

# **LAW ON GOVERNMENT**

## **I. INTRODUCTORY PROVISIONS**

### **Position of Government**

#### **Article 1**

The executive power in the Republic of Serbia is vested in the Government.

### **Conduct of Policy and Execution of Laws**

#### **Article 2**

The Government shall conduct the policy of the Republic of Serbia within the framework of the Constitution and laws of the National Assembly.

The Government shall execute laws and other general acts of the National Assembly by passing general and individual legal acts and by taking other measures.

### **Proposing Acts to the National Assembly**

#### **Article 3**

The Government shall propose to the National Assembly laws, budgets and other general and individual acts.

### **Representation of the Republic of Serbia**

#### **Article 4**

The Government shall represent the Republic of Serbia as a legal person thereupon exercising rights and duties the Republic of Serbia possesses as a founder of public companies, institutions and other organisations, unless otherwise provided by law.

### **Disposing of Republic of Serbia Property**

#### **Article 5**

The Government shall dispose of Republic of Serbia property, unless otherwise provided by law.

### **Supervision of Constitutionality and Legality**

#### **Article 6**

The Government shall supervise the constitutionality and legality of general acts of autonomous provinces, municipalities, cities, the city of Belgrade, public companies, institutions and holders of public powers.

The Government may stay the execution of their general acts and individual acts based on them by a ruling, which enters into force on its publication in the "Official Gazette of the Republic of Serbia" and which ceases to be effective if the Government fails to initiate the procedure for assessment of constitutionality and legality within the following 15 days.

### **Government Liability**

#### Article 7

The Government shall be independent within its competences.

The Government shall be liable to the National Assembly for conducting the policy of the Republic of Serbia, for execution of laws and other general acts of the National Assembly, for circumstances in all areas within its competence and for the work of state administration authorities.

### **Powers regarding State Administration Authorities**

#### Article 8

The Government shall supervise the work of state administration authorities, direct the state administration authorities in implementation of policy and execution of laws and other general acts and harmonise their work.

If a state administration authority fails to pass a regulation, the Government shall pass it if the failure to pass the regulation would have adverse consequences on the life and health of people, environment, economy or valuable assets.

The Government may annul or revoke a regulation passed by a state administration authority that is contrary to a law or a Government regulation and set a time limit for the passing of a new regulation.

### **Publicity of Work**

#### Article 9

The Government work shall be public.

The Government shall be obliged to enable public insight into its work, according to a law governing free access to information of public importance and the Government Rules of Procedure.

## **II. COMPOSITION, TERM OF OFFICE AND ORGANISATION OF GOVERNMENT**

## **1. Composition of the Government and Status of Government Members**

### **Composition of the Government**

#### Article 10

The Government shall be composed of the President of the Government, one or more Vice Presidents and Ministers with portfolios.

The Government may have Ministers without portfolio.

The number of Vice Presidents of the Government and Ministers without portfolio shall be determined by the National Assembly upon each election of the Government, at the proposal of the candidate for the President of the Government.

### **Incompatibility and Conflict of Interest**

#### Article 11

Except for the office of Member of Parliament, members of the Government may not hold another public office in a state authority, institutions of Serbia and Montenegro, autonomous provincial authority, city authority and city of Belgrade authority, perform a duty that is, according to law, incompatible with the duty of member of Government, nor give rise to the possibility of conflict of public and private interest.

### **President of the Government**

#### Article 12

The President of the Government shall lead and direct the Government, ensure the unity of political operation of Government, harmonise the work of members of Government, represent the Government and convene and conduct its sessions.

The President of the Government may give other members of Government mandatory instructions and special tasks, pursuant to the Government programme and policy.

A member of Government may request the Government to establish whether the President of the Government has exceeded his or her powers thereupon.

### **Vice President of the Government**

#### Article 13

The Vice President of the Government shall direct and harmonise the work of state administration authorities in the areas determined by the President of the Government.

The President of the Government may empower the Vice President of the Government to manage a project from the scope of work of several state administration authorities.

The President of the Government shall allocate a Vice President of the Government who will replace him or her during absence or incapacitation with all powers of President of the Government except for power of calling an election or dismissal of a member of Government.

In all other issues, provisions of this Law relating to Ministers shall apply to status of Vice President of the Government accordingly.

## **Ministers**

### Article 14

A Minister may submit to the Government proposals for regulating issues from the competence of the Government and the National Assembly and request that the Government adopt a position on an issue from his or her competence.

A Minister shall be obliged to inform the Government on all relevant issues for the conduct of policy and decision-making of the Government.

A Minister shall be liable for execution of Government programmes and policy, for decisions and measures he or she has passed or failed to pass or take and for the implementation of mandatory instructions and tasks entrusted to him by the President of the Government.

## **2. Government Term of Office**

### **Election of Government**

#### Article 15

The Government shall be elected by the National Assembly each time it is constituted, at the proposal of the candidate for President of the Government.

The National Assembly shall decide on election of Government in entirety.

The Government shall be elected by a majority of total number of members of parliament.

### **Beginning and Termination of Government Term of Office**

#### Article 16

The term of office of Government shall begin from the oath given before the National Assembly.

The oath reads: " I solemnly pledge allegiance to the Republic of Serbia and by my honour I commit to respect the Constitution and law and to perform the office of a member of Government conscientiously, responsibly and zealously".

The Government's term of office shall be terminated by termination of the National Assembly term of office, vote of no confidence, resignation of Government, vote of no-confidence in President of the Government and resignation of President of the Government.

A new Government shall be elected according to the same procedure by which a Government is chosen after the constitution of the National Assembly.

### **Powers of Government and Member of Government after the Termination of Government Term of Office**

#### Article 17

A Government whose term of office is terminated may perform only routine tasks and may not propose to the National Assembly laws and other general acts or pass regulations, unless their passing is linked to a time limit specified by law or if so required by the needs of the state, interests of defence or a natural, economic or technical accident.

It may not appoint officials in state administration authorities and, upon exercising founding rights of the Republic of Serbia, may only appoint or consent to the appointment of an acting director and members of management and supervisory board.

The Government whose term of office is terminated may not propose dissolution of the National Assembly to the President of the Republic.

A Member of Government whose term of office is terminated due to the termination of Government term of office has the same powers as a member of Government who has resigned.

### **Vote of No-confidence in the Government. Vote of No-confidence in President of the Government**

#### Article 18

At least 20 members of Parliament may propose to the National Assembly a vote of no-confidence in the Government.

A motion of no confidence in the Government shall be passed by a majority vote of the total number of members of parliament.

A motion of no-confidence in the President of the Government shall be decided upon under the same conditions.

### **Confidence in the Government**

#### Article 19

The Government may propose to the National Assembly the vote of confidence.

A motion of confidence in the Government shall be passed by a majority vote of the total number of members of parliament.

### **Resignation of President of the Government. Resignation of the Government**

#### Article 20

The President of the Government may file a resignation, which he or she sends to the President of the National Assembly and the President of the Republic.

The National Assembly, on the first following session, held within seven days from the receipt of resignation, without discussion takes note that the President of the Government has filed a resignation and thus the Government term of office is terminated.

The President of the Government may explain the resignation in the National Assembly.

Provisions relating to resignation of the President of the Government shall apply to the resignation of entire Government accordingly.

### **Termination of Minister's Term of Office**

#### Article 21

A Minister's term of office shall be terminated by any termination of Government term of office, vote of no confidence, dismissal or resignation.

Vote of no confidence shall be passed in a minister by a majority vote of the total number of members of parliament.

### **Vote of No-confidence in a Minister. Dismissal of Minister**

#### Article 22

A proposal for a vote of no-confidence in a Minister shall be submitted to the National Assembly by at least 20 members of parliament.

A proposal for dismissal of Minister shall be submitted to the National Assembly by the President of the Government.

From the submission of a proposal of the President of the Government for dismissal of Minister until the National Assembly decision, the Minister may not exercise his or her powers, but these are taken over by a Government member so authorised by the President of the Government.

### **Resignation of the Minister**

#### Article 23

A Minister may file a resignation, which he or she sends to the President of the Government and then to the President of the National Assembly.

The National Assembly, at the first following session, without discussion takes note that the minister has filed a resignation and thus his or her term of office is terminated.

A Minister may explain the resignation in the National Assembly.

### **Powers of the Minister who has Resigned**

#### Article 24

A Minister who has filed a resignation shall perform routine tasks until his or her office is terminated.

Thereupon, the Minister may not pass a regulation, unless its passing is linked to a time limit specified by law or if so required by the needs of the state, interests of defence or natural, economic or technical accident, and upon the exercise of founding rights of the Republic of Serbia he or she may only appoint or consent to the appointment of an acting director and members of the management and supervisory board.

### **Taking Over of Powers of a Minister whose Term of Office is Terminated. Election of New Minister**

#### Article 25

The powers of Minister whose term of office is terminated shall be performed by a Government member so authorised by the President of the Government.

The President of the Government shall propose to the National Assembly the election of a new Minister within 15 days from the day of termination of office of the former Minister.

A new Minister shall be elected by a majority vote of the total number of members of parliament.

## **3. Organisation of the Government**

## **Passing of Government Decisions**

### Article 26

The Government shall pass decisions on a session, by majority vote of all its members.

The manner of work and decision-making of Government and acts passed by the President of the Government shall be regulated in more detail by the Government's Rules of Procedure.

## **Cabinet of the President of the Government and Cabinet of the Vice President of the Government**

### Article 27

The President of the Government and Vice Presidents of Government have cabinets, which perform, on their order, expert and other tasks relating to their requirements. The President and the Vice President of the Government may appoint advisors within the cabinet.

Labour relation in a cabinet shall be established for a limited period, for the duration of the office of the President of the Government that is the Vice President of the Government. Rights and obligations of advisors who do not establish an employment relationship shall be governed by a contract, according to general rules of civil law, and the remuneration for work – according to criteria defined by the Government.

Cabinets shall be led by chiefs of staff, who are appointed and dismissed by the President of the Government or Vice President of the Government and who have the position of a Director of a Government Service accountable to the President of the Government.

The term of office of a chief of staff shall be terminated by termination of office of the President of the Government or the Vice President of the Government, by resignation or dismissal.

## **Councils of President of the Government**

### Article 28

The President of the Government may establish a Council for economic development and Council for state authorities and public services, with five members at the most.

The Council shall propose to the President of the Government development policy in the field it has been established for, provide him or her with opinions on proposals of other Government members, prepare proposals that the President of the Government

presents for consideration on Government sessions and, upon order of Vice President of the Government, consider other issues in the field for which it has been established.

The Council members shall be appointed and dismissed by the President of the Government and they are not employed within the Government.

### **General Secretariat of the Government**

#### Article 29

The Government shall have a General Secretariat of Government, which is responsible for expert and other tasks for the requirements of the Government.

A scope of work of the General Secretariat of the Government shall be regulated in more detail by an ordinance and Government Rules of Procedure.

### **Secretary General of the Government**

#### Article 30

The Government shall have a Secretary General of the Government, who shall be appointed and dismissed by the Government at the proposal of the President of the Government.

A Secretary General shall be accountable to the President of the Government and the Government.

A Secretary General shall manage the General Secretariat of the Government; he or she shall ensure the implementation of Government acts and of preparation of Government sessions and assist the President of the Government in other Government operations.

The office of Secretary General of Government shall be terminated when the office of President of the Government is terminated, by resignation or dismissal.

### **Government Services**

#### Article 31

The Government shall establish by an ordinance services for expert or technical operations for its needs or for tasks common for all or several state administration authorities, and shall prescribe their organisation and scope.

Regulations on organisation, manner of work, financing and labour relations in state administration authorities shall apply to Government services accordingly, unless otherwise provided by a special regulation.

### **Management of the Government Services**

## Article 32

The Government service shall be managed by a Director, who shall be accountable to the President of the Government or Secretary General of the Government, and it may be managed by a Minister without portfolio.

A Director of the Government service, who shall be accountable to the President of the Government, shall be appointed by the Government upon the proposal of President of the Government.

Other directors of Government services shall be appointed by the Government upon the proposal of the Secretary General of Government.

The President of the Government may confer to the Vice President of the Government his or her powers over a director of service answerable to him or her.

### **Government Working Bodies**

## Article 33

The Government shall form permanent working bodies, for the purposes of giving opinions and proposals on issues from Government competence and harmonisation of positions of state administration authorities before consideration of a proposal at a Government session.

The Government may form temporary working bodies, for the purposes of considering certain issues from its competence and giving proposals, opinions and expert explanations.

Permanent working bodies shall be formed by the Rules of Procedure and temporary working bodies by a decision also establishing their task and composition.

The Government may, by Rules of Procedure, authorise permanent working bodies composed solely of its members, for passing individual acts from its competence, except for appointment and dismissal of officials in state administration authorities and Government services.

### III. RELATIONSHIP WITH THE NATIONAL ASSEMBLY AND THE PRESIDENT OF THE REPUBLIC

#### **1. Relationship of the National Assembly and the Government Proposing of Laws**

## Article 34

The Government shall propose laws and other general acts to the National Assembly and give opinions on draft laws and other general acts it had not proposed itself.

### **Proposing the Budget**

#### Article 35

Each year the Government shall propose to the National Assembly for adoption the Budget of the Republic of Serbia.

A budget proposal shall be submitted to the National Assembly by 1 November of the current year at the latest.

### **Submitting Report to the National Assembly**

#### Article 36

The Government shall submit a report to the National Assembly on its work in the past year at the latest 60 days before submitting a proposal of the final bill of the Budget of the Republic of Serbia.

At the request of National Assembly, Government and every Government member shall report to it on their work.

### **Proposals of the National Assembly and the Government**

#### Article 37

The Government shall be obliged to adopt a position on the proposal of the National Assembly that has been submitted on an issue from Government competence.

The Government may propose to National Assembly to discuss an issue from Government competence and adopt a position thereof.

### **Participation in Work of the National Assembly**

#### Article 38

Representatives of Government shall participate in the work of the National Assembly upon adoption of laws and other general acts proposed by the Government.

Upon adoption of laws and other general acts not proposed by the Government they are obliged to participate at the request of the National Assembly.

### **Provision of Data to the National Assembly**

#### Article 39

The Government and its each member shall be obliged to provide to the National Assembly reports and data it needs to discuss the issues related to the work of the Government or its members.

## **2. Relationship of the President of Republic and the Government**

### **State of Emergency and State of War**

#### Article 40

The Government shall propose to the President of the Republic to introduce a state of emergency on the part of the territory of the Republic of Serbia and acts by which measures are taken in a state of emergency.

The Government may propose to the President of the Republic to pass, during a state of war, acts on issues from the competence of the National Assembly.

### **Adopting a Position at the Request of the President of the Republic**

#### Article 41

The President of the Republic may request that the Government adopt a position on certain issues from its competence.

The Government shall be obliged to inform the President of the Republic without delay on the position taken.

## **IV. ACTS OF THE GOVERNMENT**

### **Ordinance and Rules of Procedure**

#### Article 42

By ordinance, the Government shall regulate in more detail a relationship governed by law, in accordance with the purpose and aim of the law.

The Government shall pass Rules of Procedure which shall prescribe, in accordance with this law, the organisation, manner of work and decision-making of the Government.

### **Decisions, Rulings and Conclusions**

#### Article 43

By a decision, the Government shall establish public companies, institutions and other organisations, take measures and regulate issues of general importance and decide on other issues for which a law or ordinance prescribe that they shall be regulated by Government decision.

By a ruling, the Government shall decide on appointments, nominations and dismissals, in administrative matters and in other issues of individual importance.

When it does not pass other acts, the Government passes conclusions.

### **Memorandum on Budget**

#### Article 44

The Government shall adopt a memorandum on the budget, which includes the main objectives of public finance and macroeconomic policies.

### **Development Strategy. Declaration**

#### Article 45

By development strategy, the Government shall establish the situation in field in the competence of the Republic of Serbia and measures to be taken for its development.

A Declaration shall express a Government position on an issue.

### **Publication of Government Acts**

#### Article 46

Ordinances, decisions, Rules of Procedure, memorandum on budget and rulings annulling and revoking the regulations of state administration authorities shall be published in the "Official Gazette of the Republic of Serbia".

Other acts of the Government and the President of the Government may be published in the "Official Gazette of the Republic of Serbia" if so determined by this law or other regulation or if so decided by the Government upon their adoption.

## V. TRANSITIONAL AND FINAL PROVISIONS

### **Passing of By-Laws**

#### Article 47

The Government shall be obliged to, within 90 days from the day this law enters into force, pass the Government Rules of Procedure and prescribe the organisation and work of the General Secretariat of the Government, cabinet of the President of the Government and the Vice President of the Government, Councils of the President of the Government and Government services.

### **Cessation of Effectiveness of the Law on Government of the Republic of Serbia**

#### Article 48

On the day this law enters into force, the Law on Government of the Republic of Serbia ("Official Gazette of the RS" No. 5/91 and 45/93) shall cease to be effective.

Until the passing of by-laws prescribed by this law, provisions of regulations passed on the basis of the Law on Government of the Republic of Serbia shall apply, except for those that are in contradiction with this law.

#### **Entry into Force**

#### Article 49

This law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Serbia".