activity largely covers the duties for which it has been established, or the General Secretariat if the Prime Minister, his/her deputy or the Secretary General chair the provisional working body.

The Rules of Procedure governing the operation of a permanent working body shall apply accordingly to the operation of a provisional working body, unless provided otherwise by the decision to establish the provisional working body.

4.Types of Committees and Commissions

All Committees and Commissions

Article 25

The Government shall have the following committees:

- 1) Committee on Legal System and State Bodies
- 2) Foreign Affairs Committee
- 3) Economy & Finance Committee
- 4) Public Services Committee

The Government shall have the following commissions:

- 1) Administrative Commission
- 2) Personnel Commission
- 3) Housing Commission
- 4) Commission to Establish Natural Disaster Damage
- 5) Commission for the Allocation of Official Buildings and Offices

Committee on Legal System and State Bodies

Article 26

The Committee on Legal System and State Bodies shall consider the matters related to defence, interior affairs, organisation of the judicial system, proceedings before state bodies, criminal laws, law of torts and commercial law, public administration, territorial organisation of the Republic of Serbia, territorial autonomy, local self-government, international legal assistance, organisation and modus operandi of the Government, state symbols, referendum and the election of republic bodies, inheritance, statistics, the Serb diaspora, relations with the Serbian Orthodox Church and religious communities, and other issues of relevance to the legal system and state bodies.

Foreign Affairs Committee

Article 27

The Foreign Affairs Committee shall consider the issues related to foreign policy, relations with other states and international organisations, the conclusion of international treaties, accession to the European union and other foreign affairs.

Economy & Finance Committee

Article 28

The Economy & Finance Committee shall consider the matters related to economy and privatisation, finance, property relations, labour and employment, agriculture, forestry, water power industry, energy and mining, spatial and urban planning, construction, transportation, trade and commodity reserve, tourism and services, foreign economic relations, regional development, the environment, standardisation, intellectual property, accreditation, measures and precious metals, hydrometeorology and other issues in relation to economy and finance.

Public Services Committee

Article 29

The Public Services Committee shall consider the matters related to science, education, culture, healthcare, pensions and disability insurance, veteran disability protection, social protection, marriage and family, public information, sports and other issues of relevance to public services.

Administrative Commission

Article 30

The Administrative Commission shall rule in administrative proceedings, resolve the conflicts of jurisdiction within the Government's competence arising in administrative proceedings, issue decrees on the employment rights of government members, issue decrees on salaries, remunerations and other types of income for government appointees and propose to the Government the methods of decision making in the cases involving immunity or removal of government members.

Only a member of the Government shall be the chairperson or a member of the Administrative Commission.

The Administrative Commission shall have its own service, which the Rules of Proceedings related to committee services shall apply accordingly to.

Personnel Commission

Article 31

The Personnel Commission shall propose to the Government appointments, nominations and removals within the competence of the Government.

The Personnel Commission shall have its own service, which the Rules of Proceedings related to committee services shall apply accordingly to.

Housing Commission

Article 32

The Housing Commission shall rule on objections to the decisions of housing commissions established by state bodies and organisations and perform other duties under the regulations addressing the housing needs of persons elected, appointed and employed by the users of state-owned resources.

Only a member of the Government shall be the chairperson or a member of the Housing Commission.

The Housing Commission shall have its own service, which the Rules of Proceedings related to committee services shall apply accordingly to.

Commission to Establish Natural Disaster Damage

Article 33

Following an appropriate damage estimate methodology, the Commission to Establish Natural Disaster Damage shall determine the damage caused by a natural disaster, propose to the Government the amount of disaster relief assistance to be allocated and perform other duties specified by the regulations and acts of the Government.

Commission for Allocation of Official Buildings and Offices

Article 34

The Commission for the Allocation of Official Buildings and Offices shall decide on the allocation of official buildings and offices to be used by state bodies and organisations.

III GOVERNMENT SESSION

1.General Issues

Proponents of Materials. Binding Character of the Rules of Procedure

Article 35

The right to propose material for a government session shall be granted to a state administration body the competence of which covers the matter the material is related to (hereinafter referred to as “the proponent”).

The proponent shall prepare and propose the material in accordance with the procedure prescribed by the Rules of Procedure.

However, a permanent working body of the Government can directly submit a proposed act to the Government, outside the Rules of Proceedings.

Submitting Materials to the Government

Article 36

The proponent shall submit the material to the Government through the General Secretariat.

Public companies, institutions and other organisations shall deliver their material to the ministry whose competence they fall within, and the ministry shall prepare a proposed act for the Government.

The Difference Between a Proposed Act and a Draft Act

Article 37

The proponent shall prepare in the form of a proposed act the laws and other acts the Government submits to the National Assembly and the President of the Republic of Serbia. The Government shall accept the proposed act by establishing a draft act it shall then put forward to the National Assembly or the President of the Republic.

The proponent shall prepare in the form of a draft act the bylaws, decisions, a budget memorandum, a development strategy, declarations and conclusions to be passed by the Government.

The Rules of Proceedings related to the preparation of draft laws shall apply accordingly to other acts the Government proposes to the National Assembly and the President of the Republic.

The Contents of Proposed and Draft Acts

Article 38

A proposed law and a draft bylaw/decision shall be prepared and delivered to the Government in the form of legal provisions, together with a rationale. These provisions shall also contain the deadlines within which the regulations and other general acts governing the enforcement of these laws and bylaws shall be passed.

A draft decree shall be prepared and delivered to the Government together with the body of the draft decree and a rationale.

The drafts of budget memoranda, development strategies and declarations shall contain explanations of all relevant issues, while analyses, reports, information, proposed platforms for international meetings, proposed bases for the conclusion of international treaties and similar materials must include not only an explanation, but also a conclusion proposed to the Government.

Rationale for Proposed Law and Draft Bylaw/Decision

Article 39

A rationale for a proposed law and a draft bylaw/decision of the Government shall include the following:

- 1) A constitutional/legal basis for the adoption of the act;
- 2) Reasons for the adoption of the act and, more specifically, the problems to be solved by the act, the objectives to be met by the act, possibilities that have been considered already to solve the problem without the adoption of the act and the answer to the question why the adoption of the act is the best way to solve the problem;
- 3)The explanation of basic legal institutes and individual solutions;
- 4)The estimate of financial resources necessary for the implementation of the act;
- 5)The general interest for which retroactivity has been suggested, if the proposed law includes retroactivity provisions;
- 6)Reasons for the adoption of the law as a matter of urgency, if emergency procedure has been suggested for the adoption of the law;
- 7)Reasons for the stipulation that the act should come into force before an eight-day deadline running from the publication of the law in the *Official Gazette of the Republic of Serbia*;

8)A review of the provisions of the act in force that are being amended, (which is prepared by crossing out the part of the text that is being amended, and writing the new text in capital letters).

Annexes to Proposed Law

Article 40

The proponent shall provide an annex to the proposed law including the statement that the document has been harmonised with EU regulations, in the form adopted by the Government, or the statement that there are no EU regulations covering the subject matter of the law.

As an annex to the proposed law, the proponent shall also provide the analysis of its legal effects, including the following explanations: Whom the law will affect most and how? Will the costs of its implementation affect the citizens of Serbia and its economy (small and medium-sized enterprises in particular)? Are the positive effects of the law such as to justify the costs it will create? Will the law support the creation of new economic subjects on the market and boost competition? Were the interested parties given an opportunity to state their opinion on the law? What measures will be taken during the implementation of the law to materialise its intents and purposes?

If the proponent decides that there is no need to offer the analysis of the effects of the law, a special explanation shall be required.

Together with the proposed law, the proponent shall submit an annex listing regulations and other general acts by which the proposed law shall be enforced and the deadlines within which the regulations and general acts shall be passed.

Public Debate in the Preparation of a Law

Article 41

The proponent shall conduct a public debate in the preparation of a law that can change significantly the way in which a matter has been addressed legally or governs a matter of particular public interest. The competent committee shall define a public debate programme and a deadline within which it shall be carried out, following a proposal by the proponent.

If the proponent has failed to conduct a public debate, and was obliged to do so, the competent committee discussing the proposed law shall specify the public debate programme alone, together with the deadline within which it shall be completed.

The proponent failing to conduct a public debate under the programme specified by the competent committee shall be bound by the committee to complete it fully.

Public Availability of Government Material

Article 42

If conducting a public a debate is not a mandatory requirement, the latest the material shall be made available to the public is when the competent committee issues a conclusion proposing that the Government should adopt an act or establish a draft act.

Confidential Material

Article 43

The material constituting state, official or military secret shall be labelled as confidential.

The proponent shall label the confidential material delivered to the Government “confidential” or “strictly confidential”, depending on the level of confidentiality. The material shall contain the reasons why it was labelled confidential.

A proposed law shall not be labelled confidential.

The Handling of Confidential Material

Article 44

Confidential material shall be delivered to members of the Government and director of the Legislation Secretariat of the Republic of Serbia in a closed envelope with the degree of confidentiality and reference number on.

When the government session is over, the confidential material shall be sent back to the Secretary General.

The General Secretariat shall keep a special record of confidential material and the Secretary General shall issue directives, in accordance with the existing regulations, to define how it shall be used and handled.

Removing Confidentiality Labels

Article 45

The Government may remove a confidentiality label from the material.

The Government shall notify the proponent of the confidential material thereof.

2.Preparation of Material for Government Session

Obtaining Opinions

Article 46

The proponent shall obtain the opinion of the Legislation Secretariat of the Republic of Serbia and the Ministry of Finance on proposed laws and draft bylaws, decisions, budget memoranda, development strategies, declarations and conclusions. A proposed law shall also require the opinion of the EU Integration Office.

The proponent shall also obtain the opinion of the Ministry of Foreign Affairs if the act pertains to relations between the Republic of Serbia and foreign countries, the opinion of the Ministry of Justice if the act prescribes criminal acts, commercial crimes or misdemeanours, or if it establishes or removes jurisdiction or stipulates subject matter jurisdiction of courts, and the opinion of the Public Prosecution Office of the Republic of Serbia if the act prescribes the protection of property rights and interests of the Republic of Serbia or creates contractual obligations for the Republic.

Opinions shall be also obtained from the state administration bodies whose competence includes the subject matter of the act.

The accompanying letter seeking an opinion shall be signed by a minister, a state secretary, director of a special organisation, director of a government service or their deputies.

Deadline for the Delivery of Opinion

Article 47

Those to whom the proponent has delivered a proposed act or a draft for the opinion shall send it back writing within ten days. The opinion shall be signed by a minister, a state secretary, director of a special organisation, director of a government service or their deputies.

A 20-day deadline shall be set for the opinions on draft systemic laws.

If an opinion fails to be delivered within the prescribed deadline, the proposed document shall be considered to have incurred no objections.

The proponent shall obtain new opinions on a proposed/draft act if it has been changed differently and more substantially than compliance with the obtained opinions called for.

Delivery of Material to the General Secretariat

Article 48

Material shall be delivered to the Government through the General Secretariat.

The proponent shall deliver to the General Secretariat the material brought into line with the remarks from the opinions acceptable to the proponent, together with the opinions obtained and a report on a public debate, if one has been conducted.

In addition, the proponent shall comment in writing on all the objections he has rejected.

The material shall display good linguistic style.

The Accompanying Letter

Article 49

The accompanying letter shall be sent together with the material.

The accompanying letter shall explain whether the material is delivered to inform members of the Government or for the purposes of consideration and decision making at a government session.

The accompanying letter shall be signed by a minister or a state secretary, director of a special organisation, director of a government service or their deputies.

The Assessment of Expediency of Material

Article 50

Upon the receipt of the material, the Secretary General shall decide whether it has been prepared under the Rules of Procedure.

If so, the material shall be delivered to the competent committee, and if not, the Secretary General shall send it back to the proponent, together with the instructions how to correct the flaws of the document.

The material that has been delivered for information purposes shall be sent by the Secretary General to members of the Government, without including it into the agenda of a committee meeting or a government session.

Committee Meetings

Article 51

The material the General Secretariat delivers to the competent committee shall be included in the agenda of the next session of the committee, unless the chairperson of the committee decides otherwise.

At the session, the positions of the proponent shall be brought into conformity with the remarks from the opinions obtained, objections and suggestions by members of the committee.

After that, the committee shall create a report for the Government, which, inter alia, shall include the conclusion that the Government should or should not pass an act, i.e. establish a draft act or not, separate opinions by members of the committee and controversial issues.

With the consent of the proponent, the committee may adopt the conclusion that the proponent should conform his positions to the position of the committee after the session and another conclusion that the consideration of this item of the agenda shall be postponed until the positions on controversial issues have been reconciled.

The committee shall appoint a rapporteur for the government session.

3. Government Session Proceedings

Convening a Session

Article 52

As a rule, the Prime Minister shall convene a session in writing and 24 hours in advance.

Members of the Government shall receive the invitation to attend, a draft agenda, the minutes of the previous session, material for the session and reports prepared by committees.

If other persons have been invited, they shall be delivered only the material related to the items of the agenda for which they have been called to attend.

Chairing a Session

Article 53

A government session shall be chaired by the Prime Minister or, if he/she is unable to attend or absent, by a deputy prime minister.

If there are several deputy prime ministers, the Prime Minister shall establish the order in which they shall replace him/her in case of absence or inability to attend.

Draft Agenda

Article 54

As a rule, the draft agenda for a government session shall include the material upon which the competent committee has issued a conclusion for the Government to adopt an act or establish a draft act, as well as the material that the proponent has adjusted to the position of the committee after the committee meeting.

The materials shall be divided into “materials with confidentiality label” and “materials without confidentiality label”.

Establishing the Agenda of a Session

Article 55

After the opening of a session by the Prime Minister, the agenda shall be established for the session.

A member of the Government may propose that the agenda should include a matter, which, if not considered, might produce detrimental effects.

The Prime Minister shall then put to vote the amended draft agenda.

Exceptionally, the Prime Minister may put forward amendments to the agenda by the end of the session.

Adopting the Minutes of Previous Session

Article 56

Having set the agenda, the Government shall move to adopt the minutes of its previous session.

A member of the Government shall have the right to object to the minutes in writing, ahead of the session, or orally, at the session at which the minutes are adopted.

The Government shall rule on these objections.

Considering an Item of the Agenda

Article 57

Considering an item of the agenda shall begin with a brief explanation of the material by a representative of the proponent, if the Prime Minister finds it necessary or if the representative of the proponent explicitly requests so.

Then begins a debate, in which participants in the government session shall offer their comments and suggestions, or seek additional explanations.

The Prime Minister can adjourn the government session until contradictory positions are reconciled or until a majority of government members necessary for a valid decision is ensured.

Deciding on an Item of the Agenda

Article 58

After the debate, the Government shall pass a decision on an item of the agenda by accepting or not accepting a proposal the competent committee has offered in its conclusion.

In doing so, the Government can amend the proposed/draft act.

If the debate has been on a matter not discussed at a committee meeting, the Government shall rule by accepting or not accepting the proposal by the member of the Government who proposed that the agenda be amended.

The Government may postpone the decision making and order the proponent to amend or supplement the material.

Voting

Article 59

The voting methods shall include a show of hands, a voice vote or another technically feasible method.

A member of the Government shall have the right to offer a separate opinion and explain it, which shall be recorded in the session minutes.

The way in which a member of the Government has voted shall be considered a strictly confidential official secret, unless the Prime Minister has decided otherwise.

Attendance and Participation

Article 60

A government session shall be attended by members of the Government, the Secretary General, director of the Legislation Secretariat of the Republic of Serbia and invited

persons. The invited persons may take part in the work of the Government during the consideration of the item of the agenda for which they have been invited.

Having no right to take part in the work of the Government, a deputy to the Secretary General's deputy, the chief of staff to the Prime Minister, an assistant to the Secretary General and the General Secretariat staff appointed by the Secretary General shall also attend the government session.

At the request of a minister and with the consent of the Prime Minister, the government session shall be attended not only by the minister, but also a state secretary, the ministry secretary, director of an administrative body operating within the ministry or an assistant minister responsible for the preparation of the material, but only during the consideration of the item of the agenda which requires their presence.

Director of the Legislation Secretariat and the minister shall timely notify the Secretary General that they shall be unable to attend the session because of business travel, illness or for another good reason, and inform him/her which deputy/assistant and state secretary/assistant, respectively, shall replace them.

Obligations of Director of the Legislation Secretariat

Article 61

Director of the Legislation Secretariat of the Republic of Serbia shall sign up for debate, having concluded from the material and the debate that a proposed/draft act is contrary to the Constitution of the Republic of Serbia or the law.

He/she shall also warn at the discrepancies that may emerge in the legal system of the Republic of Serbia.

Recording and Shorthand Notes

Article 62

Shorthand notes shall be taken at a government session. The government session shall be also audio taped.

The shorthand notes and audio tapes shall be considered a strictly confidential official secret.

The shorthand notes and audio tapes can be used by members of the Government and director of the Legislation Secretariat, while other persons may use them with the consent of the Secretary General.

The confidentiality of the shorthand notes and audio tapes shall be removed by the Government.

The Secretary General shall be responsible for storing the shorthand notes and audio tapes.

Minutes of the Government Session

Article 63

Minutes shall be taken on the proceedings of a government session.

The minutes shall include the number and date of the session, the name of the person who chaired the session, the time when the session began/ended, the list of present and absent members of the Government, the list of other persons present at the session, the agenda and government decisions on each item of the agenda.

The minutes shall be signed by the Prime Minister and the Secretary General. The minutes shall be filed permanently.

The Secretary General shall be responsible for filing the minutes.

Revised Text of an Act

Article 64

The revised text of an act shall be prepared after the government session.

The revised text is the text of an act/draft act incorporating the amendments adopted at the government session, technically and legally edited.

Preparation of Revised Text

Article 65

The revised text of an act shall be prepared by the proponent, in collaboration with the Legislation Secretariat of the Republic of Serbia and the General Secretariat.

The Secretary General, if requested, shall grant them access to the appropriate shorthand notes.

The revised text shall be made in three copies, one initialled by the Legislation Secretariat. The three copies shall be delivered to the General Secretariat.

The revised texts shall be filed by the General Secretariat.

Signing a Government Act

Article 66

A government act shall be signed by the Prime Minister or a deputy prime minister authorised by the Prime Minister.

They shall also sign the accompanying letter if the Government is submitting a draft act to the National Assembly or the President of the Republic.

Publication of Government Acts

Article 67

The publication of government acts in the *Official Gazette of the Republic of Serbia* shall be the responsibility of the Legislation Secretariat of the Republic of Serbia.

Delivery of Government Conclusions

Article 68

A conclusion, as a government act, shall be delivered for enforcement to the state administration body whose commitments have been prescribed by the conclusion.

IV RELATIONSHIP BETWEEN GOVERNMENT AND OTHER STATE BODIES

1. Relationship Between Government and National Assembly

A) Regulation of Relations

Article 69

The Government shall cooperate with the National Assembly under the Constitution, the Law on Government, the Law on State Administration, the Rules of Procedure of the National Assembly and these Rules of Procedure.

B) If the Government Sponsors an Act Before the National Assembly:

Government Representation in the National Assembly

Article 70

If the Government sponsors an act before the National Assembly, it shall designate a member of the Government to represent it at the session of the National Assembly. Director of the Legislation Secretariat of the Republic of Serbia may be a government representative under the terms specified by the Rules of Procedure of the National Assembly.

From amongst its employees and appointees who prepared the draft act and possess necessary expertise, the Government may designate its representatives to take part in the work of the National Assembly's committee.

At the National Assembly session, the government representative may accept an amendment by another proponent without the explicit consent of the Government, unless it can change significantly the government draft act.

If a member of the Government is unable to attend the National Assembly session, the Prime Minister shall appoint another member of the Government to replace him/her, if it is impossible to wait until the next government session to appoint the replacement then.

Amendments to Government Draft Act

Article 71

If the Government sponsors an act before the National Assembly, proposed amendments to the draft act shall be prepared by a competent ministry or a special organisation in collaboration with the Legislation Secretariat of the Republic of Serbia.

If amendments to the draft act have been filed by other proponents, the General Secretariat shall deliver them to the competent ministry or special organisation, which shall work together with the Legislation Secretariat to prepare for the Government a draft opinion on the amendments. They shall state in the draft opinion which amendments have been accepted and which have not, also providing a rationale.

In all other aspects the Rules of Procedure pertaining to the preparation of material for a government session shall apply accordingly.

C)If Government Does Not Sponsor an Act Before National Assembly:

Article 72

If the Government does not sponsor an act before the National Assembly, the competent ministry or a special organisation shall work in collaboration with the Legislation Secretariat to prepare for the Government a draft opinion on the draft act, draft amendments and a draft opinion on amendments filed by other proponents.

The same shall apply to the preparation of a reply to the Constitutional Court following an initiative/motion for the constitutional review of a general act of the National Assembly or the Government.

In all other aspects the Rules of Procedure pertaining to the preparation of material for a government session shall apply accordingly.

D)Parliamentary Questions

Article 73

If a parliamentary question has been forwarded to the Government and falls within the scope of a ministry, the ministry shall prepare for the Government a draft reply.

If a parliamentary question has been forwarded to the Government and falls within the scopes of several ministries, the General Secretariat shall deliver the question to all of them, but the principal ministry shall prepare a reply for the Government.

The ministries designated by the Prime Minister shall work together with the General Secretariat and the Legislation Secretariat to prepare for the Government a draft reply to a parliamentary question related solely to the work of the Government.

The General Secretariat shall see to it that the Government provides timely replies to parliamentary questions.

E)Interpellation

Article 74

The General Secretariat shall deliver an interpellation against a minister to the ministry to prepare for the Government a proposed position on the interpellation motion.

If the interpellation concerns the work of the Government, the proposed position shall be prepared for the Government by competent ministries in collaboration with the Legislation Secretariat and the General Secretariat.

In all other aspects the Rules of Procedure pertaining to the preparation of material for a government session shall apply accordingly.

F)Requests from National Assembly

Article 75

The National Assembly may request the Government to take a position on a matter falling within the competence of the Government or to deliver to it reports or information necessary for a debate on a matter relevant to the work of the Government or its member.

In that case, the Rules of Procedure pertaining to the preparation of material for a government session shall apply accordingly.

Ministries and special organisations shall deliver to the Secretary General information, explanations and data the National Assembly may have requested, and the Secretary General shall forward them to the National Assembly.

G)Government Programme and Report

Annual Programme of Action

Article 76

The Government shall define its Annual Programme of Action in order to set its priorities, while the success of its activities shall be evaluated in the Government Report.

The Annual Programme of Action shall list the bills and other acts the Government intends to submit to the National Assembly, offering a brief explanation of the purpose of each document.

The Government shall adopt the Annual Programme of Action for the next year by the end of December of the current year.

Preparation of Annual Programme of Action

Article 77

The Government Annual Programme of Action shall be based on activity programmes for the next year, which state administration bodies deliver to the General Secretariat by December 1 each year.

The Annual Programme of Action shall be prepared by the General Secretariat in collaboration with the Legislation Secretariat and ministries appointed by the Prime Minister.

Detailed instructions for the preparation of the Annual Programme of Action shall be provided by the Secretary General, who is also responsible for the timely preparation of the document.

Government Report

Article 78

The Government Report covering the previous year shall be submitted to the National Assembly by March 1 of the current year.

The Government shall describe in its Report the activities it has completed under the Annual Programme of Activity, with a special emphasis on the activities it has carried out outside the Annual Programme.

Detailed instructions for the preparation of the Government Report shall be made consensually by the Secretary General, the Minister of Finance and director of the Legislation Secretariat of the Republic of Serbia.

Preparation of the Government Report

Article 79

The Government Report shall be based on activity reports for the previous year, which state administration bodies deliver to the General Secretariat by February 1 each year.

The reports on the work of state administration bodies shall provide an overview of the enforcement of laws, other general acts and conclusions of the Government, the measures that have been taken, their effects and other information.

The Government Report shall be prepared by the General Secretariat, in collaboration with the Ministry of Finance and the Legislation Secretariat.

Report on the Work of a Member of the Government; Proper Application

Article 80

A member of the Government shall submit to the National Assembly a report on his/her work if the National Assembly requests so.

The report on the work of a government member shall be delivered to the Government first.

The Rules of Procedure pertaining to the preparation of the Government Annual Report shall apply accordingly if the National Assembly requests the Government or its member to prepare a report on their work.

2.Relationship with the President of the Republic

Cooperation

Article 81

The Government shall cooperate with the President of the Republic in all matters falling within his competence.

Ministries and special organisations shall deliver to the Secretary General information, explanations and data the President of the Republic has requested, and the Secretary General shall forward them to the President.

Exceptionally, and if provided for by a law or another regulation, the Ministry of Defence shall deliver its suggestions, notices, explanations and information directly to the President of the Republic.

Request for the Government to Take a Position

Article 82

If the President of the Republic requests the Government to take a position on a matter falling within its competence, the Secretary General and director of the Legislation Secretariat of the Republic of Serbia shall first investigate the nature of the request.

Should they find that the request have no reference to the Government taking a position, they shall prepare for the Government the draft of an appropriate conclusion.

If not, they shall deliver the request to competent state administration bodies for them to prepare for the Government a draft conclusion reflecting the Government's position.

In all other aspects, the Rules of Procedure pertaining to the preparation of material for a government session shall apply accordingly.

3.Relationship with State Administration Bodies

Proposal by a Member of the Government for Regulation of a Matter

Article 83

A member of the Government may submit to the Government a proposal to regulate a matter falling within the competence of the Government and the National Assembly.

The proposal shall be delivered to the Secretary General, who shall forward it to a competent state administration body for responding to the government member within seven days.

If not satisfied with the reply, the member of the Government may prepare for the Government the draft of an appropriate conclusion, but not before the expiration of 15 days after he/she received the reply.

In all other aspects, the Rules of Procedure pertaining to the preparation of material for a government session shall apply accordingly.

Taking a Position on a Matter Within Government Competence

Article 84

A member of the Government may request the Government to take a position on a matter falling within his/her competence by submitting a draft conclusion to the Government through the General Secretariat.

In all other aspects, the Rules of Procedure pertaining to the preparation of material for a government session shall apply accordingly.

Annulment or Revocation of Regulations and Other General Acts

Article 85

A member of the Government, director of a special organisation or director of a government service may submit to the Government a proposal to annul or revoke a regulation of a ministry or special organisation if contrary to the law or a government act, at their own or a third party's initiative.

Upon the receipt of the proposal, the Secretary General shall obtain a statement from the law maker and the Legislation Secretariat of the Republic of Serbia that shall respond within seven days.

The Secretary General shall then prepare for the Government the draft of an appropriate conclusion or decree.

If the Government issues a decree to annul or revoke the regulation of a ministry or special organisation, it shall also define a deadline within which a new regulation shall be passed.

Setting a Deadline for the Adoption of Regulations

Article 86

The General Secretariat shall keep a record of deadlines within which the ministries and special organisations shall adopt regulations under the law or a general government act.

If a deadline is unspecified, the Secretary General shall prepare for the Government the draft of an appropriate conclusion, having obtained the opinion of a competent ministry or special organisation.

Adoption of Regulations Within the Competence of a Ministry/Special Organisation

Article 87

If a ministry/special organisation fails to adopt a regulation within a deadline specified by the law or a government act, it shall be adopted by the Government if a failure to do so can produce detrimental effects on human lives and health, the environment, economy or valuable property.

The General Secretariat shall obtain the opinion of the ministries designated by the Prime Minister if conditions have been met for the Government to adopt the regulation, and then prepare for the Government the draft of an appropriate conclusion.

Should the Government decide that the conditions for the adoption of the regulation have been met, it shall appoint the ministries that shall work with the Legislation Secretariat of the Republic of Serbia to prepare a draft regulation for the Government.

In all other aspects, the Rules of Procedure pertaining to the preparation of material for a government session shall apply accordingly.

Dispute Resolution

Article 88

The Government shall rule on the matters that state administration bodies failed to resolve by mutual consent, including a conflict of jurisdiction that does not arise from administrative proceedings.

A state administration body shall forward the written notification of a dispute to the Secretary General.

The General Secretariat shall obtain the opinions of the parties to the dispute and, in collaboration with the Legislation Secretariat of the Republic of Serbia, prepare for the government the draft of an appropriate conclusion.

Enforcement of Government Conclusions

Article 89

Ministries, directors of special organisations and directors of government services shall be responsible for timely and appropriate enforcement of government conclusions, in accordance with the orders prescribed in the conclusions and their respective spheres of competence.

The enforcement of government conclusions shall be monitored, supervised and coordinated by the Secretary General, who for that purpose shall be allowed to issue relevant orders.

If a state administration body fails to implement a conclusion within a reasonable time, the Secretary General shall prepare for the Government the draft of an appropriate conclusion.

The state administration body shall explicitly notify the Secretary General of the implementation of a government conclusion that does not require the preparation and submission of material for the Government.

Administration Body Within Ministry

Article 90

An administration body within a ministry shall be represented before the Government by the minister.

The Government shall exercise its authority towards the administration body through the ministry incorporating the administration body.

Delivery of Material to Several State Administration Bodies

Article 91

If the General Secretariat forwards materials to several state administration bodies seeking their respective opinions, only the principal body shall send the opinion, having harmonised the text of the opinion with the other bodies.

Should they fail to produce a consensual opinion, the principal administration body shall deliver to the Government its own opinion, together with the opinions of the bodies that failed to agree.

4.Relationship With Other Bodies and Organisations

Article 92

The Government, as a rule, cooperates with other state bodies, professional associations, trade unions, towns and cities, the City of Belgrade, autonomous provinces and other legal subjects through competent ministries, special organisations and government services.

V OPENNESS OF WORK

General Rules of the Openness of Work

Article 93

The work of the Government shall be public.

The openness of the work of the Government shall be ensured through press conferences, the Internet presentations of the Government and state administration bodies, press releases and other information and telecommunication technologies.

As a rule, the Government shall respond to the questions, initiatives and complaints sent to the Government through state administration bodies. The questions, initiatives and complaints sent to the Prime Minister shall be responded to by the General Secretariat, in collaboration with competent state administration bodies.

Facilitating the Openness of Work

Article 94

The Government Media Office shall be responsible for the openness of government business.

The Prime Minister and the head of the Government Media Office shall inform the public on the work and decisions of the Government.

A deputy prime minister and ministers shall inform the public on government decisions falling within their competence. With the consent of the minister, i.e. the Government, state secretaries and directors of special organisations and government services may inform the public on government decisions falling within their domains.

Presentation of Government Positions

Article 95

Members of the Government, state secretaries and directors of special organisations and government services shall express and advocate government positions in their statements and appearances.

A member of the Government who voted against a government decision or restrained from voting shall have to advocate the government decision in public as well.

Openness of Government Sessions

Article 96

As a rule, reporters and other representatives of the public do not attend government sessions.

Speeches of government members and other participants in a government session shall be considered strictly confidential official secret, unless the Prime Minister decides otherwise.

VI REVISED TEXTS OF GENERAL GOVERNMENT ACTS

Article 97

The Government may authorise the Legislation Secretariat of the Republic of Serbia to establish the revised text of a general government act and deliver it to the *Official Gazette of the Republic of Serbia* for publication.

The Legislation Secretariat shall be authorised to do so by the general act amending a general act or by a special conclusion.

The Legislation Secretariat shall establish the revised text in collaboration with the state administration body responsible for the preparation of the general act and the General Secretariat.

The establishment of the revised text of a general government act shall imply renumeration of the existing articles.

VII GOVERNMENT DOCUMENTS

The government documents shall include the following: minutes from government sessions and the meetings of permanent and provisional working bodies, government session materials, revised texts of the acts the Government has passed, shorthand notes taken and audio tapes recorded at government sessions and the meetings of

permanent/provisional government bodies, which the General Secretariat provides with professional, administrative and technical support.

The government documents shall be filed by the General Secretariat and can be used with the consent of the Secretary General.

The Secretary General shall issue a directive on the storage, handling and use of government documents.