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PRELIMINARY ASSESSMENT
OF THE LEGISLATIVE PROCESS
IN THE REPUBLIC OF SERBIA

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1. INTRODUCTION

1.1 Background

In November 2008 the OSCE Mission to Serbia expressed its interest to receive from the ODIHR a preliminary assessment of the legal framework governing the legislative process in the Republic of Serbia (hereinafter referred to as the “Report”). The request for the preliminary assessment is considered as falling within the framework of its activities aimed at supporting the legal reforms in this country.

To date, some international agencies have made efforts to compile and analyze information on the legislative process in Serbia. However, the issue has been approached from a thematic angle and there exists a need for a comprehensive assessment aimed to promote better legislative efficiency for the sake of quality, enforceable legislation in all fields.

In order for the ODIHR to conduct a full scale assessment, according to its developed methodology, an official request from the Serbian authorities is required, and the ODIHR welcomes any such expression of interest.

A full-scale assessment would necessarily involve re-visiting many issues contained in this Report, as well as adherence to ODIHR methodology by way of semi-structured field interviews with pre-identified interlocutors, including all governmental and parliamentary bodies involved in law-making activities. The purpose of such assessment would be to provide an illustration of the practice in the process of law making in the Republic of Serbia and recommendations on improving its efficiency and transparency. Discussions with representatives of the Serbian authorities as well as with practitioners and scholars familiar with the Serbian legislative practice would be necessary for a more thorough analysis and especially for the formulation of precise practical recommendations.

1.2 Nature and Structure of the Report

The preparation of this Report has been intentionally circumscribed in various ways. The comments contained in the Report are essentially based on the documents provided and not on particular knowledge or experience of the Serbian legislative practice. No direct contacts with anyone in the public or private sector in Serbia took place prior to preparation of this Report. The Report presents a quite detailed description of the current constitutional, legal, infra-legal and organisational framework of the legislative process in the Republic of Serbia. Furthermore, it analyses some particularly critical aspects of the legislative process and formulates recommendations for possible improvements.

The Report should not be viewed as, nor does it aspire to be a full-fledged ODIHR assessment. The purpose of this Report is to provide a description and systematic account of the legislative process in the Republic of Serbia. It also aims at offering an analysis of identified vulnerabilities in the legislative process and the way they may be addressed.

This Report is based on an analysis of the Constitution and some of the relevant domestic legislation and other national and international contextual material. The analysis is based on unofficial English translations of the Constitution, legislation and official documents (listed below) and this admits the possibility of misconstruction arising from the translation. In view of these constraints, together with the other factors mentioned, the description and analysis in
the Report is without prejudice to any description and analysis that the ODIHR may have the opportunity to make in the future.

A text-based analysis provides a somewhat two-dimensional view of a process; it does not reveal how procedures are used, or principles applied. However, examining the product of the process, in this case legislation, will be somewhat revealing of such matters. The Report therefore considers the drafting of a range of provisions as an illustration.

The following texts regulating the Serbian legislative process fall within the scope of the Report:

(i) Constitution of the Republic of Serbia
(ii) Law on Government
(iii) Law on State Administration
(iv) Rules of Procedure of the National Assembly of the Republic of Serbia (No. 02-1374/05)
(vi) the Regulatory Reform Strategy of the Republic of Serbia for the 2008 – 2011

The following report was read for background purposes: How to Improve the Legislative Process in Serbia and Bosnia and Herzegovina (editor: Slavica Penev)¹

1.3 Executive Summary

This Report is based on an analysis of the Constitution and some of the relevant domestic legislation and other material. A text-based analysis of the legislation is considered revealing of how procedures are used and principles applied.

The present legislative process is designed as one where most of the designated time is allotted to committee consideration of the Bill, including proposed amendments to it, and followed by a potentially short and rather structured period of parliamentary debate and decision making. If consideration were given to the procedural readjustments explored here they could be accommodated in the same timeframe but might serve to encourage parliamentary deliberation in a more focused manner, while perhaps also facilitating greater consultation, both institutionally and with civil society.

Below are some considerations outlined as a result of the analysis of the Serbian legislation:

¹ This report was prepared for the OECD Investment Compact for South East Europe and the Economics Institute, Belgrade: 2006
The National Assembly and the Government could consider whether there would be advantages in extending the fundamental principles, relating to the capacity to legislate on human and minority rights and to certain economic rights;

Consideration should be given to amending the Rules of Procedure of the National Assembly to require the explanatory note to accompany each Bill submitted to the Assembly. The explanatory note would serve to demonstrate that there has been sufficient policy development undertaken in respect of the Bill;

General procedural guidance for public consultation on policy should be revised so that it will require consultation on significant Bills in order to make sure that this procedural step doesn't depend merely on the discretion of the relevant ministry or governmental committee; the guidance should include a timetable incorporating sufficient periods for initiating the consultation, for evaluating the response, for interacting with at least some of those who respond and for publishing the results.

The National Assembly may consider introducing a requirement that the explanatory note which must accompany a submitted Bill to disclose whether the Bill has been the subject of public consultation, and the nature of the consultation;

It would be beneficial for the Legislative Committee in the National Assembly and the Legislation Secretariat within Government to give consideration to revising the current legislative style and drafting guidance provided to legislators;

It is proposed for the review of legislative drafting and style to be initiated by the Government through its Legislation Secretariat; this work can be led by the Legislation Secretariat, using, if considered appropriate, the services of specialist advisers from other jurisdictions;

The National Assembly, in consultation with the Government, is recommended to consider the feasibility of appointing a “leading” Assembly committee for each Bill with responsibility for co-ordinating the views of other appropriate committees and the Government before preparing a single report on the Bill in principle;

Sufficient time should be allocated in order to inform deputies prior to the debate on the Bill in principle;

A longer minimum period between the debate on the Bill in principle and the debate on the Bill in detail should be introduced;

The legislative process is recommended to allow for the submission of amendments to the Bill on a date shortly before the debate on the Bill in detail;

The “leading” Assembly committee, in consultation with the Legislative Committee in particular, should be required to report on the amendments to the Bill in order to inform deputies prior to the debate on the Bill in detail. The report of the “leading” commission should be submitted within a time frame that would ensure sufficient time for review and perusal by deputies

The legal provisions regulating the promulgation of laws should be distinguished in detail;
• Responsibilities of the Secretariat for Legislation can be enlarged to include also training in the field of “legistics” - the science of writing laws and regulations - for all ministries and to develop guidelines and practical tools; it would be useful to clearly express these tasks and responsibilities in a legislative act.

2. CONSTITUTIONAL FRAMEWORK

2.1 General Principles

As the supreme legal instrument of the Republic of Serbia, the Constitution of Serbia provides, in a number of respects, the framework of the legislative process.

The Constitution characterises the Republic of Serbia as a state “based on the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and commitment to European principles and values”. In turn, the rule of law is “a fundamental prerequisite for the Constitution” which is to “be exercised through free and direct elections, constitutional guarantees of human and minority rights, separation of power, independent judiciary and observance of Constitution and Law by the authorities”. The government of the state is expressed as founded on the “division”, rather than a more absolute separation, of legislative, executive and judicial powers; where the relationship between them is “based on balance and mutual control”, although the judiciary is expressly declared to be independent.

2.2 Human, Minority and Economic Rights and Freedoms: general implications for legislative competence

2.2.1 Introduction

The Constitution contains and guarantees an extensive and modern range of human rights; rights of minorities; and economic rights furthering a market economy, together with associated administrative provisions. As is indicated in the Constitution, in many instances

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2 It is not a standard Serbian drafting style to number paragraphs within Articles of legal instruments, but to assist the reader the sequential number of a paragraph to which reference is made in the Report is included in parentheses after the number of the Article; thus: Article 123(5).

3 Constitution, Article 194(2)

4 Id., Article 1

5 Id., Article 3

6 Id., Article 4

7 Id., Articles 23-74

8 Id., Articles 75-81

9 Id., Articles 82-96

10 E.g. Id., Article 18(2)
these provisions reflect customary rules of international law and, in particular, treaty obligations.

### 2.2.2 Applicable Fundamental Principles

Articles 18 – 22 of the Constitution contain over-arching fundamental principles that apply to human and minority rights, which are directly enforceable under the Constitution\(^\text{11}\).

The manner of the exercise of the rights can be prescribed by law but only where (a) the Constitution expressly provides for this or (b) it is necessary to do so, given the nature of the right. In any event, a law prescribing the exercise of a constitutionally guaranteed right cannot “under any circumstances” affect the substance of the right\(^\text{12}\). It is expressly provided that provisions on these rights are to be interpreted (presumably in executive and administrative as well as judicial decisions) “to the benefit of promoting values of a democratic society, pursuant to valid international standards in human and minority rights, as well as the practice of international institutions which supervise their implementation”\(^\text{13}\).

The rights may also be restricted by law, but (a) only where the Constitution permits such a restriction, (b) only for the purpose for which the Constitution allows the restriction, (c) to the extent necessary to achieve that purpose in a democratic society and (d) without encroaching on the substance of the rights\(^\text{14}\). However, when restricting rights “all state bodies, particularly the courts, shall be obliged to consider the substance of the restricted right, [the] pertinence of restriction, [the] nature and extent of restriction, [the] relation of restriction and its purpose and [the] possibility to achieve the purpose of the restriction with less restrictive means”\(^\text{15}\).

There are two further general provisions which are noteworthy.

The first is a prohibition against discrimination\(^\text{16}\). This provides that all are equal with respect to the Constitution and before the law\(^\text{17}\); all have the right to equal legal protection, without discrimination\(^\text{18}\); and that, with the exception of measures designed to achieve positive

\(^{11}\) Id., Article 18(1)  
^{12}\) Id., Article 18(2)  
^{13}\) Id., Article 18(3); it is not clear, at least in translation, whether this interpretation requirement is limited to the constitutional provisions relating to human and minority rights or whether it also extends to provisions of laws prescribing the manner in which the rights may be exercised.  
^{14}\) Id., Article 20(1)  
^{15}\) Id., Article 20(3)  
^{16}\) Id., Article 21  
^{17}\) Id., Article 21(1)  
^{18}\) Id., Article 21(2)
discrimination\textsuperscript{19}, direct and indirect discrimination on any grounds (particularly those specified) is prohibited\textsuperscript{20}.

The second is a right to both domestic judicial protection and also to the protection of international institutions in enforcing human and minority rights\textsuperscript{21}. The former protection is available to all and applies where there has been a breach or denial of human or minority rights, and it includes the right to have the consequences of such breach (or presumably denial, although this not specified) rectified\textsuperscript{22}. The scope of the latter protection appears (at least in translation) to be more limited in that it is only available to “citizens” and only extends to a “right to address international institutions…to protect [these]…rights” (presumably in the sense of using any available procedure of the institutions for the purpose)\textsuperscript{23}.

\textbf{2.2.3 Extending the Scope of the Fundamental Principles}

The “fundamental principles” contained in Articles 18-20 and 22 of the Constitution appear to extend solely to the human and minority rights and freedoms which follow in the succeeding articles. Certainly, this would be the best view, based on the following commonly recognised principles of interpretation.

First, the structure of the Constitution supports such a conclusion. The principles are contained in chapter 1 (headed “Fundamental Principles”) of Part Two\textsuperscript{24} of the Constitution (itself titled “Human and Minority Rights and Freedoms”); the remaining two chapters are headed, respectively, “Human Rights and Freedoms” and “Rights of Persons Belonging to National Minorities”.

Secondly, of the five Articles within chapter 1, four refer expressly and exclusively to the human and minority rights. The exception is Article 21, which is free-standing, in the sense that it does not expressly refer to any other Articles of the Constitution.

If this construction is correct – that the Articles in chapter 1 of Part Two, other than Article 21, apply exclusively to the human and minority rights contained in Part Two – consideration might be given to whether it would be appropriate to extend their application.

Certainly, an argument could be made to extend them to some of the economic rights and principles contained in Part Three. For instance, it may be argued that the principles within Articles 18, 20 and 22 might be applied to the Articles providing for freedom of

\textsuperscript{19} Id., Article 21(4)
\textsuperscript{20} Id., Article 21(3)
\textsuperscript{21} Id., Article 22
\textsuperscript{22} Id., Article 22(1)
\textsuperscript{23} Id., Article 22(2)
\textsuperscript{24} The available English translation of the Constitution variously terms these larger divisions of the Constitution as “Section” or “Part”; “Part” is the more common translation, being used in eight of the ten of the divisions.
entrepreneurship\textsuperscript{25}, status of the market\textsuperscript{26}, property rights of foreigners\textsuperscript{27}, equality of types of assets\textsuperscript{28}, land\textsuperscript{29} and aspects of state assets\textsuperscript{30}.

\subsection*{2.2.4 Derogation in a proclaimed state of emergency or state of war}

“When the survival of the state or its citizens is threatened by a public danger”, Article 200 of the Constitution empowers the National Assembly to proclaim a state of emergency\textsuperscript{31}; and the proclamation allows the National Assembly, subject to Article 202, to provide for the derogation from human and minority rights guaranteed in the Constitution\textsuperscript{32}.

Where the National Assembly is not able to convene, a proclamation of a state of emergency may be made jointly by President of the Republic, the President of the National Assembly and the Prime Minister\textsuperscript{33}. That proclamation is subject to the same constitutional constraints as one made by the National Assembly, and additionally must be verified by the National Assembly within 48 hours of its making.\textsuperscript{34} Where the proclamation is made under this procedure, the Government by decree, co-signed by the President of the Republic\textsuperscript{35}, may also provide for the derogation from human and minority rights, again subject to Article 202 and also to verification by the National Assembly within 48 hours of its making\textsuperscript{36}.

Article 201 of the Constitution empowers the National Assembly to proclaim a state of war\textsuperscript{37} and this may also include, subject to Article 202, derogation from human and minority

\begin{footnotes}
\textsuperscript{25} Id., Article 83
\textsuperscript{26} Id., Article 84
\textsuperscript{27} Id., Article 85
\textsuperscript{28} Id., Article 86
\textsuperscript{29} Id., Article 88
\textsuperscript{30} Id., Article 87, to the extent of matters addressed in paragraphs 2 and 3.
\textsuperscript{31} Id., Article 200(1); the proclamation is effective for a maximum of 90 days, but may be extended for a further maximum period (or periods?) of 90 days: Article 200(2).
\textsuperscript{32} Id., Article 200(4); these measures and such measures taken by Government decree are effective for a maximum period of 90 days, but are renewable: Article 200(7).
\textsuperscript{33} Id., Article 200(5); the Law on Government, Art 40(1) empowers the Government to propose to the President of the Republic that a state of emergency, and related measures, be introduced.
\textsuperscript{34} Id., Article 200(8)
\textsuperscript{35} Id., Article 200(6); it may be noted that this procedure, unlike the proclamation, does not require the involvement of the President of the National Assembly and the reason for this is not apparent; cf. Article 201(4), considered below, where the involvement of the President of the National Assembly is required for the parallel procedure where there is a proclamation of a state of war.
\textsuperscript{36} Id., Article 200(9); the last sentence of this paragraph reads: “In other respects, the measures providing for derogation shall cease to be effective 24 hours prior to the beginning of the first session of the National Assembly held after the proclamation of the state of emergency” [emphasis added], and this would appear to leave a lacuna in the process.
\textsuperscript{37} Id., Article 201(1)
\end{footnotes}
Where the National Assembly is unable to convene, the proclamation may be made jointly by the President of the Republic, the President of the National Assembly and the Prime Minister; and, in doing so, they too may adopt measures for derogating from human and minority rights, which are subject to verification by the National Assembly when it is in a position to convene.

As indicated, the derogation from human and minority rights where there are proclaimed states or emergency or war is subject to Article 202. This provision provides that the measures providing for such derogation cease to have effect once the state of emergency or state of war has ended.

Even within such periods of the state of emergency, Article 202 limits this capacity to derogate from the rights in various ways.

First, the derogation is only permitted “to the extent deemed necessary.” It may be noted that there is no indication what authority or authorities make this determination. Is it, for instance, just a matter for the authority that adopts the measure of derogation or does it also provide the Constitutional Court with a juridical basis for reviewing the constitutional competence of the adopting authority to adopt the measure?

Secondly, measures providing for derogation “shall not bring about differences based on race, sex, language, religion, national affiliation or social origin.” It may be noted that this list includes only some of the grounds on which discrimination is prohibited under Article 21. Excluding some of these prohibited grounds in the context of derogating from the rights during a state of emergency or a state of war may be justifiable as long as the discrimination is proportionate (for instance, the exclusion of “political or other opinion”). However, the reasons for excluding other prohibited grounds of discrimination contained in Article 21 are not easily justifiable and may be considered disproportionate; for instance, the exclusion of “age” or “mental or physical disability” from the relevant paragraph of Article 202.

Thirdly, Article 202(4) states that measures derogating from human and minority rights may not include derogations from certain specified rights. Where there is derogation, the

38 Id., Article 201(3)
39 Id., Article 201(2)
40 Id., Article 201(4)
41 Id., Article 201(5); the Law on Government, Article 40(2) permits the Government to propose to the President of the Republic during a state of war, that acts be passed “on issues from the competence of the National Assembly”. This phrase is somewhat obscure in translation, but if it were to mean that the competence of the National Assembly may be limited, that limitation could conceivably affect the time when the National Assembly would be in a position to verify the measures derogating from human and minority rights.
42 It may be noted that labour or services undertaken by virtue of measures prescribed during a state of emergency or a state of war do not fall within “forced labour” under the Constitution, Article 26, which prohibits such labour.
43 Id., Article 202(3)
44 Id., Article 202(1)
45 Id., Article 202(2)
derogation is, as noted, limited “to the extent deemed necessary” and, anyway it should, in compliance with treaty obligations, be proportionate to the circumstances.

The list of human and minority rights from which derogation is not permitted does itself raise some policy issues.

First, the same list applies both to proclamations of a state of emergency and of a state of war. It may be argued that as a state of emergency may, for instance, arise from a natural disaster, the appropriateness of providing the same capacity to derogate from these rights in a state of emergency as in a state of war may be open to question.

Secondly, the rationale of the distinctions drawn between rights in respect of which derogation is prohibited and those where it is permitted is not always immediately evident, and the distinctions would be considered by many not always to be appropriate. So, for example, derogation is prohibited from the right to a fair trial (which encompasses the right to a hearing before an independent and impartial tribunal within a reasonable time and the right to the free assistance of an interpreter where the accused is unable to understand the official proceedings); but derogation is permitted from the rights relating to pre-trial detention and the right to basic aspects of a trial (such as to be informed of the charge, to be heard in his or her own defence, to be defended by a lawyer, and to present evidence, including witnesses, and the cross-examination of prosecution witnesses). Again, derogation is prohibited from the rights of the child (which includes the enjoyment of human rights appropriate to a child’s age and mental maturity); but derogation is permitted to the rights and duties of parents (which includes the right and duty to support their children), and to the special protection of the family, mother, single parent and child (which includes a requirement to give mothers special support and protection before and after childbirth, and to provide special protection for children without parental care or who are mentally or physically handicapped).

This analysis suggests that consideration might be given to revisiting the terms of Articles 200 – 202, and perhaps particularly Article 202(4).

2.3 Constitutional provisions with specific implications for legislative competence

Often reflecting treaty obligations, individual rights and freedoms contained in the Constitution may be subject to legislation (a) to regulate the manner in which they may be exercised, or (b) to restrict them to the extent necessary to achieve specific purposes. As noted, legislation enacted for these two purposes is subject to provisions of Articles 18 and 20. There are, however, other ways in which provisions on rights and freedoms, and other provisions, are expressed within the Constitution that may impact on legislative competence.

There may be a prohibition on legislating for certain matters. Article 4 (“right to life”), for instance, provides that “there shall be no death penalty in the Republic of Serbia” and that “cloning of human beings shall be prohibited”. Article 38 (“right to citizenship”) provides that “acquiring and terminating citizenship of the Republic of Serbia shall be regulated by the law”, but also provides, for example, that “a citizen of the Republic of Serbia may not be expelled or deprived of citizenship or the right to change it”.

There may be a direct obligation to legislate generally on a subject, or to include specific provisions in legislation on a subject, or both. For instance, Article 50 (“freedom of the
media”) provides for the freedom to establish newspapers and for the establishment of television and radio stations, but also specifically provides: “the law shall regulate the exercise of right to correct false, incomplete or inaccurately imparted information resulting in violation of rights or interests of any person, and the right to react to communicated information”. Article 62 declares that “marriage, marital and family relations shall be regulated by the law”, but also specifically provides, for instance, that “contracting, duration or dissolution of marriage shall be based on the equality of man and woman”. Article 64 (“rights of the child”) provides that “rights of the child and their protection shall be regulated by the law”, but also specifically requires that “a child born out of wedlock shall have the same rights as a child born in wedlock”. Examples of such obligations are also found outside the context of human and minority rights, so: “the law shall stipulate the deadlines within which the Budget must be adopted, as well as [the] method of temporary funding” (Article 92), and “the Law on the Government shall be enacted” (Article 135).

Commonly, a provision creates an indirect obligation to legislate. So, for example, Article 51 provides “everyone shall have the right to access information kept by state bodies and organisations with delegated public powers, in accordance with the law”. Article 91 provides “Resources which are used for the purpose of funding competences of the Republic of Serbia, autonomous provinces and local self-government units shall be provided from taxes and other revenues, stipulated by the law”.

On occasion, there may be just a discretion to legislate or to legislate in a particular manner. So, Article 88 (“Land”) states “The Law may restrict the models of utilisation and management, that is stipulate terms of utilisation and management, in order to eliminate the danger of causing damage to environment or prevent violation of rights and legally based interests of other persons”.

2.4 The Hierarchy of Legal Norms

2.4.1 Introduction

The Constitution provides a hierarchy of legal norms and this has the consequence of regulating legislative competence within each category of the hierarchy. The legal norms to which the Constitution refers are the Constitution itself, treaties ratified by the state, “generally accepted rules of international law” (taken to mean, and so subsequently described in the Report, as “customary international law”), “laws and other general acts enacted in the Republic” (referred to in the Report as “primary legislation”) and a range of subsidiary and subordinate legislation – amongst them “by-laws of the Republic”, “general acts of organisations with delegated public powers” and “general acts of autonomous provinces and local self-government” (referred to generically in the Report as “subordinate legislation”).

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46 Constitution, Article 194(4)
47 Id., Article 194(3)
48 Id., Article 195 (which makes reference to all of these categories of instrument)
Legislative competence is also regulated by a general prohibition, with some qualifications, on legislation having retrospective effect\(^{49}\). This is considered separately in this section.

### 2.4.2 The Constitution

The Constitution, as previously indicated, is declared to be “the supreme legal act of the Republic of Serbia”\(^{50}\). Either expressly or by implication, all other legal norms are treated as legally inferior, although the manner in which this is done in hierarchy raises some issues.

### 2.4.3 International Law

In Article 194(4), treaties and customary international law are declared to be “part of the legal system of the Republic”, from which it is assumed that treaties do not require to be incorporated into domestic law.

The same paragraph also states that “ratified international treaties may not be in noncompliance with the Constitution”. However, there is no indication of the legal consequences of a treaty or one of its provisions being found not to comply with the Constitution. For instance: is a treaty which is not compliant of no domestic legal effect?; if only some articles of a treaty are found not to comply with the Constitution, but the treaty is otherwise compliant, is the treaty, other than the non-compliant articles, to be considered part of domestic law?

Also, there is no express statement in the Constitution that rules of customary international law must comply with the Constitution, or of the legal consequences where they do not. It is assumed that, by implication, customary international law is to be treated as having the same hierarchical relationship with the Constitution as is expressly provided for in respect of treaties, and thus carries the same indicated degree of legal uncertainty.

### 2.4.4 Primary Legislation

The Constitution requires primary legislation to be “in compliance with the Constitution”\(^{51}\) and also “not be in noncompliance” with treaties and customary international law\(^{52}\). Again, there is no express constitutional provision on the legal consequences of primary legislation not being so compliant, and this raises similar issues to those of treaties not being compliant with the Constitution.

### 2.4.5 Subordinate Legislation

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\(^{49}\) Id., Article 197

\(^{50}\) Id., Article 194(2)

\(^{51}\) Id., Article 194(3)

\(^{52}\) Id., Article 194(5)
The Constitution requires subordinate legislation to be “in compliance with the Law”\(^53\) (which is taken to mean that it should be in compliance with competent primary legislation) and, in the case of legislation enacted by autonomous provinces and local self-government units, with “their statutes”\(^54\).

### 2.4.6 Prohibition of Retroactive Effect

The Constitution provides that primary legislation “may not have retroactive effect”\(^55\). There is one general and one specific qualification to this prohibition.

The Article declares that “exceptionally, only some of the law provisions may have a retroactive effect, if so required by general public interest as established in the procedure of adopting the Law”\(^56\). The relevant procedure\(^57\) will be considered in Section 3, but the terms in which this qualification is drafted (at least in translation) seems to have the consequence of providing that, while individual provisions of a law may have retrospective effect, a law in its entirety may not be retrospective.

The Article also provides that “a provision of the Penal Code may have a retroactive effect only if it shall be more favourable for the perpetrator”\(^58\). The use of “perpetrator” here may be an inadequacy of translation, for otherwise (i) a person convicted of an offence would benefit from the qualification by not being subject to a retroactive increase in the severity of sanction attached to commission of the offence but (ii) a person charged with a retrospective offence would not benefit from the qualification. It may be assumed that such a provision must also be subject to the previously mentioned general qualification and the procedure to which it refers.

The lacunae which have been identified in the constitutional provisions relating to the hierarchy of norms and to the prohibition of retroactivity suggest that it may be considered advisable, when appropriate, to revisit the provisions.

### 3. REVIEW OF THE PRIMARY LEGISLATIVE PROCESS

#### 3.1 Introduction

In this Section each of the successive stages in the standard process of enacting primary legislation, from the preparation of the legislative proposal to the entry into force of the law, is described and examined. At the end of the Section three procedurally exceptional processes are also considered.

\(^{53}\) *Id.*, Article 195(1) and (2)

\(^{54}\) *Id.*, Article 195(3); the “statute” is the “supreme legal act” of an autonomous province [*Id.*, Article 185(1)] and of a municipality [*Id.*, Art 191(1)].

\(^{55}\) *Id.*, Article 197(1).

\(^{56}\) *Id.*, Article 197(2)

\(^{57}\) *Rules of Procedure of the National Assembly*, Article 144(3)

\(^{58}\) *Id.*, Article 197(3)
The Report does not extend to the review the preparation and adoption of subordinate (subsidiary) legislation, although given its importance, there would be merit in undertaking such an exercise in due course.

3.2 Proposals for legislation

3.2.1 Competence to Propose Legislation

Under the Constitution, there are six categories of entities that have the competence to propose primary legislation: (i) deputies in the National Assembly; (ii) the Government; (iii) assemblies of autonomous provinces; (iv) a minimum of 30,000 of the electorate; and, for matters within their institutional competence, (v) the Civic Defender and (vi) the National Bank of Serbia.

3.2.2 Proposals for Legislation from the Government

It is understood that most primary legislation is proposed by the Government. The flow of these proposals should be viewed in the context of the Annual Programme of Action which sets the priorities of Government, including legislation which it intends to submit to the National Assembly. An evaluation of the success of the Annual Programme for the previous year, and also activity undertaken outside the Programme, is contained in the Government Report which is submitted annually to the National Assembly.

3.2.3 Government Internal Requirements for Initial Submission of a Proposal for Legislation

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59 Id., Article 107

60 See also, Id., Article 123; Law on Government, Arts. 3, 34; Law on State Administration, Article 3. The competence of the Government to propose laws is limited in the period between when its term of office has been terminated and the election of its successor: Law on Government, Article 17(1).

61 The Civic Defender is an independent state body and amongst its functions are the protection of the rights of citizens and monitoring public administrative and other bodies (but not the work of the National Assembly, the President of the Republic, the Government or the courts of the offices of the Public Prosecutor); the Civic Defender is elected and maybe dismissed by the National Assembly, to which he is responsible. For the constitutional status of the Civic Defender see, Constitution, Article 138.

62 How to Improve the Legislative Process in Serbia and Bosnia and Herzegovina, p.31

63 Rules of Procedure of the Government, Articles. 76,77

64 Id., Articles. 78,79; the Report is linked procedurally to the submission of the annual Budget by the Government to the National Assembly: Law on Government, Article 36.
A proposal for a law is submitted to the Government’s General Secretariat by a ministry, or other state administrative bodies, in the form of draft legislation and the draft must be accompanied by a range of associated material.

The principal associated document is a “rationale” for the proposed legislation, which must address its constitutional basis and other juridical and related procedural issues, and contain an evaluation and cost-benefit analysis of the proposal.

In detail, the “rationale” must include the following:

1) A constitutional 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 retroactive 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).

In addition, the proposed legislation must be accompanied by other analyses and declarations.

Thus, the submitting ministry must either provide a regulatory impact analysis of the proposed legislation or explain why it is not necessary to provide it. This analysis is required to address the following questions:

“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

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65 For the definition of “state administrative bodies”, see Law on State Administration, Article 1(1). For variations in the standard procedure for submitting proposals for legislation, but not considered in detail here, see Rules of Procedure of the Government, Articles 35(1), 36(2)
67 Id., Article 39
68 Id., Article 40(2)
69 Id., Article 40(3)
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 intent and purposes?\(^70\)

The submitting ministry must also provide a list of other legislation required to implement the proposed legislation, with deadlines for the enactment of such legislation.\(^71\)

Additionally, the submitting ministry is required to provide a statement that the proposed legislation “has been harmonised with European Union (hereinafter, “EU”) regulations” or that there are no “EU regulations” which bear on the proposed legislation.\(^72\) Assuming it represents a full translation, the words quoted here do raise an important issue with respect to a policy to harmonise Serbian law with that of the European Union. EU law has its basis in EU treaties, regulations and directives, together with the jurisprudence of the European Court of Justice. Consequently, a procedure that seeks to ensure harmonisation of domestic legislation only with EU “regulations” (even if this encompasses all EU secondary legislation in the form of EU regulations and EU directives) falls substantially short of furthering that policy.

Finally, the submitting ministry is required, in preparing its proposal, to seek opinions on the proposed legislation from a variety of sources\(^73\). These opinions must be delivered in writing within ten days of their request\(^74\), although that is extended to twenty days in respect of proposed systemic legislation\(^75\); if no opinion is received within these time limits, it is assumed that there are no objections to the proposed legislation\(^76\)

Opinions must be sought from

(i) the Legislation Secretariat\(^77\) - an organ of the Executive with responsibilities that include ensuring the compliance of legal provisions with higher legal norms, their compatibility with other law, and their drafting quality;

(ii) the EU Integration Office\(^78\) - an organ of the Executive with responsibilities with furthering the harmonisation of domestic and EU law;

(iii) the Council for Regulatory Reform\(^79\), on whether a regulatory analysis is needed and, if provided, on its adequacy;

\(^70\) Id., Article 40(2)

\(^71\) Id., Article 40(4); this would presumably be primarily subordinate (secondary) legislation.

\(^72\) Id., Article 40(1)

\(^73\) Where proposed legislation is substantially altered, beyond responding to observations in an initial opinion, the submitting ministry must seek a further opinion: Id., Art, 47(4).

\(^74\) Id., Article 47(1)

\(^75\) Id., Article 47(2)

\(^76\) Id., Article 47(3)

\(^77\) Id., Article 46(1)

\(^78\) Id.
(iv) other ministries and state administrative bodies\textsuperscript{80}, where their responsibilities extend to the subject matter of the proposed legislation;

(v) the Ministry of Foreign Affairs\textsuperscript{81} - where the proposed legislation pertains to relations between Serbia and foreign states;

(vi) the Ministry of Justice - where the proposed legislation would prescribe offences or affect the jurisdiction of the courts;

(vii) the Public Prosecutor’s Office (where the proposed legislation would affect state property rights and interests or would create state contractual liability).

The ministry must then submit to the Secretary General of the Government the draft legislative proposal (as amended in response to the opinions received) and all the required associated material, together with written comment on a failure to accept any aspects of the opinions, if applicable, and a report on any public consultation on the proposed legislation which has been undertaken by that stage.\textsuperscript{82}

3.2.4 Procedure following Initial Submission of Proposal for Legislation

On receipt of the proposal for legislation the Secretary General is under a duty to determine whether the proposal and the accompanying documentation complies with the Rules of Procedure\textsuperscript{83} and, if so, passes it to one of the four\textsuperscript{84} Government committees which, within the substantive areas of its terms of reference, is competent to consider it\textsuperscript{85}.

The committee is normally required to consider the proposal at its next session following receipt of it\textsuperscript{86}, and it has two principal tasks.

First, where a public consultation on the proposed legislation is required but has not yet taken place, the committee must settle the terms of the consultation to be undertaken by the submitting

\textsuperscript{79} \textit{How to Improve the Legislative Process in Serbia and Bosnia and Herzegovina}, p.34, which states this is required by virtue of a Government decision (unreferenced); the same page also provides some background to the establishment of the Council in 2003 and its general role in supporting regulatory impact assessments within the Government.

\textsuperscript{80} \textit{Rules of Procedure of the Government}, Article 46(3)

\textsuperscript{81} \textit{Id.}, Article 46(2); the same provision requires the opinions, to the extent indicated in the text, of the Ministry of Justice and the Public Prosecutor’s Office.

\textsuperscript{82} \textit{Id.}, Article 48; public consultation may take place once the proposed legislation is before the competent Government committee [see para. 3.2.10]

\textsuperscript{83} \textit{Id.}, Article 50(1); if it does not comply, it is returned to the submitting ministry to rectify the non-compliance: \textit{Id.}, Article 50(2)

\textsuperscript{84} These committees are the Committee on Legal Systems and State Bodies, [\textit{Id.}, Arts. 25, 26], the Foreign Affairs Committee [\textit{Id.}, Arts. 25, 27], the Economy and Finance Committee [\textit{Id.}, Arts. 25, 28] and the Public Services Committee [\textit{Id.}, Arts. 25, 29].

\textsuperscript{85} \textit{Id.}, Article 50(2)

\textsuperscript{86} \textit{Id.}, Article 50(1); although the chairperson may decide otherwise.
ministry and a timetable for it. Public consultation is required where the proposed legislation “can change significantly the way in which a matter has been addressed legally or governs a matter of particular public interest”. Where it is determined that public consultation is not required, the draft proposed legislation and the associated material must be made publicly available, no later than when the committee issues its conclusion on whether the Government should proceed with the legislative proposal.

Secondly, the committee must seek to reconcile the Bill with the opinions on it received and not accepted by the submitting ministry, and any proposed amendments from its own members. Following that exercise, the committee is required to report to the Government whether or not it recommends the adoption of the legislative proposal, and indicate any remaining outstanding issues. The committee is also required to appoint a rapporteur to attend the formal weekly Government session at which its report is considered.

The committee report, together with the Bill and associated documents, is then to be placed on the agenda of a Government session. Members of the Government, the Secretary General, and the Director of the Legislation Secretariat attend each session, and others may attend for discussion of particular agenda items. Consequently, the minister of the ministry submitting the legislative proposal, and also presumably the rapporteur appointed by the Government committee that reported on it, would be present at the Government session considering it.

Discussion is introduced by a brief presentation of the proposal by its proponent, and is also informed by any formally presented opinion of the Director of the Legislation Secretariat that the proposed legislation, or elements of it, is unconstitutional or conflicts with other legislation. A decision is reached on the basis of accepting or rejecting the conclusions on the proposed legislation reached by the Government committee, and this may include

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87 Id., Article 41(1) and (2)
88 Id., Article 41(1); Law on State Administration, Article 77
89 Rules of Procedure of the Government, Article 42
90 Id., Article 52(2)
91 Id., Article 51(3) and (4)
92 On the status and working of Government sessions, see Id., Arts. 5, 7, 52-63
93 Id., Article 51(5)
94 Id., Article 54(1)
95 Id., Article 57
96 If the proposal is submitted by a state administrative authority other than a ministry, a representative of the authority would also have a right to attend to present the proposal: Id., Article 57(1).
97 Either at the invitation of the Prime Minister or at the request of the proponent: Id., Article 57(1).
98 Id., Article 61
99 Consideration of the proposed legislation by the Government session may be adjourned by the Prime Minister to reconcile views, and to allow the submitting ministry to amend the proposed legislation: Id., Arts. 57(3), 58(4).
further amendments to the proposed legislation. Any revised text of the proposed legislation required as a result of the decisions reached in the Government session is then prepared by the submitting ministry, in collaboration with Legislation Secretariat and the General Secretariat.

Thus, according to the Rules of Procedure of the Government, draft laws prepared by the relevant ministries are submitted to various other administrative bodies to obtain their opinion (inter-ministerial consultation). This procedure should guarantee that all relevant knowledge and interests within the administration can be considered in the decision shaping process preceding the governmental decision. However, the deadlines for delivering opinions seem to be very short. It is not clear enough which efforts have to be made by the relevant ministry in order to take into account the delivered opinions. The quality of draft legislation very much depends on the proper functioning of the inter-ministerial consultation process.

3.3 Submission of Bill to the National Assembly

A proposal for legislation is required to be submitted to the National Assembly in the form of a Bill and with an explanatory note. The explanatory note must contain: (i) the constitutional basis for the Bill, (ii) reasons for enacting it, (iii) an explanation of its principal contents, (iv) an estimate of the cost of implementing it, (v) where there are retroactive provisions in it, reasons requiring the retroactivity and (vi) an overview of any amendments to existing legislation contained in it.

The Chairperson of the National Assembly makes a determination whether the proposal has been submitted in accordance with the Rules of Procedure of the Assembly. If it is decided that it has not, the proposer may, within 15 days, resubmit in amended form or, if he or she disagrees with the determination, seek in writing a ruling from the Assembly, which is voted upon at the next available sitting without debate. If neither of these courses is taken by the proposer, the Bill is considered as withdrawn.

3.4 Reference of Bill for Consideration

Where a submitted Bill satisfies the Rules of Procedure, the Chairperson of the National Assembly is required to forward it “immediately on receiving it” to all the deputies, the “appropriate” Assembly committees and (where it has not proposed the Bill) the Government.

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100 Id., Article 58(2).
101 Id., Articles 64-65.
102 Rules of Procedure of the National Assembly , Article 136(1)
103 Id., Article 136(2); and see also the requirement for the explanatory note normally to contain declarations with respect to international and EU law: Id., Article 136(3).
104 Id., Art 137(3); the proposer is however entitled to a 5 minute presentation to put his or her case.
105 Id., Article 137(4)
106 Id. Article 137(1)
The National Assembly has some 30 standing committees. The majority of these committees have in their terms of reference the capacity to consider Bills within their substantive fields of competence. Clearly, the competences of the committees may overlap with regard to a particular Bill.

Some committees have a broader role with respect to legislation. The Legislative Committee is required to “consider Bills, proposals of other regulations and by-laws addressed to the National Assembly to assess compliance with the Constitution and the legal system”. The same range of proposed legislation must be considered by the European Integration Committee “from the point of view of their degree of harmonisation with European Union and Council of Europe legislation”, and by the Gender Equality Committee “from the point of view of ensuring gender equality”.

There thus appears to be a likelihood of multiple committees having a responsibility to report on a Bill. However, unlike the Rules of Procedure of the Government with respect to Government committees, no formal procedure has been identified in the Rules of Procedure of the National Assembly for its standing committees to meet jointly or to prepare joint reports. Although this may be alleviated to some extent by the capacity of deputies who are not members of a committee to attend and participate in the committee’s sittings.

When a committee is considering a Bill, the proposer or an authorised representative must be invited to attend; Government representatives may also take part in committee sittings; as may, by invitation, “professionals and scholars”. The committee is required to proceed by first discussing the Bill in principle and then the Articles in detail, with a particular focus on any amendments which have been submitted. The committee members, the proposer of the Bill, Government representatives (where the Bill has not been proposed by the Government) and other deputies attending the sitting may participate in the discussion; this right is not specifically extended to “professionals and scholars” who have been invited to attend. The committee may also request ministries and other state agencies to provide relevant information, although there is no express capacity for it to call and examine witnesses.

107 Id., Article 43
108 Id., Article 45(1)
109 Id., Article 69(1)
110 Id., Article 71(1)
111 Id., Article 78(1)
112 Id., Article 78(2)
113 Id., Article 78(3); the Government may designate, from its employees or appointees those who prepared the Bill or have other expertise relating to it, representatives to take part in the work of National Assembly committees: *Rules of Procedure of the Government*, Article 70(2).
114 Id., Article 78(4)
115 Id., Article 79(2)
116 Id., Article 78(5)
The committee considering the Bill must draft a report from its proceedings. The committee is required to appoint a rapporteur, who, where necessary, will present the report at the sitting of the National Assembly. However, a committee member may request his or her dissenting views to be separately presented in the report and, in that case, the member is entitled to present that dissenting view in the National Assembly debate on the Bill in principle.

The committees (and, in the circumstances indicated, the Government) report to the National Assembly whether or not they accept the Bill in principle and, if they do, whether they propose modifications to it, which must be presented in the report as amendments.

These reports must be received not less than five days prior to the date of the opening of the sitting of the National Assembly at which the Bill is to be considered. A Bill submitted in compliance with the Rules of Procedure must normally be placed on the agenda of an Assembly sitting not less than 15 days and not more than 60 days of the date of submission. The 60 days may in exceptional circumstances be extended by a reasoned decision of the Chairperson for a maximum of a further 30 days. So, the consequence of these procedural rules is that the reports on a Bill must be made to the National Assembly within 10-55 days of the Bill having been submitted or, if an extension is granted, within up to 85 days.

This reporting system has the considerable merit of providing deputies with considered critiques of the Bill in advance of it being debated in principle in a plenary session of the National Assembly. However, some consideration might be given to examining whether the procedure could be enhanced to provide a more focused debate.

There is some likelihood that reports submitted on the Bill may vary in their views and have a different emphasis. Such plurality of views may deepen the subsequent Assembly debate on the Bill in principle but may also be something of an inconvenience for deputies seeking to absorb information and arguments within a few days of the debate. Consideration might therefore be given to exploring ways of allowing the Government to present, perhaps in a procedurally privileged manner, its views to an Assembly committee rather than reporting separately. Similarly, there might be exploration of procedural means of allowing Assembly committees with a broad remit to present their views to the committee that has the substance of the Bill most centrally in its terms of reference, again rather than reporting separately.

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117 Id., Article 79(3)
118 Id., Article 79(4)
119 If a report is not received, the Bill is considered by the National Assembly without it: Id., Article 139(5). The Government report is prepared by the appropriate ministry or special organization, in collaboration with the Legislation Secretariat: Rules of Procedure of the Government, Art 72(1)
120 Rules of Procedure of the National Assembly , Article 139(4)
121 Id., Article 138(1); this period does not run where the National Assembly is not in regular sitting: Id., Article 138(2)
122 Id., Article 138(2)
3.5 Debate on Bill in Principle

The National Assembly first holds a plenary debate on the principles of a Bill\(^{123}\); if the Bill relates to other proposed primary legislation, the debate may be a joint debate in principle on several Bills\(^{124}\). As noted, this debate must normally take place not earlier than 15 days and not later than 60 days from the date that it has been submitted to the National Assembly. Usually the proposed agenda for a sitting is submitted by the Chairperson of the National Assembly at least 7 days before the sitting.\(^{125}\)

As well as the deputies, Government ministers and the Secretary of the Legislation Secretariat are entitled to attend the debate, as are others invited to do so by the Chairperson.\(^{126}\)

The order and timing of speeches in debate are regulated by the Rules of Procedure.\(^{127}\) The proposer of the Bill speaks on request and that presentation is not subject to a time limit; the rapporteur of a committee reporting on the Bill is entitled to speak once for up to ten minutes (with the possibility of being granted a further five minutes at a later stage, at the discretion of the Chairperson); a member of the committee who requested that a separate opinion in the report be recorded is entitled to speak once for up to five minutes; the chairpersons or representatives of Deputies’ Groups\(^{128}\) are permitted 20 minute speeches (and they may divide the allocation into two ten minute opening and closing presentations). Other deputies may speak on request, and are chosen alternately between those supporting and opposing the Bill and are time limited\(^{129}\); their participation is largely determined by membership of Deputies’ Groups\(^{130}\). In addition the Prime Minister and Government Ministers may speak on request without a time limit. The Secretary of the Legislation Secretariat has the same right, but only in respect of a Government sponsored Bill drafted by the Legislation Secretariat.

Following a vote on the Bill in principle and the closure of the debate, there must be an interval of at least twenty-four hours before the next plenary stage of the Bill that is, the detailed consideration of its provisions.\(^{131}\)

\(^{123}\) Id., Article 140(1)

\(^{124}\) Id., Article 140(2)

\(^{125}\) Id., Article 84(1)

\(^{126}\) Id., Article 87; also under this provision where a Bill is proposed by one of the categories otherwise not entitled to attend National Assembly sittings an authorised representative of the proposer is entitled to attend the debate.

\(^{127}\) Id., Articles 93-95, 97

\(^{128}\) Members’ Groups are formally constituted in the National Assembly in the week following a general election, there must be at least 5 deputies to form a Group and they are commonly comprised of deputies from individual political parties: Id., Article 23.

\(^{129}\) The aggregate period for Deputies’ Groups in a debate in principle on a Bill is set at 5 hours, but this may be extended by vote of the National Assembly: Id., Article 94(1).

\(^{130}\) Id., Article 93(3) and (4)

\(^{131}\) Id., Article 140(4)
3.6 Submission and Consideration of Amendments

The time limits for submitting amendments is to a large extent regulated by plenary stages of consideration of the Bill, but is somewhat disengaged from the timetable regulating the initial reports on the Bill by the Assembly committees and, where required, by the Government.

Individual deputies may submit amendments in writing, with an explanatory note, to the Chairperson of the National Assembly from the date the Bill is submitted to the Assembly to three days prior to the date of the sitting in which the debate in principle on the Bill is on the agenda. The Legislative Committee considers the amendments and is required to reject amendments submitted outside the provided timeframe, and those that are incomplete or offensively worded, and report on their determination to the National Assembly; such rejected amendments may not be considered or voted on.

As indicated previously, Assembly committees and the Government in their reports on a Bill are required to present any proposed modification of the Bill as amendments to it. These reports, as a rule, have to be submitted five days prior to the date of the National Assembly sitting where the Bill is to be debated in principle.

A consequence of this variation in the deadlines for submitting amendments is that individual deputies may consider any amendments proposed in the reports and submit amendments in response to them, but the “appropriate” Assembly committees and the Government may not have all the amendments submitted by individual deputies before them when preparing their reports. In this regard, the “appropriate” committees are placed in a procedurally privileged position prior to the detailed plenary consideration of the Bill, in that they are entitled to submit amendments in the period from the completion of the Assembly debate in principle on the Bill and the opening of the debate on its detailed consideration.

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132 The Rules of Procedure to not indicate what the explanatory note should contain: and, given the specified scope of the powers of the Legislative Committee to reject amendments mentioned at the end of this paragraph of the report, it is uncertain whether the failure to provide an explanatory note would debar consideration of the amendment by the National Assembly.

133 Id., Article 145(1). This paragraph (in translation) is not entirely explicit as, in respect of the end of the period for submission, it reads “not later than three (3) days prior to the date set for the sitting at which the Bill is to be considered”. However, the paragraph then addresses a situation where the date of the sitting is unexpectedly brought forward and provides that, in such circumstances, the deadline for submitting amendments is “the commencement of the first debate in principle at the National Assembly sitting”. It is assumed that the earlier reference is also to that debate. Other Rules of Procedure tend to reinforce that interpretation, for instance Article 140(5).

134 Id. Article 145(2)

135 Id., Article 146(2)

136 Id., Article 146(3); although presumably it would be competent for the National Assembly to reject a determination by the Legislative Committee on the substance of an amendment, although not to waive the time limit for the submission of an amendment.

137 Id., Article 139(4)

138 Rules of Procedure of the National Assembly., Article 140(5); as noted, the minimum period permitted between these two debates is 24 hours.
The procedural rules relating to amendments are however underpinned by a general requirement that all the amendments submitted by deputies must be forwarded by the Chairperson to the proposer of the Bill, all the deputies, the “appropriate” committees and to the Government.139; and prior to the sitting of the National Assembly to debate a Bill in principle, each of these recipients must inform the Assembly which of the amendments they propose the Assembly should adopt and which should be rejected140. These views have important procedural implications for the detailed consideration of the Bill in the National Assembly.

3.7 Debate on Bill in Detail

As indicated, the sitting of the National Assembly at which detailed consideration is given to the Bill, and proposed amendments to it, must take place at least twenty-four hours after the completion of the Assembly debate on the Bill in principle.141 This is debate is procedurally focused in a number of ways.

It is constrained in its substantive consideration.

First, it is limited to a systematic consideration of the Articles to which amendments have been submitted and to amendments to include new Articles.142

Secondly, no vote is taken on amendments which fall into the following categories: (i) amendments submitted by the proposer of the Bill which have been endorsed by the “appropriate” committees and by the Government and (ii) any amendments submitted which have been endorsed by the proposer of the Bill, the “appropriate” committees and the Government.143

Two matters may be noted here. This procedure of itself does not specifically provide for situations where the endorsing parties accept the general tenor of an amendment to an existing Article or, of an amendment which proposes a new Article, but consider that there should be further amendment to the amendment. Also, the effect of the combined support of the proposer of the Bill, the “appropriate” committees and the Government for an amendment could be said to be a substitute for the constitutional role of the National Assembly to enact legislation. For such combined endorsements effectively deny deputies the opportunity at this stage to indicate their concerns over the amendment by rejecting it; and it is not inconceivable that this could be a significant number of deputies, or even a majority of them.

139 Rules of Procedure of the National Assembly, Article 146(1)

140 Id., Article 147; again an assumption has been made here about the debate referred to, as the Article (in translation) states simply “Prior to a National Assembly sitting” (see comment at footnote 132). For the procedure within Government for responding to amendments, see Rules of Procedure of the Government, Articles 71, 72.

141 Id., Article 140(4)

142 Id., Article 141(1)

143 Id., Article 149(3)
There are also procedural time restraints. The total time allocated to each Deputies’ Group in respect of each amendment under debate is fifteen minutes\(^\text{144}\); in addition, up to three deputies who are not members of a Group are allocated up to three minutes each\(^\text{145}\).

The debate proceeds by considering and voting (where this is required) on amendments to Articles in the order that the Articles appear\(^\text{146}\) in the Bill.\(^\text{147}\) If an Article seems to have retroactive application, the National Assembly must rule on whether there is sufficient reason for such retroactivity when voting on the Article.\(^\text{148}\) Where there is more than one amendment to an Article, the Assembly considers and votes first on any amendment proposing the deletion of the Article, and then on amendments proposing amendment of the text.\(^\text{149}\) At the conclusion of the debate, the proposer of the Bill, or his or her authorised representative, is entitled to a closing statement, which is not time limited.\(^\text{150}\)

There are procedures which can be adopted during the course of the debate, and immediately thereafter, to address the legal and technical consequences of amendments which have been adopted.

First, written consequential amendments may be submitted by the proposer, the “appropriate” committees and the Government in the course of the debate.\(^\text{151}\)

Secondly, where multiple amendments have been made to a Bill and their harmonisation is a more significant exercise, the National Assembly may delay voting on the Bill as a whole and request the Legislative Committee or another “appropriate” committee, with the cooperation of the proposer of the Bill, to undertaken the harmonisation\(^\text{152}\). The reports of the committees with their harmonisation proposals must be circulated to the deputies, and any resultant consequential amendments from the committees are submitted\(^\text{153}\). It is noted that there is no direct formal involvement of the Government in this procedure.

\(^{144}\) Id., Article 141(1)

\(^{145}\) Id., Article 141(2)

\(^{146}\) Presumably, where an amendment proposes a new Article this is considered where the Article is intended to appear, although no specific provision has been identified which addresses this.

\(^{147}\) Rules of Procedure of the National Assembly., Article 149(1)

\(^{148}\) Id., Article 144(3); this is in compliance with Constitution, Art 197. No specific procedure has been identified which would allow such an Article to be amended at this stage to remove its retroactive effect. Nor has a specific procedure been identified which allows a vote to be taken on the retroactivity of an “endorsed” amendment which would not be considered in the debate.

\(^{149}\) Id., Article 149(2)

\(^{150}\) Id., Article 142

\(^{151}\) Id., Article 148

\(^{152}\) Id., Article 144(4)

\(^{153}\) Id., Article 144(5). This paragraph (in translation) has no specific requirement that these amendments are to be put to the vote; it may be that this is implied or that the subsequent vote on the Bill as a whole is considered sufficient to incorporate them. They would not fall within Article 149(3) [endorsed amendments which do not require to be put to the vote] as they would not have the formal reported endorsement of the Government.
3.8 Final examination of bills before their adoption by the National Assembly

According to Article 144 of the Rules of Procedure of the National Assembly, the National Assembly may pause with the adoption of a Bill and ask the Legislative Committee to analyse it, from a legal and technical standpoint, if the parliamentary debate leads to several amendments. It could be appropriate to provide that such an analysis is mandatory in all cases, in particular because, according to the Rules of Procedure, there seems to be no second reading of the bills.

In this context, a close cooperation between the Legislative Committee of the National Assembly and the Secretariat of Legislation could probably contribute to the quality of the laws finally enacted by the National Assembly. In the field of legislation, this kind of inter-institutional cooperation is a prerequisite for coherent decisions of all state authorities having legislative competencies.

3.9 Vote on bills as a whole

When the National Assembly has completed its detailed consideration of the Bill and voted on the proposed amendments before it, the Assembly must then vote on the Bill as a whole.\(^{154}\) There is no requirement for a period to elapse between these two parliamentary stages although, as indicated in the previous paragraph, a vote on the Bill as whole may be delayed to allow for harmonisation of the amendments which have been adopted.

After the Assembly has voted on the Bill as a whole\(^{155}\), the Chairperson of the Assembly is required “immediately, and not later than within two days” of the vote to transmit the Bill to the President of the Republic for the President to promulgate it by decree.\(^{156}\)

3.10 Promulgation of the law

The procedure for the promulgation of laws is provided in the Constitution\(^ {157}\), and is considered in the succeeding paragraphs.

The procedure may be affected by decisions of the Constitutional Court which has jurisdiction to determine compliance of laws with the Constitution\(^ {158}\). The general

\(^{154}\) \textit{Id.}, Article 144(6); there is no indication in this provision whether this is simply a vote or whether debate is permitted, although its terms (in translation) suggest the former.

\(^{155}\) It is the duty of the Secretary of the National Assembly to prepare a master text of the Bill, with the seal of the National Assembly, and this must be stored at the National Assembly: \textit{Id.}, Article 164. It is also the duty of the Secretary of the Assembly to provide corrections to published texts of the legislation by reference to the master copy: \textit{Id.}, Article 165(3).

\(^{156}\) \textit{Id.}, Article 185(1). This paragraph (in translation) refers to the period as running from “the adoption of the Bill”; it is assumed this is the affirmative vote on the Bill as a whole.

\(^{157}\) Constitution, Article 113. In addition to this Article and related Articles of the Assembly Rules of Procedure considered here, the Chairperson of the National Assembly also assumes for up to three months the powers of the President of the Republic (which would include the power to promulgate laws), where the President is prevented from performing his or her duties or the President’s term of office ends before end of the elected term: \textit{Id.}, Article 120.
The constitutional regime is that where the Court determines that a law is not in compliance with the Constitution, the law ceases to have effect on the day of the publication of its judgment in the Official Gazette.\textsuperscript{159}

There is, as well, a procedure for seeking a determination of the constitutionality of a Bill which has been adopted but not yet promulgated. At the request of at least one third of the deputies of the National Assembly, the Constitutional Court is under a duty to determine the constitutionality of such legislation within seven days of receiving the request\textsuperscript{160}.

If the Court rules that the Bill is unconstitutional prior to its promulgation, that decision comes into force on the day of promulgation\textsuperscript{161}; if it rules that the Bill is unconstitutional after it has been promulgated, then the general constitutional regime would apply.

The promulgation procedure itself requires the President of the Republic, within 15 days of the adoption of a Bill by the National Assembly, to either (i) issue a decree promulgating the Bill or (ii) return it to the National Assembly for reconsideration, with a written explanation.\textsuperscript{162}

Where the Bill is returned to the National Assembly for reconsideration, its procedural rules require the Chairperson to “immediately communicate such request” to the deputies, and to include the Bill on the agenda of the first subsequent sitting of the Assembly.\textsuperscript{163} This does not specifically require that the written explanation as well as the request by the President for reconsideration be communicated to the deputies, but it may be assumed that in practice it would be.

The Constitution provides that: “if the National Assembly decides to vote again on the law, which has been returned for reconsideration by the President of the Republic, the law shall be adopted by the majority vote from the total number of deputies”.\textsuperscript{164} The Assembly procedural rules state that the Chairperson “shall immediately submit a Bill on which a repeated vote\textsuperscript{165} has been taken in the National Assembly to the President of the Republic in order for him/her to promulgate it by decree”.\textsuperscript{166} The Constitution imposes an absolute requirement on the

\begin{itemize}
  \item \textsuperscript{158} Id., Article 167(1); for the procedures adopted by the Assembly where there is a constitutional challenge to a law that has been promulgated, see \textit{Rules of Procedure of the National Assembly}, Article 220.
  \item \textsuperscript{159} Id., Article 168(3); the relevant Articles of the Constitution do not reveal whether the Constitutional Court may strike down individual Articles of a law as unconstitutional while maintaining the constitutionality and effectiveness of the remaining Articles.
  \item \textsuperscript{160} Id., Article 169(1); the Court must continue its deliberations in response to the request even if the Bill is promulgated as a law before it has reached its decision: \textit{Id.}, Article 169(2).
  \item \textsuperscript{161} Id., Article 169(3)
  \item \textsuperscript{162} Id., Article 113(1)
  \item \textsuperscript{163} \textit{Rules of Procedure of the National Assembly.}, Article 185(1)
  \item \textsuperscript{164} Constitution, Article 113(2); \textit{Rules of Procedure of the National Assembly.}, Article 115
  \item \textsuperscript{165} By implication a vote supported by an absolute majority of the deputies in accordance with the Constitution.
  \item \textsuperscript{166} \textit{Rules of Procedure of the National Assembly.}, Article 185(3)
\end{itemize}
President to promulgate the Bill which has been the subject of this second vote of the Assembly.167

As a default position, the Constitution also provides that: “if the President of the Republic fails to issue a decree on the promulgation of the law within the deadline stipulated by the Constitution, the decree shall be issued by the Chairman of the National Assembly”168.

The circumstances in which the President of the Republic returns a Bill to the National Assembly for further reconsideration are likely to be sensitive and it is therefore particularly important that the procedure is quite clear and also effective. Aside from the frailties already suggested, there are aspects of the procedure, which could be clarified to avoid potential ambiguity, though, it is possible that it just got lost in translation. For instance, where a Bill is returned to the President following a second vote in the Assembly, it is not made explicit whether the President has a further 15 days in which to promulgate the Bill or whether this must be done immediately. This is of importance because the capacity of the Chairperson of the National Assembly to promulgate the law depends on the failure of the President to act.169

It might also be argued that the procedure has limited utility in that neither the Constitution nor the Assembly Rules of Procedure explicitly provide a procedure for amending the Bill in response to the concerns of the President, if that were the preferred option of the Assembly; the procedure as it stands only provides for the National Assembly to reaffirm the text of the Bill as initially adopted.

3.11 Publication and Coming into Force of the Law

It is a constitutional requirement that laws must be published and all general acts shall be published in the Official Gazette before they come into force 170; publication is the responsibility of the Secretary of the National Assembly171.

The Constitution also provides that “laws and other general acts shall come into force no earlier than on the eighth day from the day of publication and may come into force earlier

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167 Constitution, Article 113(3)

168 Id., Article 113(4) This is not fully reflected in the Assembly Rules of Procedure, where Article 186 merely requires the Chairperson to inform the deputies where the President neither promulgates the Bill nor requests its reconsideration. The Article thus does not indicate the consequential competence of the Chairperson, nor address the situation where the President fails to promulgate the Bill where it is supported secondly in the Assembly by an absolute majority, nor does it impose an obligation on the Chairman to inform the deputies when he has exercised his or her powers under Article 113(4) of the Constitution.

169 Although it might be more readily assumed, there would be value in Article 113 of the Constitution providing explicitly that the President may only exercise the power once to return the Bill to the National Assembly for reconsideration, and that this power cannot be exercised following a second vote on the Bill in the Assembly supported by an absolute majority.

170 Id., Article 196(1) and (2)

171 Rules of Procedure of the National Assembly., Article 165(2)
only if there are particularly justified grounds for that, specified at the time of their adoption”.

However, publication in a simply chronological order does not guarantee optimal access to legislation. It is therefore important to publish also consolidated versions of all legislative acts.

3.12 Special Legislative Process

There are three other legislative procedures to be considered which differ to a greater or lesser degree from the standard procedure for the adoption of primary legislation.

3.12.1 Urgent Procedure

A Bill may “exceptionally” be considered under an accelerated urgent procedure. This procedure is only available for Bills regulating matters arising from “unforeseen” circumstances where failure to enact the Bill “could cause adverse effects to human life and health, national security, and the work of agencies and organisations”. To initiate the procedure, the proposer of the legislation must specify in a written explanatory note accompanying the Bill the adverse effects which would result from not considering it under the urgent procedure.

Where at least an absolute majority of the deputies are attending the sitting, the National Assembly is required, to vote, without debate, on whether to accept the proposal that a Bill be considered under the urgent procedure. The vote must be taken either when establishing the agenda for the sitting (which is done at the beginning of each sitting) or in the course of the sitting (where this is applicable in accordance with time limits for submission of the Bill).

Where the proposal is accepted the Bill is, by implication, included on the agenda for the sitting if it is submitted: (i) no later than twenty-hours prior to the start of the sitting or (ii) if it relates to defence and security, two hours prior to the start of the sitting or (iii) if it is

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172 Constitution, Article 196(4); this provision is reflected in Rules of Procedure of the Government, Article 39 but no similar provision has been identified in the Rules of Procedure of the National Assembly.

173 Rules of Procedure of the National Assembly, Article 161(1)

174 Id., Article 161(2)

175 Id., Article 161(3). There is some conflict in the Rules of Procedure here, as Article 161(3) requires the Bill to be submitted with the proposal whereas Article 162(5), imposing a duty on the Chairperson to forward the Bill to the deputies and the Government, envisages the Bill being submitted either with the proposal or after the proposal has been received.

176 Id., Arts. 89, 90; the agenda is established, on the basis of a draft agenda previously circulated by the Chairperson, immediately after the minutes of the previous sitting are adopted.

177 Id., Article 162(4)

178 Id., Article 162(1)
proposed by the Government, during the sitting, provided that an absolute majority of the
deputies are attending the sitting.\textsuperscript{179}

Debate on the Bill may proceed in the absence of reports from the “appropriate” Assembly
committees or from the Government.\textsuperscript{180} Amendments to the Bill may be submitted up to the
start of the debate on the Bill,\textsuperscript{181} and the proposer, the “appropriate” committees and the
Government “shall be allowed to put forward their views on the amendments”.\textsuperscript{182}

Thus, the deadlines for the inter-ministerial consultation procedures and the deadlines
regarding the consideration of bills by parliamentary committees and by the National
Assembly seem to be very short, too short perhaps for a thorough examination of the drafts
or bills. Of course, in case of urgency, it must be possible to enact laws very rapidly, but the
ordinary legislative procedure should provide for more time to critically examine draft law or
bills. And, even in case of urgency, it is difficult to imagine how the National Assembly
could debate bills without reports made by the relevant committees or without prior
communication of the governmental opinion.

Finally, the President of the Republic has only seven days (and not fifteen as in the standard
legislative process) from the date of the adoption of a Bill passed under the urgent procedure
to issue a decree of promulgation or return the Bill to the Assembly for reconsideration.\textsuperscript{183}
The competence of the Constitutional Court to determine the constitutionality of a law both
before and after promulgation is not affected.

The urgent procedure may well be adopted in circumstances which are likely to be sensitive,
if not tense. It is therefore particularly important that the procedure is comprehensive, clear
and unambiguous; and it appears that the rules of procedure governing the urgent procedure
do not seem to achieve this entirely. The difficulties largely stem from the fact that the
procedural rules here neither contain their own provisions on the stages of considering the
Bill in the National Assembly nor specifically apply the standard legislative procedure to the
Bill other than where a different procedure is specified.

As noted, it is not completely clear whether the Bill has to be submitted with the proposal;
and so, if it is not, whether the vote may be taken in the Assembly on the basis of the
proposal in the absence of the Bill or whether the vote must await the Bill. The procedural
rule requiring the Chairperson to circulate the Bill is defective in that it does not specify (at
least in the provided translation) that it must be circulated to the “appropriate” Assembly
committees, although this may be assumed as the procedural rules anticipate that they may
report on it.

There is no indication in the procedural rules of the structure of the debate in principle on the
Bill, for example who may speak, in what order and for what time. It may be that no
reference to these matters is to be taken as an indication that the general procedural rules of

\textsuperscript{179} Id., Article 162(2)

\textsuperscript{180} Id., Article 163(1)

\textsuperscript{181} Id., Article 163(2)

\textsuperscript{182} Id., Article 163(3)

\textsuperscript{183} Constitution, Article 113(1)
debate are to apply, but in that case it would be more desirable to specify that they apply. This is done, for example, in the procedure, considered later, to adopt authentic interpretation of a law.

Similarly, no specific direct provision is made for the successive stages of consideration of the Bill in detail and of a vote on the Bill as a whole. In that respect, it may be noted that the procedural rules allow amendments to be submitted only “up to the commencement of discussion of the Bill”\(^{184}\) (presumably consideration of the Bill in principle) whereas in the circumstances of the use of the urgent procedure it might be considered judicious to provide for later submission of amendments and their harmonisation, which are provided for in the standard legislative process.

Finally, no procedural provision is made for the Chairperson of the National Assembly conveying the Bill, as passed by the Assembly, to the President of the Republic for promulgation. This is a matter of some significance for, as noted, the President has under the Constitution a more limited time to promulgate a Bill passed under the urgent procedure than under the normal legislative process.

There would, therefore, be merit in giving further consideration to these provisions to clarify the procedural uncertainties.

### 3.12.2 Amendment of the Constitution

The Constitution provides that it “shall not be amended” during a state of emergency or a state of war.\(^{185}\) Subject to that restriction, there is a special procedure for amending the Constitution.

A proposal to amend the Constitution may be submitted to the National Assembly by:

(i) a minimum of one third of the deputies of the National Assembly,

(ii) the President of the Republic,

(iii) the Government or

(iv) a minimum of 150,000 of the electorate.\(^{186}\)

To proceed, the proposal must be approved by a vote of the National Assembly, supported by two-thirds of the total number of deputies.\(^{187}\) If the proposal is not approved, the proposed

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\(^{184}\) Id., Article 163(2)

\(^{185}\) Constitution, Article 204; it is not clear (at least in translation) whether this restriction prohibits an amendment coming to force during these periods, or also prohibits initiating or continuing the procedure which may lead to an amendment during these periods as well.

\(^{186}\) Constitution, Article 203(1)

\(^{187}\) Id., Article 203(3)
amendments cannot be considered again for twelve months.\textsuperscript{188} If the proposal is approved, a Bill to amend the Constitution is drafted for consideration of the National Assembly.\textsuperscript{189}

A Bill to amend the Constitution must be also adopted by a two-thirds majority of the total number of deputies.\textsuperscript{190}

Once the Bill has completed its progress in the National Assembly, the Assembly may decide that it should be endorsed by public referendum.\textsuperscript{191} However, the National Assembly must put the Bill to a public referendum where it amends the preamble to the Constitution, principles of the Constitution, human and minority rights and freedoms, the provisions relating to the proclamation of a state of emergency or a state of war, the power to derogate from human and minority rights and freedoms during either a state of emergency or a state of war, or the procedure to amend the Constitution.\textsuperscript{192}

Where there is a public referendum on the Bill it must take place no later than sixty days from the date the Bill is passed by the National Assembly, and the Bill is approved at the referendum if a majority of those voting in the referendum vote in favour of it.\textsuperscript{193}

Finally, Article 203 (9) and (10) of the Constitution declares that once the Bill has been passed by the National Assembly, or once it has been approved by referendum where one is called, it shall be promulgated by the National Assembly and shall come into force on promulgation. These provisions provide both a distinct procedure from the standard constitutional procedure for promulgation of primary legislation (by the President of the Republic, under Article 113) and also from the standard constitutional rules for the coming into force of primary legislation following promulgation (after eight days, or earlier only if there are particularly justified grounds for that, specified at the time of passing the Bill, under Article 196(4)).

As with the urgent procedure for considering Bills, the procedural rules amending the Constitution by primary legislation have the weakness that they neither contain provisions on the stages of considering the Bill in the National Assembly nor specifically apply the standard legislative procedure to the Bill other than where a different procedure is specified.

In addition to the uncertainties identified in the preceding analysis of the procedure, there are also others. It is not specified, for instance, who proposes the Bill (and might therefore attract procedural privileges in the course of its consideration), when or even whether the Chairperson of the National Assembly is obliged to circulate the proposal to amend the

\begin{itemize}
\item \textsuperscript{188} Id., Article 203(4); presumably this period runs from the date of the unsuccessful vote, rather from the date of submission of the proposal, but this is not specified.
\item \textsuperscript{189} Id., Article 203(5); this provision is silent on which body is responsible for drafting the Bill.
\item \textsuperscript{190} Id., Arts. 203(6), 205; it is unclear whether this requisite majority must be achieved at each stage of the consideration of the Bill, including adopting any amendments to it, or whether it is, for instance, only required when the Bill is adopted as a whole.
\item \textsuperscript{191} Id., Article 203(6); it is unclear (at least in translation) whether a National Assembly decision to put the Bill to a public referendum also requires the support of two-thirds of the total number of deputies.
\item \textsuperscript{192} Id., Article 203(7)
\item \textsuperscript{193} Id., Article 203(8)
\end{itemize}
Constitution or the subsequent Bill to provide for this, whether “appropriate” Assembly committees and the Government are required to report on either the proposal or on the Bill (although the Assembly Rules of Procedure provide that reporting on proposals for constitutional amendment is within the remit of the Constitutional Issues Committee\(^{194}\)) and there are no provisions relating to amendments to the Bill.

All these are matters which should be considered.

### 3.12.3 Adoption of Authentic Interpretation of Laws

Any of the categories that constitutionally have a general or limited competence to submit proposals for primary legislation may propose the adoption of a so-called “authentic interpretation of a law”\(^{195}\).

The proposal to draft “an authentic interpretation” is considered by the Legislative Committee of the Assembly which reports its findings to the National Assembly. Where it considers the proposal justified, it prepares a draft of the authentic interpretation and forwards it to the proposer and the National Assembly.\(^{196}\) Where it considers it unjustified, it simply informs the proposer and the National Assembly of its determination.\(^{197}\)

The National Assembly then votes on the reported findings of the Legislative Committee.\(^{198}\) If the Assembly does not accept the Committee’s finding that an authentic interpretation is unjustified, it orders the Committee to prepare the authentic interpretation.\(^{199}\)

Where as a result of this procedure a draft authentic interpretation of a law comes before the National Assembly, it is then considered by the same procedure as applies to a proposal for primary legislation.\(^{200}\)

### 4. THEMATIC ANALYSIS

#### 4.1 Introduction

In this Section there is a thematic consideration of broad issues in the legislative process, drawing on the description and analysis in Section 3.

The issues considered are the development of legislative policy, consultation of civil society during the legislative process, a preliminary review of legislative drafting and the legislative process itself.

\(^{194}\) *Rules of Procedure of the National Assembly*, Article 44

\(^{195}\) *Rules of Procedure of the National Assembly*, Article 158(1)

\(^{196}\) *Id.*, Article 158(2)

\(^{197}\) *Id.*, Article 158(3)

\(^{198}\) *Id.*, Article 158(4)

\(^{199}\) *Id.*, Article 158(5)

\(^{200}\) *Id.*, Article 159
4.2 Development of Legislative Policy

4.2.1 Introduction

It is a truism of the preparation of legislation that determining exactly and in detail what is to be achieved by the legislation is the most difficult and important, and often the most time-consuming, aspect of the process. It is an initial task, and one that is often subject to continuing refinement as it proceeds.

Once what has to be achieved has been determined, the next aspect of the process is to decide how this can best be achieved, and to what extent the legislation is necessary to achieve it.

Then there follows the drafting, and the more carefully the earlier two stages have been conducted the easier the drafting will be.

The development of legislative policy within the Serbian legislative process is viewed from this perspective.

4.2.2 Policy Development within Government

The procedural rules which apply to a ministry, or other state administrative body, submitting a legislative proposal to central government lays strong emphasis on the process of policy development.

The “rationale” which must accompany the Bill has to include: “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”. This in itself neatly encapsulates the main essentials of policy development. In addition the “rationale” must provide an estimate of the cost of implementing the legislation, which is further reinforced in some of the questions that must be addressed in the regulatory impact assessment which must also accompany the legislative proposal, and these are set out in full in paragraph 3.2.5.

Before the legislative proposal is adopted by the Government this documentation, as well as the Bill, is reviewed for various purposes by the Government General Secretary General, one of the four Government committees and finally in a Government session.

Substantive compliance with these procedures should ensure that the Bill is the product of systematic and thorough policy development.

4.2.3 Policy Development outside Government

As set out in paragraph 3.3.1, the explanatory note required when draft legislation is submitted to the National Assembly is much less rigorous in its detailed requirements. The relevant requirements are to provide “reasons for enacting” the Bill, together with “an estimate of the cost of implementing it”. This then sets the effective standard of policy development that has to be demonstrated by those, other than the Government complying
with its own procedures, who have the capacity to propose legislation, including deputies and the public.

It falls to the Chairperson of the National Assembly to determine whether a legislative proposal complies with the Assembly Rules of Procedure for its submission. However, such a decision taken by a presiding officer is likely to be taken more on procedural rather than substantive grounds.

Subsequent Assembly consideration of the legislative proposal then focuses on the Bill itself and, unless the Bill were rejected in principle, any inadequacies in the policy development of the proposal would then manifest themselves as textual inadequacies to which remedial amendments may be submitted. This effectively places an institutional burden on the National Assembly and, to some extent, on the Government.

It is true that neither an individual deputy nor the public is likely to have available the resources of the Government to undertake policy development. Nevertheless, there is an argument that consideration be given to shifting the burden somewhat to the proposer, by strengthening the requirement to demonstrate that there has been sufficient policy development as a condition of submitting a legislative proposal to the Assembly.

### 4.3 Civil Society Consultation

#### 4.3.1 Introduction

In developed democracies, there is an increasing emphasis in the legislative process on consultation with civil society. This arises not only from recognition of the value of such participative democracy but also from an appreciation that it improves the quality and effectiveness (implementation) of legislation.

There is equally recognition that, while such consultation has value at each stage of the legislative process, consultation at the stage of policy formation and prior to a draft legislative text being prepared and received for parliamentary consideration is a particularly effective time for the consultation. It is then institutionally easier to take account of the product of consultation, before there is a firm internal consensus on policy. There is thus a premium on early consultation.

However, it is in the nature of the legislative process that the full implications of a legislative initiative do not become apparent until policy is reduced to a legislative text and amendments to it are proposed, so consultation continues to have a real value throughout the legislative process.

Finally, in this regard, consultation not only has a value in primary legislation, it also has a value in subordinate (secondary) legislation. Subordinate legislation tends to be more technical and detailed, and commonly it is not, or little, exposed to the public and political nature of parliamentary scrutiny but is largely the product of purely internal government development. So, although the Serbian subordinate (secondary) legislative process is not fully analysed in this Report, it is worth observing that consultation with civil society on such legislation also has particular value.

In considering consultation with civil society, there is the question of what is meant by “civil society” in this context. In developed democracies, where expertise outside the organs of the
state may well have a broad and politically vibrant institutional structure, commonly well-funded, together with a well-informed electorate, this question may take the form of determining the breadth of consultation that is appropriate in particular circumstances. Should, in basic terms, the particular consultation be with the public at large or with specialists, or both, or with one informing the other? In emerging democracies, there may be additional questions. For instance, and again in basic terms, should consultation focus on indigenous independent expertise, indigenous expertise which is to a greater or lesser extent externally funded, or on the domestic presence of international NGOs, particularly those which are recognisably apolitical, or should there be no such distinctions drawn in the consultation process?

Then there is the matter of the nature of the consultation. In essence, this reduces itself to the question: to what extent the consultation is to be a dialogue? And, however willing the organs of the state are to consult civil society, the answer to that question may be circumscribed by available resources.

There are various aspects to the question.

Some are operational. Is consultation to admit formal written submissions, formal oral submissions (perhaps based on already recognised expertise, or on the quality of prior written submissions) or consultative meetings of varying degrees of informality, or some or all of these?

Other questions are more functional. To what extent is civil society to be directly involved in the process, as advisers at policy development meetings say, or on drafting teams?

Some questions are matters of courtesy and promotion. To what extent is there to be an institutional response to those who participate in the consultation process. Are written submissions to be simply acknowledged, or should the acknowledgement indicate whether the views expressed have been accepted or rejected, and should that include the reason for the decision?

What is certainly true is that responding to those who participate in a consultation will encourage them to participate in future consultations and thus strengthen the consultation process and participative democracy.

Finally, there is the more mundane, but significant, matter of access for civil society to the more public stages of the legislative process. To what extent is there, for example, the ability to attend sittings of parliamentary committees and parliamentary plenary sittings? If considerations of space constrain attendance, to what degree is this ameliorated by broadcasting proceedings?

All these considerations inform the analysis below of the nature and degree of civil society consultation in the Serbian legislative process.

**4.3.2 The Pre-parliamentary Dimension**

The Government of Serbia has an institutional commitment to transparency in respect of its policies and administration.
So, while, as one would expect, Government sessions are secret and “as a rule” closed to the press and the public\textsuperscript{201}, there is a general commitment that “the work of the Government shall be public”\textsuperscript{202}. The Prime Minister and ministers are required to inform the public of Government decisions made within their spheres of competence\textsuperscript{203}, and certain other officials may also do so with consent of ministers\textsuperscript{204}. The Government Media Office has a responsibility “for the openness of government business”\textsuperscript{205}, and the internet, as well as press conferences and press releases, is specifically mentioned in the Government Rules of Procedure\textsuperscript{206}.

This is underpinned by general legal duties. So, the Law on Government requires that “Government work shall be public”\textsuperscript{207} and requires the Government “to enable public insight into its work, according to the law governing free access to information of public importance and the Government Rules of Procedure”.\textsuperscript{208} And the Law on State Administration requires ministries, and other state administrative authorities, “to inform the public about their work through means of public information or through other relevant means”.\textsuperscript{209}

However, in the main\textsuperscript{210} what has been described in this paragraph to this point is a commendable commitment to providing information to, rather than undertaking consultation with, the civil society. As noted in Section 3, there is public consultation at some stages within the primary legislative process.

As far as the development of policy, prior to actually drafting the necessary legislation, is concerned it appears from the texts examined that there is relatively limited focus on civil society consultation, although that of itself is not conclusive. The general Government commitment to providing information may well involve the public presentation of proposed implementation of policies, but does not appear to involve procedures for civil society consultation. As indicated in paragraph 3.2.5, it is also the case that a ministry in preparing draft legislation for submission to central government will normally be expected to prepare a regulatory impact analysis of it, and one of the questions which that is required to address is “were interested parties given an opportunity to state their opinion on the law?”. However, it is not certain from that whether the practice is to conduct the analysis at a pre-drafting policy stage or after the Bill is drafted. Neither is it clear to what extent posing the question is

\textsuperscript{201} Rules of Procedure of the Government., Article 96
\textsuperscript{202} Id., Article 93
\textsuperscript{203} Id., Article 94(2) and (3)
\textsuperscript{204} Id., Article 94(3)
\textsuperscript{205} Id., Article 94(2)
\textsuperscript{206} Id., Article 93(2)
\textsuperscript{207} Law on Government, Article 9(1)
\textsuperscript{208} Id., Article 9(2)
\textsuperscript{209} Law on State Administration, Article 76(1).
\textsuperscript{210} See though, Rules of Procedure of the Government., Art 93(3) which provides for Government response to questions, initiatives and complaints.
limited to eliciting responses or is expanded to engage with at least some of those that respond.

To the extent that there is indeed a limited focus on civil society consultation at the pre-drafting policy formation stage, this should be seen as a weakness in the legislative process and some consideration might be given to means of ameliorating it.

However, at the stage where the Bill is already in existence there is certainly a firm public consultation procedure.

As mentioned in paragraph 3.2.10, there is a balanced requirement to consult where the proposed legislation “can change significantly the way in which a matter has been addressed legally or governs a matter of particular public interest”. If consultation is required under this test and the ministry has not undertaken it, the relevant central government will supervise it by settling the terms and timetable for it.

Where public consultation is not required, there is still a requirement to make the draft legislation and associated material publicly available from the time the central government committee concludes that the Government should proceed with the proposal.

What is not apparent from the Government Rules of Procedure is whether there are standardised detailed procedures for conducting civil society consultation on draft legislation, as exist in a significant number of jurisdictions. If there are no such standardised procedures, consideration might well be given to developing them as an aid to encouraging consistency and efficiency in the process.

Finally, a brief mention may be made in this regard of the other categories that have the capacity to propose legislation. It is assumed that the National Bank of Serbia is either bound by the Government consultation procedures or would largely replicate them. The Civic Defender, by the nature of the office, could be expected no doubt to consult at least on proposed draft legislation. Proposals emanating from the public would be virtue of the process involve public consultation, although it might not be particularly structured. The position of deputies in proposing legislation will be considered in succeeding paragraphs.

4.3.3 The Parliamentary Dimension

Parliaments are by their nature more publicly accessible institutions than governments, and consequently might be considered to require less elaborate formal procedures for ensuring the provision of information. Nevertheless, although there is provision for them to sit in camera\(^{211}\), the Assembly Rules of Procedure specifically provide that the default position is that sittings of the National Assembly and its committees are held in public\(^{212}\). The Rules of Procedure also provide for the media to be facilitated\(^{213}\), and this includes making Bills

\(^{211}\) *Rules of Procedure of the National Assembly*, Article 173(2)

\(^{212}\) *Id.*, Article 173(1)

\(^{213}\) *Id.*, Articles 174 – 176. There is a constitutional right to information, expressed as that “everyone shall have the right to be informed accurately, fully and timely about issues of public importance”, which the media are required to respect: Constitution, Article 51(1).
available to them\textsuperscript{214}. Again it may be observed that these provisions largely facilitate providing information to the public, directly and indirectly, rather than consultation as such.

It would appear that there is no formal requirement for there to be public consultation on Bills submitted to the National Assembly; although there will have been, as noted, such consultation on appropriate Bills proposed by the Government, which presently form the bulk of Bills submitted.

After a Bill is before the National Assembly, as a consequence of the legislative process, the issue rather becomes one of the opportunity for consultation.

A Bill must be submitted to the National Assembly with an explanatory note providing specified information about it. However, the procedural rules do not expressly require the explanatory note to declare whether or not there has been public consultation on the Bill. So, for proposers of legislation, other than the Government in its internal procedures, there is no direct procedural requirement for such consultation.

Once a Bill is submitted it is considered by Assembly Committees and, where appropriate, by the Government, all of whom normally are required to report within a period of 10-55 days, depending on when the Bill appears on the Assembly agenda for debate in principle. These reports may propose amendments, and also consider amendments submitted by deputies (with an explanatory note). The deputies may still submit amendments for two days following the deadline for the reports, and these are subsequently considered by the committees and the Government. Following the debate in principle, the Assembly consideration of the Bill in detail may take place within twenty-four hours; and in the period between the debates the appropriate Assembly committees may submit further amendments.

It should be recognised that any legislative process may be somewhat at the mercy of late amendments over which there has been a paucity of institutional consideration and little or no public consultation. And it is also true that the Serbian legislative process accommodates specialist examination, including the use of external specialists, and allow for pauses in the legislative process to consider amendments. Nevertheless, it is a framework which does not provide great opportunity for consultation over amendments outside the National Assembly and the Government. By way of illustration, the Government Rules of Procedure for preparing and commenting on amendments do not envisage anything other than internal collaboration in these processes\textsuperscript{215}.

These considerations obviously apply, with more force, to the urgent procedure for enacting legislation.

Given that amendments may include new Articles, and any amendment may substantially alter a Bill, this may be reasonably viewed as a further weakness and consideration is recommended to be given to address this.

\textsuperscript{214} Id., Article 176, although it may be noted that there is no specific reference in this Article to making amendments available, and there is no specific provision here or elsewhere in the Rules of Procedure of making Bills or amendments available to the public, for payment or otherwise.

\textsuperscript{215} Rules of Procedure of the Government., Articles 71,72
4.4 Legislative Drafting

4.4.1 Introduction

Legislative drafting is a crucial element in an effective legislative process and one for which commonly parliamentarians are particularly dependent on the skills of others.

Despite its importance, legislative drafting is only considered here in a preliminary way with limited observations. The reasons for this are that the Report has been prepared with reference to very modest amount of Serbian primary legislation and without access to drafting style guidance used by the Government or the National Assembly. However, it is evident that the Republic of Serbia institutionally recognises the importance of drafting, as it is a principal concern of the Legislative Committee within the National Assembly and of the Legislation Secretariat within Government.

Good legislative drafting is the ability to identify the legal objectives and meet them fully by expressing the necessary legal rights and obligations in an accurate clear manner, while also ensuring that the draft complies with superior norms, and that it effectively and consistently relates to existing legal norms.

However, there is a tendency in emerging democracies (and indeed in established ones where there are time pressures) to sacrifice the ideal in favour of a draft that is merely legally effective, and that may be sufficient to satisfy the instructing authorities.

Legal effectiveness is, of course, the essential. However, if the legislative text is merely effective but falls short of the standards of good drafting there may well be long-term and peripheral consequences.

First, legislation which is not clearly, as well as accurately, expressed tends to undermine, or at the very least inhibit, democratic development.

Secondly, if legislation is not properly set in the context of existing norms or it fails to be set in a manner which makes the context readily accessible to the user, the corpus of national legislation becomes over time increasingly chaotic and consequently increasingly difficult to use.

Thirdly, legislation which, although legally effective, is not well drafted wastes public and private sector resources in endeavouring to explain or establish its implications, and ultimately in resolving its application by litigation.

Finally, the quality of legislative drafting may be viewed as presenting to the outside world a demonstration of the professional and administrative competence of the state, not uncommonly with some significant economic consequences.

Again, these are all matters which inform the following preliminary observations, although this is a subject which, in due course, deserves, more elaborate consideration.

4.4.2 Analytical awareness

“Analytical awareness” is used here to describe a primary skill which needs to be developed by the drafter of legislation and which can be described, but not easily conveyed, in a drafting style manual. It is the ability to analyse the scope of the provisions required and
ensure that all aspects of the requirement, but no more, have been appropriately addressed in the legislation as drafted.

One example of less than complete analytical awareness, considered at paragraph 3.9.6, is Article 113 of the Constitution which addresses the procedure for the promulgation of legislation. The President of the Republic is placed under a duty to promulgate the legislation within 15 days or return it to the National Assembly for reconsideration. If the National Assembly reaffirms the legislation by an appropriate second vote, the President is placed under a duty to promulgate it. However, it is not made explicit whether that duty must also be exercised within 15 days. This ambiguity has a further consequence, for if the President fails to promulgate the legislation “within the deadline stipulated by the Constitution” the Chairman of the National Assembly is empowered to do so. It is likely that as one deadline has been stipulated it would be taken to apply to both situations. However, if this had to be judicially determined there would be delay and possibly, at least temporary, uncertainty over when or if the legislation had come into force.

This could be avoided by drafting with more analytical awareness.

4.4.3 Relating Provisions

Ambiguity in legislation can arise when provisions are not related effectively.

This can arise between paragraphs of the same Article. So, Article 197 of the Constitution, discussed at paragraphs 2.27 – 2.29, largely prohibits legislation having retroactive effect. There is a general procedural qualification to this and also a specific substantive one. However, the two qualifications appear independently in separate paragraphs of the Article without any indication of how they relate to each other. The consequence is a potential ambiguity over whether or not the specific qualification is subject to the general procedural qualification.

It can also arise between different Articles. Examples of this, fully considered above, are ambiguities created by failing to link, respectively, the urgent procedure for enacting legislation and the procedure for enacting legislation to amend the Constitution with the standard legislative procedure.

4.4.4 Consequential Effects

One feature of drafting legislation in an increasingly complex body of legislation is ensuring that consequential effects of draft legislation on existing legislation are adequately addressed by repeals and amendments.

The explanatory note required to be included with a Bill submitted to the National Assembly has to include “an overview of any amendments to existing legislation” contained in the Bill.

The “rationale” that must accompany a legislative proposal when it is submitted by a ministry to central government has a more detailed specification: “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)”. However, such a review assumes that a Bill is directly and partially replacing a single piece of legislation. Increasingly, it will be found
that a Bill will have consequential effects on other legislation, even where it is addressing a new issue not addressed by existing legislation.

4.4.5 Drafting for the User

Legislation is a tool and should, as far as practicable, be drafted in a manner which makes it as convenient as possible for the user.

So, although it does not presently appear the commonly adopted in Serbia, it is the practice in many jurisdictions for legislation to have a contents page (which is not formally enacted) to make it easier to find provisions. It also assists the drafter as it provides an indication of whether the structure of the draft legislation is systematic and, indeed on occasion, whether it is comprehensive.

Also, although it does not appear to be the common style in Serbia, in many jurisdictions paragraphs within Articles are numbered. This not only assists the user in locating provisions but is also a valuable aid to the drafter when it is necessary to make cross-references to individual paragraphs.

Finally, although apparently not the common style in Serbia, many jurisdictions find it useful to assist the reader by grouping definitions together in a single Article. So, for example, if this style were used in the Law on State Administration, the definitions in Articles 1, 4, 28 and 55 would be grouped in one Article.

4.5 Primary Legislative Process

4.5.1 Introduction

The primary legislative process has been reviewed in some detail in Section 3. The intention here is to offer some broader observations, and procedural proposals to which consideration might be given, drawn from that review and which have not been fully addressed elsewhere in this Analysis Section.

4.5.2 Timeframe

The legislative process is largely regulated by date on which the plenary debate on the Bill in principle is placed on the agenda of a sitting of the National Assembly. This must normally be within 15 to 60 days of the date of its submission. This allows the Chairperson some discretion based on the importance, length and complexity of the Bill, and indeed the Chairperson has a further discretion to extend this period to 85 days. The draft agenda is normally intimated seven days before the sitting. However, there will also be a need for an informal understanding prior to this as to when a Bill will appear on the agenda because “appropriate” Assembly committees (and sometimes the Government) are required to report on the Bill no later than five days, and amendments have to be submitted no later than three days, before the sitting at which the Bill is to be debated in principle. The debate on the Bill in detail may take place no earlier than twenty-four hours after the debate in principle, and it is followed, without any timeframe specified, by the vote on the Bill as a whole.
There is of course a need to maintain a discipline in the parliamentary consideration of legislation, but this timeframe may be viewed as rather inelastic. As suggested earlier, there may be an argument for giving some consideration to providing a default position of empowering the National Assembly exceptionally to determine, on a reasoned argument that the deadline for debate on a Bill in principle be further extended beyond the discretion granted to the Chairperson. Unexpected and complex issues of policy or law can emerge with respect to a Bill, and this would be an alternative to withdrawing a Bill and reintroducing it at a later date.

### 4.5.3 Focus

Parliamentary debate and decision making is at its most effective when it is focused.

The debate on a Bill in principle is preceded by one or more Assembly committee reports on the Bill; and sometimes a Government report on it as well. There would be some merit in the report on the Bill being undertaken by a “lead” Assembly committee, with the Government (whose representatives participate in Assembly committees) and other Assembly committees (whose members can also participate) contributing their views. This need not prejudice those views, as there is a capacity (which could be extended) for members of a committee having their alternative or dissenting views included in an Assembly committee report. For reasons suggested in the next paragraph, this report could be limited to consideration of the Bill in principle, but could propose modifications without presenting them as amendments. An advantage of such an approach would be that deputies then debating the Bill in principle would have a single report to consider, which was focused on arguments for and against the Bill in principle.

Consideration might usefully be given to exploring such procedural arrangements.

Debate on the Bill in detail may take place no earlier than twenty-fours after the debate in principle, although of course it may be later. Consideration might be given to extending the minimum period between the two debates. Apart from facilitating the possibility for consultation on the amendments, as well as more institutional consideration of them, this would also serve to provide more focus to the debate.

At present, deputies are required to submit amendments prior to the debate in principle. Where Assembly committees (and sometimes the Government) consider a Bill should be modified they must present the modifications as amendments in their reports. Again this is prior to the debate in principle, although the committees do have the capacity to submit amendments after that. However, the general position is that the bulk of amendments must be submitted before the deputies and the Government have had the benefit of views that may be expressed during the debate in principle.

If a longer minimum period between the two debates were considered appropriate this could be used to create the opportunity for deputies to be allowed to submit amendments after the first debate and for the proposed “lead” Assembly committee, again with participation from the Government and other committees, perhaps particularly the Legislative Committee, to report secondly on proposed amendments.
5. CONCLUSIONS AND RECOMMENDATIONS

The present legislative process is designed as one where most of the designated time is allotted to committee consideration of the Bill, including proposed amendments to it, and followed by a potentially short and rather structured period of parliamentary debate and decision making. If consideration were given to the procedural readjustments explored here they could be accommodated in the same timeframe but might serve to encourage parliamentary deliberation in a more focused manner, while perhaps also facilitating greater consultation, both institutionally and with civil society.

5.1 The Constitution and Legislative Competence

The Constitution of the Republic of Serbia as the supreme legal instrument of the State regulates both the legislative competence of the National Assembly and the Government, and also the legislative process.

It regulates legislative competence in a number of significant respects.

- First, the Constitution provides for a hierarchy of legal norms and specifies the manner in which legally inferior norms must be compatible with those that are legally superior.
- Secondly, the Constitution variously prohibits or requires (directly or indirectly) legislation on specified matters, or provides discretion to legislate on them.
- Thirdly, the Constitution, with some qualifications, prohibits legislation to be of retroactive effect.

Finally, the Constitution contains an extensive and modern range of directly enforceable human and minority rights. In respect of these rights, the Constitution provides that legislation may be enacted to prescribe the manner in which they may be exercised, but only where it is necessary given the nature of the right. It also provides that legislation may be enacted to restrict the rights, but only where the Constitution specifically permits this, and only for the purposes for which it is permitted and only to the extent that it is necessary to achieve those purposes in a democratic society. However, the Constitution does not permit legislation to be enacted either to restrict the rights or to prescribe how they can be exercised in a manner which affects their substance. The Constitution also contains a range of institutional and individual economic rights to which these limitations and restrictions do not appear to apply, although no legislation may be competently enacted which is conflict with provisions of the Constitution.

Despite the foregoing provisions to protect human and minority rights, the Constitution does allow derogation from many of these rights where there has been a proclamation of either a state of emergency or a state of war.

The following recommendations relate to some of these constitutional provisions which are considered to contain ambiguities or omissions. It is recognised that in responding to them it might be thought best to await a time when a more extensive revision of the Constitution was in contemplation and that, in many instances the recommendations would require not only an amendment of the Constitution but also a public referendum on the adoption of the
amendment. This also applies to later recommendations concerning Articles of the Constitution.

Recommendations

- The National Assembly and the Government consider whether there would be advantages in extending the fundamental principles in Articles 18 and 20 of the Constitution, relating to the capacity to legislate on human and minority rights, to certain economic rights in Part 3 of the Constitution.

- The National Assembly and the Government consider Articles 194, 197, 200 – 202 of the Constitution with a view to amending these provisions to address issues in respect of them that have been identified in the Report.

5.2 Development of Legislative Policy

The Government Rules of Procedure which apply to a ministry, or other state administrative body, submitting a legislative proposal to central government lays strong emphasis on policy development. The submission of a legislative proposal to the central government authorities must include documentation which, *inter alia*, provides an account of how the policy leading to the Bill was developed and evaluated, both in respect of its substance and also its economic implications. This documentation is reviewed with the Bill for various purposes by the Government Secretary General and a Government committee before it is finally considered in a Government session.

In contrast, perhaps in reliance on the fact that most legislation is proposed by the Government, the Rules of Procedure of the National Assembly are much less rigorous in requiring information of the development of the policy which underpins a legislative proposal submitted to the Assembly. The explanatory note which must accompany the submission of a legislative proposal merely requires “the reasons for enacting” the Bill, together with “an estimate of the cost of implementing it”. It must of course be recognised that other categories with the capacity to submit legislative proposals, particularly individual deputies and the public, will not have the resources of the Government to undertake structured policy development of their legislative proposals.

Recommendation

- The National Assembly is recommended to give consideration to amending its Rules of Procedure to require the explanatory note which must accompany a Bill submitted to the Assembly to demonstrate more effectively that there has been sufficient policy development undertaken in respect of the Bill.

5.3 Civil Society Consultation

Civil society consultation is an important element in the preparation of legislation. There is an institutional commitment in both the National Assembly and the Government to openness and the provision of information to the public, and this is reflected in their Rules of Procedure. There is, however, a difference between that and consultation with civil society, which is ideally an interactive process.
It is not clear whether there is a regular procedure before the drafting stage for public consultation by the Government, as opposed to providing public information, on policy which will require legislation; but this may nevertheless be taking place.

There are however quite robust Government procedures for public consultation on much draft legislation, which is ultimately supervised by the central Government committees considering the Bills. Where public consultation on a Bill is not required under the Government Rules of Procedure, the Bill and its supporting documentation must in any event be made public at the time that the Government committee reports its conclusion that the legislative proposal should be adopted by the Government.

What is also not clear from the texts available in preparing the Report is whether public consultation on a Bill is conducted on an *ad hoc* basis or whether, as in many jurisdictions, there is a generally applicable procedure within Government which is expected to be followed, unless there are good reasons for departing from it.

The National Assembly Rules of Procedure do not require the explanatory note that must accompany the submission of a Bill to include an indication of whether the Bill has been subject to public consultation. Again, this may be a consequence of most legislative proposals being submitted by the Government and the recognition that others submitting proposals, in particular individual deputies and the public do not have the resources to undertake structured interactive public consultation.

However, it is with respect to the submission and consideration of amendments that there is a real lack of any requirement for public consultation and, given the structure of the legislative process, little opportunity for it. This can only be addressed in the context of the legislative process itself and this is considered below.

The Rules of Procedure of the Government\(^{216}\) and the Law on State Administration\(^{217}\) clearly provide for the organisation of a civil society consultation prior to governmental decisions relating to draft legislation. However, the relevant provisions seem to be rather vague. For example, it is not clear, whether the consultation should imperatively take place before the proponent ministry submits a draft to the relevant governmental committee or whether the decision to organise a public consultation is sometimes taken by the relevant committee (i.e. the proponent ministry having only to implement this decision). Furthermore, there seem to be no general rules regarding the organisations or institutions to be consulted, the deadline, the form of the consultation (*written procedure, hearing?*), the way of dealing with the results and of informing the public about the results, etc.

**Recommendations**

- The Government consider revising or preparing general procedural guidance, on public consultation on policy which will require legislation and on significant Bills. The guidance should include a timetable incorporating sufficient periods for initiating

\(^{216}\) Rules of Procedure of the Government, Article 41

\(^{217}\) Law on State Administration, Article 77
the consultation, for evaluating the response, for interacting with at least some of those who respond and for publishing the results.

- The National Assembly should consider introducing a requirement that the explanatory note which must accompany a submitted Bill disclose whether the Bill has been the subject of public consultation, and the nature of the consultation.

- It could be useful to have more precise rules regarding civil society consultation in order to make sure that this procedural step doesn't depend merely on the discretion of the relevant ministry or governmental committee.

### 5.4 Legislative Drafting

There is an institutional commitment both in the National Assembly and the Government to ensuring the consistency and standards of legislative drafting.

Legislation must be easily understandable. The material – including draft legislation - delivered to the Government through the General Secretariat "shall display good linguistic style".\(^{218}\) It would be very interesting to know what this means in practice for draft legislation. One of the essential questions is whether there is a central administrative unit examining the drafts prepared by the relevant ministries. Such a central unit could contribute to improving the linguistic quality of drafts and to harmonise legislative language. Without a central unit re-examining the drafts from a linguistic point of view, there is a notable risk that legislative language and in particular the terminology used vary from one ministry to another or depend too much on the author of the draft. It would be useful to guarantee a standardised presentation of all draft laws in terms of the same linguistic and other formal requirements. Such requirements should apply to all bills, both prepared by the ministries and submitted by deputies. This does not seem to be the case at present.

**Recommendations**

- The Legislative Committee in the National Assembly and the Legislation Secretariat within Government should consider the issues raised on legislative drafting in the Report when revising or preparing legislative style and drafting guidance.

- The Government should give consideration to initiating through its Legislation Secretariat a review of legislative drafting and style, led by the Legislation Secretariat and using, if considered appropriate, the services of specialist advisers from other jurisdictions.

### 5.5 The Primary Legislative Process

The legislative process in the National Assembly is one where most of the designated time is allotted to committee consideration of the Bill, including proposed amendments to it, and is followed by a potentially short and rather structured period of parliamentary debate and decision making.

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\(^{218}\) Rules of Procedure of the Government, Article 48
It is a sound procedure to allocate technical consideration of a Bill to a committee that reports and so informs the plenary consideration of it. However, here the information flowing to deputies is likely to reach them in a rather diffused manner, with the potential of multiple reports from Assembly committees and sometimes also from the Government.

It is also a sound and effective procedure adopted in most parliaments to have a plenary debate on the Bill in principle followed by a debate on the Bill in detail. However the logic of this, that the general informs the particular, is somewhat undermined by the requirement that, in the main, amendments have to be submitted and also reported on by the committees and the Government prior to the first debate, and so before deputies and the Government have heard arguments in principle.

On the basis of this analysis, it is suggested that consideration might be given to some procedural readjustment to give the legislative process more focus and a little more flexibility, while preserving the disciplines that are always necessary in structuring parliamentary consideration of legislation.

In addition, the Report has identified some pertinent legal provisions and procedural rules that might be revisited to resolve ambiguity and, in some cases, remedy omission. These matters are explored in some detail in Section 3 and the principal issues are reflected in the recommendations that follow.

As in most other States, Serbian primary legislation seems to be proposed mainly by the Government. Therefore, efforts to improve the quality of legislation are particularly important in the preparatory stage within the administration. As the drafts are prepared by the relevant ministries and not by a central drafting service, the quality of the drafts depends very much on the legistic know-how in the different ministries. For this reason, it is important to make sure that the persons preparing draft legislation in the ministries are well trained for this task and have the necessary auxiliary tools and guidelines for their legislative work. It seems that the Secretariat for Legislation, which has a special responsibility for the compliance of the draft laws with the Constitution and the overall legal system could play a major role in this context.

**Recommendations**

- The National Assembly, in consultation with the Government, consider the feasibility of
  - (i) appointing for each Bill submitted a “lead” Assembly committee with responsibility for co-ordinating the views of other appropriate Assembly committees and of the Government before preparing a single report on the Bill in principle, to be submitted in sufficient time to inform deputies prior to the debate on the Bill in principle;
  - (ii) introducing a longer minimum period between the debate on the Bill in principle and the debate on the Bill in detail;

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219 How to improve the Legislative Process in Serbia and Bosnia and Herzegovina, edited by Slavica Penev, p. 31
(iii) allowing amendments to the Bill to be submitted until a date shortly before the debate on the Bill in detail;

(iv) requiring the “lead” Assembly committee, again co-ordinating other committee and Government views, and in consultation with the Legislative Committee in particular, to report on the amendments in sufficient time to inform deputies prior to the debate on the Bill in detail.

- The National Assembly and the Government should consider the need for amendment of Article 113 of the Constitution, regulating the promulgation of laws, taking into account the issues raised in respect of the Article in the Report; and the National Assembly consider the need to revise Article 185 of its Rules of Procedure, relating to promulgation, taking into account issues raised in respect of it in the Report.

- The National Assembly should consider the need to integrate or otherwise its Rules of Procedure for enacting legislation with those partially regulating the urgent procedure for enacting legislation and also the procedures for considering proposals for amendment of the Constitution and the enactment of legislation for this purpose.

- It could be appropriate to enlarge responsibilities of the Secretariat for Legislation to include also logistic training for all ministries and to develop guidelines and practical tools; it would be useful to clearly express these tasks and responsibilities in a legislative act.

[END]
Under Article 73 Item 8 of the Constitution of the Republic of Serbia and Article 10 para.1 of the Law on Referendum and People’s Initiative (‘Official Gazette of RS’, no. 48/94 and 11/98),

The National Assembly of the Republic of Serbia at its first special session in 2006 held on 30 September 2006 has adopted

DECISION

CALLING A REPUBLIC REFERENDUM TO ENDORSE THE NEW CONSTITUTION OF THE REPUBLIC OF SERBIA

1. Republic referendum is hereby called to endorse the new Constitution of the Republic of Serbia adopted by the National Assembly of the Republic of Serbia at its first special session in 2006 held on 30 September 2006.

2. Republic referendum shall be conducted between 7.00 and 20.00 on 28th and 29th October 2006.

3. The citizens shall vote on the following question on the republic referendum:

   ‘Do you endorse the new Constitution of the Republic of Serbia?’

4. The citizens shall decide by circling the word ‘yes’ or ‘no’ on the voting slip.

5. The Republic Electoral Commission shall be in charge of referendum implementation.

   The Republic Electoral Commission shall form municipal commissions and voting committees.

6. The Republic Electoral Commission shall establish and announce the final result of the republic referendum and submit the report on the conducted referendum to the National Assembly of the Republic of Serbia.

7. In order to inform the citizens about the content of the Constitution of the Republic of Serbia which is put to republic referendum for endorsement, Constitution of the Republic of Serbia shall be published in the ‘Official Gazette of the Republic of Serbia’ as an integral part of this decision, in the media and in any other form determined by the Republic Electoral Commission.

8. This decision shall be published in the ‘Official Gazette of the Republic of Serbia’.

RS no. 35
Belgrade, 30th September 2006

NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA

CHAIRMAN

Predrag Marković
Considering the state tradition of the Serbian people and equality of all citizens and ethnic communities in Serbia,

Considering also that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has the status of a substantial autonomy within the sovereign state of Serbia and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations,

the citizens of Serbia adopt

CONSTITUTION OF THE REPUBLIC OF SERBIA

SECTION ONE

CONSTITUTION PRINCIPLES

Republic of Serbia

Article 1

Republic of Serbia is a state of Serbian people and all citizens who live in it, based on the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and commitment to European principles and values.

Sovereignty holders

Article 2

Sovereignty is vested in citizens who exercise it through referendums, people’s initiative and freely elected representatives.

No state body, political organization, group or individual may usurp the sovereignty from the citizens, nor establish government against freely expressed will of the citizens.

Rule of law

Article 3

Rule of law is a fundamental prerequisite for the Constitution which is based on inalienable human rights.

The rule of law shall be exercised through free and direct elections, constitutional guarantees of human and minority rights, separation of power, independent judiciary and observance of Constitution and Law by the authorities.

Division of power

Article 4

The legal system is unique.
Government system shall be based on the division of power into legislative, executive and judiciary.

Relation between three branches of power shall be based on balance and mutual control.

Judiciary power shall be independent.

**Political parties**

**Article 5**

The role of political parties in democratic shaping of the political will of the citizens shall be guaranteed and recognized.

Political parties may be established freely.

Activities of political parties aiming at forced overthrow of constitutional system, violation of guaranteed human or minority rights, inciting racial, national or religious hatred, shall be prohibited.

Political parties may not exercise power directly or submit it to their control.

**Prohibition of the conflict of interests**

**Article 6**

No person may perform a state or public function in conflict with their other functions, occupation or private interests.

The presence of conflict of interest and liability for its resolution shall be regulated by the Constitution and Law.

**Coat of arms, flag and national anthem**

**Article 7**

The Republic of Serbia shall have coat of arms, flag and national anthem.

The coat of arms of the Republic of Serbia shall be used in the form of the Large Coat of Arms and Small Coat of Arms.

The flag of the Republic of Serbia shall exist and be used as the National Flag and State Flag.

National anthem of the Republic of Serbia shall be official song "Bože pravde".

Appearance and use of the coat of arms, flag and national anthem shall be regulated by law.

**Territory and border**

**Article 8**

The territory of the Republic of Serbia is inseparable and indivisible.
The border of the Republic of Serbia is inviolable and may be altered in a procedure applied to amend the Constitution.

Capital City
Article 9

The capital city of the Republic of Serbia is Belgrade.

Language and script
Article 10

Serbian language and Cyrillic script shall be in official use in the Republic of Serbia.

Official use of other languages and scripts shall be regulated by the law based on the Constitution.

Secularity of the State
Article 11

The Republic of Serbia is a secular state.

Churches and religious communities shall be separated from the state.

No religion may be established as state or mandatory religion.

Provincial autonomy and local self-government
Article 12

State power is restricted by the right of citizens to provincial autonomy and local self-government.

The right of citizens to provincial autonomy and local self-government shall be subjected only to supervision of constitutionality and legality.

Protection of citizens and Serbs abroad
Article 13

The Republic of Serbia shall protect the rights and interests of its citizens in abroad.
The Republic of Serbia shall develop and promote relations of Serbs living abroad with the kin state.

**Protection of national minorities**

**Article 14**

The Republic of Serbia shall protect the rights of national minorities.

The State shall guarantee special protection to national minorities for the purpose of exercising full equality and preserving their identity.

**Gender equality**

**Article 15**

The State shall guarantee the equality of women and men and develop equal opportunities policy.

**International relations**

**Article 16**

The foreign policy of the Republic of Serbia shall be based on generally accepted principles and rules of international law.

Generally accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly.

Ratified international treaties must be in accordance with the Constitution.

**Status of foreign nationals**

**Article 17**

Pursuant to international treaties, foreign nationals in the Republic of Serbia shall have all rights guaranteed by the Constitution and law with the exception of rights to which only the citizens of the Republic of Serbia are entitled under the Constitution and law.
SECTION TWO

HUMAN AND MINORITY RIGHTS AND FREEDOMS

1. Fundamental Principles

Direct implementation of guaranteed rights

Article 18

Human and minority rights guaranteed by the Constitution shall be implemented directly.

The Constitution shall guarantee, and as such, directly implement human and minority rights guaranteed by the generally accepted rules of international law, ratified international treaties and laws. The law may prescribe manner of exercising these rights only if explicitly stipulated in the Constitution or necessary to exercise a specific right owing to its nature, whereby the law may not under any circumstances influence the substance of the relevant guaranteed right.

Provisions on human and minority rights shall be interpreted to the benefit of promoting values of a democratic society, pursuant to valid international standards in human and minority rights, as well as the practice of international institutions which supervise their implementation.

Purpose of constitutional guarantees

Article 19

Guarantees for inalienable human and minority rights in the Constitution have the purpose of preserving human dignity and exercising full freedom and equality of each individual in a just, open, and democratic society based on the principle of the rule of law.

Restriction of human and minority rights

Article 20

Human and minority rights guaranteed by the Constitution may be restricted by the law if the Constitution permits such restriction and for the purpose allowed by the Constitution, to the extent necessary to meet the constitutional purpose of restriction in a democratic society and without encroaching upon the substance of the relevant guaranteed right.

Attained level of human and minority rights may not be lowered.

When restricting human and minority rights, all state bodies, particularly the courts, shall be obliged to consider the substance of the restricted right, pertinence of restriction, nature and extent of restriction, relation of restriction and its purpose and possibility to achieve the purpose of the restriction with less restrictive means.
Prohibition of discrimination

Article 21

All are equal before the Constitution and law.

Everyone shall have the right to equal legal protection, without discrimination.

All direct or indirect discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability shall be prohibited.

Special measures which the Republic of Serbia may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens shall not be deemed discrimination.

Protection of human and minority rights and freedoms

Article 22

Everyone shall have the right to judicial protection when any of their human or minority rights guaranteed by the Constitution have been violated or denied, they shall also have the right to elimination of consequences arising from the violation.

The citizens shall have the right to address international institutions in order to protect their freedoms and rights guaranteed by the Constitution.

2. Human Rights and Freedoms

Dignity and free development of individuals

Article 23

Human dignity is inviolable and everyone shall be obliged to respect and protect it.

Everyone shall have the right to free development of his personality if this does not violate the rights of others guaranteed by the Constitution.

Right to life

Article 24

Human life is inviolable.

There shall be no death penalty in the Republic of Serbia.

Cloning of human beings shall be prohibited.
Inviolability of physical and mental integrity

Article 25

Physical and mental integrity is inviolable.

Nobody may be subjected to torture, inhuman or degrading treatment or punishment, nor subjected to medical and other experiments without their free consent.

Prohibition of slavery, servitude and forced labour

Article 26

No person may be kept in slavery or servitude.

All forms of human trafficking are prohibited.

Forced labour is prohibited. Sexual or financial exploitation of person in unfavourable position shall be deemed forced labour.

Labour or service of persons serving sentence of imprisonment if their labour is based on the principle of voluntariness with financial compensation, labour or service of military persons, nor labour or services during war or state of emergency in accordance with measures prescribed on the declaration of war or state of emergency, shall not be considered forced labour.

Right to freedom and security

Article 27

Everyone has the right to personal freedom and security. Depriving of liberty shall be allowed only on the grounds and in a procedure stipulated by the law.

Any person deprived of liberty by a state body shall be informed promptly in a language they understand about the grounds for arrest or detention, charges brought against them, and their rights to inform any person of their choice about their arrest or detention without delay.

Any person deprived of liberty shall have the right to initiate proceedings where the court shall review the lawfulness of arrest or detention and order the release if the arrest or detention was against the law.

Any sentence which includes deprivation of liberty may be proclaimed solely by the court.

Treatment of persons deprived of liberty

Article 28

Persons deprived of liberty must be treated humanely and with respect to dignity of their person.
Any violence towards persons deprived of liberty shall be prohibited.

Extorting a statement shall be prohibited.

Special Rights in Case of Arrest and Detention without Decision of the Court

Article 29

Any person deprived of liberty without decision of the court shall be informed promptly about the right to remain silent and about the right to be questioned only in the presence of a defense counsel they chose or a defense counsel who will provide legal assistance free of charge if they are unable to pay for it.

Any person deprived of liberty without a decision of the court must be brought before the competent court without delay and not later than 48 hours, otherwise they shall be released.

Detention

Article 30

Any person under reasonable doubt of committing a crime may be remanded to detention only upon the decision of the court, should detention be necessary to conduct criminal proceedings.

If the detainee has not been questioned when making a decision on detention or if the decision on holding in detention has not been carried out immediately after the pronouncement, the detainee must be brought before the competent court within 48 hours from the time of sending to detention which shall reconsider the decision on detention.

A written decision of the court with explanation for reasons of detention shall be delivered to the detainee not later than 12 hours after pronouncing. The court shall decide on the appeal to decision detention and deliver it to the detainee within 48 hours.

Duration of detention

Article 31

The court shall reduce the duration of detention to the shortest period possible, keeping in mind the grounds for detention. Sentencing to detention under a decision of the court of first instance shall not exceed three months during investigation, whereas higher court may extend it for another three months, in accordance with the law. If the indictment is not raised by the expiration of the said period, the detainee shall be released.

The court shall reduce the duration of detention after the bringing of charges to the shortest possible period, in accordance with the law.

Detainee shall be allowed pre-trial release as soon as grounds for remanding to detention cease to exist.
Right to a fair trial

Article 32

Everyone shall have the right to a public hearing before an independent and impartial tribunal established by the law within reasonable time which shall pronounce judgement on their rights and obligations, grounds for suspicion resulting in initiated procedure and accusations brought against them.

Everyone shall be guaranteed the right to free assistance of an interpreter if the person does not speak or understand the language officially used in the court and the right to free assistance of an interpreter if the person is blind, deaf, or dumb.

The press and public may be excluded from all or part of the court procedure only in the interest of protecting national security, public order and morals in a democratic society, interests of juveniles or the protection of private life of the parties, in accordance with the law.

Special rights of persons charged with criminal offense

Article 33

Any person charged with criminal offense shall have the right to be informed promptly, in accordance with the law, in the language which this person understands and in detail about the nature and cause of the accusation against him, as well as the evidence against him.

Any person charged with criminal offense shall have the right to defend himself personally or through legal counsel of his own choosing, to contact his legal counsel freely and to be allowed adequate time and facilities for preparing his defense.

Any person charged with criminal offense without sufficient means to pay for legal counsel shall have the right to a free legal counsel when the interests of justice so require and in compliance with the law.

Any person charged with criminal offense available to the court shall have the right to a trial in his presence and may not be sentenced unless he has been given the opportunity to a hearing and defense.

Any person prosecuted for criminal offense shall have the right to present evidence in his favour by himself or through his legal counsel, to examine witnesses against him and demand that witnesses on his behalf be examined under the same conditions as the witnesses against him and in his presence.

Any person prosecuted for criminal offense shall have the right to a trial without undue delay.

Any person charged or prosecuted for criminal offense shall not be obligated to provide self-incriminating evidence or evidence to the prejudice of persons related to him, nor shall he be obliged to confess guilt.
Any other natural person prosecuted for other offences punishable by law shall have all the rights of a person charged with criminal offense pursuant to the law and in accordance with it.

Legal certainty in criminal law
Article 34

No person may be held guilty for any act which did not constitute a criminal offence under law or any other regulation based on the law at the time when it was committed, nor shall a penalty be imposed which was not prescribed for this act.

The penalties shall be determined pursuant to a regulation in force at the time when the act was committed, save when subsequent regulation is more lenient for the perpetrator. Criminal offences and penalties shall be laid down by the law.

Everyone shall be presumed innocent for a criminal offence until convicted by a final judgement of the court.

No person may be prosecuted or sentenced for a criminal offence for which he has been acquitted or convicted by a final judgement, for which the charges have been rejected or criminal proceedings dismissed by final judgement, nor may court ruling be altered to the detriment of a person charged with criminal offence by extraordinary legal remedy. The same prohibitions shall be applicable to all other proceedings conducted for any other act punishable by law.

In special cases, reopening of proceedings shall be allowed in accordance with criminal legislation if evidence is presented about new facts which could have influenced significantly the outcome of proceedings had they been disclosed at the time of the trial, or if serious miscarriage of justice occurred in the previous proceedings which might have influenced its outcome.

Criminal prosecution or execution of punishment for a war crime, genocide, or crime against humanity shall not be subject to statute of limitation.

Right to rehabilitation and compensation
Article 35

Any person deprived of liberty, detained or convicted for a criminal offence without grounds or unlawfully shall have the right to rehabilitation and compensation of damage by the Republic of Serbia, as well as other rights stipulated by the law.

Everyone shall have the right to compensation of material or non-material damage inflicted on him by unlawful or irregular work of a state body, entities exercising public powers, bodies of the autonomous province or local self-government.

The law shall stipulate conditions under which the injured party may demand compensation for damage directly from the person that inflicted the damage.
Right to equal protection of rights and legal remedy
Article 36

Equal protection of rights before courts and other state bodies, entities exercising public powers and bodies of the autonomous province or local self-government shall be guaranteed.

Everyone shall have the right to an appeal or other legal remedy against any decision on his rights, obligations or lawful interests.

Right to legal person
Article 37

Everyone shall have legal capacity.

Upon becoming of age all persons shall become capable of deciding independently about their rights and obligations. A person becomes of age after turning 18.

A person may choose and use personal name and name of their children freely.

Right to citizenship
Article 38

Acquiring and terminating citizenship of the Republic of Serbia shall be regulated by the law.

A citizen of the Republic of Serbia may not be expelled or deprived of citizenship or the right to change it.

Any child born in the Republic of Serbia shall have the right to citizenship of the Republic of Serbia unless conditions have been met to acquire citizenship of some other country.

Freedom of movement
Article 39

Everyone shall have the right to free movement and residence in the Republic of Serbia, as well as the right to leave and return.

Freedom of movement and residence, as well as the right to leave the Republic of Serbia may be restricted by the law if necessary for the purpose of conducting criminal proceedings, protection of public order, prevention of spreading contagious diseases or defense of the Republic of Serbia.

Entry and stay of foreign nationals in the Republic of Serbia shall be regulated by the law. A foreign national may be expelled only under decision of the competent body, in a procedure stipulated by the law and if time to appeal has been provided for him and only when there is no threat of persecution based on his race, sex, religion, national origin, citizenship, association with a social group, political
opinions, or when there is no threat of serious violation of rights guaranteed by this Constitution.

**Inviolability of home**

**Article 40**

A person’s home shall be inviolable.

No one may enter a person’s home or other premises against the will of their tenant nor conduct a search in them. The tenant of the home or other premises shall have the right to be present during the search in person or through his legal representative together with two other witnesses who may not be under age.

Entering a person’s home or other premises, and in special cases conducting search without witnesses, shall be allowed without a court order if necessary for the purpose of immediate arrest and detention of a perpetrator of a criminal offence or to eliminate direct and grave danger for people or property in a manner stipulated by the law.

**Confidentiality of letters and other means of communication**

**Article 41**

Confidentiality of letters and other means of communication shall be inviolable.

Derogation shall be allowed only for a specified period of time and based on decision of the court if necessary to conduct criminal proceedings or protect the safety of the Republic of Serbia, in a manner stipulated by the law.

**Protection of personal data**

**Article 42**

Protection of personal data shall be guaranteed.

Collecting, keeping, processing and using of personal data shall be regulated by the law.

Use of personal data for any the purpose other the one were collected for shall be prohibited and punishable in accordance with the law, unless this is necessary to conduct criminal proceedings or protect safety of the Republic of Serbia, in a manner stipulated by the law.

Everyone shall have the right to be informed about personal data collected about him, in accordance with the law, and the right to court protection in case of their abuse.

**Freedom of thought, conscience and religion**

**Article 43**

Freedom of thought, conscience, beliefs and religion shall be guaranteed, as well as the right to stand by one’s belief or religion or change them by choice.
No person shall have the obligation to declare his religious or other beliefs.

Everyone shall have the freedom to manifest their religion or religious beliefs in worship, observance, practice and teaching, individually or in community with others, and to manifest religious beliefs in private or public.

Freedom of manifesting religion or beliefs may be restricted by law only if that is necessary in a democratic society to protect lives and health of people, morals of democratic society, freedoms and rights guaranteed by the Constitution, public safety and order, or to prevent inciting of religious, national, and racial hatred.

Parents and legal guardians shall have the right to ensure religious and moral education of their children in conformity with their own convictions.

**Churches and religious communities**

**Article 44**

Churches and religious communities are equal and separated from the state.

Churches and religious communities shall be equal and free to organize independently their internal structure, religious matters, to perform religious rites in public, to establish and manage religious schools, social and charity institutions, in accordance with the law.

Constitutional Court may ban a religious community only if its activities infringe the right to life, right to mental and physical health, the rights of child, right to personal and family integrity, public safety and order, or if it incites religious, national or racial intolerance.

**Conscientious objection**

**Article 45**

No person shall be obliged to perform military or any other service involving the use of weapons if this opposes his religion or beliefs.

Any person pleading conscientious objection may be called upon to fulfill military duty without the obligation to carry weapons, in accordance with the law.

**Freedom of thought and expression**

**Article 46**

The freedom of thought and expression shall be guaranteed, as well as the freedom to seek, receive and impart information and ideas through speech, writing, art or in some other manner.
Freedom of expression may be restricted by the law if necessary to protect rights and reputation of others, to uphold the authority and objectivity of the court and to protect public health, morals of a democratic society and national security of the Republic of Serbia.

**Freedom of expressing national affiliation**

*Article 47*

National affiliation may be expressed freely.

No person shall be obliged to declare his national affiliation.

**Promotion of respect for diversity**

*Article 48*

The Republic of Serbia shall promote understanding, recognition and respect of diversity arising from specific ethnic, cultural, linguistic or religious identity of its citizens through measures applied in education, culture and public information.

**Prohibition of inciting racial, ethnic and religious hatred**

*Article 49*

Any inciting of racial, ethnic, religious or other inequality or hatred shall be prohibited and punishable.

**Freedom of the media**

*Article 50*

Everyone shall have the freedom to establish newspapers and other forms of public information without prior permission and in a manner laid down by the law.

Television and radio stations shall be established in accordance with the law.

Censorship shall not be applied in the Republic of Serbia. Competent court may prevent the dissemination of information through means of public informing only when this is necessary in a democratic society to prevent inciting to violent overthrow of the system established by the Constitution or to prevent violation of territorial integrity of the Republic of Serbia, to prevent propagation of war or instigation to direct violence, or to prevent advocacy of racial, ethnic or religious hatred enticing discrimination, hostility or violence.

The law shall regulate the exercise of right to correct false, incomplete or inaccurately imparted information resulting in violation of rights or interests of any person, and the right to react to communicated information.
Right to information
Article 51

Everyone shall have the right to be informed accurately, fully and timely about issues of public importance. The media shall have the obligation to respect this right.

Everyone shall have the right to access information kept by state bodies and organizations with delegated public powers, in accordance with the law.

Electoral right
Article 52

Every citizen of age and working ability of the Republic of Serbia shall have the right to vote and be elected.

Suffrage shall be universal and equal for all, the elections shall be free and direct and voting is carried out by secret ballot in person.

Election right shall be protected by the law and in accordance with the law.

Right to participate in management of public affairs
Article 53

Citizens shall have the right to take part in the management of public affairs and to assume public service and functions under equal conditions.

Freedom of assembly
Article 54

Citizens may assemble freely.

Assembly held indoors shall not be subjected to permission or registering.

Gathering, demonstrations and other forms of assembly held outdoors shall be reported to the state body, in accordance with the law.

Freedom of assembly may be restricted by the law only if necessary to protect public health, morals, rights of others or the security of the Republic of Serbia.

Freedom of association
Article 55

Freedom of political, union and any other form of association shall be guaranteed, as well as the right to stay out of any association.
Associations shall be formed without prior approval and entered in the register kept by a state body, in accordance with the law.

Secret and paramilitary associations shall be prohibited.

Constitutional Court may ban only such associations the activity of which is aimed at violent overthrow of constitutional order, violation of guaranteed human or minority rights, or inciting of racial, national and religious hatred.

Judges of Constitutional Court, judges, public prosecutors, Defender of Citizens, members of police force and military persons may not be members of political parties.

Right to petition

Article 56

Everyone shall have the right to put forward petitions and other proposals alone or together with others, to state bodies, entities exercising public powers, bodies of the autonomous province and local self-government units and to receive reply from them if they so request.

No person may suffer detrimental consequences for putting forward a petition or proposal.

No person may suffer detrimental consequences for opinions stated in the petition or proposal unless they constitute a criminal offense.

Right to asylum

Article 57

Any foreign national with reasonable fear of prosecution based on his race, gender, language, religion, national origin or association with some other group, political opinions, shall have the right to asylum in the Republic of Serbia.

The procedure for granting asylum shall be regulated by the law.

Right to property

Article 58

Peaceful tenure of a person’s own property and other property rights acquired by the law shall be guaranteed.

Right of property may be revoked or restricted only in public interest established by the law and with compensation which can not be less than market value.

The law may restrict the manner of using the property.

Seizure or restriction of property to collect taxes and other levies or fines shall be permitted only in accordance with the law.
Right to inheritance
Article 59

Right to inheritance shall be guaranteed in accordance with the law.

Right to inheritance may not be denied or restricted for failing to observe public duties.

Right to work
Article 60

Right to work shall be guaranteed in accordance with the law.

Everyone shall have the right to choose his occupation freely.

All work places shall be available to everyone under equal conditions.

Everyone shall have the right to respect of his person at work, safe and healthy working conditions, necessary protection at work, limited working hours, daily and weekly interval for rest, paid annual holiday, fair remuneration for work done and legal protection in case of termination of working relations. No person may forgo these rights.

Women, young and disabled persons shall be provided with special protection at work and special work conditions in accordance with the law.

Right to strike
Article 61

The employed shall have the right to strike in accordance with the law and collective agreement.

The right to strike may be restricted only by the law in accordance with nature or type of business activity.

Right to enter into marriage and equality of spouses
Article 62

Everyone shall have the right to decide freely on entering or dissolving a marriage.

Marriage shall be entered into based on the free consent of man and woman before the state body.

Contracting, duration or dissolution of marriage shall be based on the equality of man and woman.

Marriage, marital and family relations shall be regulated by the law.
Extramarital community shall be equal with marriage, in accordance with the law.

**Freedom to procreate**

*Article 63*

Everyone shall have the freedom to decide whether they shall procreate or not.

The Republic of Serbia shall encourage the parents to decide to have children and assist them in this matter.

**Rights of the child**

*Article 64*

A child shall enjoy human rights suitable to their age and mental maturity.

Every child shall have the right to personal name, entry in the registry of births, the right to learn about its ancestry, and the right to preserve his own identity.

A child shall be protected from psychological, physical, economic and any other form of exploitation or abuse.

A child born out of wedlock shall have the same rights as a child born in wedlock.

Rights of the child and their protection shall be regulated by the law.

**Rights and duties of parents**

*Article 65*

Parents shall have the right and duty to support, provide upbringing and education to their children in which they shall be equal.

All or individual rights may be revoked from one or both parents only by the ruling of the court if this is in the best interests of the child, in accordance with the law.

**Special protection of the family, mother, single parent and child**

*Article 66*

Families, mothers, single parents and any child in the Republic of Serbia shall enjoy special protection in the Republic of Serbia in accordance with the law.

Mothers shall be given special support and protection before and after childbirth.
Special protection shall be provided for children without parental care and mentally or physically handicapped children.

Children under 15 years of age may not be employed, nor may children under 18 years of age be employed at jobs detrimental to their health or morals.

**Right to legal assistance**

**Article 67**

Everyone shall be guaranteed right to legal assistance under conditions stipulated by the law.

Legal assistance shall be provided by legal professionals, as an independent and autonomous service, and legal assistance offices established in the units of local self-government in accordance with the law.

The law shall stipulate conditions for providing free legal assistance.

**Health care**

**Article 68**

Everyone shall have the right to protection of their mental and physical health.

Health care for children, pregnant women, mothers on maternity leave, single parents with children under seven years of age and elderly persons shall be provided from public revenues unless it is provided in some other manner in accordance with the law.

Health insurance, health care and establishing of health care funds shall be regulated by the law.

The Republic of Serbia shall assist development of health and physical culture.

**Social protection**

**Article 69**

Citizens and families that require welfare for the purpose of overcoming social and existential difficulties and creating conditions to provide subsistence, shall have the right to social protection the provision of which is based on social justice, humanity and respect of human dignity.

Rights of the employees and their families to social protection and insurance shall be regulated by the law.

The employees shall have the right to salary compensation in case of temporary inability to work, as well as the right to temporary unemployment benefit in accordance with the law.
Disabled people, war veterans and victims of war shall be provided special protection in accordance with the law.

Social insurance funds shall be established in accordance with the law.

**Pension insurance**

*Article 70*

Pension insurance shall be regulated by the law.

The Republic of Serbia shall see to economic security of the pensioners.

**Right to education**

*Article 71*

Everyone shall have the right to education.

Primary education is mandatory and free, whereas secondary education is free.

All citizens shall have access under equal conditions to higher education. The Republic of Serbia shall provide for free tertiary education to successful and talented students of lower property status in accordance with the law.

Establishment of schools and universities shall be regulated by the law.

**Autonomy of university**

*Article 72*

Autonomy of universities, faculties and scientific institutions shall be guaranteed.

Universities, faculties and scientific institutions shall decide freely on their organization and work in accordance with the law.

**Freedom of scientific and artistic creativity**

*Article 73*

Scientific and artistic creativity shall be unrestricted.

Authors of scientific and artistic works shall be guaranteed moral and material rights in accordance with the law.

The Republic of Serbia shall assist and promote development of science, culture and art.
Healthy environment

Article 74

Everyone shall have the right to healthy environment and the right to timely and full information about the state of environment.

Everyone, especially the Republic of Serbia and autonomous provinces, shall be accountable for the protection of environment.

Everyone shall be obliged to preserve and improve the environment.

3. Rights of Persons Belonging to National Minorities

Basic Provision

Article 75

Persons belonging to national minorities shall be guaranteed special individual or collective rights in addition to the rights guaranteed to all citizens by the Constitution. Individual rights shall be exercised individually and collective rights in community with others, in accordance with the Constitution, law and international treaties.

Persons belonging to national minorities shall take part in decision-making or decide independently on certain issues related to their culture, education, information and official use of languages and script through their collective rights in accordance with the law.

Persons belonging to national minorities may elect their national councils in order to exercise the right to self-governance in the field of culture, education, information and official use of their language and script, in accordance with the law.

Prohibition of discrimination against national minorities

Article 76

Persons belonging to national minorities shall be guaranteed equality before the law and equal legal protection.

Any discrimination on the grounds of affiliation to a national minority shall be prohibited.

Specific regulations and provisional measures which the Republic of Serbia may introduce in economic, social, cultural and political life for the purpose of achieving full equality among members of a national minority and citizens who belong to the majority, shall not be considered discrimination if they are aimed at eliminating extremely unfavourable living conditions which particularly affect them.

Equality in administering public affairs

Article 77
Members of national minorities shall have the right to participate in administering public affairs and assume public positions, under the same conditions as other citizens.

When taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities shall be taken into consideration.

Prohibition of forced assimilation

Article 78

Forced assimilation of members of national minorities shall be strictly prohibited.

Protection of members of national minorities from all activities directed towards their forced assimilation shall be regulated by the Law.

Undertaking measures, which would cause artificial changes in ethnic structure of population in areas where members of national minorities live traditionally and in large numbers, shall be strictly prohibited.

Right to preservation of specificity

Article 79

Members of national minorities shall have a right to: expression, preservation, fostering, developing and public expression of national, ethnic, cultural, religious specificity; use of their symbols in public places; use of their language and script; have proceedings also conducted in their languages before state bodies, organisations with delegated public powers, bodies of autonomous provinces and local self-government units, in areas where they make a significant majority of population; education in their languages in public institutions and institutions of autonomous provinces; founding private educational institutions; use of their name and family name in their language; traditional local names, names of streets, settlements and topographic names also written in their languages, in areas where they make a significant majority of population; complete, timely and objective information in their language, including the right to expression, receiving, sending and exchange of information and ideas; establishing their own mass media, in accordance with the Law.
Under the Law and in accordance with the Constitution, additional rights of members of national minorities may be determined by provincial regulations.

Right to association and cooperation with compatriots

Article 80

Members of national minorities may found educational and cultural associations, which are funded voluntarily.

The Republic of Serbia shall acknowledge a specific role of educational and cultural associations of national minorities in their exercise of rights of members of national minorities.

Members of national minorities shall have a right to undisturbed relations and cooperation with their compatriots outside the territory of the Republic of Serbia.

Developing the spirit of tolerance

Article 81

In the field of education, culture and information, Serbia shall give impetus to the spirit of tolerance and intercultural dialogue and undertake efficient measures for enhancement of mutual respect, understanding and cooperation among all people living on its territory, regardless of their ethnic, cultural, linguistic or religious identity.

PART THREE

ECONOMIC SYSTEM AND PUBLIC FINANCES

1. Economic system

   Basic principles

   Article 82

   Economic system in the Republic of Serbia shall be based on market economy, open and free market, freedom of entrepreneurship, independence of business entities and equality of private and other types of assets.
The Republic of Serbia shall represent a unique economic area with a single commodity, labour, capital and services market.

The impact of the market economy on social and economic status of the employed shall be adjusted through social dialogue between trade unions and employers.

**Freedom of entrepreneurship**

**Article 83**

Entrepreneurship shall be permitted.

Entrepreneurship may be restricted by the Law, for the purpose of protection of people’s health, environment and natural goods and security of the Republic of Serbia.

**Status on the market**

**Article 84**

Everyone shall have equal legal status on the market.

Acts, which are contrary to the Law and restrict free competition by creating or abusing monopolistic or dominant status, shall be strictly prohibited.

Rights gained through capital investments, in accordance with the Law, may not be curtailed by the Law.

Foreign persons shall be equalled on the market with domestic persons.

**Proprietary rights of foreigners**

**Article 85**

Foreign natural and legal entities may obtain real estate property, in accordance with the Law or international contract.

Foreigners may obtain a concession right for natural resources and goods, as well as other rights stipulated by the Law.
Equality of all types of assets

Article 86

Private, cooperative and public assets shall be guaranteed. Public assets shall become state assets, assets of the autonomous province and assets of local self-government units. All types of assets shall have equal legal protection.

The existing social assets shall become private assets under the terms, in a manner and within the deadlines stipulated by the Law.

Resources from the public assets shall be appropriated in a manner and under the terms stipulated by the Law.

State assets

Article 87

Natural resources, goods which are stipulated by the Law as goods of public interest and assets used by the bodies of the Republic of Serbia shall be the state assets. State assets shall include other things and rights, according to the Law.

Natural and legal entities may obtain particular rights on particular goods in public use, under the terms and in a manner stipulated by the Law.

Natural resources shall be utilised under the terms and in a manner stipulated by the Law.

Assets of autonomous provinces and local self-government units, method of its utilisation and management shall be stipulated by the Law.

Land

Article 88

Utilisation and management of agricultural land, forest land and municipal building land on private assets shall be permitted.

The Law may restrict the models of utilisation and management, that is stipulate terms of utilisation and management, in order to eliminate the danger of causing damage to environment or prevent violation of rights and legally based interests of other persons.
Protection of heritage

Article 89

Everyone shall be obliged to protect natural rarities and scientific, cultural and historical heritage, as well as goods of public interest in accordance with the Law.

The Republic of Serbia, autonomous provinces and local self-government units shall be held particularly accountable for the protection of heritage.

Protection of consumers

Article 90

The Republic of Serbia shall protect consumers.

Activities directed against health, security and privacy of consumers, as well as all other dishonest activities on the market, shall be strictly prohibited.

2. Public finances

Taxes and other revenues

Article 91

Resources which are used for the purpose of funding competences of the Republic of Serbia, autonomous provinces and local self-government units shall be provided from taxes and other revenues, stipulated by the Law.

Obligation of paying taxes and other dues shall be general and based on economic power of taxpayers.

Budget

Article 92

The Republic of Serbia, autonomous provinces and local self-government units shall have budgets, which must outline all receipts and expenses with which they are funding their competences.

The Law shall stipulate the deadlines within which the Budget must be adopted, as well as method of temporary funding.

Realisation of all budgets shall be audited by the State Audit Institution.

The National Assembly shall discuss the financial statement proposal of the Budget upon the received evaluation of the State Audit Institution.

Public debt

Article 93
The Republic of Serbia, autonomous provinces and local self-government units may be indebted.

Terms and procedure of getting into debts shall be stipulated by the Law.

**Balancing development**

**Article 94**

The Republic of Serbia shall take care of balanced and sustainable regional development, in accordance with the Law.

**National Bank of Serbia**

**Article 95**

The National Bank of Serbia shall be a central bank of the Republic of Serbia, independent and subject to supervision by the National Assembly to which it accounts for its work.

The National Bank of Serbia shall be managed by the Governor elected by the National Assembly.

The Law on the National Bank of Serbia shall be enacted.

**State Audit Institution**

**Article 96**

The State Audit Institution shall be the supreme state body for auditing public finances in the Republic of Serbia, independent and subject to supervision by the National Assembly to which it accounts for its work.

The Law on the State Audit Institution shall be enacted.

**PART FOUR**

**COMPETENCES OF THE REPUBLIC OF SERBIA**

**Competences of the Republic of Serbia**

The Republic of Serbia shall organise and provide for:

1. sovereignty, independence, territorial integrity and security of the Republic of Serbia, its international status and relations with other countries and international organisations;
2. exercise and protection of freedoms and rights of citizens; constitutionality and legality; proceedings before courts and other state bodies; liabilities and sanctions for violation of freedoms and rights of citizens stipulated by the Constitution and for violation of laws, other regulations and general acts; amnesty and pardon for criminal offences;
3. territorial organisation of the Republic of Serbia; system of local self-government;
4. defence and security of the Republic of Serbia and its citizens; measures in case of the state of emergency;
5. system of crossing the border and control of the trade in goods, services and passenger traffic over border crossing; status of foreigners and foreign legal entities;
6. single market; legal status of business entities; system of performing particular economic and other activities; commodity reserves; monetary, banking, foreign exchange and customs system; international economic relations; system of foreign credit relations; fiscal system;
7. property and bonded relations and protection of all types of assets;
8. system in the area of labour relations, protection at work, employment, social insurance and other forms of social security; other economic and social relations of public interest;
9. sustainable development; system of protection and improvement of environment; protection and improvement of flora and fauna; production, trade and transport of arms, poisonous, inflammable, explosive, radioactive and other hazardous substances;
10. system in areas of health care, social security, protection of war veterans and the disabled, protection of children, education, culture and protection of cultural goods, sport, public information, system of public services;
11. control of legality of managing resources of legal entities; financial audit of public finances; collection of statistical and other data of public interest;
12. development of the Republic of Serbia, policy and measures for spurring balanced development of particular areas of the Republic of Serbia, including the development of underdeveloped areas; organisation and utilisation of space; scientific and technological development;
13. regime and security in all areas of transport,
14. holidays and symbols of the Republic of Serbia;
15. funding of exercising rights and duties of the Republic of Serbia, stipulated by the Constitution and Law;
16. organisation, competences and work of the bodies of the Republic;
17. other relations of interest to the Republic of Serbia, in accordance with the Constitution.

PART FIVE

ORGANISATION OF GOVERNMENT

1. National Assembly

Status of the National Assembly

Article 98

The National Assembly shall be the supreme representative body and holder of constitutional and legislative power in the Republic of Serbia.

Competences

Article 99

The National Assembly shall:
1. adopt and amend the Constitution,
2. decide on changes concerning borders of the Republic of Serbia,
3. call for the Republic referendum,
4. ratify international contracts when the obligation of their ratification is stipulated by the Law,
5. decide on war and peace and declare state of war and emergency,
6. supervise the work of security services,
7. enact laws and other general acts within the competence of the Republic of Serbia,
8. give previous approval for the Statute of the autonomous province,
9. adopt defence strategy,
10. adopt development plan and spatial plan,
11. adopt the Budget and financial statement of the Republic of Serbia, upon the proposal of the Government,
12. grant amnesty for criminal offences.

Within its election rights, the National Assembly shall:
1. elect the Government, supervise its work and decide on expiry of the term of office of the Government and ministers,
2. appoint and dismiss judges of the Constitutional Court,
3. appoint the President of the Supreme Court of Cassation, presidents of courts, Republic Public Prosecutor, public prosecutors, judges and deputy public prosecutors, in accordance with the Constitution,
4. appoint and dismiss the Governor of the National Bank of Serbia and supervise his/her work,
5. appoint and dismiss the Civic Defender and supervise his/her work,
6. appoint and dismiss other officials stipulated by the Law.

The National Assembly shall also perform other functions stipulated by the Constitution and Law.

**Constitution of the National Assembly**

**Article 100**

The National Assembly shall consist of 250 deputies, who are elected on direct elections by secret ballot, in accordance with the Law.

In the National Assembly, equality and representation of different genders and members of national minorities shall be provided, in accordance with Law.

**Election of deputies and constitution of the National Assembly**

**Article 101**

Elections for deputies shall be called by the President of the Republic, 90 days before the end of the term of office of the National Assembly, so that elections are finished within the following 60 days.

The first session of the National Assembly shall be convened by the Chairman of the National Assembly from the previous session, so that the session is held not later than 30 days from the day of declaring the final election results.

At the first session, the National Assembly shall confirm deputies’ terms of office.

The National Assembly shall be constituted by confirmation of terms of office of the two thirds of deputies.
Against the decision made in relation to confirmation of terms of office, an appeal may be lodged before the Constitutional Court, which decides on it within 72 hours.

By means of confirming terms of office of the two thirds of deputies, the term of office of the previous session of the National Assembly shall end.

**Status of Deputies**

**Article 102**

The term of office of the deputy shall begin on the day of confirmation of terms of office in the National Assembly and last four years, that is until the expiry of terms of office of deputies of that session of the National Assembly.

Under the terms stipulated by the Law, a deputy shall be free to irrevocably put his/her term of office at disposal to the political party upon which proposal he or she has been elected a deputy.

Deputy may not be a deputy in the Assembly of the autonomous province, nor an official in bodies of executive government and judiciary, nor may he or she perform other functions, affairs and duties, which represent a conflict of interest, according to the Law.

Election, expiry of the term of office and status of deputies shall be stipulated by the Law.

**Immunity of deputies**

**Article 103**

Deputies shall enjoy immunity.

Deputies may not accept criminal or other liability for the expressed opinion or cast vote in performing the deputy's function.

Deputy who uses his/her immunity may not be detained, nor may he or she be involved in criminal or other proceedings in which prison sentence may be pronounced, without previous approval by the National Assembly.

Deputy found in the act of committing any criminal offence for which the prison sentence longer than five years is not envisaged, may be detained without previous approval by the National Assembly.

There shall be no deadlines stipulated for the criminal or other proceedings in which the immunity is established.

Failure to use the immunity shall not exclude the right of the National Assembly to establish the immunity.

**President and Vice Presidents of the National Assembly**

**Article 104**
By means of majority votes of all deputies, the National Assembly shall elect the President and one or more Vice Presidents of the National Assembly.

The President of the National Assembly shall represent the National Assembly, convene its sessions, preside over them and perform other activities stipulated by the Constitution, Law and Rules of Procedure of the National Assembly.

**Method of decision making in the National Assembly**

**Article 105**

The National Assembly shall adopt decisions by majority vote of deputies at the session at which majority of deputies are present.

By means of majority vote of all deputies the National Assembly shall:

1. grant amnesty for criminal offences,
2. declare and call off the state of emergency,
3. order measures of departure from human and minority rights in the state of war and emergency,
4. enact the Law by which the Republic of Serbia delegates particular issues falling within its competence to autonomous provinces and local self-government units,
5. give previous approval for the Statute of the autonomous province,
6. decide on the Rules of Procedure pertaining to its work,
7. cancel immunities of deputies, the President of the Republic, members of the Government and Civic Defender,
8. adopt the Budget and financial statement,
9. elect members of the Government and decide on the end of the term of office of the Government and ministers,
10. decide on response to interpellation,
11. elect judges of the Constitutional Court and decide on their dismissal and end of their term of office,
12. elect the President of the Supreme Court of Cessation, presidents of courts, Republic Public Prosecutor and public prosecutors and decide on the end of their term of office,
13. elect judges and deputy public prosecutors, in accordance with the Constitution,
14. elect and dismiss the Governor of the National Bank of Serbia, Governors’ Council and Civic Defender,
15. also perform other election competences of the National Assembly.

By means of majority vote of all deputies, the National Assembly shall decide on laws which regulate:

1. referendum and national initiative,
2. enjoying of individual and collective rights of members of national minorities,
3. development and spatial plan,
4. public debt,
5. territories of autonomous provinces and local self-government units,
6. conclusion and ratification of international contracts,
7. other issues stipulated by the Constitution.

**Sessions**

**Article 106**
The National Assembly shall be convoked for two regular sessions per year.

The first regular session shall start on the first weekday of March, while the second regular session shall start on the first weekday of October. Regular sessions may not last longer than 90 days.

The National Assembly shall be convoked for extraordinary session upon the request of at least one third of deputies or upon the request of the Government, with previously determined agenda.

The National Assembly shall be convoked without announcement upon the declaration of the state of war or emergency.

Right to propose laws

Article 107

A right to propose laws, other regulations and general acts shall belong to every deputy, the Government, assemblies of autonomous provinces or at least 30,000 voters.

The Civic Defender and National Bank of Serbia shall have a right to propose laws falling within their competence.

Referendum

Article 108

Upon the request of the majority of all deputies or at least 100,000 voters, the National Assembly shall call the referendum on issues falling within its competence, in accordance with the Constitution and Law.

The subject of the referendum may not include duties deriving from international contracts, laws pertaining to human and minority rights and freedoms, fiscal and other financial laws, the budget and financial statement, introduction of the state of emergency and amnesty, as well as issues pertaining to election competences of the National Assembly.

Dissolution of the National Assembly

Article 109

The President of the Republic may dissolve the National Assembly, upon the elaborated proposal of the Government.

The Government may not propose dissolution of the National Assembly, if a proposal has been submitted for the vote of no confidence in the Government or if the issue of its confidence has been raised.

The National Assembly shall be dissolved if it fails to elect the Government within 90 days from the day of its constitution.
The National Assembly may not be dissolved during the state of war and emergency.

The President of the Republic shall be obliged to dissolve the National Assembly upon his/her decree, in cases stipulated by the Constitution.

Simultaneously with the dissolution of the National Assembly, the President of the Republic shall schedule elections for deputies, so that elections finish not later than 60 days from the day of their announcement.

The National Assembly, which has been dissolved, shall only perform current or urgent tasks, stipulated by the Law. In case of declaration of the state of war or emergency, its full competence shall be reestablished and last until the end of the state of war, that is, emergency.

**Law on the National Assembly**

**Article 110**

The Law on the National Parliament shall be enacted.

**2. The President of the Republic**

**Status of the President of the Republic**

**Article 111**

The President of the Republic shall express state unity of the Republic of Serbia.

**Competences**

**Article 112**

The President of the Republic shall:

1. represent the Republic of Serbia in the country and abroad,
2. promulgate laws upon his decree, in accordance with the Constitution,
3. propose to the National Assembly a candidate for the Prime Minister, after considering views of representatives of elected lists of candidates,
4. propose to the National Assembly holders of positions, in accordance with the Constitution and Law,
5. appoint and dismiss, upon his/her decree, ambassadors of the Republic of Serbia, upon the proposal of the Government,
6. receive letters of credit and revocable letters of credit of foreign diplomatic representatives,
7. grant amnesties and award honours,
8. administer other affairs stipulated by the Constitution.

In accordance with the Law, the President of the Republic shall command the Army and appoint, promote and relieve officers of the Army of Serbia.
Promulgation of laws

Article 113

The President of the Republic shall be obliged to issue a decree on promulgation of laws or to return the law for reconsideration with a written explanation to the National Assembly, within maximum 15 days from the day of adoption of the law, that is, not later than within seven days, if the law has been adopted by emergency procedure.

If the National Assembly decides to vote again on the law, which has been returned for reconsideration by the President of the Republic, the law shall be adopted by the majority vote from the total number of deputies.

The President of the Republic shall be obliged to promulgate the newly adopted Law.

If the President of the Republic fails to issue a decree on promulgation of the law within the deadline stipulated by the Constitution, the decree shall be issued by the Chairman of the National Assembly.

Election

Article 114

The President of the Republic shall be elected on direct elections, by secret ballot, in accordance with the Law.

Elections for the President of the Republic shall be scheduled by the Chairman of the National Assembly, 90 days before the end of term of office of the President of the Republic, so that elections finish within the following 60 days, in accordance with the Law.

While assuming the office, the President of the Republic shall take the following oath before the National Assembly:

“I do solemnly swear that I will devote all my efforts to preserve the sovereignty and integrity of the territory of the Republic of Serbia, including Kosovo and Metohija as its constituent part, as well as to provide exercise of human and minority rights and freedoms, respect and protection of the Constitution and laws, preservation of peace and welfare of all citizens of the Republic of Serbia and perform all my duties conscientiously and responsibly.”

Incompatibility of positions

Article 115

The President of the Republic may not perform another public function or professional duty.

Term of office
Article 116

The term of office of the President of the Republic shall last five years and begin from the day of taking of the oath before the National Assembly.

If the term of office of the President of the Republic expires during the state of war or emergency, it shall be extended so that it lasts until the expiry of three months from the day of the end of the state of war, that is, of emergency.

No one shall be elected to a position of the President of the Republic more than twice.

The term of office of the President of the Republic shall end with expiry of the period of time for which he or she has been elected, by his/her resignation or released of duty.

The President of the Republic shall tender his/her resignation to the Chairman of the National Assembly.

Resignation

Article 117

When the President of the Republic tenders his/her resignation, he or she shall then inform about this the general public and the Chairman of the National Assembly.

The term of office of the President of the Republic shall end on the day of his/her resignation.

Dismissal

Article 118

The President of the Republic shall be dismissed for the violation of the Constitution, upon the decision of the National Assembly, by the votes of at least two thirds of deputies.

Procedure for the dismissal may be initiated by the National Assembly, upon the proposal of at least two thirds of deputies.

The Constitutional Court shall have the obligation to decide on the violation of the Constitution, upon the initiated procedure for dismissal, not later than within 45 days.

Immunity

Article 119

The President of the Republic shall enjoy the immunity as a deputy.

The National Assembly shall decide on the immunity of the President of the Republic.

Replacement of the President of the Republic
Article 120

When the President of the Republic is prevented from performing his/her duties or his/her term of office ends before the expiry of the period of time for which he or she has been elected, he or she shall be replaced by the Chairman of the National Assembly.

The Chairman of the National Assembly may replace the President of the Republic for maximum three months.

The Chairman of the National Assembly shall be obliged to schedule elections for the President of the Republic so that they are held not later than three months from the beginning of indisposition of the President of the Republic, that is the end of his/her term of office for which he or she has been elected.

Law on the President of the Republic

Article 121

The Law on the President of the Republic shall be enacted.

3. Government

Status of the Government

Article 122

The Government shall be the holder of executive power in the Republic of Serbia.

Competences

Article 123

The Government shall:

1. establish and pursue policy,
2. execute laws and other general acts of the National Assembly,
3. adopt regulations and other general acts for the purpose of law enforcement,
4. propose to the National Assembly laws and other general acts and gives its opinion on those laws and general acts, when another mover proposes them,
5. direct and adjust the work of public administration bodies and perform supervision of their work,
6. administer other affairs stipulated by the Constitution and Law.

Responsibilities of the Government

Article 124
The Government shall account to the National Assembly for the policy of the Republic of Serbia, for enforcement of laws and other general acts of the National Assembly, as well as for the work of the public administration bodies.

**Prime Minister and members of the Government**

**Article 125**

The Government shall consist of the Prime Minister, one or more Vice Presidents and ministers.

The Prime Minister shall manage and direct the work of the Government, take care of coordinated political activities of the Government, coordinate the work of members of the Government and represent the Government.

Ministers shall account for their work and situation within the competence of their ministries to the Prime Minister, Government and National Assembly.

**Incompatibility of functions**

**Article 126**

Member of the Government may not be a deputy in the National Assembly, deputy in the Assembly of the autonomous province and representative in the Assembly of the local self-government units, nor may he or she be a member of the executive council of the autonomous province or executive body of the local self-government unit.

Other functions, actions or private interests which are incompatible with the position of a member of the Government shall be stipulated by the Law.

**Election of the Government**

**Article 127**

A candidate for the Prime Minister shall be proposed to the National Assembly by the President of the Republic, after he or she considers the opinions of representatives of elected election lists.

The candidate for the Prime Minister shall present to the National Assembly the Government’s Programme and propose its constitution.

The National Assembly shall simultaneously vote on the Government’s Programme and election of the Prime Minister and members of the Government.

The Government shall be elected if the majority of the total number of deputies votes for its election.

**Commencement and termination of term of office of the Government and members of the Government**

**Article 128**
The term of office of the Government shall last until the expiry of the term of office of the National Assembly which elected it.

The term of office of the Government shall commence on the day of taking an oath before the National Assembly.

The term of office of the Government shall terminate before the period of time for which it has been elected, by the vote of no confidence, dissolution of the National Assembly, resignation of the President of the Republic and in other cases stipulated by the Constitution.

The Government whose term of office has expired may only perform affairs stipulated by the Law, until the election of the new Government.

The Government whose term of office has expired may not propose the dissolution of the National Assembly.

The term of office of the member of the Government shall expire before the expiry of the period of time for which he or she has been elected, by accepting his/her resignation, by the vote of no confidence in the National Assembly and dismissal by the National Assembly, upon the proposal of the Prime Minister.

**Interpellation**

**Article 129**

At least 50 deputies may propose interpellation in relation to the work of the Government or particular member of the Government.

The Government shall have the obligation to respond to interpellation within 30 days.

The National Assembly shall discuss and vote on the response to interpellation submitted by the Government or member of the Government to whom the interpellation is directed.

After voting for the endorsement of the response, the National Assembly continues to work according to the adopted agenda.

If the National Assembly fails to endorse the response of the Government or the member of the Government by voting, it shall initiate a vote of no confidence in the Government or a member of the Government, unless the Prime Minister, that is a member of the Government resign beforehand, after the rejection of the response to the interpellation.

The issue which was a subject of interpellation, may not be discussed again before the expiry of the 90-day deadline.

**Vote of no confidence in the Government or the member of the Government**

**Article 130**

A vote of no confidence in the Government or the particular member of the Government may be requested by at least 60 deputies.
The proposal for the vote of no confidence in the Government or the particular member of the Government shall be discussed by the National Assembly at the next first session, not later than five days after the submission of the proposal. After the discussion is concluded, they shall vote on the proposal.

The proposal for the vote of no confidence in the Government or the member of the Government shall be accepted by the National Assembly, if more than a half of the total number of deputies votes for it.

If the National Assembly passes a vote of no confidence in the Government, the President of the Republic shall be obliged to initiate proceedings for election of the new Government. If the National Assembly fails to elect the new Government within 30 days from the passing of a vote of no confidence, the President of the Republic shall be obliged to dissolve the National Assembly and schedule elections.

If the National Assembly passes a vote of no confidence in the member of the Government, the President of the Republic shall be obliged to initiate proceedings for election of a new member of the Government, in accordance with the Law.

If the National Assembly fails to pass a vote of no confidence in the Government or the member of the Government, signatories of the proposal may not submit a new proposal for a vote of no confidence before the expiry of the 180-day deadline.

**Vote of confidence in the Government**

*Article 131*

The Government may require a vote of its confidence.

Upon the request of the Government, proposal for a vote of confidence in the Government may be discussed at the current session of the National Assembly, and if the Government has failed to submit such a proposal, the proposal shall be discussed on the next first session, not later than five days from its submission. After the discussion is concluded, they shall vote on the proposal.

The proposal for the vote of confidence in the Government or the member of the Government shall be accepted by the National Assembly, if more than a half of the total number of deputies votes for it.

If the National Assembly fails to pass a vote of confidence in the Government, the term of office of the Government ends and the President of the Republic shall be obliged to initiate proceedings for election of the new Government. If the National Assembly fails to elect the new Government within 30 days from the day of passing of vote of no confidence, the President of the Republic shall be obliged to dissolve the National Assembly and schedule elections.

**Resignation of the Prime Minister**

The Prime Minister may tender his/her resignation to the National Assembly.
The Prime Minister shall tender his/her resignation to the Chairman of the National Assembly and, at the same time, inform the President of the Republic and general public.

At the next first session, the National Assembly shall confirm the resignation of the Prime Minister.

The term of office of the Government shall terminate on the day of confirmation of the resignation of the Prime Minister.

After the National Assembly confirms the resignation of the Prime Minister, the President of the Republic shall be obliged to initiate the proceedings for election of the new Government. If the National Assembly fails to elect the new Government within 30 days from the day of confirmation of the resignation of the Prime Minister, the President of the Republic shall be obliged to dissolve the National Assembly and schedule elections.

**Resignation and dismissal of the member of the Government**

**Article 133**

The member of the Government may tender his/her resignation to the Prime Minister.

The Prime Minister shall submit the resignation of the member of the Government to the Chairman of the National Assembly and the National Assembly shall confirm the resignation at the next first session.

The Prime Minister may propose to the National Assembly a dismissal of particular member of the Government.

The National Assembly shall discuss and vote on the proposal for dismissal of the member of the Government at the next first session.

Decision on Dismissal of the Member of the Government shall be adopted if the majority of the total number of deputies votes for it.

The term of office of the member of the Government who has tendered his/her resignation shall terminate on the day of confirmation of resignation, and for the member of the Government who has been dismissed, the term of office shall terminate on the day of adoption of the Decision on Dismissal.

Status and responsibilities of the member of the Government who has tendered his/her resignation or for whom the proposal for dismissal has been submitted shall be stipulated by the Law, until the termination of the term of office.

The Prime Minister shall be obliged to initiate proceedings for election of the new member of the Government, after the expiry of the term of office of the member of the Government due to tendered resignation or dismissal.

**Immunity of the President and member of the Government**

**Article 134**
The Prime Minister and the member of the Government shall not be held accountable for opinions expressed at sittings of the Government and sessions of the National Assembly, or for the cast vote at the sittings of the Government.

The Prime Minister and the member of the Government shall enjoy immunity as a deputy. The Government shall decide on the immunity of the Prime Minister and the member of the Government.

The Law on the Government

Article 135

The Law on the Government shall be enacted.

4. Public Administration

Status of the Public Administration

Article 136

The Public Administration shall be independent, bound by the Constitution and Law and it shall account for its work to the Government.

Public Administration affairs shall be performed by ministries and other public administration bodies, stipulated by the Law.

Public Administration affairs and the number of ministries shall be stipulated by the Law.

Internal organisation of ministries and other public administration bodies and organisations shall be regulated by the Government.

Delegation of public powers and public services

Article 137

In the interest of more efficient and rational exercise of citizens’ rights and duties and satisfying their needs of vital importance for life and work, the Law may stipulate delegation of performing particular affairs falling within the competence of the Republic of Serbia to the autonomous province and local self-government unit.

According to the Law, particular public powers may be delegated to enterprises, institutions, organisations and individuals.

According to the Law, particular public powers may be also delegated to specific bodies through which they perform regulatory function in particular fields or affairs.

The Republic of Serbia, autonomous provinces and local self-government units may establish public services.

Affairs or duties for which public services are established, their organisation and work shall be stipulated by the Law.
5. Civic Defender

Article 138

The Civic Defender shall be independent state body who shall protect citizens’ rights and monitor the work of public administration bodies, body in charge of legal protection of proprietary rights and interests of the Republic of Serbia, as well as other bodies and organisations, companies and institutions to which public powers have been delegated.

The Civic Defender shall not be authorised to monitor the work of the National Assembly, President of the Republic, Government, Constitutional Court, courts and Public Prosecutor’s Offices.

The Civic Defender shall be elected and dismissed by the National Assembly, in accordance with the Constitution and Law.

The Civic Defender shall account for his/her work to the National Assembly.

The Civic Defender shall enjoy immunity as a deputy. The National Assembly shall decide on the immunity of the Civic Defender.

The Law on the Civic Defender shall be enacted.

6. The Army of Serbia

Competences

Article 139

The Army of Serbia shall defend the country from external armed threat and perform other missions and tasks, in accordance with the Constitution, Law and principles of international law, which regulate the use of force.

Use of the Army outside the borders

Article 140

The Army of Serbia may be used outside the borders of the Republic of Serbia only upon the decision of the National Assembly of the Republic of Serbia.

Control over the Army of Serbia

Article 141

The Army of Serbia shall be subject to democratic and civil control.

The Law on the Army of Serbia shall be enacted.

7. Courts

Judiciary principles
Judicial power shall be unique on the territory of the Republic of Serbia.

Courts shall be separated and independent in their work and they shall perform their duties in accordance with the Constitution, Law and other general acts, when stipulated by the Law, generally accepted rules of international law and ratified international contracts.

The hearing before the court shall be public and may be restricted only in accordance with the Constitution.

Judges and jurors shall participate in a trial, in the manner stipulated by the Law.

The Law may also regulate that only judges may participate in a trial in particular courts and in particular cases.

The court shall decide on matters within the Council, while the Law may stipulate that a single judge may decide on particular matters.

Types of courts

Article 143

Judicial power in the Republic of Serbia shall belong to courts of general and special jurisdiction.

Establishing, organisation, jurisdiction, system and structure of courts shall be regulated by the Law.

Provisional courts, courts-martial or special courts may not be established.

The Supreme Court of Cassation shall be the Supreme Court in the Republic of Serbia.

The seat of the Supreme Court of Cassation shall be in Belgrade.

President of the Supreme Court of Cassation

Article 144

President of the Supreme Court of Cassation shall be elected by the National Assembly, upon the proposal of the High Judicial Council and received opinion of the meeting of the Supreme Court of Cassation and competent committee of the National Assembly.

President of the Supreme Court of Cassation shall be elected for the period of five years and may not be reelected.

Term of office of the President of the Supreme Court of Cassation shall terminate before the expiry of the time for which he or she has been elected upon his/her personal request, under the terms stipulated by the Law pertaining to the termination of the term of office of the judge or dismissal for reasons stipulated by the Law pertaining to dismissal of the President of Court.
Decision on the end of term of office of the President of the Supreme Court of Cassation shall be adopted by the National Assembly, in accordance with the Law, while the decision on dismissal shall be adopted upon the proposal of the High Judicial Council.

**Court decisions**

**Article 145**

Court decisions shall be passed in the name of people.

Court decisions are based on the Constitution and Law, the ratified international treaty and regulation passed on the grounds of the Law.

Court decisions shall be obligatory for all and may not be a subject of extrajudicial control.

A court decision may only be reconsidered by an authorised court in a legal proceedings prescribed by the Law.

A passed sentence may be fully or partially forgiven without a court decision, by general pardon or amnesty.

**Permanent tenure of office**

**Article 146**

A judge shall have a permanent tenure.

Exceptionally, a person who is elected a judge for the first time shall be elected for the period of three years.

**Election of judges**

**Article 147**

On proposal of the High Judicial Council, the National Assembly shall elect as a judge the person who is elected to the post of judge for the first time.

Tenure of office of a judge who was elected to the post of judge shall last three years.

In accordance with the Law, the High Judicial Council shall elect judges to the posts of permanent judges, in that or other court.

In addition, the High Judicial Council shall decide on election of judges who hold the post of permanent judges to other or higher court.

**Termination of a judge's tenure of office**

**Article 148**

A judge's tenure of office shall terminate at his/her own request, upon coming into force of legally prescribed conditions or upon relief of duty for reasons stipulated by the Law, as well as if he/she is not elected to the position of a permanent judge.
The High Judicial Council shall pass a decision on termination of a judge’s tenure of office. A judge shall have the right to appeal with the Constitutional Court against this decision. The lodged appeal shall not include the right to lodge a Constitutional appeal.

The proceedings, grounds and reasons for termination of a judge’s tenure of office, as well as the reasons for the relief of duty of the President of Court shall be stipulated by the Law.

**Independence of judge**

**Article 149**

In performing his/her judicial function, a judge shall be independent and responsible only to the Constitution and the Law.

Any influence on a judge while performing his/her judicial function shall be prohibited.

**Non-transferability of judge**

**Article 150**

A judge shall have the right to perform his/her judicial function in the court to which he/she was elected, and may be relocated or transferred to another court only on his/her own consent.

In case of revocation of the court or the substantial part of the jurisdiction of the court to which he/she was elected, a judge may exceptionally, without his/her consent, be permanently relocated or transferred to another court, in accordance with the Law.

**Immunity**

**Article 151**

A judge may not be held responsible for his/her expressed opinion or voting in the process of passing a court decision, except in cases when he/she committed a criminal offence by violating the Law.

A judge may not be detained or arrested in the legal proceedings instituted due to a criminal offence committed in performing their judicial function without the approval of the High Judicial Council.

**Incompatibility of judiciary function**

**Article 152**

A judge shall be prohibited to engage in political actions.

Other functions, actions or private interests which are incompatible with the judiciary function shall be stipulated by the Law.

**8. The High Judicial Council**

**Status, constitution and election**

**Article 153**

The High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.
The High Judicial Council shall have eleven members.

The High Judicial Council shall be constituted of the President of the Supreme Court of Cassation, the Minister responsible for justice and the President of the authorised committee of the National Assembly as members ex officio and eight electoral members elected by the National Assembly, in accordance with the Law.

Electoral members shall include six judges holding the post of permanent judges, of which one shall be from the territory of autonomous provinces, and two respected and prominent lawyers who have at least 15 years of professional experience, of which one shall be a solicitor, and the other a professor at the law faculty.

 Presidents of Court may not be electoral members of the High Judicial Council.

Tenure of office of the High Judicial Council’s members shall last five years, except for the members appointed ex officio.

A member of the High Judicial Council shall enjoy immunity as a judge.

**Jurisdiction of the High Judicial Council**

**Article 154**

The High Judicial Council shall appoint and relieve of judges, in accordance with the Constitution and the Law, propose to the National Assembly the election of judges in the first election to the post of judge, propose to the National Assembly the election of the President of the Supreme Court of Cassation as well as presidents of courts, in accordance with the Constitution and the Law, participate in the proceedings of terminating the tenure of office of the President of the Supreme Court of Cassation and presidents of courts, in the manner stipulated by the Constitution and the Law, and perform other duties specified by the Law.

**Legal remedy**

**Article 155**

An appeal may be lodged with the Constitutional Court against a decision of the High Judicial Council, in cases stipulated by the Law.

**9. Public Prosecutor’s Office**

**Status and jurisdiction**

**Article 156**

Public Prosecutor’s Office shall be an independent state body which shall prosecute the perpetrators of criminal offences and other punishable actions, and take measures in order to protect constitutionality and legality.

Public Prosecutor's Office shall perform its function on the grounds of the Constitution, Law, ratified international treaty and regulation passed on the grounds of the Law.
Establishment and organisation

Article 157

Establishment, organisation and jurisdiction of Public Prosecutor's Office shall be specified by the Law.

The Republic Public Prosecutor's Office shall be the supreme Public Prosecutor's Office in the Republic of Serbia.

The Republic Public Prosecutor

Article 158

The Republic Public Prosecutor shall perform the function of the Public Prosecutor's Office within the rights and duties of the Republic of Serbia.

The Republic Public Prosecutor shall be elected by the National Assembly, on the Government proposal and upon obtaining the opinion of the authorised committee of the National Assembly.

The Republic Public Prosecutor shall be elected for the period of six years and may be re-elected.

Tenure of office of the Republic Public Prosecutor shall terminate if he/she is not re-elected, at his/her own request, upon coming into force of legally prescribed conditions or upon relief of duty for reasons stipulated by the Law.

The decision on termination of tenure of office of the Republic Public Prosecutor shall be adopted by the National Assembly, in accordance with the Law, bearing in mind that it shall pass a decision on relief of duty on the Government proposal.

Public Prosecutors and Deputy Public Prosecutors

Article 159

A Public Prosecutor shall perform the function of the Public Prosecutor's Office.

A Public Prosecutor shall be elected by the National Assembly, on the Government proposal.

Tenure of office of the Public Prosecutor shall last six years and he/she may be re-elected.

A Deputy Public Prosecutor shall stand in for the Public Prosecutor in performing the function of the Public Prosecutor's Office and shall be obliged to act according to his/her instructions.

On proposal of the State Prosecutors Council, the National Assembly shall elect as a Deputy Public Prosecutor the person who is elected to this function for the first time.

Tenure of office of a Deputy Public Prosecutor elected to that function for the first time shall last three years.
In accordance with the Law, the State Prosecutors Council shall elect Deputy Public Prosecutors to permanently perform that function, in that or other Public Prosecutor's Office.

In addition, the State Prosecutors Council shall decide on the election of Deputy Public Prosecutors who permanently perform that function in another or superior Public Prosecutor's Office.

**Responsibility**

**Article 160**

The Republic Public Prosecutor shall account for the work of the Public Prosecutor's Office and his/her own work to the National Assembly.

Public Prosecutors shall account for the work of the Public Prosecutor's Office and their own work to the Republic Public Prosecutor and the National Assembly, whereas Junior Prosecutors shall account for their work to their immediately superior Public Prosecutor as well.

Deputy Public Prosecutors shall be held responsible for their work to the Public Prosecutor.

**Termination of Public Prosecutor and Deputy Public Prosecutor’s tenure of office**

**Article 161**

A Public Prosecutor and Deputy Public Prosecutor may terminate their tenure of office at their own request, upon coming into force of legally prescribed conditions or upon relief of duty for reasons stipulated by the Law. A Public Prosecutor's tenure of office shall terminate even if he/she is not re-elected, and Deputy Public Prosecutor’s tenure of office shall terminate if he/she is not permanently elected to that function.

A decision on termination of a Public Prosecutor’s tenure of office shall be adopted by the National Assembly, in accordance with the Law, and it shall pass a decision on relief of duty on the Government proposal.

A decision on termination of a Deputy Public Prosecutor’s tenure of office shall be passed by the State Prosecutors Council.

A Public Prosecutor and Deputy Public Prosecutor may lodge an appeal with the Constitutional Court against the decision on termination of their tenure of office. The lodged appeal shall not include the right to lodge a Constitutional appeal.

The proceedings, grounds and reasons for termination of a Public Prosecutor and Deputy Public Prosecutor’s tenure of office shall be regulated by the Law.

**Immunity**

**Article 162**

A Public Prosecutor and Deputy Public Prosecutor may not be held responsible for the expressed opinion while performing the function of prosecutors, except in cases when a Public Prosecutor or Deputy Public Prosecutor commits a criminal offence by violating the law.
A Public Prosecutor or a Deputy Public Prosecutor may not be detained or arrested in the legal proceedings instituted due to a criminal offence committed in performing the prosecutor's function or service without the approval of the authorised committee of the National Assembly.

**Incompatibility of prosecutor's function**

**Article 163**

Public Prosecutors and Deputy Public Prosecutors shall be prohibited to engage in political actions.

Other functions, activities or private interests which are incompatible with the prosecutor's function shall be stipulated by the Law.

**Status, constitution and election of the State Prosecutors Council**

**Article 164**

The State Prosecutors Council is an autonomous body which shall provide for and guarantee the autonomy of Public Prosecutors and Deputy Public Prosecutors, in accordance with the Law.

The State Prosecutors Council shall have 11 members.

The State Prosecutors Council shall be constituted of the Republic Public Prosecutor, the Minister responsible for justice and the President of the authorised committee of the National Assembly as members ex officio and eight electoral members elected by the National Assembly, in accordance with the Law.

Electoral members shall include six Public Prosecutors or Deputy Public Prosecutors holding permanent posts, of which one shall be from the territory of autonomous provinces, and two respected and prominent lawyers who have at least 15 years of professional experience, of which one shall be a solicitor, and the other a professor at the law faculty.

Tenure of office of the State Prosecutors Council's members shall last five years, except for the members appointed ex officio.

A member of the State Prosecutors Council shall enjoy immunity as a Public Prosecutor.

**Jurisdiction of the State Prosecutors Council**

**Article 165**

The State Prosecutors Council shall propose to the National Assembly the candidates for the first election of a Deputy Public Prosecutor, elect Deputy Public Prosecutors to permanently perform that function, elect Deputy Public Prosecutors holding permanent posts as Deputy Public Prosecutors in other Public Prosecutor's Office, decide in the proceedings of termination of Deputy Public Prosecutors' tenure of office in the manner stipulated by the Constitution and the Law, and perform other duties specified in the Law.
PART SIX
THE CONSTITUTIONAL COURT

Status
Article 166

The Constitutional Court shall be an autonomous and independent state body which shall protect constitutionality and legality, as well as human and minority rights and freedoms.

The Constitutional Court decisions are final, enforceable and generally binding.

Jurisdiction
Article 167

The Constitutional Court shall decide on:

1. compliance of laws and other general acts with the Constitution, generally accepted rules of the international law and ratified international treaties,
2. compliance of ratified international treaties with the Constitution,
3. compliance of other general acts with the Law,
4. compliance of the Statute and general acts of autonomous provinces and local self-government units with the Constitution and the Law,
5. compliance of general acts of organisations with delegated public powers, political parties, trade unions, civic associations and collective agreements with the Constitution and the Law.

The Constitutional Court shall:

1. decide on the conflict of jurisdictions between courts and state bodies,
2. decide on the conflict of jurisdictions between republic and provincial bodies or bodies of local self-government units,
3. decide on the conflict of jurisdictions between provincial bodies and bodies of local self-government units,
4. decide on electoral disputes for which the court jurisdiction has not been specified by the Law,
5. perform other duties stipulated by the Constitution and the Law.

The Constitutional Court shall decide on the banning of a political party, trade union organisation or civic association.

The Constitutional Court shall perform other duties stipulated by the Constitution.
Assessment of constitutionality and legality

Article 168

A proceedings of assessing the constitutionality may be instituted by state bodies, bodies of territorial autonomy or local self-government, as well as at least 25 deputies. The procedure may also be instituted by the Constitutional Court.

Any legal or natural person shall have the right to an initiative to institute a proceedings of assessing the constitutionality and legality.

The Law or other general acts which is not in compliance with the Constitution or the Law shall cease to be effective on the day of publication of the Constitutional Court decision in the official journal.

Before passing the final decision and under the terms specified by the Law, the Constitutional Court may suspend the enforcement of an individual general act or action undertaken on the grounds of the Law or other general act whose constitutionality or legality it assesses.

The Constitutional Court may assess the compliance of the Law and other general acts with the Constitution, compliance of general acts with the Law, even when they ceased to be effective, if the proceedings of assessing the constitutionality has been instituted within no more than six months since they ceased to be effective.

Assessment of constitutionality of the law prior to its coming into force

Article 169

At the request of at least one third of deputies, the Constitutional Court shall be obliged within seven days to assess constitutionality of the law which has been passed, but has still not been promulgated by a decree.

If a law is promulgated prior to adopting the decision on constitutionality, the Constitutional Court shall proceed with the proceedings as requested, according to the regular proceedings of assessing the constitutionality of a law.

If the Constitutional Court passes a decision on non-constitutionality of a law prior to its promulgation, that decision shall come into force on the day of promulgation of the law.

The proceedings of assessing constitutionality may not be instituted against the law whose compliance with the Constitution was established prior to its coming into force.

Constitutional appeal

Article 170

A constitutional appeal may be lodged against individual general acts or actions performed by state bodies or organisations exercising delegated public powers which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal remedies for their protection have already been applied or not specified.
Ensuring the enforcement of decisions

Article 171

Everyone shall be obliged to observe and enforce the Constitutional Court’s decision.

The Constitutional Court shall regulate in its decision the manner of its enforcement, whenever deemed necessary.

Enforcement of the Constitutional Court’s decisions shall be regulated by the Law.

Organisation of the Constitutional Court. Election and appointment of the Constitutional Court justices

Article 172

The Constitutional Court shall have 15 justices who shall be elected and appointed for the period of nine years.

Five justices of the Constitutional Court shall be appointed by the National Assembly, another five by the President of the Republic, and another five at the general session of the Supreme Court of Cassation.

The National Assembly shall appoint five justices of the Constitutional Court from among ten candidates proposed by the President of the Republic, the President of the Republic shall appoint five justices of the Constitutional Court from among ten candidates proposed by the National Assembly, and the general session of the Supreme Court of Cassation shall appoint five justices from among ten candidates proposed at a general session by the High Judicial Court and the State Prosecutor Council.

On each of the proposed lists of candidates, one of the appointed candidates must come from the territory of autonomous provinces.

A justice of the Constitutional Court shall be elected and appointed from among the prominent lawyers who have at least 40 years of experience in practicing the law.

One person may be elected or appointed a justice of the Constitutional Court on two occasions at the most.

Justices of the Constitutional Court shall elect the president from among their representatives for the period of three years, in a secret ballot.

Conflict of interest. Immunity

Article 173

A justice of the Constitutional Court may not engage in another public or professional function or action, except for the professorship a law faculty in the Republic of Serbia, in accordance with the Law.

A justice of the Constitutional Court shall enjoy immunity as a deputy. The Constitutional Court shall decide on its immunity.
Termination of the tenure of office of the Constitutional Court justice

Article 174

Tenure of office of the Constitutional Court justice shall terminate upon expiry of the period for which he/she had been elected or appointed, at his/her own request, after meeting the requirements regulated by the Law for obtaining the old age pension or by relief of duty.

A justice of the Constitutional Court shall be relieved of duty if he/she violates the prohibition of the conflict of interest, permanently loses the ability to discharge the function of a justice of the Constitutional Court, or is convicted of a penalty of imprisonment or criminal offence which makes him/her ineligible for the post of the Constitutional Court justice.

The National Assembly shall decide on the termination of a justice’s tenure of office, on request of movers authorised for election, as well as on appointment for election of a justice of the Constitutional Court. An initiative to institute the proceedings of relieving of duty may be submitted by the Constitutional Court.

The manner of deciding in the Constitutional Court. The Law on the Constitutional Court

Article 175

The Constitutional Court shall adjudicate by the majority of votes cast by all justices of the Constitutional Court.

A decision to autonomously institute the proceedings of assessing the constitutionality or legality shall be passes by the Constitutional Court by two thirds of the majority votes cast by all justices.

Organisation of the Constitutional Court and the proceedings before the Constitutional Court, as well as the legal effect of its decisions shall be regulated by the Law.

PART SEVEN

TERRITORIAL ORGANISATION

1. Provincial autonomy and local self-government

Concept

Article 176

Citizens shall have the right to the provincial autonomy and local self-government, which they shall exercise directly or through their freely elected representatives.

Autonomous provinces and local self-government units shall have the status of legal entities.
Definition the competences

Article 177

Local self-government units shall be competent in those matters which may be realised, in an effective way, within a local self-government unit, and autonomous provinces in those matters which may be realised, in an effective way, within an autonomous province, which shall not be the competence of the Republic of Serbia.

What matters shall be of republic, provincial or local interest shall be specified by the Law.

Delegation of competences

Article 178

The Republic of Serbia may, in accordance with the law, delegate particular matters within its competence to autonomous provinces and local self-government units.

According to its decision, an autonomous province may delegate particular matters within its competence to local self-government units.

Resources to execute the delegated competences shall be provided for by the Republic of Serbia or an autonomous province, depending on who the competences were delegated by.

Right and duties of autonomous provinces and local self-government units and powers of the Republic of Serbia and autonomous provinces in the process of monitoring the execution of delegated competences shall be regulated by the Law.

The right to autonomous organisation of bodies

Article 179

Autonomous provinces, in accordance with the Constitution and the Statute, and local self-government units, in accordance with the Constitution and the Law, shall autonomously regulate the organisation and competences of its bodies and public services.

The Assembly of an autonomous province and local self-government unit

Article 180

The Assembly shall be the supreme body of the autonomous province and a local self-government unit.

The Assembly shall be constitutes of deputies, and the assembly of a local self-government unit of councilors.

Deputies and councilors shall be elected for the period of four years, in direct elections by secret ballot, namely, deputies in accordance with the decision of the Assembly of the autonomous province, and councilors in accordance with the Law.
In those autonomous provinces and local self-government units with the population of mixed nationalities, a proportional representation of national minorities in assemblies shall be provided for, in accordance with the Law.

Cooperation of autonomous provinces and local self-government units

Article 181

Autonomous provinces and local self-government units shall cooperate with the corresponding territorial communities and local self-government units from other countries, within the foreign policy of the Republic of Serbia, observing the territorial integrity and legal system of the Republic of Serbia.

2. Autonomous provinces

Concept, establishment and territory of autonomous province

Article 182

 Autonomous provinces shall be autonomous territorial communities established by the Constitution, in which citizens exercise the right to the provincial autonomy.

In the Republic of Serbia, there are the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo and Metohija. The substantial autonomy of the Autonomous province of Kosovo and Metohija shall be regulated by the special law which shall be adopted in accordance with the proceedings envisaged for amending the Constitution.

New autonomous provinces may be established, and already established ones may be revoked or merged following the proceedings envisaged for amending the Constitution. The proposal to establish new, or revoke or merge the existing autonomous provinces shall be established by citizens in a referendum, in accordance with the Law.

Territory of autonomous provinces and the terms under which borders between autonomous provinces may be altered shall be regulated by the Law. Territory of autonomous provinces may not be altered without the consent of its citizens given in a referendum, in accordance with the Law.

Competences of autonomous provinces

Article 183

Autonomous provinces shall, in accordance with the Constitution and their Statutes, regulate the competences, election, organisation and work of bodies and services they establish.

Autonomous provinces shall, in accordance with the Law, regulate the matters of provincial interest in the following fields:

1. urban planning and development,
2. agriculture, water economy, forestry, hunting, fishery, tourism, catering, spas and health resorts, environmental protection, industry and craftsmanship, road, river and railway transport and road repairs, organising fairs and other economic events,
3. education, sport, culture, health care and social welfare and public informing at the provincial level.

Autonomous provinces shall see to exercising human and minority rights, in accordance with the Law.

Autonomous provinces shall establish their symbols, as well as the manner in which they shall be put to use.

Autonomous provinces shall manage the provincial assets in the manner stipulated by the Law.

Autonomous provinces shall, in accordance with the Constitution and the Law, have direct revenues, provide the resources for local self-government units for performing the delegated affairs and adopt their budget and annual balance sheet.

Financial autonomy of autonomous provinces

Article 184

An autonomous province shall have direct revenues for financing its competences.

A kind and amount of direct revenues shall be stipulated by the Law.

The Law shall specify the share of autonomous provinces in the part of revenue of the Republic of Serbia.

The budget of the Autonomous Province of Vojvodina shall amount to at least 7% in relation to the budget of the Republic of Serbia, bearing in mind that three-sevenths of the budget of the Autonomous Province of Vojvodina shall be used for financing the capital expenditures.

Legal acts of autonomous province

Article 185

The Statute shall be the supreme legal act of the autonomous province.

The Statute of the Autonomous Province of Vojvodina shall be adopted by its Assembly, subject to prior approval of the National Assembly.

The autonomous province shall enact other decisions and general acts pertaining to matters within its competences.

Monitoring the work of bodies of autonomous province

Article 186

The Government may institute, before the Constitutional Court, the proceedings of assessing the constitutionality and legality of a decision adopted by the autonomous province, prior to its coming into force. In that sense, prior to passing its decision, the Constitutional Court may defer coming into force of the challenged decision of the autonomous province.
Protection of the provincial autonomy
Article 187

A body designated by the Statute of the autonomous province shall have a right to lodge an appeal with the Constitutional Court, if an individual legal act or action of a state body or body of local self-government unit obstructs performing the competences of the autonomous province.

A body designated by the Statute of the autonomous province may institute the proceedings of assessing the constitutionality or legality of the law and other legal act of the Republic of Serbia or the legal act of the local self-government unit which violates the right to the provincial autonomy.

3. Local self-government
General provisions
Article 188

Local self-government units shall be municipalities, towns and the City of Belgrade.

The territory and seat of a local self-government unit shall be specified by the Law.

Establishment, revocation or alteration of the territory of a local self-government unit shall be preceded by a referendum on the territory of that local self-government unit.

Affairs of a local self-government unit shall be financed from the direct revenues of the local self-government unit, the budget of the Republic of Serbia, in accordance with the Law, and the budget of the Autonomous Province of Vojvodina, in cases when the autonomous province delegated the performing of affairs within its competences, in accordance with the decision of the Assembly of the Autonomous Province.

Status of local self-government units
Article 189

Municipalities shall be established and revoked by the Law.

A town shall be established by the Law, in accordance with the criteria stipulated by the Law regulating local self-government.

A town shall have competences delegated to the municipality by the Constitution, whereas other competences may be delegated to it by the Law.

It may be envisaged in the Statute of the town to establish two or more town municipalities on the territory of the town. The Statute of the town shall regulate the affairs falling within the town competence performed by town municipalities.

The status of the City of Belgrade, the capital of the Republic of Serbia, shall be regulated by the Law on the Capital and the Statute of the City of Belgrade. The
City of Belgrade shall have competences delegated to the municipality and city by the Constitution and the Law, and other competences may be delegated to it in accordance with the Law on the Capital.

**Competence of municipality**

***Article 190***

The municipality shall, through its bodies, and in accordance with the Law:

1. regulate and provide for the performing and development of municipal activities;
2. regulate and provide for the use of urban construction sites and business premises;
3. be responsible for construction, reconstruction, maintenance and use of local network of roads and streets and other public facilities of municipal interest; regulate and provide for the local transport;
4. be responsible for meeting the needs of citizens in the field of education, culture, health care and social welfare, child welfare, sport and physical culture;
5. be responsible for development and improvement of tourism, craftsmanship, catering and commerce;
6. be responsible for environmental protection, protection against natural and other disasters; protection of cultural heritage of the municipal interest;
7. protection, improvement and use of agricultural land;
8. perform other duties specified by the Law.

The municipality shall autonomously, in accordance with the Law, adopt its budget and annual balance sheet, the urban development plan and municipal development programme, establish the symbols of the municipality, as well as their use.

The municipality shall see to exercising, protection and improvement of human and minority rights, as well as to public informing in the municipality.

The municipality shall autonomously manage the municipal assets, in accordance with the Law.

The municipality shall, in accordance with the Law, prescribe offences related to violation of municipal regulations.

**Municipal legal acts and bodies**

***Article 191***

The Statute shall be the supreme legal act of the municipality. The Statute shall be adopted by the Municipal Assembly.

The Municipal Assembly shall pass general acts within its competences, adopt the budget and annual balance sheet, adopt the development plan and the municipal spatial plan, schedule the municipal referendum and perform other duties specified by the Law and the Statute.
Municipal bodies shall be the Municipal Assembly and other bodies designated by the Statute, in accordance with the Law.

The Municipal Assembly shall decide on the election of municipal executive bodies, in accordance with the Law and the Statute.

Election of executive bodies of the town and the City of Belgrade shall be regulated by the Law.

**Monitoring the work of municipality**

**Article 192**

The Government shall be obliged to cancel the enforcement of the municipal general act which it considers to be in noncompliance with the Constitution or the Law, and institute the proceedings of assessing its constitutionality or legality within five days.

The Government may, under the terms specified by the Law, dismiss the Municipal Assembly.

Simultaneously with the dismissal of the Municipal Assembly, the Government shall appoint a temporary body which shall perform duties within the competences of the Assembly, taking into consideration the political and national composition of the dismissed Municipal Assembly.

**Protection of local self-government**

**Article 193**

The body designated by the Statute of the municipality shall have the right to lodge an appeal with the Constitutional Court if an individual legal act or action by a state body or body of local self-government unit obstructs performing the competences of the municipality.

The body designated by the Statute of the municipality may institute the proceedings of assessing the constitutionality or legality of the Law or other legal act of the Republic of Serbia or autonomous province which violates the right to local self-government.

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**PART EIGHT**

**CONSTITUTIONALITY AND LEGALITY**

**Hierarchy of domestic and international general legal acts**

**Article 194**

The legal system of the Republic of Serbia shall be unique.

The Constitution shall be the supreme legal act of the Republic of Serbia.

All laws and other general acts enacted in the Republic of Serbia must be in compliance with the Constitution.
Ratified international treaties and generally accepted rules of the international law shall be part of the legal system of the Republic of Serbia. Ratified international treaties may not be in noncompliance with the Constitution.

Laws and other general acts enacted in the Republic of Serbia may not be in noncompliance with the ratified international treaties and generally accepted rules of the International Law.

**Hierarchy of domestic general legal acts**

**Article 195**

All by-laws of the Republic of Serbia, general acts of organisations with delegated public powers, political parties, trade unions and civic associations and collective agreements must be in compliance with the Law.

Statutes, decisions and other general acts of autonomous provinces and local self-government units must be in compliance with the Law.

All general acts of autonomous provinces and local self-government units must be in compliance with their statutes.

**Publication of laws and other general acts**

**Article 196**

Laws and all other general acts shall be published prior to coming into force.

The Constitution, laws and by-laws of the Republic of Serbia shall be published in the republic official journal, and statutes, decisions and other general acts of autonomous provinces shall be published in provincial official journals.

Statutes and general acts of local self-government units shall be published in local official journals.

Laws and other general acts shall come into force no earlier than on the eighth day from the day of publication and may come into force earlier only if there are particularly justified grounds for that, specified at the time of their adoption.

**Prohibition of retroactive effect of laws and other general acts**

**Article 197**

Laws and other general acts may not have a retroactive effect.

Exceptionally, only some of the law provisions may have a retroactive effect, if so required by general public interest as established in the procedure of adopting the Law.

A provision of the Penal Code may have a retroactive effect only if it shall be more favourable for the perpetrator.
Legality of administration

Article 198

Individual acts and actions of state bodies, organisations with delegated public powers, bodies of autonomous provinces and local self-government units must be based on the Law.

Legality of final individual acts deciding on a right, duty or legally grounded interest shall be subject to reassessing before the court in an administrative proceedings, if other form of court protection has not been stipulated by the Law.

Language of proceedings

Article 199

Everyone shall have the right to use his/her language in the proceedings before the court, other state body or organisation performing public powers, when his/her right or duty is decided on.

Unfamiliarity with the language of the proceedings may not be an impediment for the exercise and protection of human and minority rights.

State of emergency

Article 200

When the survival of the state or its citizens is threatened by a public danger, the National Assembly shall proclaim the state of emergency.

The decision on the state of emergency shall be effective 90 days at the most. Upon expiry of this period, the National Assembly may extend the decision on the state of emergency for another 90 days, by the majority votes of the total number of deputies.

During the state of emergency, the National Assembly shall convene without any special call for assembly and it may not be dismissed.

When proclaiming the state of emergency, the National Assembly may prescribe the measures which shall provide for derogation from human and minority rights guaranteed by the Constitution.

When the National Assembly is not in a position to convene, the decision proclaiming the state of emergency shall be adopted by the President of the Republic together with the President of the National Assembly and the Prime Minister, under the same terms as by the National Assembly.

When the National Assembly is not in a position to convene, the measures which provide for derogation from human and minority rights may be prescribed by the Government, in a decree, with the President of the Republic as a co-signatory.

Measures providing for derogation from human and minority rights prescribed by the National Assembly or Government shall be effective 90 days at the most, and upon expiry of that period may be extended under the same terms.

When the decision on the state of emergency has not been passed by the National Assembly, the National Assembly shall verify it within 48 hours from its passing,
that is, as soon as it is in a position to convene. If the National Assembly does not verify this decision, it shall cease to be effective upon the end of the first session of the National Assembly held after the proclamation of the state of emergency.

In cases when the measures providing for derogation from human and minority rights have not been prescribed by the National Assembly, the Government shall be obliged to submit the decree on measures providing for derogation from human and minority rights to be verified by the National Assembly within 48 hours from its passing, that is, as soon as the National Assembly is in a position to convene. In other respects, the measures providing for derogation shall cease to be effective 24 hours prior to the beginning of the first session of the National Assembly held after the proclamation of the state of emergency.

The state of war

Article 201

The National Assembly shall proclaim the state of war.

When the National Assembly is not in a position to convene, the decision on proclamation of the state of war shall be passed by the President of the Republic together with the President of the National Assembly and the Prime Minister.

When proclaiming the state of war, the National Assembly may prescribe the measures which shall provide for derogation from human and minority rights guaranteed by the Constitution.

When the National Assembly is not in a position to convene, the measures which provide for derogation from human and minority rights guaranteed by the Constitution shall be decided on by the President of the Republic together with the President of the National Assembly and the Prime Minister.

All measures prescribed in the period of the state of war shall be verified by the National Assembly when in a position to convene.

Derogation form human and minority rights in the state of emergency and war

Article 202

Upon proclamation of the state of emergency or war, derogations from human and minority rights guaranteed by the Constitution shall be permitted only to the extent deemed necessary.

Measures providing for derogation shall not bring about differences based on race, sex, language, religion, national affiliation or social origin.

Measures providing for derogation from human and minority rights shall cease to be effective upon ending of the state of emergency or war.

Measures providing for derogation shall by no means be permitted in terms of the rights guaranteed pursuant to Articles 23, 24, 25, 26, 28, 32, 34, 37, 38, 43, 45, 47, 49, 62, 63, 64 and 78 of the Constitution.
PART NINE
AMENDING THE CONSTITUTION

Proposal to amend the Constitution and adoption of the amendment to the Constitution

Article 203

A proposal to amend the Constitution may be submitted by at least one third of the total number of deputies, the President of the Republic, the Government and at least 150,000 voters.

The National Assembly shall decide on amending the Constitution.

A proposal to amend the Constitution shall be adopted by a two-third majority of the total number of deputies.

If the required majority of votes has not been achieved, the amending of the Constitution according to the issues contained in the submitted proposal which has not been adopted shall not be considered in the following twelve months.

In case the National Assembly adopts the proposal for amending the Constitution, an act on amending the Constitution shall be drafted, that is, considered.

The National Assembly shall adopt an act on amending the Constitution by a two-third majority of the total number of deputies and may decide to have it endorsed in the republic referendum by the citizens.

The National Assembly shall be obliged to put forward the act on amending the Constitution in the republic referendum to have it endorsed, in cases when the amendment of the Constitution pertains to the preamble of the Constitution, principles of the Constitution, human and minority rights and freedoms, the system of authority, proclamation the state of war and emergency, derogation from human and minority rights in the state of emergency or war or the proceedings of amending the Constitution.

When the act on amending the Constitution is put forward for endorsement, the citizens shall vote in the referendum within no later than 60 days from the day of adopting the act on amending the Constitution. The amendment to the Constitution shall be adopted if the majority of voters who participated in the referendum voted in favour of the amendment.

The act on amending the Constitution endorsed in the republic referendum shall come into force once promulgated by the National Assembly.

If the National Assembly does not decide to put forward the act on amending the Constitution for endorsement, the amendment of the Constitution shall be adopted by voting in the National Assembly, and the act on amending the Constitution shall come into force once promulgated by the National Assembly.

Prohibition to amend the Constitution

Article 204

The Constitution shall not be amended in the time of the state of war or emergency.
Constitutional law

Article 205

A constitutional law shall be enacted for the enforcement of the amendments to the Constitution.

A constitutional law shall be adopted by a two-third majority of the total number of deputies.

PART TEN

FINAL PROVISION

Article 206

This Constitution shall come into force on the day of its promulgation in the National Assembly.
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

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.


**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".
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.


**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’.
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.

No. 020-04-26/2006-01

Belgrade, July 11, 2006

Legislation Secretariat of the Republic of Serbia

Director

Zoran M. Balinovac
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


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.
Pursuant to Article 31 of the Decision Amending and Modifying the Rules of Procedure of the National Assembly of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 53/05),

The Legislative Committee of the National Assembly of the Republic of Serbia, at its sitting held on 28 June 2005, has established the revised text of the Rules of Procedure of the National Assembly of the Republic of Serbia.

The revised text of the Rules of Procedure of the National Assembly of the Republic of Serbia comprises:

1. Rules of Procedure of the National Assembly of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 32/02). Article 236 of this text, on the repeal of the previous Rules of Procedure, has not been included in the present revised text;

2. Decision Amending and Modifying the Rules of Procedure of the National Assembly of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 57/03), with the exception of Article 3, on the coming into effect of the Decision;

3. Decision Amending the Rules of Procedure of the National Assembly of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 12/04), with the exception of Article 2, on the coming into effect of the Decision;

4. Decision Amending the Rules of Procedure of the National Assembly of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 29/04), with the exception of Article 5, authorising the Legislative Committee to establish the revised text, and Article 6, on the coming into effect of the Decision, and

5. Decision Amending and Modifying the Rules of Procedure of the National Assembly of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 53/05), with the exception of Article 31, authorising the Legislative Committee to establish the revised text, and Article 32, on the coming into effect of the Decision.

The present revised text of the Rules of Procedure of the National Assembly of the Republic of Serbia has been harmonised with decisions of the Constitutional Court of the Republic of Serbia IU No. 61/01 of 20 February 2004 (Official Gazette of the Republic of Serbia, No. 16/04) and IU No. 312/94 of 22 April 2004 (Official Gazette of the Republic of Serbia, No. 54/04).

06 No. 02-1374/05

Belgrade, 28 June 2005

LEGISLATIVE COMMITTEE
OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA
RULES OF PROCEDURE
OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA
(REVISED TEXT)

I. GENERAL PROVISIONS

Article 1
The present Rules of Procedure shall regulate the organisation and work of the National Assembly of the Republic of Serbia ('the National Assembly') and the manner of exercising the rights and duties of Deputies.

Article 2
The National Assembly shall be represented by the Chairperson of the National Assembly.

Article 3
The seal of the National Assembly shall be round with, the coat-of-arms of the Republic of Serbia at the centre, and with the inscription ‘Republic of Serbia – National Assembly’ in the Cyrillic script around it.

II. CONSTITUTING THE NATIONAL ASSEMBLY

1. Convening the First Sitting of the National Assembly

Article 4
The first sitting of the National Assembly after a general election shall be convened by the Chairperson of the Assembly from the previous convocation on the date following the date of the submission of the report by the Republic Electoral Commission on the conducted elections.

**Article 5**

The first sitting of the National Assembly pending the election of the Chairperson of the National Assembly shall be chaired by the oldest Deputy (Acting Chairperson).

The Acting Chairperson or Chairperson of the National Assembly shall be assisted in his/her work by the youngest Deputy from each of the four electoral lists that polled the largest number of seats, and by the Secretary of the National Assembly.

**Article 6**

At the first sitting of the National Assembly the mandates of Deputies shall be verified, the Chairperson, the Vice-Chairpersons and the members of the working bodies of the National Assembly shall be elected and the Secretary of the National Assembly shall be appointed.

**2. Verification of Deputies' Mandates**

**Article 7**

Deputies shall acquire rights and duties in the National Assembly on the date of verification of their mandates.

The mandates of Deputies shall be verified on the basis of certificates attesting to election as Deputy and the report of the Republic Electoral Commission on the conducted elections within thirty (30) days from the date of the elections.

The National Assembly shall, at its constituting sitting, and at the proposal of the Chairperson, by a majority of votes of Deputies, set up a three-member Commission, comprised of one member from each of the three electoral lists that polled the largest number of seats in the National Assembly. The Commission shall be chaired by the oldest member.

Based on the report of the Republic Electoral Commission, the Commission shall establish whether data from certificates attesting to the election of each Deputy are identical to those contained in the report of the Republic Electoral Commission, and shall submit a report thereon to the National Assembly.
Article 8

Based on the report of the Commission defined in Article 7, Paragraph 4 of the present Rules of Procedure, the person chairing the constituting sitting of the National Assembly shall note that the Republic Electoral Commission has presented a report on the conducted elections and indicate which certificates attesting to the election of Deputies are in accordance with the report, whereby the mandates of these Deputies shall be verified.

3. Election of the Chairperson and Vice-Chairpersons; Appointment of the Secretary of the National Assembly

a) Election of the Chairperson of the National Assembly

Article 9

At least thirty (30) Deputies may nominate a candidate for the office of Chairperson of the National Assembly.

A Deputy may take part in the nomination of only one candidate.

The nomination shall include the name and surname of the candidate, the curriculum vitae and party affiliation of the candidate, as well as the first name and last name of the Rapporteur, an explanatory note, and the written consent of the candidate.

Article 10

The nomination of a candidate for the office of Chairperson of the National Assembly shall be submitted to the Acting Chairperson in writing.

The Acting Chairperson shall communicate to the Deputies all the received nominations of candidates for the office of Chairperson of the National Assembly.

On behalf of the proposer, the proposer’s Rapporteur shall be entitled to provide an explanation of the nomination.

A debate shall be opened on the nomination of a candidate for the office of Chairperson of the National Assembly.
After the debate is over, the Chairperson shall prepare a list of candidates for the office of Chairperson of the National Assembly in the alphabetical order of their last names.

**Article 11**

Before proceeding to elect its Chairperson, the National Assembly shall decide whether to vote by secret or by open ballot.

A Deputy may vote for only one candidate.

**Article 12**

If the National Assembly should decide on open voting, the vote will be taken by a roll call of Deputies.

**Article 13**

Voting by secret ballot for the election of the Chairperson of the National Assembly shall take place according to provisions of the present Rules of Procedure on voting in the National Assembly by secret ballot.

The Acting Chairperson at the sitting of the National Assembly shall administer the vote by secret ballot, and shall be assisted by the youngest Deputy from each of the four voting lists that polled the largest number of seats, and by the Secretary of the National Assembly.

A candidate for the office of Chairperson of the National Assembly may not administer the vote nor assist in the administration process.

**Article 14**

The Deputy who polls the majority of votes cast by Deputies present shall be elected Chairperson of the National Assembly.

If two candidates have been nominated and neither should win the required majority of votes, the election procedure shall be repeated.

If more than two candidates have been nominated and none should win the required majority of votes, the vote shall be repeated on the two candidates who polled the largest number of votes, i.e. on several candidates who polled the largest equal number of votes.
If the Chairperson of the National Assembly should not be elected in the second round either, the election procedure shall be repeated.

b) Election of Vice-Chairpersons of the National Assembly

**Article 15**

The National Assembly shall have not more than six (6) Vice-Chairpersons.

Whenever the National Assembly is constituted, it shall determine the number of its Vice-Chairpersons by a special decision at the proposal of the Chairperson.

**Article 16**

At least thirty (30) Deputies may nominate one or several candidates for the office of Vice-Chairperson of the National Assembly, but only up to the number to be elected.

The nomination shall include the first name and last name of the candidate, his/her curricula vitae and party affiliation, as well as the name of the Rapporteur, an explanatory note, and the consent of the candidate in writing.

**Article 17**

The nomination of a candidate for the office of Vice-Chairperson of the National Assembly shall be submitted to the Chairperson of the National Assembly in writing.

The Chairperson of the National Assembly shall communicate to the Deputies all nominations received.

On behalf of the proposer, the Rapporteur of the proposer shall be entitled to give an explanation of the nomination.

A debate shall be held on the nomination of a candidate.

After the debate, the Chairperson of the National Assembly shall prepare a list of candidates for the office of Vice-Chairperson of the National Assembly in alphabetical order of their last names.
Article 18

Before proceeding to elect Vice-Chairpersons of the National Assembly, the National Assembly shall decide whether to vote by secret or by open ballot.

Deputies shall vote openly for each candidate individually by a show of hands or by roll call.

If the Deputies should vote openly by roll call, and the number of nominated candidates should be greater than the number to be elected, each Deputy shall vote for not more than the number of candidates to be elected.

Article 19

The Chairperson of the National Assembly shall administer the vote by secret ballot for the election of Vice-Chairpersons of the National Assembly, and shall be assisted in doing so by the youngest Deputy from each of the four electoral lists polling the largest number of seats, and by the Secretary of the National Assembly.

A candidate for the office of Vice-Chairperson of the National Assembly may not assist the Chairperson of the National Assembly in administering the vote.

Article 20

The vote by secret ballot for the office of Vice-Chairperson of the National Assembly shall take place under provisions of the present Rules of Procedure on voting by the National Assembly by secret ballot.

One may vote for not more than the number of candidates to be elected, from among the candidates whose names are indicated on the ballot paper.

Article 21

The candidate who wins the majority of votes cast by Deputies present shall be elected Vice-Chairperson of the National Assembly.

If the number of candidates nominated should equal the number to be elected, and the envisaged number of Vice-Chairpersons of the National Assembly should not be elected, the election procedure shall be repeated for the number of Vice-Chairpersons of the National Assembly who have not been elected.

If the number of candidates nominated should exceed the number to be elected and the envisaged number of Vice-Chairpersons of the National Assembly is not
elected, the vote shall be repeated for the number of Vice-Chairpersons who have not been elected, from among the remaining candidates.

If not even in the second round the envisaged number of Vice-Chairpersons of the National Assembly should be elected, the election procedure shall be repeated for the number of Vice-Chairpersons of the National Assembly who have not been elected.

c) Appointment of the Secretary of the National Assembly

Article 22

Candidates for the office of Secretary of the National Assembly shall be nominated by the Chairperson of the National Assembly.

The nomination shall include the first name and last name of the candidate, his/her curriculum vitae, an explanatory note, and the consent of the candidate in writing.

4. Formation of Deputies' Groups

Article 23

Deputies' Groups in the National Assembly shall be formed, as a rule, not later than seven (7) days after the date of the election of the Chairperson of the National Assembly.

A Deputies’ Group shall comprise Deputies of a political party, other political organisation, or group of citizens, that has at least five (5) Deputies.

A Deputies’ Group of at least five (5) members may also be established by the association of Deputies belonging to several political parties, other political organisations, or groups of citizens that have less than five (5) Deputies each.

A Deputies’ Group shall be established in the following manner: a list of members signed by each member of the Deputies’ Group shall be submitted to the Chairperson of the National Assembly. The list shall indicate in particular the chairperson and vice-chairperson of the Deputies’ Group.

A Deputy may be a member of only one Deputies’ Group.
5. Formation of National Assembly Committees

Article 24

Deputies’ Groups shall nominate members of each Committee in proportion to the number of Deputies they have in the National Assembly.

If a Deputies’ Group should not nominate candidates for the election of Committee members, the Committee shall be formed as it has been elected based on the proposals of the Deputies’ Groups that nominated their candidates. This composition, if more than a half of the Committee members have been elected as stipulated by the present Rules of Procedure, shall be considered as full composition when it comes to establishing the quorum for work and decision-making.

A Deputy may serve on several Committees.

Article 25

The proposed list for the election of Committee members shall be discussed and voted on as a single unit, by open voting.

The Committee shall be elected if the majority of the Deputies present vote for it.

If the Committee is not elected, the procedure shall be repeated.

Article 26

The first sitting of a Committee shall be convened by the Chairperson of the National Assembly.

Pending the election of the chairperson of the Committee, the first sitting shall be chaired by the oldest Committee member.

At its first sitting, the Committee shall elect its chairperson and vice-chairperson from among its members.
III. CHAIRPERSON, VICE-CHAIRPERSONS, AND SECRETARY
OF THE NATIONAL ASSEMBLY

1. Chairperson of the National Assembly

Article 27

The Chairperson of the National Assembly shall:

- Perform duties envisaged by the Constitution;
- Chair sittings of the National Assembly;
- See to the application of the Rules of Procedure of the National Assembly;
- See to the timely and coordinated work of working bodies of the National Assembly;
- Also perform other duties foreseen by law and by the present Rules of Procedure.

Article 28

The term of office of the Chairperson of the National Assembly shall terminate prior to its expiry upon his/her resignation, by his/her being relieved of duty, or through the termination of his/her mandate of Deputy.

In case the Chairperson of the National Assembly should tender his/her resignation, his/her term of office shall terminate on the date of holding the sitting at which he/she does so, i.e. at the first next sitting of the National Assembly if he/she should tender his/her resignation between the holding of two sittings.

No debate shall be held about the tendered resignation, nor shall it be voted on; rather, the termination of office of Chairperson on these grounds shall only be taken note of.

Article 29

The National Assembly may relieve of duty the Chairperson of the National Assembly before the expiry of the term of office for which he/she has been elected, under procedure foreseen for the election of the Chairperson of the National Assembly.
Article 30

In case the term of office of the Chairperson of the National Assembly should terminate prior to its expiry, the National Assembly shall, at the same sitting, or at the at the first next sitting, initiate the procedure for the election of the Chairperson of the National Assembly under provisions of the present Rules of Procedure.

If the term of office of the Chairperson of the National Assembly has been terminated prior to its expiry, the duty of Chairperson of the National Assembly, pending the election of a new Chairperson, shall be performed by the oldest Vice-Chairperson of the National Assembly.

If the Chairperson of the National Assembly should be elected by secret ballot, the voting shall be administered by the oldest Vice-Chairperson, who shall in so doing be assisted by other Vice-Chairpersons of the National Assembly and by the Secretary of the National Assembly.

The candidate for Chairperson of the National Assembly may neither administer the vote nor assist in its administration.

2. Vice-Chairpersons of the National Assembly

Article 31

Vice-Chairpersons of the National Assembly shall assist the Chairperson of the National Assembly in performing duties from within his/her purview.

In case the Chairperson of the National Assembly should be temporarily absent, one of the Vice-Chairpersons of the National Assembly designated by him/her shall stand in for him/her, of which the Chairperson shall inform all Vice-Chairpersons and the Secretary of the National Assembly.

If the Chairperson of the National Assembly should not designate any of the Vice-Chairperson to stand in for him/her in case of temporary absence, the oldest Vice-Chairperson shall stand in for him/her.

Article 32

The term of office of a Vice-Chairperson of the National Assembly shall be terminated before its expiry upon his/her resignation, or through termination of mandate of Deputy, under the procedure and in the manner foreseen for the termination of office of Chairperson of the National Assembly.
In case of termination of the term of office of a Vice-Chairperson of the National Assembly prior to its expiry, the election of a new Vice-Chairperson of the National Assembly shall take place under the procedure and in the manner foreseen for the election of a Vice-Chairperson of the National Assembly.

3. Secretary of the National Assembly

Article 33

The Secretary of the National Assembly shall:

- Assist the Chairperson and the Vice-Chairpersons of the National Assembly in preparing and chairing sittings;
- Head the National Assembly Support Service;
- See to the implementation of conclusions of the National Assembly;
- Also perform other duties foreseen by law and by the present Rules of Procedure.

Article 34

The Secretary of the National Assembly shall be appointed by the National Assembly. His/her term of office shall terminate upon the constitution of a newly elected National Assembly, while he/she shall continue discharging his/her duties until the appointment of a new Secretary.

The Secretary of the National Assembly shall have an Assistant who shall assist him/her and stand in for him/her in case of absence. The Assistant Secretary shall be appointed by the National Assembly at the proposal of the Administrative Committee, and his/her term of office shall cease with the constituting of a newly elected National Assembly.

The Secretary shall report to the National Assembly.

Article 35

The term of office of the Secretary of the National Assembly shall be terminated prior to its expiry upon resignation or upon his/her being relieved of office.

Pending the appointment of a new Secretary of the National Assembly, the duty of Secretary shall be performed by the Assistant Secretary.
IV. DEPUTIES’ GROUPS

Article 36

A Deputies’ Group shall take part in activities of the National Assembly in the manner foreseen by the present Rules of Procedure.

Article 37

A Deputies’ Group shall be represented by the chairperson of the Deputies’ Group.

A Deputies’ Group shall have its vice-chairperson, who shall stand in for the chairperson in case of his/her absence.

During a National Assembly sitting, a Deputies’ Group may authorise one of its members to represent the Deputies’ Group in relation with a particular item from the agenda, of which the Chairperson of the Deputies’ Group shall notify the Chairperson of the National Assembly not later than before the opening of the debate on that particular item from the agenda.

If a Deputies’ Group is represented by its vice-chairperson or authorised representative, he/she shall assume the powers of the chairperson of the Deputies’ Group.

Article 38

The chairperson of a Deputies’ Group shall notify the Chairperson of the National Assembly, in writing, of any changes in the composition of the Deputies’ Group.

When new members join a Deputies’ Group, the chairperson of the Deputies’ Group shall communicate to the Chairperson of the National Assembly their signed statements of accession.

Article 39

Support and clerical duties required by Deputies’ Groups shall be carried out by the National Assembly Support Service.
V. COMMITTEES AND OTHER WORKING BODIES OF THE NATIONAL ASSEMBLY


Article 40

Committees shall be established to consider and review issues falling within the purview of the National Assembly, to propose official documents, as well as to carry out reviews of policies pursued, and laws, by-laws and other regulations implemented by the Government of the Republic of Serbia, to be done by each Committee for the field that falls within its purview; and also to perform other duties foreseen by the present Rules of Procedure.

A Committee may appoint its Sub-Committees.

The National Assembly may establish boards of inquiry and commissions.

Article 41

The number of members of a Committee shall be determined by the present Rules of Procedure, while the number of members of other working bodies shall be determined by the decision on their establishment.

Deputies who are at the same time Government Ministers may not serve on any Committee.

Article 42

During the term of office of a member of a Committee, and following a proposal from the Deputies’ Group to which the member belongs, the National Assembly may relieve of duty the Committee member before the expiry of his/her term of office and may elect a new Committee member. The National Assembly shall decide on the dismissal and election of a new member of the Committee at the first next sitting following the communication of the appropriate motion from the Deputies’ Group.
In case of termination of office of a Committee member of his/her own will, or by the will of the Deputies' Group he/she belongs to, it shall be deemed that the remaining members of the Committee, pending the election of a new member, represent the full membership of the Committee, with the provision that their number must be larger than half of the number of members of the Committee, as foreseen by the present Rules of Procedure.

2. Standing Committees

Article 43

The following shall be Standing Committees:

1. Constitutional Issues Committee;
2. Legislative Committee;
3. Committee on Defence and Security;
4. Foreign Affairs Committee;
5. Justice and Administration Committee;
6. Committee on Inter-Ethnic Relations;
7. Committee on Relations with Serbs Living Outside Serbia;
8. Committee on Development and International Economic Relations;
9. Finance Committee;
10. Industry Committee;
11. Committee on Transportation and Communications;
12. Committee on Urban Planning and Construction;
13. Agriculture Committee;
14. Committee on Trade and Tourism;
15. Privatisation Committee;
16. Committee on Kosovo and Metohia;
17. Committee on Health and the Family;
18. Committee on Environmental Protection;
19. Education Committee;
20. Youth and Sports Committee;
21. Culture and Information Committee;
22. Committee on Science and Technological Development;
23. Committee on Labour, Ex-Servicemen's and Social Issues;
24. Committee on Petitions and Proposals;
25. Economic Reforms Committee;
26. European Integrations Committee;
27. Poverty Reduction Committee;
28. Gender Equality Committee;
29. Local Self-Government Committee;
30. Administrative Committee.

**Article 44**

The Constitutional Issues Committee shall consider any proposals to amend the Constitution of the Republic of Serbia, proposals to amend the Constitution of the Federal Republic of Yugoslavia and the Statutes of Autonomous Provinces in the procedure of granting consent of the National Assembly, as well as proposals for initiating the procedure of impeachment of the President of the Republic, as well as any general issues concerning the application of the Constitution.

The Committee shall be chaired by the Chairperson of the National Assembly.

The Committee shall be made up of twenty-five (25) members.

**Article 45**

The Legislative Committee shall consider Bills, proposals of other regulations and by-laws addressed to the National Assembly to assess compliance with the Constitution and the legal system. The Committee shall also consider proposals for
adoption of authentic interpretations of laws, other regulations, or by-laws adopted by the National Assembly, as well as issues of uniform legislative methodology and other issues of relevance to the uniform legal and technical processing of documents adopted by the National Assembly.

The Legislative Committee shall also consider reports submitted by the Constitutional Court on the state and problems of adherence to the Constitution and laws in the Republic, opinions and advice of the Constitutional Court about the necessity of adopting and/or amending laws and/or undertaking other measures to safeguard adherence to the Constitution and laws, and shall also review proposals and initiatives for initiating procedures for assessing whether laws, other regulations, and by-laws adopted by the National Assembly adhere to the Constitution.

The Committee shall monitor the development of the legal system and report thereon to the National Assembly.

The Committee shall be made up of twenty-one (21) members.

**Article 46**

**The Committee on Defence and Security** shall consider Bills, and proposals of other regulations and by-laws from the fields of public and national security, activity reports on the security situation in the Republic of Serbia submitted by the Ministry of the Interior to the National Assembly upon its request; and shall exercise control over security services and monitor other issues in the field of security, in accordance with law.

The Committee shall be made up of seventeen (17) members.

**Article 47**

**The Foreign Affairs Committee** shall consider Bills, and proposals of other regulations and by-laws, as well as other issues in the field of foreign policy, review major issues in the field of international relations of particular interest to the Republic of Serbia, monitor and consider the status of immigrants and migrant workers abroad, examine appropriate documents so as to give its opinion to the National Assembly on whether the National Assembly should grant its consent for the conclusion of international agreements, propose to the National Assembly aims and objectives for National Assembly delegations in establishing co-operation with relevant representative bodies of other nations, and review reports on visits made.

The Committee shall be made up of seventeen (17) members.
Article 48

The Justice and Administration Committee shall consider Bills, proposals of other regulations and by-laws, as well as other issues in the field of organisation of judicial authorities and actions taken by such authorities and magistrates, enforcement of sentences, international legal aid, organisation and work of government agencies and performance of public duties, organisation of administrative bodies, the electoral system, and the association of citizens into bodies.

The Committee shall provide its opinion on the appointment of presiding judges of courts, of public prosecutors and assistant public prosecutors, and of other judicial and administrative officials foreseen by law, and shall propose decisions on the termination of their office, or dismissal.

The Committee shall be made up of seventeen (17) members.

Article 49

The Committee on Inter-Ethnic Relations shall consider Bills, other regulations and by-laws and other issues from the point of view of the exercise of rights of ethnic communities and interethnic relations in the Republic.

The Committee shall be made up of twenty-one (21) members.

Article 50

The Committee on Relations with Serbs Living Outside Serbia shall consider issues from within the purview of the National Assembly relating to the establishment and maintenance of relations, and fostering relations with Serbs living outside the Republic of Serbia, in order to contribute to their struggle for defending their national identity.

The Committee shall be made up of twenty-five (25) members.

Article 51

The Committee on Development and International Economic Relations shall consider development plans and programmes; economic development and the financial and banking systems; foreign economic relations, chambers of commerce and industry, public utility systems, the health care system and developments in the fields of health care, social security, ex-servicemen's and disability insurance, social care for children and youth, education, culture and protection of cultural heritage, physical culture, policy and measures for directing and promoting
development, including development of underdeveloped regions, as well as issues of supply reserves.

The Committee shall be made up of seventeen (17) members.

**Article 52**

The Finance Committee shall consider Bills, and proposals of other regulations and by-laws, as well as other issues in the fields of the system of financing state functions, taxes, fees and other levies, the Republic budget and annual balance, loans, guarantees, lotteries, insurance, property rights and commercial and other relations, expropriation, as well as other issues in the field of finance.

The Committee shall be made up of fifteen (15) members.

**Article 53**

The Industry Committee shall consider Bills, and proposals of other regulations and by-laws and other issues in the field of industry, excepting food industry, and the development and production of all energy sources, as well as in the fields of mining, geological, and seismological research.

The Committee shall be made up of fifteen (15) members.

**Article 54**

The Committee on Transportation and Communications shall consider Bills, other regulations and by-laws and other issues in the field of road transportation, railway transportation, transportation by inland waterways and maritime transportation, air transportation, postal traffic, and telecommunications.

The Committee shall be made up of eleven (11) members.

**Article 55**

The Committee on Urban Planning and Construction shall consider Bills, proposals of other regulations and by-laws, and other issues in the field of urban planning and zoning, housing and utilities, construction, landscape architecture and use of urban land for development, and land measurement and cadastral registry.

The Committee shall be made up of eleven (11) members.
Article 56

The Agriculture Committee shall consider Bills, proposals of other regulations and by-laws and other issues in the field of agriculture, food industry, water management, veterinary medicine, agricultural co-operatives and rural development.

The Committee shall be made up of fifteen (15) members.

Article 57

The Committee on Trade and Tourism shall consider Bills, and proposals of other regulations and by-laws and other issues in the field of trade, catering and tourism, arts and crafts and other services.

The Committee shall be made up of eleven (11) members.

Article 58

The Privatisation Committee shall consider Bills, and proposals of other regulations and by-laws and other issues in the field of privatisation, and shall discuss monthly reports from the Ministry charged with privatisation on the state of the privatisation process, signed sale and purchase contracts for capital or property, privatisation proceedings initiated, as well as on actions undertaken by privatisation authorities and shall communicate to the National Assembly its opinions and proposals in relation to such issues.

The Committee shall be made up of fifteen (15) members.

Article 59

The Committee on Kosovo and Metohia shall consider issues relating to this province, primarily considering Serbian national and state interests, propose appropriate decisions, declarations, resolutions to the National Assembly, and monitor their implementation or realisation by the appropriate bodies and institutions.

The Committee shall be made up of fifteen (15) members.

Article 60
The Committee on Health and the Family shall consider Bills, and proposals of other regulations and by-laws, and other issues in the fields of health care, the health care system and organisation of health care activities, and demographic policy and family care.

The Committee shall be made up of fifteen (15) members.

Article 61

The Committee on Environmental Protection shall consider Bills, and proposals of other regulations and by-laws and other issues relating to environmental protection and improvement, preservation and development of natural and man-made resources, sustainable use, prevention and elimination of pollution of natural resources, as well as other types and sources of threats to the environment, in the fields of forestry, hunting, fishing, and climate science.

The Committee shall be made up of fifteen (15) members.

Article 62

The Education Committee shall consider Bills, and proposals of other regulations and by-laws and other issues in the field of pre-school, elementary and secondary education, and college and university education.

The Committee shall be made up of fifteen (15) members.

Article 63

The Youth and Sports Committee shall consider Bills, and proposals of other regulations and by-laws in the field of sports and physical culture, as well as other issues from the point of view of the status of young people.

The Committee shall be made up of eleven (11) members.

Article 64

The Culture and Information Committee shall consider Bills, and proposals of other regulations and by-laws and other issues in the fields of culture and public information.

The Committee shall be made up of fifteen (15) members.


Article 65

The Committee on Science and Technological Development shall consider Bills, and proposals of other regulations and by-laws and other issues in the fields of science and research, development of science, and application of research at universities and research institutes, as well as its corporate applications, and the development of new technologies and their application.

The Committee shall be made up of fifteen (15) members.

Article 66

The Committee on Labour, Ex-Servicemen's and Social Issues shall consider Bills, and proposals of other regulations and by-laws and other issues in the fields of labour, safety at work, employment, social welfare, social care for families and children, pension and disability insurance, care for ex-servicemen who served in wars of liberation, and disabled ex-servicemen and their family members, care for victims of fascist terror and civilian victims of wars, as well as other forms of social welfare.

The Committee shall be made up of fifteen (15) members.

Article 67

The Committee on Petitions and Proposals shall consider petitions and proposals addressed to the National Assembly, propose to the National Assembly and to appropriate bodies measures for the settlement of issues contained therein, and inform the petitioners accordingly if so requested.

The Committee shall submit a report to the National Assembly about its observations concerning petitions and proposals at least once during every regular sitting.

The Committee shall be made up of fifteen (15) members.

Article 68

The Economic Reforms Committee shall consider plans and programmes of economic development, as well as Bills, and proposals of other regulations and by-laws, and other issues from the fields of the economic system and economic policy, and shall analyse and monitor the implementation of economic reforms.
The Committee shall be made up of twenty-one (21) members, of which 12 shall be delegated from the following National Assembly Committees: the Legislative Committee, the Committee on Development and International Economic Cooperation, the Finance Committee, the Industry Committee, the Committee on Urban Planning and Construction, the Agriculture Committee, the Committee on Trade and Tourism, the Privatisation Committee, the Environmental Protection Committee, the Committee on Science and Technological Development, and the Committee on Labour, Ex-Servicemen's and Social Issues. The remaining nine (9) members shall be elected in the manner foreseen by provisions of Article 24 of the present Rules of Procedure.

Article 69

The European Integrations Committee shall consider Bills, and proposals of other regulations and by-laws from the point of view of their degree of harmonisation with European Union and Council of Europe legislation.

The Committee shall consider plans, programmes, reports and information on the process of stabilisation and association with the European Union, monitor the implementation of the accession strategy, initiate proposals for accelerating implementation of the accession strategy, inasmuch as they fall within the purview of the National Assembly, propose measures for establishing general national consensus on the strategy of accession to European integrations, and foster international co-operation with parliamentary committees of other nations with the aim of improving the understanding of processes of integration and accession to the European Union.

The Committee shall be made up of fifteen (15) members.

Article 70

The Poverty Reduction Committee shall define the manner of National Assembly participation in implementing the national poverty reduction strategy, consider Bills, and proposals of other regulations and by-laws, and other issues from the point of view of implementing the poverty reduction strategy, monitor the process of adopting the budget and allocating assets in relation to implementing the strategy, provide suggestions, views, and assessments of implementing the strategy, and strives to institutionalise the decision-making process relating to the strategy, as well as to ensure civic participation in it.

The Committee shall be made up of fifteen (15) members.

Article 71
The Gender Equality Committee shall consider Bills, and proposals of other regulations and by-laws from the point of view of ensuring gender equality (equality of sexes).

The Committee shall monitor implementation of policies, Bills, other regulations and by-laws by the Government of the Republic of Serbia and other bodies and officials reporting to the National Assembly from the point of view of respecting gender equality.

The Committee shall be made up of fifteen (15) members.

Article 72

The Local Self-Government Committee considers Bills, and proposals of other regulations and by-laws, and other issues relating to the territorial organisation of the Republic of Serbia and the ordering, election, powers, financing and manner of operation of local self-government units' bodies and services.

The Committee shall be made up of fifteen (15) members.

Article 73

The Administrative Committee shall:

- Prepare and propose regulations governing the issues of exercise of the rights and duties of Deputies;
- Adopt individual documents on status-related issues concerning Deputies and officials elected or appointed by the National Assembly unless otherwise foreseen by law;
- Formulate proposals for the allocation of funds in the Republic budget for the work of the National Assembly, see to the appropriate use of such funds, and submit a report thereon to the National Assembly;
- Prepare and propose official documents on the organisation and work of the National Assembly Support Service, and appoint and establish salaries of Service employees;
- Adopt documents on handling materials considered state, official or military secret and on storing such materials at the National Assembly, as well as documents on internal order in the National Assembly building, as well as other by-laws on the manner of exercise of particular rights and duties of Deputies and employees of the National Assembly Support Service, in accordance with law;
- Determine Deputies’ seating arrangements in the Assembly chamber, by Deputies’ Groups;
– Decide whether to approve the remand in custody of a judge or public prosecutor, in accordance with the Constitution;

– Also perform other duties foreseen by by-laws of the National Assembly and/or required by the National Assembly.

The Committee shall consider:

– Reasons for the termination of office of particular Deputies, submitting thereof reports to the National Assembly, along with a proposal for the assignment of the newly-available mandate to another Deputy in the manner foreseen by law;

– Reports from the Republic Electoral Commission and certificate attesting to the election of Deputies, submitting to the National Assembly its own reports with the proposal to verify the mandate of such Deputies;

– Issues of application or denial of immunity to Deputies and other officials, in cases foreseen by the Constitution;

– Other issues relating to Deputies' rights concerning their mandates and immunity.

The Committee shall monitor the implementation of the present Rules of Procedure, review and make proposals for amendments thereto, and give opinions to the National Assembly at its request on the application of particular provisions thereof.

The Committee shall be made up of fifteen (15) members.

3. Boards of Inquiry and Commissions

Article 74

Boards of inquiry and commissions shall be set up to carry out special tasks foreseen in the decision on their establishment.

Article 75

The National Assembly may establish, from among the Deputies, boards of inquiry in order to review the situation in a particular field and establish facts about certain issues and/or events.
The decision to establish a board of inquiry shall define the composition and terms of reference of the board of inquiry.

A board of inquiry may not carry out investigative or other judicial activities.

A board of inquiry shall be entitled to request from government agencies and other organisations data, documents and information, as well as to interview individuals, if required.

Representatives of government agencies and organisations, as well as members of the public, shall be obliged to make truthful statements, and provide truthful data, documents and information to a board of inquiry.

Upon completion of its work, the board of inquiry shall submit to the National Assembly a report detailing proposed measures to be taken.

The board of inquiry shall cease its operations on the date when its report is voted on at a National Assembly sitting.

**Article 76**

The Chairperson of the National Assembly, at the proposal of a Committee, board of inquiry, or commission, may contract research or professional institutions, as well as individual scholars or professionals, in order to study particular issues from within the purview of the National Assembly.

**4. Committee Sittings**

**Article 77**

A sitting of a Committee shall be convened by its chairperson.

The chairperson of a Committee shall be obliged to convene a sitting of the Committee at the request of at least one third of the total number of its members, i.e. a third of the full membership of the Committee, pursuant to Articles 25 and 43 of the present Rules of Procedure, as well as at the request of the Chairperson of the National Assembly. If the chairperson of the Committee should fail to do so by the requested deadline, the sitting of the Committee shall be convened by its vice-chairperson, or by the Chairperson of the National Assembly.

A Committee shall deliberate in sitting regardless of the number of Committee members present.
Information about the date and agenda of a Committee sitting shall be communicated to all Deputies, Deputies’ Groups and the Government at least five (5) days prior to the holding of the Committee sitting. Exceptionally, information about the date and the agenda may also be communicated within a shorter period, but with the provision that the Committee’s Chairperson shall be obliged to explain reasons for doing so at the Committee sitting.

**Article 78**

A Deputy who is not a member of the Committee may attend a Committee sitting and take part in it, without, however, having the right to vote.

When a Committee sitting is considering Bills and/or amendments to Bills, the proposers of such Bills, or their authorised representatives, shall be invited to attend the sitting.

Representatives of the Government and its agents may take part in Committee sittings.

If invited, professionals and scholars may also take part in Committee sittings.

When carrying out tasks within its purview, the Committee may, through its chairperson, request from Ministries and other Republic agencies data and information of relevance to activities of the Committee.

**Article 79**

A Committee shall adopt decisions by a majority of votes of its members present if the sitting is attended by a majority of its members.

Bills shall first be discussed in principle, and then in particular. Articles of Bills to which amendments have been submitted, as well as amendments proposing the introduction of new provisions, shall be subjected to discussion in particular; the following may take part in the discussion: Committee members, proposers of Bills and their representatives, Government representatives if the Government is not the proposer, proposers of amendments, and any Deputies attending the Committee sitting.

After the discussion finishes, the Committee shall submit to the National Assembly a report containing its opinion and proposals. The Committee shall designate its Rapporteur who shall, if necessary, present the report of the Committee report at a National Assembly sitting.

At the request of a particular Committee member, his/her personal opinion presented at the Committee sitting, if different from that of the other members, shall feature separately in the report of the Committee. He/she shall be entitled to
present it at the outset of the debate on the proposal of the document at the sitting of the National Assembly.

**Article 80**

Minutes shall be kept at each Committee sitting.

The minutes shall include the names of present and absent Committee members and names of other participants in the sitting, proposals presented in verbal and written form, opinions of the Committee, the outcome of every vote taken, each personal opinion differing from that of the other members, as well as names of Rapporteurs designated by the Committee.

The proceedings of each sitting of the Legislative Committee as well as of the sittings of other Committees, if so requested by the Committee in question, shall be noted down in shorthand or audio-taped.

**Article 81**

The provisions of the present Rules of Procedure on activities of Committees shall apply accordingly to activities of the boards of inquiry and commissions.

**VI. SITTINGS OF THE NATIONAL ASSEMBLY**

1. Preparing and Convening a Sitting

**Article 82**

The proposed agenda for a National Assembly sitting shall be prepared by the Chairperson of the National Assembly.

**Article 83**

Only draft documents prepared in accordance with the Constitution and the present Rules of Procedure may be included in the proposed agenda of a National Assembly sitting.
Article 84

The Chairperson of the National Assembly shall establish, in writing, the date and time of a National Assembly sitting, and shall submit a proposed agenda at least seven (7) days prior to the date for which the sitting has been convened.

Exceptionally, information about the time of a sitting and its agenda may be communicated within a shorter period; however, in such a case the Chairperson of the National Assembly shall have to explain this action at the outset of the sitting.

The Chairperson of the National Assembly may postpone the time and/or date of a National Assembly sitting if a large number of amendments have been submitted to documents listed on the proposed agenda, and if the Government and the appropriate Committees should be unable to consider them prior to the start of the sitting. The Chairperson shall, in such case, inform the Deputies thereof in a timely manner.

In the event defined in the previous Paragraph, the deadline for submitting amendments foreseen by the present Rules of Procedure shall not be extended.

Article 85

Sittings of the National Assembly at which are to be debated Bills, development plans, zoning plans, the budget, the end-of-year balance, the Rules of Procedure, declarations, resolutions, recommendations, decisions, conclusions and authentic interpretations of documents adopted by the National Assembly, shall be held on Tuesdays, Wednesdays and Thursdays from 10 a.m. to 6 p.m., with a recess of one hour.

The National Assembly shall vote on Bills, development plans, zoning plans, the budget, the end-of-year balance, the Rules of Procedure, declarations, resolutions, recommendations, decisions, conclusions and authentic interpretations of documents passed by the National Assembly, in their entirety and in particular, at Voting Day sittings.

The Chairperson of the National Assembly shall convene Voting Day sittings after the conclusion of the debate on all items on the agenda.

Exceptionally, the Chairman of the National Assembly may decide to hold a National Assembly sitting on another day, or to extend the working hours of the National Assembly past 6 p.m., if reasonable grounds exist for doing so, and if the Chairperson notifies the deputies thereof.

The Chairperson may extend the working hours of the National Assembly past 6 p.m., but only until the conclusion of discussion in principle or particular on an item from the agenda that has already commenced.
The Chairperson shall be obliged to notify the National Assembly of the extension of working hours past 6 p.m. at the latest by 4 p.m. on the day of the sitting for which working hours are proposed to be extended.

2. Opening and Participation in a Sitting

Article 86

The Chairperson of the National Assembly shall open the sitting of the National Assembly and, on the basis of official records on the presence of Deputies, shall note the number of deputies present at the sitting.

If the Chairman should note that less than one-third of Deputies are present in the Assembly chamber at the start of working hours, the sitting shall be postponed by one hour.

If conditions for the start of the sitting of the National Assembly are not established even after the one-hour postponement elapses, the sitting shall be postponed for the next workday.

Items from an adopted agenda for the sitting shall be discussed regardless of the number of Deputies present.

The quorum for the work of the National Assembly on Voting Days, for the adoption of the minutes of the previous sitting, and for the adoption of the agenda, as well as at the constituting sitting of the National Assembly, shall exist if at least 126 Deputies are present at the National Assembly sitting.

The quorum shall be established using the electronic voting system, whereby every Deputy shall be obliged to identify himself/herself upon entering the Assembly chamber, by inserting his/her identification card in the Deputy’s electronic voting unit.

If the electronic voting system is not in operation, of which the President of the National Assembly shall inform the Deputies, the quorum shall be established by counting the Deputies.

If a Chairperson of a Deputies’ Group, or his/her authorised representative, should express suspicion about the existence of a quorum established using the electronic voting system, the Chairperson of the National Assembly shall make available to him/her the computer printout of the names of Deputies present.

If a Chairperson of a Deputies' Group, or his/her authorised representative, should express suspicion about the existence of a quorum established by counting
Deputies, he/she may request that the quorum be established by a roll call of Deputies, on which the National Assembly shall decide without debate.

Article 87

National Assembly sittings shall, in addition to Deputies, be attended by the Government Ministers, authorised representatives of other proposers of legislation, the Secretary of the Republic Legislation Secretariat, as well as other persons invited by the Chairperson of the National Assembly.

Article 88

At the outset of work of the National Assembly, each day the National Assembly is in session, the Chairperson of the National Assembly shall inform the National Assembly of which Deputies have been prevented from attending, as well as of persons invited to the sitting.

At the same time, the Chairperson of the National Assembly shall provide the necessary explanations concerning the work at the sitting and other issues.

3. Course of a Sitting

Article 89

Before the agenda is established, the minutes from the previous sitting of the National Assembly shall be adopted. If the minutes from the previous sitting have been distributed to the Deputies immediately prior to the beginning of the sitting, the minutes shall be adopted on the following day of the sitting, before the National Assembly proceeds to discuss the agenda.

Objections to the minutes shall be forwarded in writing to the Administrative Committee.

The National Assembly shall decide on the minutes without debate.

Article 90

The agenda of a sitting shall be established by the National Assembly.
Deputies, Committees and other bodies of the National Assembly and the Government may propose amendments and modifications to the proposed agenda. The proposals shall be submitted to the Chairperson of the National Assembly in writing.

The proposals for expansion of the agenda with the draft documents that, under provisions of the present Rules, fulfil conditions to be included in the agenda, shall be submitted not later than three (3) days prior to a scheduled National Assembly sitting. Proposals concerning the election, appointment, dismissal and termination of office, withdrawal of particular items from the proposed agenda, merging of debates and changing the sequence of items, shall be submitted not later than twenty-four (24) hours before the time set for the start of a National Assembly sitting.

If the proposer is a group of Deputies, the proposal shall have to specify one representative of the proposer. If this has not been done, it shall be considered that the representative of the proposer is the first Deputy to have signed the proposal.

When the agenda is established, the National Assembly shall decide on the proposals in the following sequence:

- For an urgent procedure;
- To withdraw particular items from the proposed agenda;
- To expand the agenda;
- To merge two debates;
- To change the sequence of particular items.

**Article 91**

A debate shall be held on proposed amendments and modifications to the agenda, and only the following may take part in it:

- The proposer of the change in the agenda, or authorised representative of a group of proposers;
- The proposer of the document to which the change refers, or authorised representative of a group of proposers of documents, if withdrawal of a draft document from the agenda should be required.

Participation in the debate may last not longer than three (3) minutes.

**Article 92**
The National Assembly shall decide separately on every motion to amend and/or modify the proposed agenda.

New items included in the agenda based on proposals to amend it, proposals to merge two debates, or proposals for an urgent procedure shall be included in the agenda by order of being submitted, except if the proposer has proposed a different sequence of their discussion, on which the National Assembly shall vote without a debate.

The National Assembly shall decide on the agenda as one unit without debate.

**Article 93**

When discussion is opened on every item of the agenda of the National Assembly sitting, the floor shall be given in the following sequence and for the following duration to:

- The proposer of the document, i.e. the authorised representative of the group of proposers of a document who shall be given the floor when he/she so requests, and shall not be subject to limitations as to duration of presentation;

- The Rapporteur of the appropriate Committee, who shall be granted the floor once, for up to ten (10) minutes, and shall be entitled to the floor for an additional period of up to five (5) minutes out of turn, if so required by exigencies of the debate, which shall be decided by the Chairman of the National Assembly;

- Any Deputy who requested that his opinion should be presented separately at a Committee sitting shall be granted the floor once, for up to five (5) minutes;

- Chairpersons or representatives of Deputies’ Groups, who shall be granted the floor for up to twenty (20) minutes, and shall be allowed to divide this time into two 10-minute periods – for their opening and closing arguments;

- Deputies, alternately, according to whether they support or dispute the proposal, as stated in their request to be granted the floor.

The Prime Minister and Government Ministers shall be granted the floor upon request, and shall not be subject to limitations as to the duration of presentation. The Secretary of the Republic Legislation Secretariat shall have the same entitlements as Government Ministers, but only if the National Assembly is discussing a Bill drafted by the Republic Legislation Secretariat on behalf of the Government, of which the Government shall appropriately notify the National Assembly.
Deputies who are not members of Deputies' Groups shall, by mutual agreement, decide on at most three participants in the debate, of which each shall be granted the floor once for up to five (5) minutes. If no agreement should be reached, the floor shall be granted once for up to five (5) minutes to the first three Deputies requesting to be granted the floor.

Requests to be granted the floor, along with the sequence of Deputies, shall be submitted by Deputies' Groups and Deputies who are not members of Deputies' Groups in written form prior to opening of the debate, while other participants in the debate may do so verbally upon opening of the debate.

**Article 94**

The total duration of participating in a debate in principle for Deputies' Groups shall be five (5) hours.

The duration defined in Paragraph 1 of the present Article shall be allocated to a Deputies' Group proportionally to the number of Deputies who are members of the Deputies' Group.

Prior to opening of a debate, the chairperson or representative of a Deputies' Group shall be entitled to propose an extension to the duration of debate for Deputies' Groups defined in Paragraph 1 of this Article. The National Assembly shall vote on the proposal without debate.

**Article 95**

The Chairperson of the National Assembly shall grant the floor to Deputies according to the sequence determined by their Deputies' Group, and until the expiry of discussion time allocated to the Deputies' Group.

If deputies from several Deputies' Groups have registered for debate, the Chairperson of the National Assembly shall grant them the floor alternately, so that the first speaker shall be from the numerically smallest Deputies' Group, and so on towards the numerically largest group, so long as there are registered speakers.

A Deputies' Group shall not be obliged to use the time allocated to it, or shall not be obliged to use it to its full extent.

**Article 96**

If the Chairperson of the National Assembly, when chairing a National Assembly sitting, wishes to take part in a debate, he/she shall cede the chair to one of the Vice-Chairpersons of the National Assembly.
Article 97

When the Chairperson of the National Assembly establishes that no more Deputies wish to take the floor in a debate, he/she shall declare the debate closed.

Article 98

The Chairperson of the National Assembly shall adjourn the National Assembly when he/she ascertain that there is no quorum at a National Assembly sitting until the quorum is established.

The Chairperson of the National Assembly may order a recess to be taken in the course of a National Assembly sitting if so required to perform necessary consultations, or in order to obtain a particular opinion.

The Chairperson of the National Assembly shall adjourn the National Assembly in other cases if the National Assembly should so decide.

The Chairperson of the National Assembly shall inform the Deputies of the resumption of the sitting.

Article 99

When the debate on all items from the agenda is over, and voting has finished, the Chairperson of the National Assembly shall conclude the sitting of the National Assembly.

Article 100

The Chairperson of the National Assembly shall grant the floor to any Deputy wishing to address an alleged infringement of the present Rules of Procedure.

The Deputy shall be obliged to state which provision(s) of the Rules of Procedure have been infringed upon, to quote the relevant provision(s), and explain what he/she considers the infringement to be; the maximum time to be granted to the Deputy shall be three (3) minutes, not including time necessary to quote the provision(s).

The Chairperson of the National Assembly shall thereafter be obliged to provide an explanation.
If the Deputy continues to claim that the Rules of Procedure have been infringed upon even after being provided with an explanation by the Chairperson of the National Assembly, the National Assembly shall vote on the issue without discussion at the Voting Day sitting.

**Article 101**

If a Deputy, in his/her statement at a National Assembly sitting, should address a Deputy from another Deputies’ Group in an insulting manner, specifying his/her first and last name or title, or should misinterpret his/her statement, the Deputy to whom the statement refers shall be entitled of reply.

If the insulting words concern a Deputies’ Group and/or political party to which the Deputies belong, the right of reply shall be granted to the chairperson of the Deputies’ Group, who shall be granted the right of reply on behalf of the entire Deputies’ Group.

The Chairperson of the National Assembly shall rule on cases defined in Paragraphs 1 and 2 of this Article.

The reply may not last more than three (3) minutes.

**Article 102**

No one shall approach the speaker's platform unless so allowed by the Chairperson of the National Assembly.

No one may speak at a National Assembly sitting before requesting the floor and being granted the floor by the Chairperson of the National Assembly.

**Article 103**

A speaker may speak only about the issue that is on the agenda.

No one may interrupt the speaker nor warn him/her except the Chairperson of the National Assembly in cases envisaged by the present Rules of Procedure.

During the speech of a Deputy or another participant in the debate, it shall not be allowed to heckle or distract the speaker in any other manner, or to take any other action that imperils the freedom of speech.

**Article 104**
Deputies shall be obliged to respect the dignity of the National Assembly.

Deputies shall be obliged to address each other with respect.

The use of insulting expressions, as well as presentation of facts or opinions concerning the private lives of others, shall not be allowed.

4. Keeping Order at a Sitting

Article 105

Keeping order at a National Assembly sitting shall be the responsibility of its Chairperson.

In case of a violation of order at a sitting, the Chairperson of the National Assembly may pronounce the following measures: reprimand, denial of the floor, and expulsion from the sitting.

On the basis of measures defined in Paragraph 2 of the present Article, the Administrative Committee shall also impose a fine under provisions of Article 109 of the present Rules of Procedure.

Records on imposed measures defined in Paragraph 2 of the present Article shall be kept by the Secretary of the National Assembly.

Article 106

A Deputy shall be reprimanded if he/she:

- Should approach the speaker's platform without the permission of the Chairperson;

- Should speak before requesting or being granted the floor;

- Should speak about an issue that is not on the agenda even after having been cautioned by the Chairperson;

- Should interrupt the speaker in his/her presentation or make loud remarks, i.e. distract the speaker, or otherwise imperil freedom of speech;
- Should present facts and assessments concerning the private lives of others;

- Should use expletives and insulting expressions;

- Should violate order at the sitting by any other actions, or should act in contravention of provisions of the present Rules of Procedure.

### Article 107

The floor shall be denied to a Deputy who has been reprimanded twice but nevertheless continues to violate provisions of Article 106 of the present Rules of Procedure.

The Deputy who has been denied the floor shall be obliged to leave the speaker's platform without delay. Otherwise, the Chairperson of the National Assembly shall deactivate the public address system, and order a recess, if necessary.

The denial of the floor shall not affect the right of reply of the Deputy in the further course of the sitting.

### Article 108

A Deputy shall be ordered to leave a sitting if, even after the floor is denied to him/her, he/she should obstruct or hinder Deputies in their work at the sitting, fail to obey the decision of the Chairperson of the National Assembly on denial of the floor to him/her, or continue committing other violations under Article 106 of the present Rules of Procedure, as well as in other cases specified by the present Rules of Procedure.

The order for a Deputy to leave the sitting may also be given without any other measures having first been imposed, in case of physical assault or other similar action jeopardising the physical or moral integrity of participants in the sitting, in the National Assembly building.

A Deputy who has been ordered to leave the sitting shall be obliged to immediately leave the Assembly chamber where the sitting is taking place.

If a Deputy should refuse to leave a National Assembly sitting, the Chairperson of the National Assembly shall order the service charged with keeping order in the National Assembly building to remove the Deputy from the Assembly chamber, and shall order a recess pending execution of the order.

A Deputy who has been ordered to leave the sitting shall be considered unjustifiably absent.
Article 109

A reprimanded Deputy shall be fined 3,000 dinars.

A Deputy who has been reprimanded twice at the same sitting shall be fined 8,000 dinars.

A Deputy denied the floor shall be fined 16,000 dinars.

A Deputy ordered to leave the sitting shall be fined 32,000 dinars.

If several measures have been pronounced to the Deputy for violation of order at a National Assembly sitting, the fines shall not be compounded; rather, only the highest fine shall be imposed.

Article 110

The Administrative Committee shall rule on imposing a fine on a Deputy.

A fine imposed on a Deputy permanently employed by the National Assembly shall be deducted from his/her salary for the current month, or for the current and following month if he/she has been ordered to leave a National Assembly sitting.

A fine imposed on a Deputy who is not permanently employed by the National Assembly shall be deducted from his/her National Assembly income (the difference between the salary of a Deputy permanently employed by the National Assembly and income from employment or pension, or Deputies' bonus) for the current month, or for the following months if the income of the Deputy at the National Assembly should amount to less than the amount of the fine, until such time as the full amount of the fine has been paid.

A Deputy fined for having been reprimanded or denied the floor shall be entitled to compensation for use of personal automobile, meals, and hotel accommodation, while a Deputy fined for having been ordered to leave a sitting shall be entitled to compensation for use of personal automobile, on which the Administrative Committee shall adopt an official decision.

Article 111

If the Chairperson of the National Assembly should prove unable to keep order at a sitting by resorting to regular measures, he/she shall order a recess to last until order is restored.
Article 112

Measures of reprimand and denial of the floor shall apply only to the sitting at which they were pronounced.

The order to leave the sitting shall apply over a period of twenty (20) days of the sitting (work) of the National Assembly following the day of pronouncement, or for the entire sitting at which it was pronounced, if the sitting should last more than twenty (20) sitting (work) days of the National Assembly.

Article 113

Provisions of the present Rules of Procedure on order at a National Assembly sitting shall also apply to all other participants at the sitting, in addition to the Deputies, and shall apply to the sittings of National Assembly Committees and other working bodies accordingly.

5. Minutes

Article 114

Minutes shall be kept on proceedings at National Assembly sittings.

Minutes shall include key data about actions taken at a sitting, and especially about proposals debated, names of participants in the debate, conclusions adopted at the sitting, the outcome of voting on particular issues, as well as measures pronounced.

Key parts of any statement made by a Deputy who asked that his opinion should be presented separately shall be entered in the minutes at his/her request.

Shorthand notes shall be kept at National Assembly sittings; slanting brackets shall be entered in the text to mark off ten-minute-periods, and the course of the sitting shall be audio-taped. Shorthand notes shall include the text as uttered, without omitting any words or phrases. Every Deputy shall be entitled to inspect the shorthand notes and/or the audiotape at his/her request. Shorthand notes shall be delivered to Deputies’ Groups not later than the following day. If a Deputy should wish to authorise the text of his/her statement, he/she shall be obliged to do so within three (3) days of the date the sitting concerned was held.

The adopted minutes shall be signed by the Chairperson and the Secretary of the National Assembly.
A copy of the material considered at the sitting shall be attached to the adopted minutes.

The Secretary of the National Assembly shall be charged with keeping the minutes.

VII. VOTING


Article 115

The National Assembly shall adopt decisions by a vote of the Deputies, in accordance with the Constitution, Bills, and the present Rules of Procedure.

Article 116

The Deputies shall vote ‘For’ a motion, ‘Against’ a motion, or shall abstain from voting.

2. Open Voting

Article 117

The National Assembly shall decide by open voting either by using the electronic voting system, by show of hands, or by roll call.

Article 118

Deputies shall vote openly by using the electronic voting system in the manner defined by the present Rules of Procedure.
A vote shall be taken by show of hands, in the manner specified by the present Rules of Procedure, only if the electronic voting system is not operational, if the sitting takes place at premises not equipped with such system, or if the National Assembly should so decide prior to the vote.

At a Deputy’s request, the National Assembly may decide, without a debate, to vote by roll call in the manner defined by the present Rules of Procedure.

Article 119

Deputies shall vote using the electronic system by pressing appropriate keys on devices located in front of each Deputy's seat, and having previously inserted identification cards, issued to all Deputies, into slots on the devices.

The period of time for voting using the electronic system shall be 15 seconds.

Upon expiry of this period, the Chairperson of the National Assembly shall close the vote and announce its result.

A decision shall be considered adopted if more than half of the Deputies identified, i.e. the majority envisaged by the Constitution, should vote for it.

The outcome of each vote shall be shown on screens in the National Assembly chamber.

A computer printout of the results of each vote shall be delivered to Deputies' Groups at their request, as well as to the Information Service of the National Assembly for presentation to the media.

Article 120

A deputy shall be obliged to use only his/her own identification card, as well as to identify himself/herself when entering the Assembly chamber by inserting his/her card into his/her electronic voting unit, as well as to log off when leaving the Assembly chamber.

If a Deputy should use the identification card of another Deputy or otherwise abuse the electronic voting system, the Chairperson of the National Assembly shall propose that he/she should be ordered to leave the sitting, while any votes taken at the time the abuse took place shall be annulled, and shall immediately be followed by repeated identification voting.

Article 121
Deputies shall be obliged to carry their identification cards on their person when leaving the National Assembly chamber.

If a Deputy should leave the National Assembly chamber and leave his/her identification card in or near the voting unit, the National Assembly Support Service shall immediately hand over the card to the Secretary of the National Assembly; the card shall be returned to the Deputy upon his/her return to the Assembly chamber.

**Article 122**

A Deputy shall be obliged to report the loss of his/her identification card to the Secretary of the National Assembly.

If a Deputy should fail to bring his/her identification card to a National Assembly sitting, or should lose it during the course of a National Assembly sitting, the National Assembly Support Service shall issue him/her with a temporary identification card and shall inform the National Assembly thereof.

The Deputy shall return the temporary card to the Secretary of the National Secretary immediately after the end of the sitting for which the temporary card was issued.

**Article 123**

If a vote should be taken by show of hands, the Deputies shall first declare who is in favour of the motion, then who is opposed to the motion, and, finally, who abstains from the vote.

A Deputies’ Group may designate one of its members to monitor the counting of the votes.

After the vote is over, the Chairperson of the National Assembly shall close the vote and declare its result.

A decision shall be considered adopted if more than a half of the Deputies present, that is, the majority foreseen by the Constitution, vote for it.

**Article 124**

If the National Assembly should decide to take a vote by roll call, the Secretary of the National Assembly shall roll-call the Deputies in the alphabetical order of their last names. Every roll-called Deputy shall say either ‘Yes’, ‘No’ or ‘Abstained’. The Chairperson of the National Assembly shall repeat the first and last name of the
Deputy who has voted and his/her statement, or establish that he/she is absent or that he/she does not wish to vote.

The Secretary of the National Assembly shall record the statement of each Deputy or the fact of his/her absence alongside his/her name on the list.

A decision shall be considered adopted if more than half of the Deputies who voted, that is, the majority foreseen by the Constitution, vote in favour.

If the National Assembly should decide to vote by roll call in an election where two or more candidates have been nominated, the Deputies taking part in the vote shall state the full name of the candidate for whom they are voting.

3. Voting by Secret Ballot

Article 125

The National Assembly shall adopt decisions by secret ballot when doing so is foreseen by law, the present Rules of Procedure, or by a special decision of the National Assembly.

Deputies shall vote by secret ballot by using either the electronic voting system or ballot papers, as decided on by the National Assembly.

If the vote by secret ballot should be taken using ballot papers, two hundred and fifty (250) ballot papers shall be printed.

The ballot papers shall all be of the same size, shape, and colour, and shall be stamped with the seal of the National Assembly.

For each repeated vote, ballot papers shall be printed in a different colour.

Article 126

A special Commission shall be set up to oversee the printing and stamping of the ballot papers. It shall include a representative from each Deputies’ Group or, pending the establishment of Deputies’ Groups, shall comprise the youngest Deputy from each of the four electoral lists that polled the largest number of seats. The chairperson of the Commission shall be the oldest Deputy from among its members.

The Commission shall keep minutes, which shall be signed by all its members.
The Commission shall conclude its work by transferring the ballot papers and the signed minutes to the person in charge of administering the vote.

Each ballot paper shall contain the motion to be decided upon, and the words ‘For’ and ‘Against’. The word ‘For’ shall be on the left hand side and the word ‘Against’ on the right hand side of the lower part of the ballot paper. The Deputies shall vote by circling either the word ‘For’ or the word ‘Against’.

Article 127

During an election or nomination, candidates shall be listed on ballot papers in the sequence established on the list of candidates. An ordinal number shall precede the name of each candidate.

Deputies shall vote by circling the ordinal number in front of the name of the candidate for whom they are voting.

Deputies may not vote for more candidates than are to be elected from among the candidates whose names are indicated on the ballot paper.

Article 128

Voting by secret ballot shall be administered by the Chairperson of the National Assembly, who shall in doing so be assisted by Vice-Chairpersons of the National Assembly and by the Secretary (‘the Voting Commission’).

Article 129

Ballot papers shall be handed to Deputies in the following manner: a Deputy shall approach the Chairperson’s bench after he/she has been roll-called. The Chairperson of the National Assembly shall hand to the Deputy a ballot paper, while the Secretary of the National Assembly shall record, next to the full name of the Deputy on the list, that the ballot paper has been handed to him/her. The Chairperson of the National Assembly shall, prior to the vote, determine its duration.

After the Deputy has marked his/her ballot paper, he/she shall approach the ballot box and insert the ballot paper into it. The Secretary of the National Assembly shall record that the Deputy has voted by placing a tick mark next to the full name of the Deputy on the list.

The ballot box must be empty and made of transparent material.
After the expiry of the time allotted for the vote, the Chairperson of the National Assembly shall close the vote.

**Article 130**

When the voting has finished, the Voting Commission shall establish the results of the vote in the same chamber where the voting took place.

Before the ballot box is opened, the undelivered ballot papers shall be counted and placed in a separate envelope, which shall then be sealed.

**Article 131**

In establishing results of the vote, data on the number of following shall be recorded:

- Delivered ballot papers;
- Used ballot papers;
- Unused ballot papers;
- Invalid ballot papers;
- Valid ballot papers;
- Votes ‘For’ and votes ‘Against’, or, if during the vote or nomination the Deputies should vote on several candidates running for the same office, the number of votes polled by individual candidates.

Established results of the vote shall also include the statement to the effect that a motion has either been carried or defeated by the prescribed majority or, when during the election or nomination the voters vote for two or more candidates running for the same office, which candidate has been elected or appointed.

**Article 132**

Any unmarked ballot paper, or any ballot paper that does not clearly show which motion the deputy has voted for, shall be considered invalid, unless otherwise provided for by law.

When a vote is taken on an election or appointment, any ballot paper on which a greater number of candidates have been marked than the number to be elected or appointed shall be considered invalid.
Article 133

Minutes shall be kept on the results of a vote, and shall be signed by all members of the Voting Commission.

The Chairperson of the National Assembly shall announce the result of the vote at the National Assembly sitting.

VIII. PROCEDURE OF ADOPTING LAWS AND OTHER NATIONAL ASSEMBLY DOCUMENTS

1. Documents Adopted by the National Assembly

Article 134

The National Assembly shall adopt: Bills, the budget, development plans, zoning plans, the end-of-year balance, Rules of Procedure, declarations, resolutions, recommendations, decisions, conclusions and authentic interpretations of any documents passed by it.

2. Proposing a Bill

Article 135

The Government, every Deputy, the Assembly of the Autonomous Province or at least 15,000 registered voters shall be entitled to propose Bills, other regulations and by-laws.

Article 132

Any entity authorised to propose a Bill shall submit the Bill in the form in which the law is to be adopted, along with an explanatory note.

The explanatory note must contain:
– Constitutional basis;
– Reasons for the adoption of the law;
– Explanation of the main legal institutions and individual solutions contained therein;
– Estimate of the funds required for the implementation of the law;
– General interest why the Bill is proposed to apply retroactively, if the Bill contains provisions foreseeing retroactive application;
– Overview of provisions to be amended and/or modified, if a Bill amending and/or modifying an existing piece of legislation is being proposed.

As a rule, the proposer of a Bill shall include in the explanatory note grounds for the law in legislation of the European Union and generally accepted guidelines of international law.

If a group of Deputies is the proposer, their proposal must indicate one representative of the proposer. If this has not been done, it shall be considered that the representative of the proposer is the first Deputy to have signed the proposal.

**Article 137**

The Chairperson of the National Assembly shall forward a Bill, immediately upon receiving it, to Deputies, appropriate Committees, and the Government, if the Government should not be the proposer.

If a Bill has not been prepared in accordance with the present Rules of Procedure, the Chairperson of the National Assembly shall ask the proposer to bring the Bill into line with provisions of the present Rules of Procedure, and shall specify in particular the discrepancy observed.

The proposer of the Bill may thereupon submit, within fifteen (15) days, the Bill, harmonised with provisions of the present Rules of Procedure, or ask in writing the National Assembly for its opinion on the issue, in case of disagreement with the opinion of the Chairperson of the National Assembly. The National Assembly shall be obliged to state its opinion on the issue at the first next sitting, before moving on to consider the agenda, and without a debate. Prior to voting, the proposer of the Bill shall be entitled to elaborate on his/her/its stand for a period of not more than five (5) minutes.

If the proposer of the Bill should not act in accordance with provisions of Paragraph 3 of the present Article, the Bill shall be considered withdrawn.
Article 138

Any Bill prepared in accordance with provisions of the present Rules of Procedure may be included in the agenda of a National Assembly sitting within not less than fifteen (15) days and not more than sixty (60) days as from the date of its submission.

In exceptional cases, the 60-day deadline may be exceeded, but by not more than thirty (30) days. The Chairperson of the National Assembly shall inform the Deputies about reasons for the extension.

Deadlines defined in Paragraph 1 of the present Article shall be held in abeyance when the National Assembly is not in regular sitting.

Article 139

Before being considered by the National Assembly, a Bill shall be considered by appropriate Committees, and by the Government, if the Government should not be the proposer.

The appropriate Committees and/or the Government, if it should not be the proposer, may propose to the National Assembly to accept or not to accept the Bill in principle in their submitted reports and/or opinions.

If the appropriate Committees and/or the Government should propose that the Bill be accepted in principle, they shall be obliged to specify whether they accept the Bill as a whole or with modifications, which they shall propose in the form of amendments.

The appropriate Committees and/or the Government shall forward to the National Assembly their reports or opinions, as a rule, within not less than five (5) days prior to the date of the opening of the National Assembly sitting at which the Bill is to be considered.

If the appropriate Committees and the Government should not forward reports or opinions, the Bill shall be considered without such reports and/or opinions.

Article 140

Initially, a debate in principle shall be held on a Bill.

The National Assembly may decide to hold a joint debate in principle on several Bills on the agenda of the same sitting that are mutually conditioned, or if solutions contained therein are mutually linked; however, each proposal shall be voted on separately.
After the conclusion of debate in principle, the National Assembly shall move on to debate another Bill, or hold joint debate on the proposal of other documents, listed as other items on the agenda, and shall then move on to discuss particulars. Exceptionally, when the National Assembly is discussing the Bill on the budget of the Republic of Serbia, it shall move on to discuss the particulars of the Bill after completing discussion in principle.

At least twenty-four (24) hours must elapse from the completion of debate in principle to the opening of debate on particulars.

Appropriate Committees may submit amendments to a Bill in the period from the completion of debate in principle to the opening of debate on particulars.

**Article 141**

A debate on particulars shall take place by articles to which submitted amendments refer, as well as on amendments proposing inclusion of new provisions; total discussion time for each Deputies’ Group per amendment shall not exceed fifteen (15) minutes.

Deputies who are not members of Deputies’ Groups shall, by mutual agreement, decide on at most three participants in the debate on each amendment, of which shall each shall be granted the floor once for up to three (3) minutes. If no agreement should be reached, the floor shall be granted once for up to three (3) minutes to the first three Deputies requesting to be granted the floor.

**Article 142**

When debate on the particulars of on a Bill is completed, the proposer or the authorised representative of the proposer shall be entitled to a closing statement.

**Article 143**

The proposer of a Bill shall be entitled to withdraw the Bill until debate on the Bill at a National Assembly sitting has concluded.

Upon a proposal made by the proposer, and accompanied by an explanation, the National Assembly may rule to withdraw an item from the agenda of a running sitting until such time as discussion on the item commences at a National Assembly sitting, on condition that at least one hundred and twenty-six (126) deputies are present at the sitting.
Article 144

The National Assembly shall vote on Bills, development plans, zoning plans, the budget, the end-of-year balance, the Rules of Procedure, proposed declarations, resolutions, recommendations, decisions, conclusions and authentic interpretations of documents passed by the National Assembly, in their entirety and in particular, on Voting Day sittings.

If a proposed document has been adopted in principle, the National Assembly shall vote on amendments.

When a Bill contains provisions for which retroactive application has been foreseen, the National Assembly shall rule, when voting on these provisions, whether exists general interest exists for such retroactive application.

If the National Assembly should adopt several amendments, it may pause with the adoption of a Bill as one unit and ask the Legislative Committee to analyse it, from a legal and technical standpoint, in co-operation with the submitter of the Bill, or ask the appropriate Committee to harmonise adopted amendments with each other and with the text of the Bill.

In case conditions defined in Paragraph 4 of the present Article should arise, the Deputies shall be forwarded reports of the appropriate Committees and the Legislative Committee on perceived discrepancies, and an amendment to eliminate such discrepancies shall be submitted.

After voting on amendments, the National Assembly shall commence voting on a Bill as one unit.

3. Amendments

Article 145

A proposal to amend and/or modify a Bill – an amendment – shall be submitted to the Chairperson of the National Assembly in writing, with an explanatory note, after the date of submission of the Bill and not later than three (3) days prior to the date set for the sitting at which the Bill is to be considered, except in case the National Assembly sitting is convened for earlier than the time foreseen by the present Rules of Procedure, in which case the deadline for submitting amendments shall be up to the commencement of the first debate in principle at the National Assembly sitting.

The proposer of an amendment may not submit more than one amendment to the same article of a Bill, either individually or together with other Deputies.
Article 146

Submitted amendments shall be forwarded by the Chairperson of the National Assembly to the proposer of the Bill, the Deputies, the appropriate Committees, and the Government.

Amendments not submitted in due time, as well as incomplete or offensively worded amendments, shall be discarded by the Legislative Committee, which shall report to the National Assembly thereon.

Discarded amendments may neither be discussed nor voted on.

Article 147

Prior to a National Assembly sitting, the proposer of a Bill, the appropriate Committees, and the Government shall be obliged to discuss amendments submitted to a Bill, and to inform the National Assembly which amendments they propose that the National Assembly should adopt, and which they propose should be rejected.

Article 148

In the course of voting on particulars, amendments in writing may be submitted only by the proposer of the Bill, the appropriate Committees, and the Government, and only if the amendment is needed due to the adoption of another amendment beforehand.

Article 149

On Voting Day sittings, after adopting Bills in principle, the National Assembly shall vote on amendments submitted in the order of articles of the Bill.

If more than one amendment has been submitted to a single article of a Bill, the vote shall first be taken on any amendments proposing the deletion of the article, and only then on any amendments proposing modifications to the entire article.

Any amendments submitted by the proposer of the Bill which have been endorsed by the appropriate Committees and by the Government, as well as amendments endorsed by the proposer, the appropriate Committees, and the Government, shall become integral parts of the Bill, and the National Assembly shall not vote on them individually.
The National Assembly shall vote individually on each amendment not endorsed by the proposer of the Bill, the appropriate Committees, or the Government.

4. Adoption of the Budget

Article 150

The budget of the Republic for the following year shall be adopted not later than by the end of the second regular sitting of the National Assembly.

The Bill on the budget of the Republic (‘the proposed budget’), along with an explanatory note, shall be submitted by the Government.

The explanatory note to the proposed budget shall include:

– Constitutional basis for the adoption of the budget,

– Explanation of proposed allocation of funds by budget user (expenditures);

– Explanation of the structure of revenues of the Republic budget.

Article 151

Before debate at the sitting of the National Assembly, National Assembly Committees shall consider the proposed budget, and shall submit their reports and proposals, accompanied by explanatory notes, to the Finance Committee.

The Finance Committee shall consider the proposed budget and any Committee reports, and shall submit a report thereof to the National Assembly.

Article 152

The proposed budget shall be discussed at a National Assembly sitting in principle and in particular.

The proposed budget shall be voted on, in principle and as one unit, at a Voting Day sitting.
The Chairperson of the National Assembly may convene a Voting Day sitting for a proposed budget during the course of a sitting, without waiting for debate in principle and in particular on other items on the agenda to finish.

**Article 153**

Amendments and modifications to the budget of the Republic in the course of the year shall be made according to provisions of the present Rules of Procedure governing the procedure for adopting the budget.

**Article 154**

Unless otherwise foreseen by provisions of the present Schedule, provisions of the present Rules of Procedure on the procedure for adopting Bills shall apply accordingly to the procedure for adopting the budget.

5. Adoption of Development Plans and Zoning Plans

**Article 155**

Proposals of development plans shall be submitted by the Government, along with explanatory notes and appropriate supporting documentation.

Before being debated at a National Assembly sitting, a proposed development plan shall be considered by National Assembly Committees, which shall forward their reports and proposals, accompanied by explanatory notes, to the Committee on Development and International Economic Relations.

The Committee on Development and International Economic Relations shall consider the proposed development plan and any Committee reports, and shall forward its report thereof to the National Assembly.

**Article 156**

Proposed zoning plans shall be submitted by the Government, along with explanatory notes and appropriate supporting documentation.
Before being debated at a National Assembly sitting, a proposed zoning plan shall be considered by National Assembly Committees, which shall forward their reports and proposals, accompanied by explanatory notes, to the Committee on Urban Planning and Construction.

The Committee on Urban Planning and Construction shall consider the proposed development plan and any Committee reports, and shall forward its report thereof to the National Assembly.

Article 157

Unless otherwise foreseen by provisions of the present Schedule, provisions of the present Rules of Procedure on the procedure for adopting Bills shall apply accordingly to the procedure for adopting development and zoning plans.

6. Adoption of Authentic Interpretations of Laws

Article 158

Motions for the adoption of authentic interpretations of laws may be made by any entity authorised to propose Bills.

If the Legislative Committee should assess that the motion is justified, it shall prepare a proposal of the authentic interpretation and shall forward it to the submitter of the proposal and to the National Assembly.

If the Legislative Committee should assess that the motion is not justified, it shall inform the proposer and the National Assembly thereof.

The National Assembly shall vote on proposals submitted by the Legislative Committee defined in Paragraphs 2 and 3 of the present Article.

If the National Assembly should not accept the view of the Legislative Committee that the authentic interpretation is not justified, it shall order the Legislative Committee to prepare a proposal of an authentic interpretation.

Article 159

Unless otherwise foreseen by provisions of the present Schedule, provisions of the present Rules of Procedure on the procedure for adopting Bills shall apply
accordingly to the procedure for adopting authentic interpretations of laws and other documents adopted by the National Assembly.

7. Adoption of Other Documents

Article 160

Proposed Rules of Procedure, declarations, resolutions, recommendations, decisions or conclusions may be submitted any entity authorised to propose Bills, in writing, and accompanied by an explanatory note.

Proposed documents defined in Paragraph 1 of the present Article shall first be forwarded to the Deputies, and a separate debate shall be held thereon.

Unless otherwise foreseen by provisions of the present Schedule, provisions of the present Rules of Procedure on the procedure for adopting Bills shall apply accordingly to the procedure for adopting other regulations and by-laws adopted by the National Assembly.

8. Urgent Procedure

Article 161

A Bill may exceptionally be adopted under urgent procedure.

Urgent procedure may be resorted to only for the adoption of a Bill governing issues and relations resulting from unforeseeable circumstance, while failure to adopt such Bill under urgent procedure could cause adverse effects to human life and health, national security, and the work of agencies and organisations.

The proposer of the Bill shall be obliged to specify, in a written explanatory note accompanying the Bill, the adverse effects that would result from a failure to adopt the Bill under urgent procedure.

Article 162
A Bill may be included in the agenda of a National Assembly sitting under urgent procedure if it should be submitted not later than twenty-four (24) hours prior to the scheduled commencement of that sitting.

A Bill governing issues in the field of defence and security proposed to be adopted under urgent procedure may be included in the agenda of a National Assembly sitting even if submitted on the date of the sitting up to two (2) hours prior to the scheduled commencement of the sitting; if the Government is the proposer, the Bill may be included in the agenda even if it is submitted in the course of a National Assembly sitting, on condition that the sitting is being attended by at least one hundred and twenty-six (126) Deputies.

Exceptionally, a proposal for the election, appointment, dismissal or termination of office, a proposal to authorise the remand in custody of a judge or public prosecutor, as well as a motion of no confidence in the Government or an individual Government Minister, may be included in the agenda of a National Assembly sitting in the course of the sitting, on condition that the sitting is being attended by at least one hundred and twenty-six (126) Deputies. The Chairman of the National Assembly shall convene a Voting Day sitting for proposals to authorise the remand in custody of a judge or public prosecutor, and proposals for a vote of no confidence in the Government or an individual Government Minister, immediately after conclusion of discussion on the item of the agenda, without waiting for discussion on other items of the agenda to finish.

The National Assembly shall vote, without debate, on each proposal to include items in the agenda under urgent procedure, when establishing the agenda, or in the course of the sitting, immediately upon receiving the proposal, on condition that the sitting is being attended by at least one hundred and twenty-six (126) deputies.

The Chairperson of the National Assembly shall be obliged to forward a Bill proposed to be discussed under urgent procedure to the Deputies and the Government, if it should not be the submitted, immediately upon its receipt.

**Article 163**

If appropriate Committees should not submit their reports, or if the Government should not submit its opinion, a Bill shall be debated without such reports and/or opinions.

An amendment to a Bill being discussed under urgent procedure may be submitted at the latest up to the commencement of discussion on the Bill.

The proposer of a Bill, the appropriate Committees, and the Government shall be allowed to put forward their views on the amendments.
9. Master Texts and Publication of National Assembly Documents

Article 164

The seal of the National Assembly shall be placed on the master text of any Bill, other regulation, or by-law of the National Assembly, as well as on the master text of any authentic interpretation.

The text of a Bill, other regulation or by-law, or authentic interpretation adopted at a National Assembly sitting shall be considered the master text of that Bill or other regulation, by-law, or authentic interpretation.

Master texts of Bills, other regulations or by-laws of the National Assembly, and authentic interpretations shall be stored at the National Assembly.

The preparation, sealing, storing, and keeping records of master texts shall be the responsibility of the Secretary of the National Assembly.

Article 165

Documents defined in Article 134 of the present Rules of Procedure adopted by the National Assembly shall be published in the *Official Gazette of the Republic of Serbia*.

The publication of Bills, other regulations or by-laws of the National Assembly, and authentic interpretations shall be the responsibility of the Secretary of the National Assembly.

The Secretary of the National Assembly shall provide corrections of mistakes in published texts of Bills, other regulations or by-laws, and authentic interpretations based on the master text of the Bill, other regulation or by-law, or authentic interpretation.

IX. EXTRAORDINARY SESSIONS OF THE NATIONAL ASSEMBLY

Article 166
The Chairperson of the National Assembly shall submit a motion to hold an extraordinary session to the Deputies and the Government, and shall establish the date and time when the National Assembly is to meet.

**Article 167**

During an extraordinary session, the National Assembly shall discuss the previously established agenda submitted by the proposer of the motion to hold the extraordinary session.

The sequence of considering items from the agenda may not be modified without the approval of the representative of the proposer at whose motion the extraordinary session has been convened.

**Article 168**

At a National Assembly sitting held during an extraordinary session, Deputies may pose parliamentary questions only if the mover of the motion to hold an extraordinary session has envisaged that in his/her motion.

**Article 169**

The provisions of the present Rules of Procedure relating to regular sittings shall be applied to any extraordinary sitting, unless otherwise stipulated by the provisions of the present Schedule.

**X. IMMUNITY**

**Article 170**

A Deputy shall enjoy immunity, in accordance with the Constitution, from the date of verification to the date of termination of his/her mandate.

Any request to approve the remand in custody of a Deputy, or request to approve institution of criminal proceedings or other proceedings that may result in a sentence of imprisonment, shall be made by the appropriate body to the Chairperson of the National Assembly, who shall forward it to the Administrative
Committee. The Committee shall be obliged to present its report, accompanied by its proposal, to the National Assembly.

The Deputy concerned shall be separately informed of the holding of the sitting of the Administrative Committee to consider the issue of his/her immunity.

Article 171

At a proposal of the Administrative Committee, the National Assembly may uphold the immunity of a Deputy who has not invoked his/her immunity, if doing so should be necessary for the discharge of his/her office of Deputy.

If the National Assembly should not grant its approval for the prosecution of the Deputy whose remand in custody has been ordered, the remand in custody shall be abolished, and the Deputy shall be released.

If the National Assembly should uphold the immunity of a Deputy who has not invoked his/her immunity, proceedings against the Deputy shall be suspended.

Article 172

Proceedings against a Deputy may be conducted only for an offence for which the National Assembly has granted its approval.

XI. OPENNESS OF WORK

Article 173

Sittings of the National Assembly and its Committees shall be public.

Sittings of the National Assembly and its Committees may be held in camera in cases specified by law if so proposed by the Government, a Committee, or at least twenty (20) Deputies. An explanation must be provided for any such proposal. The proposal shall be put to a vote in the National Assembly without debate.

Article 174
Pursuant to regulations on internal order at the National Assembly, representatives of the press and other media shall have free access to sittings of the National Assembly and its Committees, so as to be able to inform the public about activities of these bodies.

**Article 175**

Representatives of the press and other media may make use of shorthand notes of the National Assembly, and, when quoting such notes, shall be required to specify whether the statements were authorised.

**Article 176**

Bills, proposals of other regulations and by-laws, as well as information and documentation materials on issues related to activities of the National Assembly and its Committees shall be made available to representatives of the press and other media.

Conditions for the work of representatives of the press and other media shall be ensured through the provision of facilities necessary for observing activities at sittings of the National Assembly and its Committees.

Conditions referred to in the present Article shall be ensured pursuant to appropriate documents to be adopted by the Administrative Committee.

**Article 177**

Official press releases and other means of public information shall be prepared by the appropriate service of the National Assembly, and shall be approved by the Chairperson of the National Assembly or the authorised by him/her.

Any Deputy may hold a press conference at the National Assembly.

**XII. PROCEDURE FOR ELECTION AND DISMISSAL OF OFFICIALS ELECTED BY THE NATIONAL ASSEMBLY**

**Article 178**
Any motion for the election of the Presiding Justice and Justices of the Constitutional Court, as well as any notice to the Constitutional Court that reasons exist for requesting termination of office or dismissal of a Justice of the Constitutional Court, shall be forwarded to the Deputies by the Chairperson of the National Assembly.

A debate shall be opened on such motions at a National Assembly sitting.

The National Assembly shall vote on the election, dismissal, or termination of office of each Justice of the Constitutional Court separately, by secret ballot, unless it should rule to vote openly, and shall inform the President of the Republic and the Constitutional Court of its decisions.

Article 179

Motions for the election of presiding judges of courts, as well as of judges, public prosecutors, and deputy public prosecutors, shall be submitted by the Chairperson of the National Assembly to the Deputies, along with information on other candidates not proposed for consideration by the National Assembly.

The Justice and Administration Committee of the National Assembly shall consider motions defined in Paragraph 1 of the present Article at its sitting.

Any Deputy may contest a proposal for the election of a judicial or public administration official during discussion at a sitting of the Justice and Administration Committee; such contestation must be unequivocal and accompanied by an explanation.

The National Assembly shall vote separately on each motion for the election of each contested candidate, and shall put a motion to elect non-contested candidates as one unit to the public vote. If only one candidate should be proposed, the National Assembly shall vote on that motion as one unit.

Article 180

Proposals on the termination of office or dismissal of presiding judges of courts, judges, public prosecutors, and deputy public prosecutors, as well as other judicial and administrative officials, shall be filed by the Justice and Administration Committee, upon being informed by appropriate public bodies.

Provisions of the present Rules of Procedure on the election of presiding judges of courts, judges, public prosecutors, and deputy public prosecutors, as well as other judicial and administrative officials, shall appropriately apply to the procedure of termination of their office and dismissal.
Article 181

Motions, accompanied by explanatory notes, for the election, appointment, and dismissal of other officials defined by law, may be proposed to the National Assembly by any entity authorised to do so.

If an entity authorised to propose a motion for the election of an official elected by the National Assembly should not be defined by law, the motion shall be proposed by the appropriate National Assembly Committee.

XIII. RELATIONSHIP BETWEEN THE NATIONAL ASSEMBLY AND THE PRESIDENT OF THE REPUBLIC

1. Inauguration of the President of the Republic

Article 182

When the President of the Republic is inaugurated, according to the Constitution, before the National Assembly, his/her oath shall be taken by reading aloud the text of the oath foreseen by the Constitution. After reading the text, the President of the Republic shall sign it.

2. Proposing Candidates for Particular Offices

Article 183

The nomination of a candidate for the office of Prime Minister shall be submitted by the President of the Republic to the Chairperson of the National Assembly in writing, and shall be accompanied by an explanatory note. The proposal shall also be accompanied by a written statement of acceptance of the nomination by the nominee for the office of Prime Minister.

Article 184

The President of the Republic shall submit nominations of candidates for the offices of Presiding Justice and Justices of the Constitutional Court to the Chairperson of
the National Assembly in writing, and accompanied by an explanatory note. The nomination shall be accompanied by a written statement of acceptance of the nomination by the nominee for the office of Presiding Justice or Justice of the Constitutional Court.

3. Promulgation of Laws and Submission of Documents for Verification

Article 185

The Chairperson of the National Assembly shall immediately, and not later than within two (2) days from the adoption of a Bill, communicate it to the President of the Republic in order for him/her to promulgate it by decree.

If the President of the Republic should request, within the period foreseen by the Constitution, that the National Assembly should take a repeated vote on a Bill, the Chairperson of the National Assembly shall immediately communicate such request to the Deputies, and shall include the Bill in the agenda of the first next sitting of the National Assembly.

The Chairperson of the National Assembly shall immediately submit a Bill on which a repeated vote was taken in the National Assembly to the President of the Republic in order for him/her to promulgate it by decree.

Article 186

If the President of the Republic should neither sign the decree on the promulgation of a Bill adopted by the National Assembly within the period foreseen by the Constitution, nor request that the National Assembly should take a repeated vote on a Bill adopted by it, the Chairperson of the National Assembly shall inform the Deputies thereof.

4. Resignation and Impeachment of the President of the Republic

Article 187
When the President of the Republic tenders his/her resignation and informs the Chairperson of the National Assembly and the public thereof, the Chairperson of the National Assembly shall immediately forward this information to the Deputies and shall advise them that, in accordance with the Constitution, he/she shall assume duties of Acting President of the Republic, pending the election of a new President of the Republic. At the same time, the Chairperson of the National Assembly shall call elections for the President of the Republic.

**Article 188**

A minimum of one third of Deputies may submit to the Chairperson of the National Assembly a proposal to include in the agenda of National Assembly sitting a motion to initiate the procedure of impeachment of the President of the Republic, on condition that they provide a written explanation of reasons why they believe that the President of the Republic has violated the Constitution.

The Chairperson of the National Assembly shall circulate such proposal to the Deputies.

If the National Assembly should agree to include in the agenda a motion to initiate the procedure of impeachment of the President of the Republic, the Constitutional Issues Committee shall consider reasons for doing so as specified in the explanatory note submitted with the motion, and shall report thereon to the National Assembly.

After the Committee has presented its report, a debate shall be opened at a National Assembly sitting, and a vote shall be taken on the motion to initiate the procedure of impeachment of the President of the Republic.

The Chairperson of the National Assembly shall convene a Voting Day session for the proposal for the impeachment of the President of the Republic immediately after debate on this item concludes.

**5. Informing the President of the Republic of National Assembly Sittings**

**Article 189**

The Chairperson of the National Assembly shall inform the President of the Republic of the holding of National Assembly sittings.
XIV. RELATIONSHIP BETWEEN THE NATIONAL ASSEMBLY AND THE GOVERNMENT

1. Election of the Government

Article 190

The Chairperson of the National Assembly shall circulate the nomination of a candidate for the office of Prime Minister among the Deputies.

Article 191

After a candidate for the office of Prime Minister present his/her platform and proposed composition of the Government at a National Assembly sitting, debate shall be opened on the candidate for the office of Prime Minister, the presented platform, and candidates for Government Ministers.

Article 192

Immediately after debate concludes, the Chairperson of the National Assembly shall convene a Voting Day session for the candidate for the office of Prime Minister and Government Ministers. The proposal to elect candidates for the office of Prime Minister and Government Ministers shall be voted on as one unit, by secret ballot, except if the National Assembly should decide that the vote should be taken openly.

The Government shall be elected if a majority of the total number of Deputies should vote in favour of it.

If the Government should not be elected, the entire procedure shall be repeated.

Article 193

After the election of the Government, the Prime Minister, the Deputy Prime Ministers and Government Ministers shall be sworn in, by reading out the text foreseen by law, and shall then hand the text of the oath, with their signatures affixed thereto, to the Chairperson of the National Assembly.
2. Representation of the Government in the National Assembly

Article 194

The Prime Minister shall be entitled and duty of representing the Government in the National Assembly when any issue falling within its purview is reviewed.

The Government shall designate Government Ministers to represent it with respect to particular issues to be discussed at a sitting of the National Assembly or its Committees.

Only Government Ministers may represent the Government at sittings of the National Assembly and its Committees, with the exception of the Secretary of the Republic Legislation Secretariat when the agenda of the National Assembly includes Bills drafted by the Republic Legislation Secretariat on behalf of the Government.

Representatives of the Government shall take part in activities of the National Assembly in accordance with their powers foreseen by law.

Article 195

The Government may designate agents to provide expert and other explanations at sittings of National Assembly Committees.

Article 196

The Government shall inform the National Assembly of its representatives and agents to attend sittings of the National Assembly and its Committees; such information shall be attached to any Bill, proposal of other regulation or by-law, or other material submitted by it to the National Assembly.

Article 197

In order to enable the Government to exercise its rights and perform its duties in the National Assembly, the National Assembly and its Committees shall inform the Government and the appropriate Ministries about their respective sittings and the issues to be considered at such sittings.
3. Parliamentary Questions

Article 198

Any Deputy shall be entitled to pose a parliamentary question, relating to an issue from their purview, to a particular Minister or to the Government as a whole.

Parliamentary questions must be clearly worded.

Parliamentary questions shall be addressed to the appropriate Minister or to the Government as a whole.

Parliamentary questions shall be posed either in writing or verbally; however, any statement by the Deputy asking the questions may not last more than three (3) minutes.

A parliamentary question may also be asked in between two National Assembly sittings, in writing, through the Chairperson of the National Assembly, who shall transmit it to the appropriate Minister or to the Government.

The Chairperson of the National Assembly shall caution the Deputy asking the parliamentary question if the question posed by him/her has not been posed in accordance with provisions of the present Rules of Procedure, or if it has not been addressed to the appropriate body.

Article 199

Parliamentary questions shall, as a rule, be posed after the National Assembly completes its proceedings on all items on the agenda. In addition, the National Assembly may also, without debate, determine another time for posing parliamentary questions.

Article 200

If the parliamentary question is posed verbally, the Government or the Minister in question shall immediately provide a verbal reply. If the reply requires some preparation, this fact shall immediately be explained, while a reply shall be forwarded to the Deputy in writing within eight (8) days from the date when the question was asked.
The written reply of the Government or the appropriate Minister shall be communicated to Deputies.

Exceptionally, if the preparation of the reply to a parliamentary question requires a lengthy investigation, or calls for more detailed analysis, the deadline for replying to a parliamentary question may be extended, but not by more than thirty (30) days.

**Article 201**

After the reply to a parliamentary question has been given, the Deputy who has asked the question shall be entitled to make a comment lasting up to five (5) minutes on the reply to his/her question or to ask a supplementary question.

When he/she has obtained a reply to his/her supplementary question, the Deputy shall be entitled to comment on the reply, to last not longer than five (5) minutes.

**Article 202**

If the reply to a parliamentary question should contain data considered state, military or official secret, the Minister or the Government may propose that the reply should be heard in camera.

**4. Motion of No Confidence in the Government; Resignation of Government**

**Article 203**

A minimum of twenty (20) Deputies may submit a motion of no confidence in the Government or one of the Ministers.

The motion shall be submitted in writing to the Chairperson of the National Assembly.

The motion shall specify the reason why motion of no confidence vote is proposed.

The motion shall specify one representative of the proposer. Failing that, the first undersigned Deputy shall be considered the representative of the proposer.

The Chairperson of the National Assembly shall immediately forward the motion to the Prime Minister or Government Minister, and to the Deputies.
Article 204

A sitting of the National Assembly to consider a motion of no confidence in the Government or one of the Ministers shall be held not sooner than upon the expiry of a three-day deadline and not later than fifteen (15) days after the date when the motion of no confidence was submitted.

At the outset of the sitting, the representative of the proposer shall be entitled to explain the motion of no confidence in the Government, while the Prime Minister, or Government Minister, shall be entitled of reply.

Provisions of the present Rules of Procedure referring to the length of a sitting at which a Bill is debated shall apply to any sitting at which a motion of no confidence in the Government or one of the Ministers is debated.

Immediately after debate on the motion of no confidence in the Government concludes, the Chairperson of the National Assembly shall convene a Voting Day session.

A motion of no confidence in the Government or a Government Minister may not be proposed again at the same National Assembly session.

Article 205

The Government shall be entitled to propose a motion of no confidence to the National Assembly in writing, and shall be entitled to explain it.

The motion of no confidence shall be proposed by the Prime Minister on behalf of the Government.

The Prime Minister shall submit the motion for dismissal of a Government minister in writing to the Chairperson of the National Assembly, and shall be entitled to explain it.

Provisions of the present Rules of Procedure applying to the procedure of discussing a motion of no confidence in the Government proposed by Deputies shall apply appropriately to the procedure of discussing a motion of no confidence proposed by the Government, or to the procedure of dismissal of individual Government Ministers.

Article 206

When a motion of no confidence in the Government or a Government Minister is carried by the National Assembly, it shall adopt a decision on dismissal. The
Chairperson of the National Assembly shall immediately inform the President of the Republic thereof.

**Article 207**

The Government or an individual Government Minister shall tender its/his/her resignation in writing to the Chairperson of the National Assembly and shall be entitled to explain it.

The resignation of the Prime Minister shall cause the resignation of the entire Government.

The Chairperson of the National Assembly shall without delay inform the President of the Republic and the Deputies of the resignation of the Government; he/she shall inform the Prime Minister and the Deputies of the resignation of a Government Minister.

At its first next sitting, the National Assembly shall note without debate that the Government or a Government Minister has resigned and no decision shall be taken thereof.

**Article 208**

The Government or a Government Member, as well as each Deputy signing a motion of no confidence in the Government, shall be entitled to withdraw the motion for dismissal, or resignation, until a decision on dismissal has been adopted, or the resignation taken note of.

If the motion of no confidence in the Government or in any of its Ministers should be withdrawn by the Deputies, so that the number of Deputies who have proposed the motion of no confidence in the Government is no longer more than twenty (20), the motion shall be considered withdrawn.

**5. Interpellation of the National Assembly on Actions of the Government**

**Article 209**

A minimum of twenty (20) Deputies may submit an interpellation requesting debate on a specific matter regarding actions of the Government or Ministers.
Not more than five interpellations may be submitted at one National Assembly session.

**Article 210**

An interpellation shall be submitted in writing.

An interpellation must contain a clearly worded and summarised question to be considered, a proposal for the outcome of the debate on the interpellation, an explanation not more than two typed pages long, and the name of the authorised representative of the proposers of the interpellation.

The interpellation shall be signed by the Deputies who submitted it.

**Article 211**

The text of the interpellation must comply with provisions of the present Rules of Procedure.

The interpellation shall be submitted to the Chairperson of the National Assembly, who shall forward it to the Administrative Committee for assessing compliance with provisions of the present Rules of Procedure.

If the interpellation text should contain expletives or other expressions injuring the dignity of the National Assembly and the Deputies, the Administrative Committee shall request the proposer of the interpellation to harmonise it with provisions of the present Rules of Procedure within fifteen (15) days.

If the proposer of interpellation should fail to correct the text of the interpellation, the interpellation shall be considered withdrawn.

**Article 212**

Upon receiving the report from the Administrative Committee, the Chairperson of the National Assembly shall forward the interpellation to the Deputies and the Prime Minister.

**Article 213**

The Government shall review the interpellation and communicate its opinion regarding it to the Chairperson of National Assembly not later than thirty (30) days after receiving the interpellation.
The Chairperson of the National Assembly shall immediately communicate the opinion of the Government to the Deputies.

**Article 214**

The interpellation shall be included in the agenda of the first next sitting of the National Assembly, which shall be held within fifteen (15) days from the day the Government communicated its opinion regarding the interpellation.

If the Government should fail to communicate its opinion regarding the interpellation within the deadline defined in Article 209, Paragraph 1 of the present Rules of Procedure, the interpellation shall be included, as the last item, in the agenda for the next sitting of the National Assembly, which shall be held at the latest fifteen (15) days after the expiry of the deadline.

The Chairperson of the National Assembly may propose that the interpellation should be discussed as the last item of the agenda at an ongoing National Assembly sitting, and the National Assembly shall vote on such proposal without debate.

The National Assembly may decide to debate the interpellation at an extraordinary sitting of the National Assembly.

**Article 215**

The representative of a proposer of an interpellation shall be entitled to present the interpellation at a sitting of the National Assembly.

The Prime Minister or the Minister the interpellation refers to shall communicate the opinion of the Government regarding the interpellation at a sitting of the National Assembly.

Provisions of the present Rules of Procedure on debate on Bills shall apply accordingly to sittings of the National Assembly discussing interpellations.

**Article 216**

A debate about an interpellation may end in an opinion being adopted regarding the matter raised in the interpellation, or in voting for moving onto the next item on the agenda.

If it should be proposed that the debate about an interpellation should end in voting for moving onto the next item on the agenda without a position being adopted regarding the matter raised in the interpellation, the Prime Minister may state
his/her opinion in the matter. If the Prime Minister should agree with moving onto
the next item, and there are other proposals, this proposal shall be voted on first.

If the proposal referred to in Paragraph 2 of the present Article should not be
adopted, the National Assembly shall vote on other proposals in the order of their
submission.

**Article 217**

A debate about an interpellation shall end at the same sitting at which it has been
opened.

A submitted interpellation may be withdrawn until voting on it has started.

An interpellation regarding the same matter may not be submitted again during the
same sitting of the National Assembly.

### 6. Informing the National Assembly of Government Activities

**Article 218**

The Government shall inform the National Assembly about its activities, and, in
particular, about the pursuit of policies, enforcement of laws, other regulations and
by-laws, implementation of development plans and zoning plans, and about the
implementation of the Republic's budget.

The Government shall submit reports to the National Assembly when so requested
by the National Assembly or at its own initiative, and at least once every year.

The National Assembly may decide, at the proposal of a Committee, without a
debate, to request from the Government a report on its activities, i.e. a report
whereby the Government shall inform the National Assembly on policy issues and
enforcement of laws, other regulations and by-laws in a particular field.

The Chairperson of the National Assembly shall forward the report of the
Government, immediately upon receiving it, to the Deputies for their information.

The National Assembly may decide, at the motion of a Committee reviewing the
report of the Government, to have the report also considered at a sitting of the
National Assembly.
XV RELATIONSHIP BETWEEN THE NATIONAL ASSEMBLY AND THE CONSTITUTIONAL COURT

**Article 219**

The National Assembly shall consider reports submitted by the Constitutional Court about the state and problems of adherence to the Constitution and legislation in the Republic, opinions and advice of the Constitutional Court about the necessity of adopting and/or amending laws and/or undertaking other measures to safeguard constitutionality and legality.

The National Assembly may finish such consideration by moving onto the agenda or by adopting an appropriate conclusion.

The National Assembly may inform the Constitutional Court of conclusions reached following consideration of reports, opinions and advice of the Constitutional Court.

**Article 220**

Any motion made by an entity authorised to make such motion, or any decision to institute proceedings for assessing compliance of a law with the Constitution, or compliance of another regulation or by-law adopted by the National Assembly with the Constitution and other laws, shall be forwarded by the Chairperson of the National Assembly to the Legislative Committee and the Government.

The Legislative Committee shall consider a motion made by any entity authorised to make such motion, or any decision to institute proceedings for assessing compliance of a law with the Constitution, or compliance of another regulation or by-law adopted by the National Assembly with the Constitution and other laws, within not less than fifteen (15) days.

If the Legislative Committee should be of the opinion that motion made by an authorised proposer should not be accepted, because, in the Committee’s opinion, the act whose compliance with the Constitution or laws is being challenged is indeed in compliance with the Constitution or law, it shall inform the Constitutional Court of its opinion, and of the reasons for rejecting the motion.

If the Legislative Committee should decide that a review of provisions contained in a law whose compliance with the Constitution has been challenged is justified, it shall propose to the National Assembly to consider a motion for assessing compliance of such law with the Constitution, and a conclusion that the Government or the appropriate Ministry should draft a Bill to amend and/or modify such law.
The National Assembly may ask the Constitutional Court to suspend proceedings until such time as amendments and/or modifications should be made to a contested law.

XVI. RIGHTS AND DUTIES OF DEPUTIES

Article 221
A Deputy is obliged to take part in activities of the National Assembly.

No Deputy may be refused entry and stay in the National Assembly building.

Article 222
A Deputy permanently employed at the National Assembly of the Republic of Serbia shall be obliged to be present at sittings of the National Assembly when quorum is being established, as well as during the sitting.

A Deputy referred to in Paragraph 1 of the present Article unjustifiably absent when quorum is being established or during a sitting of the National Assembly shall have his/her status as Deputy permanently employed at the National Assembly of the Republic of Serbia revoked.

Article 223
The Chairperson of the National Assembly may allow a Deputy not to attend a sitting, and shall inform the National Assembly thereof.

Article 224
A Deputy shall be entitled to salary, i.e. an award and compensation of other expenses for the discharge of office of Deputy. Such expenses shall be determined by the National Assembly at the proposal of the Administrative Committee.

Article 225
A Deputy shall be entitled to be informed about all issues required for the discharge of his/her office.

In order to ensure that Deputies are kept informed, they shall regularly be supplied with official publications of the National Assembly, as well as informative and documentary material on issues on the agenda of National Assembly sittings and on other issues from within the purview of the National Assembly.

**Article 226**

A Deputy shall be entitled to request information and explanations from the Chairperson of the National Assembly, Chairpersons of National Assembly Committees, Government Ministers and officials at other Republic agencies and bodies, on issues concerning their rights and duties within purviews of agencies they head, when such information is necessary for the discharge of his/her office of Deputy.

**Article 227**

The National Assembly Support Service shall ensure, as part of its duties, conditions for the discharge of the office of Deputies, and shall, at their request:

- Provide technical assistance in preparing motions they submit to the National Assembly and to its Committees, and aid them in carrying out other tasks assigned to them by Committees and the National Assembly;

- Grant access to the *Official Gazette of the Republic of Serbia*, as well as to any supplementary documents of relevance to particular issues on the agenda of the National Assembly and its Committees;

- Provide technical explanations on particular issues encountered during their work at the National Assembly;

- Ensure technical conditions for their work and carry out clerical and other duties to meet their needs.

The National Assembly Support Service shall prepare texts of Bills, as required by appropriate Committees, and pursuant to Article 144 of the present Rules of Procedure.

**Article 228**

A Deputy shall be granted access to the library and archives for purposes of work at the National Assembly.
A Deputy shall be entitled to use premises placed at his/her disposal for work and for meeting members of the public, in accordance with rules on internal order at the National Assembly.

**Article 229**

Upon verification of his/her mandate, a Deputy shall be issued with a special identification card.

The identification card shall specify immunity rights and other rights that a Deputy may exercise on the basis thereof.

The Administrative Committee shall prescribe the contents, format and manner of issuing identification cards, and shall keep records of identification documents issued.

**Article 230**

A Deputy tendering his/her resignation shall do so in writing, to the Chairperson of the National Assembly. The Chairperson of the National Assembly shall immediately forward the resignation to other Deputies.

**Article 231**

The Serbian language and the Cyrillic script shall be in official use at the National Assembly.

A Deputy shall be entitled to speak at a National Assembly sitting and to submit documents for the National Assembly, as foreseen by the present Rules of Procedure, in his/her native language.

A Deputy intending to use his/her native language in his/her work at the National Assembly, within the meaning of Paragraph 2 of the present Article, either at all times or in a particular situation, shall be obliged to inform the Secretary of the National Assembly thereof in a timely manner, so that his/her oral statement may be interpreted, and/or documents submitted by him/her translated, into the Serbian language.
XVII. DISSOLUTION OF THE NATIONAL ASSEMBLY

Article 232

When the President of the Republic should decide, upon a proposal by the Government, supported by an explanatory note and also distributed to Deputies, to dissolve the National Assembly, he/she shall forward the decision thereof to the Chairperson of the National Assembly.

If a motion to impeach the President of the Republic, proposed by the National Assembly, should be defeated by popular vote, the National Assembly shall be dissolved as of the date of publication of final results of the popular vote on impeachment.

The Chairperson of the National Assembly shall call elections for the National Assembly on the date of the dissolution of the National Assembly.

XVIII. ACTIVITIES OF THE NATIONAL ASSEMBLY DURING A STATE OF WAR, IMMEDIATE THREAT OF WAR, AND STATE OF EMERGENCY

Article 233

Provisions of the present Rules of Procedure shall apply to activities of the National Assembly in case of a state of war, immediate threat of war, or a state of emergency, unless otherwise provided for by the present Rules of Procedure and other by-laws of the National Assembly.

Article 234

In case of a state of war, immediate threat of war, or a state of emergency, the Chairperson of the National Assembly:

– Shall establish the date, time and place of a National Assembly sitting;

– Shall decide on how the Deputies are to be invited to the sitting, and how and by what date materials for the sitting are to be submitted;
– May, as necessary, decide on a special manner of taking, issuing, and storing shorthand notes and minutes on a sitting of the National Assembly and its Committees;

– May decide not to make available to media Bills, other by-laws, and other materials, until the National Assembly should decide otherwise;

– Shall decide on the method of work and execution of tasks of the National Assembly Support Service;

– Shall inform the President of the Republic and the Prime Minister that conditions required for the National Assembly to meet do not exist, so that the President of the Republic may carry out duties foreseen by the Constitution in such conditions.

**Article 235**

During a state of war, immediate threat of war, or a state of emergency, Bills and/or proposals of other regulations or by-laws being considered by the National Assembly may be considered and voted on without any previous review by appropriate Committees, if the National Assembly should so decide.

The Government shall provide its opinion on such acts at the National Assembly sitting.

**Article 236**

In case of a state of war, immediate threat of war, or a state of emergency, each Deputy shall be obliged to inform, the Secretary of the National Assembly of any changes in his/her temporary or permanent place of residence.


**Article 237**

The National Assembly shall co-operate with the Federal Parliament and the Assembly of the Republic of Montenegro.
Article 238

The National Assembly shall co-operate with relevant representative bodies of other nations:

– By sending National Assembly delegations, representatives of the National Assembly, or individual Deputies on visits to relevant representative bodies of other nations, and by receiving delegations from representative bodies of other nations;

– By exchanging information and other materials and publications, as well as through other forms of co-operation with appropriate representative bodies of other nations.

The head and members of a National Assembly delegation shall be designated, and the aims and objectives of the visit in question defined, by the Foreign Affairs Committee.

A National Assembly delegation, a representative of the National Assembly, or an individual Deputy shall be obliged to submit to the National Assembly a report on an official visit within ten (10) days from the date of returning from the visit.

At the end of each year, the Foreign Affairs Committee shall submit a report to the National Assembly on activities of co-operation undertaken over the past year.

Article 239

Voluntary Deputies’ Friendship Groups may be formed at the National Assembly, with the aim of improving relations and co-operation with representative bodies of other nations.

The establishment of a Deputies’ Friendship Group shall be based on mutually expressed interests to establish and improve co-operation between representative bodies.

The Foreign Affairs Committee of the National Assembly shall designate the chairperson and members of a Deputies’ Friendship Group.

Decisions on exchanging visits with friendship groups of representative bodies of other nations shall be taken by Deputies Friendship’ Groups in co-ordination and with the consent of the Foreign Affairs Committee of the National Assembly.

In case the Foreign Affairs Committee of the National Assembly should fail to designate the chairperson and members of a Deputies’ Friendship Group, or grant consent to an exchange of visits with friendship groups of representative bodies of other nations, decisions on such matters shall be taken by the Chairperson of the
National Assembly, the Vice-Chairpersons of the National Assembly, and the chairperson of the Foreign Affairs Committee of the National Assembly.

XX. NATIONAL ASSEMBLY SUPPORT SERVICE

Article 240

Support and other tasks required by the National Assembly, its Committees, Deputies, and Deputies’ Groups, shall be carried out by the National Assembly Support Service.

The National Assembly Support Service shall organise itself and perform the duties from within its purview as one service.

The organisation and work of the National Assembly Service shall be governed by a National Assembly decision.

Article 241

Keeping order at the National Assembly building and at other premises used by the National Assembly shall be the responsibility by a special service, and its organisation and work shall be regulated by a separate act issued by the Chairperson of the National Assembly.

This service shall be headed by the Chairperson of the National Assembly, who shall report on its activities to the National Assembly.

Authorised officials of government bodies may neither have access to the premises referred to in Paragraph 1 of the present Article, nor undertake any measures without the approval of the Chairperson of the National Assembly.

Only persons authorised to keep order in the National Assembly building, in accordance with a decision on internal order, shall be allowed to carry weapons in the National Assembly building.

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