

# **LAW ON STATE ADMINISTRATION**

## **I. MAIN PROVISIONS**

### **Status and Composition of State Administration**

#### **Article 1**

State administration is a part of the executive power of the Republic of Serbia performing administrative tasks from the framework of the rights and obligations of the Republic of Serbia (hereafter: state administration tasks).

State administration shall consist of ministries, administrative authorities within the ministries and special organisations (hereafter: state administration authorities).

### **Establishment and Scope of Work of State Administration Authorities**

#### **Article 2**

State administration authorities shall be established by law.

The scope of work of state administration authorities shall be regulated by law.

### **Supervision of State Administration Authorities**

#### **Article 3**

The work of state administration authorities shall be subjected to supervision of the Government.

The National Assembly shall supervise the work of state administration authorities through supervision of work of the Government and the members of the Government.

Through the administrative dispute the courts shall supervise the legality of individual acts of state administration authorities passed in administrative matters.

### **Conferral of State Administration Tasks**

#### **Article 4**

Certain state administration tasks may be conferred by law to autonomous provinces, municipalities, cities, city of Belgrade, public companies, institutions, public agencies and other organisations (hereafter: holders of public powers).

### **Liability for damage**

#### **Article 5**

The Republic of Serbia shall be liable for damage caused by unlawful and improper work of state administration authorities to natural and legal persons.

The holders of public powers shall themselves be liable for damage caused by unlawful and improper work to natural and legal persons in performing conferred state administration tasks.

### **Financing Work of State Administration Authorities**

#### Article 6

Means for the work of state administration authorities shall be secured from the budget of the Republic of Serbia.

## II. PRINCIPLES OF WORK OF STATE ADMINISTRATION AUTHORITIES

### **Autonomy and Legality**

#### Article 7

State administration authorities shall be autonomous in the execution of their tasks and shall work within and in accordance with the Constitution, law, other legislation and general acts.

### **Expertise, Impartiality and Political Neutrality**

#### Article 8

State administration authorities shall act in accordance with the professional rules, impartially and politically neutral and they shall be obliged to provide for everyone equal legal protection in exercise of rights, obligations and legal interests.

### **Efficiency in Exercise of Parties' Rights**

#### Article 9

State administration authorities shall be obliged to enable the parties to promptly and efficiently exercise their rights and legal interests.

### **Proportionality. Respect of Parties**

#### Article 10

When deciding in an administrative procedure and undertaking administrative actions, state administration authorities shall be obliged to use means that are the most favourable for a party, providing that the means can achieve the purpose and goal of the law.

State administration authorities shall be obliged to respect the person and dignity of parties.

## **Publicity of Work**

### Article 11

The work of state administration authorities shall be public.

State administration authorities shall be obliged to enable the public to have access to their work in accordance with the law regulating free access to information of public importance.

## **III. STATE ADMINISTRATION TASKS**

### **1. Participation in Shaping Government Policy**

#### Article 12

The state administration authorities shall prepare draft laws, other legislation and general acts for the Government and propose development strategies and other measures to the Government by which the governmental policy is shaped.

Administrative authorities within the ministries shall participate in shaping of Government policy through a ministry.

### **2. Monitoring of Situation**

#### Article 13

State administration authorities shall monitor and determine the situation in fields from their scope of work, examine the consequences of a determined situation and, depending on competences, either undertake measures themselves or propose to the Government adoption of legislation and undertaking of measures the Government is authorised to undertake.

### **3. Enforcement of Laws, other Legislation and General Acts**

#### **Notion**

#### Article 14

State administration authorities shall enforce laws, other legislation and general acts of the National Assembly and the Government by passing legislation, deliberating in administrative matters, keeping of records, issuing of public documents and undertaking administrative actions (hereafter: enforceable tasks).

Administrative authorities within the ministries cannot pass legislation.

State administration authorities must have direct legal basis for undertaking administrative actions which infringe upon personal freedom and liberty, physical and mental integrity, property and other human rights and freedoms.

### **Legislation passed by State Administration Authorities**

#### Article 15

Ministries and special organisations shall pass regulations, orders and directives.

A Regulation shall prescribe in detail specific provisions of law and legislation of the Government.

An order shall order or prohibit action in one situation which is of general importance.

A Directive shall regulate ways in which state administration authorities and holders of public powers enforce certain provisions of law and other legislation.

Regulations, orders and directives shall be published in the 'Official Gazette of the Republic of Serbia'.

### **Limitations in Passing of Legislation**

#### Article 16

Ministries and special organisations may only pass legislation when they are explicitly authorised by law or by regulation of the Government.

Ministries and special organisations cannot by their legislation determine their or foreign competences, or rights and obligations of natural and legal persons which are not already prescribed by law.

### **Deliberation in Administrative Matters**

#### Article 17

State administration authorities shall deliberate in administrative matters and shall pass administrative acts.

State administration authorities shall act upon appeals and extra legal remedies against administrative acts adopted by them or holders of public powers, in accordance with law.

## **4. Inspectory Supervision**

#### Article 18

By performing the inspectory supervision state administration authorities shall supervise the implementation of laws and other legislation by direct scrutiny of the management and action of natural and legal persons and, depending on the results of the supervision shall pronounce administrative measures they are authorised to undertake.

Inspectory supervision shall be regulated by special law.

## **5. Ensuring Public Services**

#### Article 19

State administration authorities shall secure that the work of public services is conducted in accordance with law.

In performing this, the state administration authorities shall perform tasks and undertake measures they are authorized by law to undertake.

## **6. Developing Tasks**

### Article 20

State administration authorities shall encourage and direct development in fields from their scope of work, in accordance with the policy of the Government.

## **7. Other Expert Tasks**

### Article 21

State administration authorities shall collect and examine data from their scope of work, prepare analyses, reports, information and other materials and perform other expert work which contributes to the development of fields from their scope of work.

## **IV. ORGANISATION OF STATE ADMINISTRATION AUTHORITIES**

### **1. Ministries**

#### **Establishment of Ministries**

### Article 22

A ministry shall be established for state administration tasks in one or more mutually interconnected fields.

#### **Minister**

### Article 23

A Minister shall manage the ministry.

A Minister shall represent the ministry and shall pass legislation and decisions in administrative and other individual matters and decide on other issues from the scope of the work of the ministry.

A Minister shall be accountable to the Government and National Assembly for the work of the ministry and for the situation in all fields from the scope of work of the ministry.

#### **State Secretary**

### Article 24

A Ministry may have one or more state secretaries who shall be accountable for their work to the Minister and the Government.

A State Secretary shall assist the Minister within competences determined by the Minister. A Minister cannot authorise the State Secretary to pass legislation or to vote on the sessions of the Government.

When a ministry has more state secretaries, the Minister shall in written authorise one of them to replace him or her during his or her absence or when incapacitated.

A State Secretary shall have a position of an official appointed and dismissed by the Government upon proposal of the Minister. His or her duty shall cease at the end of the term of the Minister.

A State Secretary shall be subjected to the same rules on incompatibility and conflict of interest as any member of the Government. A State Secretary cannot be a member of the parliament.

### **Assistant Minister**

#### Article 25

A Ministry shall have assistant ministers who shall be accountable for their work to the Minister.

An Assistant Minister shall manage the defined field of work of the ministry for which the sector shall be established.

An Assistant Minister shall be appointed by the Government for a period of five years upon proposal of the Minister, according to law regulating the status of civil servants.

### **Secretary of the Ministry**

#### Article 26

A Ministry may have a Secretary of the Ministry who shall be accountable for his or her work to the Minister.

A Secretary of the Ministry shall assist the Minister in regard to the human resource management, financial, IT and other issues and in adjustment of work of internal units of the ministry and shall cooperate with other authorities.

A Secretary of the Ministry shall be appointed by the Government for a period of five years upon the proposal of the Minister, in accordance with the law regulating the status of civil servants.

### **Special Advisers of the Minister**

#### Article 27

A Minister may appoint at the maximum three special advisers.

A Special Adviser of the Minister upon proposal of the Minister shall prepare proposals, make opinions and perform other work for the Minister.

Rights and obligations of a special adviser shall be regulated by a contract, according to the general rules of the civil law and the remuneration for work shall be regulated according to the

standards determined by the Government.

A number of special advisers of the Minister shall be determined by the act of the Government for each ministry.

## **2. Administrative Authorities within Ministries Requirements for Establishment**

### **Article 28**

A Ministry may have one or more administrative authorities within it (hereafter: an authority within the Ministry).

An authority within the Ministry shall be established for executive, that is inspectory tasks and, in relation to them, expert tasks if the nature and scope of work require a greater level of independence than the one that sector has within the ministry.

An authority within the Ministry may acquire the attribute of a legal person when stipulated by law.

## **Types of Authorities within the Ministry**

### **Article 29**

Types of authorities within the Ministry shall be Administrations, Inspectorates and Offices.

An Administration shall be established for executive and, in connection with it, inspection and expert work; an Inspectorate for inspection work and, in connection with it, expert work and an Office for expert and in connection with it executive work which by rule refers to commerce.

## **Director of the Authority within the Ministry**

### **Article 30**

An authority within the Ministry shall be managed by a Director who shall be accountable for his or her work to the Minister.

A Director shall deliberate in administrative matters from the scope of work of the authority within the Ministry and decide on rights and obligations of employees of the authority within the Ministry.

A Director shall be appointed by the Government for a period of five years, upon the proposal of the Minister, in accordance with law regulating the status of civil servants.

## **Assistant Director of the Authority within the Ministry**

### **Article 31**

Due to the nature and the scope of work, an authority within the Ministry may have one or more assistant directors.

An Assistant Director shall manage the work in one or more mutually connected fields of work of the authority within the Ministry and he or she shall be accountable for his or her work to the Director and the Minister.

An Assistant Director shall be appointed by the Government for a period of five years upon the proposal of the Minister, in accordance with the law regulating the status of civil servants.

**Relationship between the Ministry and the Authority within the Ministry. Relationship between the Government and the National Assembly and the Authority within the Ministry**

Article 32

The authority within the Ministry shall be independent in performing tasks from its scope of work.

However, a Minister shall direct the work of the authority within the Ministry and shall pass legislation from the scope of work of the authority within the Ministry.

A Minister shall represent the authority within the Ministry before the Government and the National Assembly.

The Government and the National Assembly shall exercise powers towards the state administration authorities when referring to the authority within the Ministry through the ministry in which the authority is located.

**3. Special Organisations  
Requirements for Establishment**

Article 33

Special organisations shall be established for expert and, in connection with it, executive tasks, if the nature of work requires a greater level of independence than is possessed by the authority within the Ministry.

**Types of Special Organisations**

Article 34

Types of special organisations shall be Secretariats and Offices, though the law may prescribe the establishment of special organisations with different names.

A Secretariat shall be established for expert tasks important for all state administration authorities and in connection with those tasks, executive work, while an Office for expert tasks which require application of special professional methods and knowledge and connected with them executive tasks.

A special organisation may acquire the attribute of a legal person when prescribed by law.

**Director of a Special Organisation**

Article 35

A special organisation shall be managed by a Director who shall be accountable for his or her work to the Government.

A Director shall be appointed by the Government for a period of five years, upon the proposal of the President of the Government and in accordance with the law regulating the status of civil servants.

### **Deputy Director of a Special Organisation**

#### Article 36

A special organisation may have a Deputy Director who shall be accountable to the Director for his or her work.

A Deputy Director shall assist the Director within the competences determined by the Director, shall replace the Director for his or her time of absence or incapacity.

A Deputy Director cannot be authorised by the Director to pass legislation.

A Deputy Director shall be appointed by the Government for a period of five years upon proposal of the Director, in accordance with law regulating the status of civil servants.

### **Assistant Director of a Special Organisation**

#### Article 37

A special organisation shall have one or more assistant directors who shall be accountable to the Director for their work.

An Assistant Director shall manage the defined field of work of a special organisation for which the sector is established.

An Assistant Director shall be appointed by the Government for a period of five years upon proposal of the Director, in accordance with the law regulating the status of civil servants.

## **4. Administrative Districts**

### **Notion of Administrative District**

#### Article 38

An administrative district shall be established for the execution of state administration tasks outside the headquarters of the state administration authority.

In the administrative district the state administration authorities may in accordance with their own decision, perform one or more following state administration tasks: deliberate in first instance administrative matters, namely on appeal when in the first instance the holders of public powers deliberated, may supervise the work of holders of public powers and perform inspectory supervision.

A state administration authority which decides to perform one or more tasks in an administrative district shall establish its district dislocated unit by an act on internal organisation and systematisation of job positions.

### **Methods of Establishment of Administrative Districts**

#### Article 39

The Government shall establish administrative districts by its regulation, by which it shall also determine areas and seats of administrative districts.

The Government shall be especially obliged to determine the area of administrative district in a way which enables rational and efficient work of district dislocated units of state administration authorities.

The Government shall by its regulation on the establishment of administrative districts also prescribe requirements for certain state administration authorities to establish dislocated units for the territory of two or more administrative districts, one or more municipalities, city or autonomous region.

### **Head of the Administrative District**

#### Article 40

The administrative district shall have a Head who shall be accountable for his or her work to the Minister competent for administrative work and to the Government.

A Head of the administrative district shall adjust work of district dislocated units and supervise the implementation of directives and instruction issued to them; shall ensure the execution of working plans of district dislocated units and their working conditions; shall supervise the work of employees in district dislocated units and propose the initiation of disciplinary procedure against them; shall cooperate with dislocated units of state administration authorities which are not established for the area of district; shall cooperate with municipalities and cities and shall perform other duties prescribed by law.

The Head of the administrative district shall be appointed by the Government for a period of five years upon the proposal of the Minister competent for administrative work, in accordance with the law regulating the status of civil servants.

### **Expert Service of the Administrative District**

#### Article 41

The expert service of the administrative district shall exist in the administrative district which shall be responsible for expert and technical assistance to the Head of the administrative district and for joint tasks for all district dislocated units of the state administration authorities.

The Head of the administrative district shall manage the expert service of the administrative district who shall decide on rights and obligations of employees in the expert service.

A Ministry competent for administrative work shall supervise the purpose of work of the expert service, shall monitor the qualifications of employees in expert service and shall issue instructions for expert service.

Legislation on state administration shall be applied on expert service of the administrative district.

### **Council of Administrative District**

#### Article 42

The administrative district shall have the Council of administrative district which shall adjust the relationship between district dislocated units of state administration authorities and municipalities and cities from the area of administrative district and shall give proposals in regard to the improvement of work of the administrative district and district and other dislocated units that state administration authorities have on the area of administrative district.

The Council of Administrative District shall consist of the Head of the administrative district, presidents of municipalities and mayors of cities from the area of the administrative district.

The Head of the administrative district shall be obliged to forward all proposals of the Council of Administrative District to the Minister competent for administrative work and heads of state administration authorities who have dislocated unit on the territory of the administrative district.

The mode of work of the Council of administrative district shall be determined by the regulation of the Government.

### **5. The Internal Organisation of State Administration Authorities Act on Internal Organisation and Systematisation of Job Positions**

#### Article 43

The internal organisation and systematisation of job positions in state administration authorities shall be based on principles determined by the regulation of the Government.

The Act on internal organisation and systematisation of job positions in the Ministry and in the authority within the Ministry shall be passed by the Minister, in special organisations by the Director and in the expert service of the administrative district by the Head of the administrative district.

The Act on internal organisation and systematisation of job positions may enter into force only after the approval of the Government.

### **Directives**

#### Article 44

The Head of the state administration authority may issue directives by which he or she determines the methods of work and action and behaviour of employees in the state administration

authority.

A Directive cannot determine the methods of action and deliberation in administrative matter.

## **V. INTERNAL SUPERVISION**

### **1. Notion and Forms of Internal Supervision**

#### Article 45

The internal supervision shall entail supervision which state administration authorities perform of other state administration authorities as well as of holders of public powers while performing conferred state administration tasks.

Internal supervision shall entail the supervision of work, inspectory supervision through administrative inspection and other forms of supervision regulated by special law.

The administrative inspection shall be regulated by special law.

### **2. Supervision of Work**

#### **Notion and Subject of Supervision of Work**

#### Article 46

Supervision of work shall consist of supervision of legality of work and the supervision of the purpose of work of state administration authorities and holders of public powers while performing conferred state administration tasks.

Supervision of legality entails the investigation of implementation of laws and other general acts, while supervision of purpose of work entails the investigation of efficiency and cost-effectiveness and purposefulness of organisation of work.

A ministry cannot supervise the work of some other ministry.

### **General Competences in Performing Supervision of Work**

#### Article 47

In the supervision of work the state administration authority shall:

1. request reports and data on work;
2. determine the situation in the execution of work, warn on irregularities and determine measures and time limit for their removal;
3. issue instructions;
4. order undertaking of tasks it considers necessary;
5. initiate procedure for the determination of liability;

6. directly undertake certain work if it estimates that the law or other legislation cannot be enforced in any other way;
7. propose to the Government to undertake measures which the Government is authorised to undertake.

The report on work shall comprise the exhibit of enforcement of law and other general acts and conclusions of Government, undertaken measures and their effect and other data.

### **Instruction**

#### Article 48

An instruction shall direct the organisation of tasks and modes of work of employees in the state administration authority and holder of public powers in execution of conferred state administration tasks.

An instruction cannot determine the ways of acting and deliberating in an administrative matter.

### **Supervision of Work of the Authority within the Ministry**

#### Article 49

The Ministry shall supervise the work of authority within the Ministry.

While doing this it shall have all general competences in performing the supervision of work of another state administration authority which are prescribed by this Law.

### **Supervision of Work of Special Organisations**

#### Article 50

A law may determine the ministry that shall supervise the work of special organisation.

While supervising the work of special organisation, the ministry shall be competent only to request reports and data on the work of a special organisation, determine the situation in execution of tasks and warn about observed irregularities, issue instructions and propose to the Government to undertake measures for which the Government is authorised.

## **VI SPECIAL PROVISIONS ON HOLDERS OF PUBLIC POWERS**

### **1. Main Provisions on Execution of Conferred State Administration Tasks**

#### **Status of Holders of Public Powers**

#### Article 51

While executing conferred state administration tasks the holders of public powers shall have same rights and obligations as state administration authorities.

The Government and state administration authorities shall remain accountable for execution of conferred tasks after the conferral of state administration tasks.

### **Financing Conferred Tasks**

#### Article 52

The means for execution of conferred state administration tasks shall be secured from the budget of the Republic of Serbia.

### **Passing of Legislation**

#### Article 53

When holders of public powers are conferred with passing of legislation, this legislation must correspond by nature and by title to legislation passed by the state administration authorities.

Holders of public powers shall be obliged to publish legislation whose passing was conferred to it in the 'Official Gazette of Republic of Serbia'.

## **2. Limitation in Conferral of State Administration Tasks**

#### Article 54

State administration tasks connected to shaping of Government policy cannot be conferred to anyone.

Inspectory supervision may be only conferred to authorities of an autonomous province, municipalities, city and the city of Belgrade.

## **3. Supervision of Work of Holders of Public Powers in Execution of Conferred State Administration Tasks**

### **a) General Competences of Supervisory Authority**

#### Article 55

A law shall determine the state administration authority which shall supervise the work of holders of public powers in performing conferred state administration tasks (hereafter supervisory state administration authority).

While doing this, the supervisory state administration authority shall have all general competences in regard to supervision of work which are prescribed by this Law.

### **b) Special Competences of Supervisory Authority**

## **Undertaking of Conferred Tasks**

### **Article 56**

Supervisory state administration authority shall be obliged to directly execute conferred tasks, if the non execution could provoke damaging consequences for life and health of people, environment, economy and property of significant value.

If the holder of public powers, after numerous warnings, does not perform or does not perform regularly and promptly the conferred state administration tasks, the supervisory state administration authority shall undertake the execution of conferred tasks at the longest for 120 days.

## **Supervision of Legality of Legislation of Holders of Public Powers**

### **Article 57**

A holder of public power shall be obliged to, before the publication of legislation, obtain the opinion of a supervisory state administration authority of constitutionality and legality of legislation and the ministry shall be obliged to send the holder an explained proposal on how to adjust the legislation with the Constitution, law, legislation and other general act of the National Assembly and the Government.

If a holder of public power does not act upon the proposal of the ministry, it shall be obliged to propose to the Government the passing of a ruling on the stay of implementation of legislation and individual acts based on it and the initiation of procedure for review of constitutionality and legality of legislation.

The ruling of the Government on the stay of implementation of legislation shall enter into force on the day of its publication in the 'Official Gazette of the Republic of Serbia'.

## **VII CONFLICT OF COMPETENCES, DELIBERATION UPON APPEAL, EXEMPTIONS**

### **Competence for Resolving Conflict of Competences**

#### **Article 58**

The conflict of competences between state administration authorities, between state administration authorities and holders of public powers and between holders of public powers shall be decided by the Government.

The conflict of competences between dislocated units of state administration authorities shall be decided by the Head of state administration authority.

### **Competence to Decide upon Appeal**

#### **Article 59**

A Minister shall decide upon appeal on first-instance decision of a dislocated unit, namely the Director of the authority within the Ministry in administrative matters from the scope of work of the authority within the Ministry, namely the Director of the special organisation.

A Minister shall decide upon appeal on first-instance decision of the authority within the Ministry.

An appeal on first instance decision of the ministry and special organisation may be filed only when explicitly prescribed by law. The Government shall decide upon appeal.

A Minister shall decide upon appeal on first instance decision of the holders of public powers passed within conferred state administration tasks, namely the Director of the authority within the Ministry in administrative matters from the scope of work of the authority within the Ministry, namely the Director of the special organisation, if not otherwise provided by law.

### **Decision-making on Exemption of an Official**

#### Article 60

A Minister shall decide on the exemption of an official in the Ministry, while in the authority within the Ministry and special organisation this shall be decided by the Director.

A Minister shall decide on the exemption of the Director of the authority within the Ministry, while the exemption of the Minister and the Director of the special organisation shall be decided by the Government.

The Head of the competent authority of the holders of public powers shall decide on the exemption of an official of the holder of public powers.

## VIII RELATIONSHIP BETWEEN STATE ADMINISTRATION AUTHORITIES AND OTHER AUTHORITIES

### **1. Relationship between State Administration Authorities and the Government**

#### **Direction of the Government**

#### Article 61

The Government through its conclusions shall direct the state administration authorities in implementation of policy and enforcement of laws and other general acts, shall adjust their work and shall determine time limits for passing of legislation if the time limits are not prescribed by law or by general act of the Government.

The Government shall be obliged to by its conclusion, upon request of the state administration authorities take a position on an issue from the scope of work of that state authority.

The Government may by its conclusion order the state administration authority to examine a certain issue or undertake certain task and to prepare a special report for the Government.

### **Coordinative Bodies**

#### Article 62

The Government may establish coordinative bodies for leading certain tasks from the scope of work of several state administration authorities.

The Government shall also determine tasks of a coordinative body, management of coordinative body and all other issues in regard to work of a coordinative body.

### **Submission of Working Plan to the Government. Submission of Report about Work to the Government**

#### Article 63

Ministries and special organisations shall be obliged to make an annual working plan in order to have the annual working plan of the Government prepared.

At least once a year ministries and special organisations shall submit to the Government a report about their work which contains the description of the situation in the fields from their scope of work, information on enforcement of laws, other general acts and conclusions of the Government and on undertaken measures and their effects.

Time limits for submission of the annual working plan and the report about work shall be determined by the Rules of Procedure of the Government.

### **2. Mutual Relationship between State Administration Authorities Cooperation**

#### Article 64

State administration authorities shall be obliged to cooperate on all joint issues and to submit to each other data and information necessary for their work.

State administration authorities shall establish joint bodies and project groups in order to execute tasks whose nature requires participation of several state administration authorities.

Establishment and work of joint bodies and project groups shall be prescribed in detail by the regulation of the Government.

### **Preparation of General Acts**

#### Article 65

In the preparation of laws and other general acts the ministries and special organisations shall cooperate to obtain opinions of those ministries and special organisations with whose scope of work the issue being regulated is connected.

Procedure of preparation of laws and other general acts shall be prescribed in detail by the Rules of Procedure of the Government.

### **Tasks from the Scope of Work of several State Administration Authorities**

## Article 66

Tasks which fall within the scope of work of two or several state administration authorities shall be managed by the state administration authority performing the majority of tasks within its scope of work.

### **Resolution of Disputed Issues**

#### Article 67

If for passing of an act the agreement of two state administration authorities is required or an act is passed by one authority with approval of other and those authorities cannot reach an agreement, the Government shall decide on dispute.

The Government shall also decide on any other issues on which state administration authorities cannot reach an agreement.

### **3. Relationship between State administration Authorities and the National Assembly and the President of the Republic**

#### Article 68

The relationship between state administration authorities and the National Assembly and the President of the Republic shall be based on rights and obligations determined by the Constitution, law and other general acts.

Ministries and special organisations shall be obliged to forward to the National Assembly and the President of the Republic, through the Government, information, explanation and data in connection to their competences.

### **4. Relationship between State Administration Authorities and other State Authorities**

#### Article 69

The relationship between state administration authorities and courts, public prosecutors' offices and other state authorities shall be based on rights and obligations determined by Constitution, law and other general acts.

### **5. Relationship between State Administration Authorities and Authorities of an Autonomous Province Cooperation and Exchange of Information**

#### Article 70

Relationships of state administration authorities with authorities of an autonomous province shall be based on cooperation and exchange of information within the Constitution, laws and other general acts.

## **Supervision of Legality of General Acts of an Autonomous Province passed in its Scope of Work**

### **Article 71**

Ministries shall monitor the legality of general acts passed by autonomous provinces in their scope of work.

If a competent ministry believes that a general act passed from the scope of work of the autonomous province is not in accordance with the Constitution, law, other legislation, or general acts of the National Assembly and the Government it shall be obliged to propose to the Government the passing of a ruling on the stay of the enforcement of the general act and individual acts based on it and the initiation of the procedure for the review of constitutionality and legality.

The ruling of the Government on stay of the enforcement of the general act shall enter into force when it is published in the 'Official Gazette of the Republic of Serbia'.

## **Supervision of Enforcement of General Acts of the Autonomous Province passed in its Scope of Work**

### **Article 72**

If the authority of the autonomous province does not enforce a general act passed in its scope of work, the competent authority shall order this authority to undertake measures for the enforcement of a general act in the time limit which shall not exceed 30 days.

If the authority of the autonomous province does not undertake the ordered measures, the competent ministry may appoint another authority of the autonomous province for the enforcement of the general act or for a maximum of 120 days directly undertake its enforcement.

In any case, the competent ministry shall be obliged to raise the question of accountability of the Head of the authority of the autonomous province.

## **Supervision of Execution of State Administration Tasks Conferred to an Autonomous Province**

### **Article 73**

In supervising the work of the authority of the autonomous province in execution of conferred state administration tasks, the state administration authorities shall have all general and special competences as they have, according to this Law in supervising the work of the other holders of public powers.

## **Judicial Protection of Rights of an Autonomous Province**

### **Article 74**

If the authority of the autonomous province believes that, by an individual act or action of the state administration authority the right of an autonomous province guaranteed by the Constitution or

the law was breached, then the authority of the autonomous province determined by the general act of the autonomous province may file an action for the protection of right of autonomous province to the court having a jurisdiction.

The action may be filed in a time limit of 30 days from the day the act was served, namely action performed, while the law regulating the administrative dispute shall be applied accordingly before the court.

## **6. Relationship between State Administration Authorities and Municipal Authorities, Cities and the City of Belgrade**

### *Article 75*

The relationship between state administration authorities and municipal authorities, city and the city of Belgrade in regard to issues from their scope of work shall be based on rights and obligations prescribed by law.

In supervising the work of municipal authorities, cities and the city of Belgrade in the execution of conferred state administration tasks, the state administration authorities shall have same general and special powers as according to this Law have in performing supervision of work of other holders of public powers.

## **IX. PUBLICITY OF WORK AND RELATIONSHIP WITH CITIZENS Informing the Public of Work of State Administration Authorities**

### *Article 76*

State administration authorities shall be obliged to inform the public about their work through means of public information or through other relevant means.

Employees who are authorised to prepare information and data connected to informing the public shall be responsible for their accuracy and punctuality.

## **Public Debate in Preparation of Law**

### *Article 77*

A ministry and a special organisation shall be obliged to undertake public debate in the procedure of preparation of a law which essentially changes the legal regime in one field or which regulates issues of particular relevance for public.

The conduct of public debate in the preparation of a law shall be regulated in detail by the Rules of Procedure of the Government.

## **Administrative Days**

### *Article 78*

State administration authorities may perform certain tasks in a place outside their headquarters and headquarters of dislocated unit during the administrative days.

Tasks that are performed in administrative days, time and place of holding an administrative day shall be determined by the Head of the state administration authority.

Administrative days shall be advertised in places in which they are held.

### **Obligation to Inform the Parties and the Citizens**

#### Article 79

State administration authorities shall be obliged to, in a proper way, above all in premises where they deal with parties, inform the parties of their rights and obligations and ways of exercising rights and obligations, on their scope of work, on state administration authority which is supervising the work of the authority in question and ways of making a contact with this authority, as well as on other data important for publicity of work and relationship with parties.

State administration authorities shall be obliged to give information by phone and other means of communication at their disposal.

### **Giving Opinions**

#### Article 80

State administration authorities shall be obliged to, upon the request of natural and legal persons, give opinions on interpretation of provision of laws and other general acts in the time limit of 30 days.

Opinions of state administration authorities shall not be binding.

### **Action upon Complaints**

#### Article 81

State administration authorities shall be obliged to enable to everyone adequate ways for the submission of complaints about their work and about improper conduct of employees.

In the case of a submitted complaint the state administration authority shall be obliged to respond in a time limit of 15 days from the day the complaint was served, if the person submitting a complaint requires an answer.

State administration authorities shall be obliged to examine the issues covered by complaints at least once in 30 days.

### **Relationship with Parties**

#### Article 82

State administration authorities must have an adequate relationship with parties and must receive parties during working hours.

Duration of weekly working hours, daily schedule and other issues in regard to working hours in state administration authorities shall be prescribed by the Government.

## **Designation of an Authority**

### Article 83

The name of the authority, symbol and flag of the Republic of Serbia shall be designated on premises in which the state administration authorities are located.

The personal name of officials, ranks or job position of an employee working in the premise shall be written on the entrance to each official premise, while the plan of premises of state administration authorities shall be designated on corresponding place within the building.

## **X CIVIL SERVANTS**

### Article 84

Civil servants shall perform tasks from the scope of work of state administration authorities.

A civil servant may perform state administration tasks under the condition that he or she has passed a professional exam, in accordance with law regulating the status of civil servants.

For conducting of the administrative procedure and the passing of decision in the administrative procedure only the civil servant who has at least university degree of corresponding profession may be authorised to act.

Status of civil servants shall be regulated by a special law.

## **XI OFFICE MANAGEMENT. IMPLEMENTATION OF PROVISIONS OF THIS LAW**

### **Office Management of State Administration Authorities**

#### Article 85

Office management shall consist of collection of records, record keeping, classification and archiving of materials received or produced in the work of state administration authorities and all other issues connected to work of state administration authorities.

Office management shall be prescribed by the regulation of the Government.

### **Implementation of Provisions of this Law**

#### Article 86

Provisions of this Law on office management and on passed state professional exams necessary for execution of state administration tasks shall be also applied to the services of the National Assembly, President of the Republic and the Government.

Provisions of this Law pertaining to principles of action of state administration authorities, publicity of work and relations with the citizens, education necessary for conferring powers for conducting the administrative procedure and passing rulings in administrative procedure and office management shall be accordingly applied to all holders of public powers in the execution of

conferred state administration tasks as well as to authorities of autonomous provinces, municipalities, city and the city of Belgrade in their scope of work.

## XII TRANSITIONAL AND FINAL PROVISIONS

### **Implementation of Acts of the Government Passed until the Entry into Force of this Law**

#### Article 87

The acts of the Government passed until the day of entering of this Law shall be applied until the passing of the acts of the Government prescribed by this Law, except for provisions which are contrary to this Law.

### **Status of an Official**

#### Article 88

On the day of entry into force of this Law, deputy ministers shall acquire the status of State secretaries, while Heads of special organisations shall become directors of a special organisation.

Until the entry into force of the Law regulating the status of civil servants the Government shall appoint and dismiss:

1. Assistant Ministers, Secretaries of the ministries and Directors of authorities within the Ministry, upon proposal of a minister;
2. Directors of special organisations, upon proposal of the President of the Government;
3. Deputies and Assistant Directors of a special organisation, upon proposal of a Director of a special organisation;
4. Heads of administrative districts, upon proposal of the minister competent for administrative tasks.

### **Passing of Professional Exam**

#### Article 89

Until the entry into force of the Law regulating the status of civil servants, the professional exam for work in state administration authorities shall be passed in accordance with the Regulation on professional exam of employees in state administration authorities ('Official Gazette of the Republic of Serbia', No. 80/92 and 62/01).

Persons who have passed the Bar exam or professional exam for work in other authorities whose programme corresponds to the programme of professional exam of employees in state administration authorities shall be freed from passing the professional exam.

Until entry into force of the Law which regulates the status of civil servants, a person who has not passed a professional exam may be employed in the state administration authority, though his or her employment ceases *ex lege* if he or she does not pass the exam within one year of his or her recruitment.

## **Continuation of Conferred State Administration Tasks**

### Article 90

The holders of public powers shall continue to perform conferred state administration tasks until the day of entry into force of this Law.

## **Establishment of Expert Services of Administrative Districts**

### Article 91

The Heads of administrative districts shall be obliged to pass acts on internal organisation and systematisation of job positions in expert services of administrative districts within the time limit of 30 days from the day of entering into force of this Law.

Expert services of administrative districts shall take employees who perform work for the need of the district in the headquarters of the district from the Office for Joint Affairs of Republic Authorities, as well as their rights and obligations, files, archives, equipment and means. Expert services of administrative districts shall take adequate resources from the Ministry of Public Administration and Local Self-Government.

## **Conducting the Administrative Procedure by Employees who hold Diploma**

### Article 92

Employees with diploma in state administration authorities, holders of public powers, authorities of autonomous provinces, municipalities, cities, and city of Belgrade may conduct administrative procedure and pass rulings in administrative procedure for maximum five years from the day of entering into force of this Law.

## **Cessation of Effectiveness of State Administration Law**

### Article 93

On the day of entering into force of this Law, the State Administration Law shall cease to be effective ('Official Gazette of the Republic of Serbia', No. 20/92, 6/93, 48/93, 53/93, 67/93, 48/94 and 49/99), except the provisions from 22-37 and Article 92.

## **Entry into Force of this Law**

### Article 94

This Law shall enter into force on the eight day after its publication in the 'Official Gazette of the Republic of Serbia'.