

Law on the Constitutional Court of Montenegro

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I - general provisions

Article 1

This Law regulates the organization of the Constitutional Court of Montenegro (hereinafter referred to as the Constitutional Court), the proceeding before the Constitutional Court, legal effect of its decisions and other issues relevant for the work of the Constitutional Court.

Article 2

The Constitutional Court decides independently and impartially upon issues from its jurisdiction determined by the Constitution of Montenegro (hereinafter referred to as the Constitution).

No one shall influence the Constitutional Court in occasion of delivering decision upon issues from its jurisdiction.

Article 3

The work of the Constitutional Court is public, unless otherwise prescribed by this Law. Publicity of the work of the Constitutional Court shall be ensured in accordance with this Law.

Article 4

The resources and conditions for the work of the Constitutional Court shall be provided by the State.

Article 5

The Constitutional Court shall adopt the Rules of Procedure which shall regulate in more details the method of work and of decision-making of the Constitutional Court, relation of the Constitutional Court with public and international legal cooperation, professional advancement, as well as other issues of importance for performance of its work (hereinafter referred to as the Rulebook).

The Rulebook shall be published in the Official Gazette of Montenegro and on the webpage of the Constitutional Court.

II - ORGANIZATION OF THE CONSTITUTIONAL COURT

1. President and judge of the Constitutional Court

Article 6

The President and a judge of the Constitutional Court shall be elected and dismissed in a manner and under conditions prescribed by the Constitution.

On assuming office, the President and a judge of the Constitutional Court shall take an oath before the Parliament of Montenegro (hereinafter referred to as the Parliament).

The wording of the oath shall be as follows: "I swear that I will judge in accordance with the Constitution and law and that I will perform my duty honourably, conscientiously and impartially".

Article 7

Judge of the Constitutional Court shall submit request for termination of office before the expiry of the term to which he has been elected to the President of Montenegro and to the Parliament.

If the Parliament does not adopt a decision on the request referred to in paragraph 1 of this article

within 30 days as of the date of its submission, the office of the judge of the Constitutional Court shall terminate upon the expiry of that time-limit.

Article 8

Competent court shall with no delay notify the Constitutional Court about the institution of the criminal proceeding against the President or the judge of the Constitutional Court.

In the situation referred to in paragraph 1 of this article, the proposal to terminate the office of the President of the Constitutional Court shall be submitted by at least three judges of the Constitutional Court, and the proposal to terminate the office of the judge of the Constitutional Court shall be submitted by the President of the Constitutional Court.

The president or the judge upon whose exercise of office is going to be decided shall not participate in the decision making.

Article 9

The initiative for determining whether the requirements for the termination of office, because of meeting the conditions for old-age pension or because the conviction on unconditional prison sentence, are fulfilled, or the initiative for determining the reasons for termination of office of the judge of the Constitutional Court, shall be submitted by the President of the Constitutional Court, and for the President of the Constitutional Court shall be submitted by at least three judges of the Constitutional Court

Competent court shall with no delay notify the Constitutional Court about the delivery of the final convicting verdict against the President or the judge of the Constitutional Court.

Article 10

The Constitutional Court shall notify the President of Montenegro and the Parliament on the expiry of the term of office of a judge of the Constitutional Court and of the fact that the judge has met the old-age pension requirements, no later than six months before the requirements for termination of office are fulfilled.

Article 11

The President of the Constitutional Court shall represent the Constitutional Court, convene and chair its sessions, coordinate the work of the Constitutional Court, and perform other duties laid down by this Law, the Rulebook and other acts of the Constitutional Court.

Article 12

The Constitutional Court shall designate a judge who shall substitute the President of the Constitutional Court in instances when he is absent or prevented from performing his duties.

In case of termination of office of the President of the Constitutional Court, until the new President is elected, the office of the President shall be performed by the judge designated pursuant paragraph 1 of this article, which shall have the rights and duties of the President.

Article 13

The President and judges of the Constitutional Court shall have their official attire – a judicial gown.

The design of the gown and the manner of wearing the gown shall be prescribed by the Rules of Procedure.

Article 14

The President and the judges of the Constitutional Court shall have identity card.

The form and contents of the identity card, as well as the manner of keeping the record on issued identity cards shall be prescribed by the Ministry of Justice.

2. Secretary General and the Office of the Constitutional Court

Article 15

The Constitutional Court shall have a Secretary General, who shall be appointed by the Constitutional Court for the period of five years with the possibility of re-appointment.

The Secretary General shall prepare and organize the sessions of the Constitutional Court; shall take care and be accountable for the implementation of the Constitutional Court acts; shall perform professional and other duties entrusted by the Constitutional Court; shall prepare proposal for the allocation of budgetary resources for the work of the Constitutional Court and shall take care of spending of budgetary resources; shall take care of professional advancement, as well as international cooperation of the Constitutional Court and shall perform other duties in accordance with this Law and the Rulebook.

The Secretary General shall be accountable to the Constitutional Court for his work.

Article 16

The Secretary General may have a Deputy, who shall be appointed by the Constitutional Court for the period of five years with the possibility of re-appointment.

The Secretary General and the Deputy of the Secretary General shall have the right at the salary rate fixed for the Secretary General of the Parliament and his Deputy.

Article 17

The Constitutional Court shall form the Office of the Constitutional Court to perform specialized and other activities (hereinafter referred to as the Office), and the Secretary General shall manage those activities and be accountable for it.

Specialized activities falling within the jurisdiction of the Constitutional Court shall be performed by the Constitutional Court Advisors who shall be appointed by the Constitutional Court.

The organization, activities and manner of work of the Office shall be regulated by an act of the Constitutional Court.

Article 18

The rights, duties and responsibilities of the Secretary General, the Deputy Secretary General and of the Constitutional Court Adviser in the Constitutional Court, which are not regulated by this Law, shall be governed by the regulations on government employees and civil servants.

The rights and duties of other employees and civil servants of the Constitutional Court shall be governed by the regulations on government employees and civil servants.

III - proceedings BEFORE THE CONSTITUTIONAL COURT And legal effect of its decisions

1. Common provisions

1) Participants in proceeding

Article 19

Participants in proceedings before the Constitutional Court are the following:

1) In the proceeding for review of compliance of the law with the Constitution and with ratified and published international treaties or of other regulations and general acts (hereinafter referred to as regulation) with the Constitution and law, - court, other state authority, local self-government authority, five Members of the Parliament, anyone on whose initiative the proceedings have been initiated and the authority which enacted a law or other regulation which is the subject of review;

2) In proceeding upon the constitutional complaint - submitter of the constitutional complaint from article 51 of this Law, state authority or state administration authority, local self-government authority or legal person vested with public authority against whose act the constitutional complaint has been filed;

3) In the proceeding for determination whether the President of Montenegro violated the Constitution - the Parliament and the President of Montenegro;

4) In the proceeding resolving the conflict of jurisdiction - courts and other state administration authority, local self-government authority accepting or rejecting jurisdiction, as well as a person unable to exercise his right as a result of acceptance or rejection of the jurisdiction;

5) In the proceeding deciding on the ban on work of a political party or of a non-governmental organization – submitter of the proposal from the article 72 of this Law, as well as political party or non-governmental organization on which ban on work is going to be decided;

6) In the proceeding deciding on the electoral disputes and disputes related to referendum - submitter of a proposal from the article 77 paragraph 1, article 82 paragraph 1 and article 84 paragraph 1 of this Law, as well as the authority in charge of administration of the election or the authority in charge of administration of referendum, in connection with the electoral activity of which the dispute has been initiated;

7) In the proceeding deciding on compatibility with the Constitution of measures and actions of state authorities undertaken during the state of war and emergency - submitter of a proposal from the article 87 paragraph 2 of this Law and authority competent to undertake measures and actions during the state of war or emergency.

Article 20

Participants in proceedings and other interested persons may, on basis of written request, ask for accession to the case files and may copy those files.

Interested person, referred to in paragraph 1 of this article, is the person able to prove legitimate interest in the case of which case files is asking accession.

Persons referred to in paragraph 1 of this article shall bear the expenses of copying of the case files.

Article 21

Participant in proceedings shall have the right and duty to give proposals, to provide necessary data and information during the proceedings and hearings, to present and explain his position and reasons during the proceedings, to answer the allegations and reasons of other participants in proceedings, as well as to submit evidence and to undertake other actions relevant for the determination of the Constitutional Court.

To the interested person from the paragraph 2 of this article, which was unable to prove the legitimate interest, shall be delivered reasoned ruling within 72 hours from the day of submitting the written request.

Participant in the proceedings may, during the proceeding, withdraw his initiative, proposal, constitutional complaint or appeal.

Article 22

Persons duly authorized by a participant in proceedings, as well as persons summoned by the Constitutional Court, for the reasons of clarification of certain disputable issues or for expert opinions may also participate in the proceedings before the Constitutional Court.

2) Preliminary procedure

Article 23

Filings initiating or instituting the proceeding before the Constitutional Court shall be delivered by regular mail or to the Constitutional Court directly and must be signed.

Filings sent by fax, telegrams addressed to the Constitutional Court, as well as anonymous filings shall not be deemed filings whereby the proceedings before the Constitutional Court are instituted, or

whereby the institution of the proceeding before the Constitutional Court is initiated.

Filings and accompanying documents shall be delivered to the Constitutional Court in three copies.

Filing initiating or instituting the proceeding shall be deemed to have been submitted on the date it is delivered to the Constitutional Court.

Where a filing initiating or instituting the proceeding is sent by registered mail, the date of delivery to the post office shall be deemed to be the date of delivery to the Constitutional Court.

By way of exception, the filing concerning the electoral dispute or dispute related to referendum shall be submitted to the Constitutional Court directly.

Article 24

A proposal, initiative for institution of the proceedings for review of constitutionality and legality, constitutional complaint and appeal shall be examined within the preliminary procedure.

Article 25

If the filing initiating or instituting the proceeding is incomprehensible, incomplete or if it contains deficiencies precluding its processing, the applicant shall be requested to rectify those deficiencies within a specified time-limit.

Article 26

The Constitutional Court shall submit a copy of the proposal, initiative, constitutional complaint or appeal to other participants in the proceeding and it shall specify a period within which they are to submit the contested act or other required documentation, data and information, as well as responses or opinions to allegations and evidences contained in those filings.

With the respect to the initiative for review of compliance of the law with the Constitution and with ratified and published international treaties or of other regulations, which is passed by the Parliament, with the Constitution and law, the Constitutional Court may request the opinion of the Parliament.

By way of exception, filings referred to in paragraph 1 of this article, the Constitutional Court shall not submit for response or opinion if it finds that procedural preconditions for initiation and/or conduct of the proceedings have not been fulfilled.

Article 27

Participants in the proceeding referred to in Article 26 paragraph 1 of this law, shall be obliged to within provide time-limit submit to the Constitutional Court the contested act and/or other required documentation, data and information, as well as responses or opinions to allegations and evidences contained in proposal, initiative, constitutional complaint and appeal.

If the Constitutional Court does not receive a response, opinion and other requested data and information from the paragraph 1 of this article, within the prescribed time-limit, the proceeding may be resumed.

Article 28

The Constitutional Court shall reject a proposal, initiative, constitutional complaint, appeal, or other filing initiating proceedings:

- 1) if it determines that it is not competent to issue a decision;
- 2) if it was not submitted within the prescribed time-limit;
- 3) if within the prescribed time-limit the applicant did not rectify deficiencies which preclude processing;
- 4) if it finds that it made a decision on the same matter previously;
- 5) if it finds that the filing initiating proceeding is manifestly ill-founded or founded on rights abuse;
- 6) if other preconditions for conducting a proceeding and decisions making do not exist.

3) Forms of work of the Constitutional Court

Article 29

The Constitutional Court shall decide on matters falling within its jurisdiction at a session.

The sessions of the Constitutional Court shall be convened and chaired by the President of the Constitutional Court.

Session of the constitutional Court shall be public.

The Constitutional Court may exclude the public from a session or a part thereof, if this is necessary in order to protect morals, maintain public order, keep the defence and national security, protect the interest of a minor or respect for private and family life of the participants in proceedings or when the Constitutional Court assesses that the publicity may endanger the interests of the justice.

Exclusion of the public shall not include the participants in proceedings and their attorneys.

The Constitutional Court shall deliberate and vote on closed session, and the decision will be announced publicly.

Article 30

The Constitutional Court shall hold a public hearing when it assesses that the holding of a public hearing is necessary, and especially in the event of complex constitutional and legal issue.

Convening, holding, as well as other issues regarding the public hearing shall be, in more details, regulated by the Rulebook.

4) Acts of the Constitutional Court

Article 31

The Constitutional Court shall issue decisions and rulings.

Decision or ruling of the Constitutional Court shall contain: introduction, dictum and reasons.

Article 32

By a decision, the Constitutional Court shall:

- 1) determine that the law, or some of its provisions, does not comply with the Constitution and with ratified and published international treaties, or that at the time when it was in force the same did not comply with the Constitution;
- 2) determine that another regulation, or some of its provisions, does not comply with the Constitution and law, or that at the time when it was in force the same did not comply with the Constitution and law;
- 3) determine the existence of the violation of human rights and freedoms guaranteed by the Constitution;
- 4) determine whether the President of Montenegro violated the Constitution;
- 5) resolve the conflict of jurisdiction;
- 6) ban the work of a political party or of a non-governmental organisation;
- 7) adopt an appeal on violation of the rights during the elections or during the referendum;
- 8) decide upon the compatibility with the Constitution of measures and actions of public authorities undertaken during the state of war and emergency;
- 9) reject: a proposal for determination of unconstitutionality and illegality; a proposal for determination whether the President of Montenegro violated the Constitution; a proposal for ruling of the conflict of jurisdiction and a proposal for the ban of the work of a political party or of a non-governmental organisation;
- 10) decide upon the constitutional complaint and appeal.

Article 33

By a ruling, the Constitutional Court shall:

- 1) initiate proceedings;
- 2) discontinue proceedings in cases laid down under this Law;

- 3) suspend the enforcement of an individual act or action, repeal the measure of suspension, or dismiss the request for suspension of enforcement of an individual act or action;
- 4) not accept the initiative to initiate proceedings for review of constitutionality or legality;
- 5) reject a proposal, initiative, constitutional complaint, appeal or other filings in the cases from the Article 28 of this Law;
- 6) decide on the issues relating to the administration of the procedure .

Article 34

The decisions of the Constitutional Court, except for the decisions upon constitutional complaint and appeal, shall be published in the Official Gazette of Montenegro, and in a manner in which was published the act upon which constitutionality and legality the Constitutional Court decided.

In the Official Gazette of Montenegro may be published a decision upon constitutional complaint and appeal, as well as the ruling which is important for the protection of constitutionality and legality.

Decisions and rulings of the Constitutional court shall be published on the webpage of the Constitutional Court.

5) Expenses of the proceeding and mutatis mutandis application of proceeding laws

Article 35

The proceedings before the Constitutional Court shall not be subject to tax.

The participants in proceedings before the Constitutional Court shall bear their own expenses. Without prejudice to paragraph 2 above, the Constitutional Court may reimburse expenses to other persons summoned and determine a fee for their participation in proceedings.

Article 36

If a matter of proceeding before the Constitutional Court is not regulated by this Law, the provisions of relevant proceeding laws shall apply *mutatis mutandis*.

2. Proceedings for review of constitutionality and legality

Article 37

The proceeding for review of compliance of the law with the Constitution and with ratified and published international treaties or of other regulations shall be initiated:

- 1) by a proposal submitted by the proponent empowered by the Constitution;
- 2) when the Constitutional Court finds the reasons for institution of the proceeding, on the basis of an initiative;
- 3) when the Constitutional Court itself finds the reasons, by its own initiative, and especially when in the course of the proceeding by constitutional complaint emerge the issue of the constitutionality and legality of a law or other regulation on which basis other individual act which is the subject of the constitutional complaint is delivered, as well as when in the course of the proceeding for review of the constitutionality and legality emerge the issue of the constitutionality, or legality of other provisions or other regulations related to the provisions which are the subject of the review. .

Article 38

The proposal or initiative for the review of compliance of the law with the Constitution and with ratified and published international treaties or of other regulations with Constitution and law shall contain: the title of the law or other regulation, reference to the provision, title and number of the Official Gazette in which it was published, grounds for the proposal or initiative, as well as other data relevant for the review of constitutionality and legality.

Where the general act of which the constitutionality or legality has been challenged was not published in the Official Gazette, a certified copy of the act shall be attached, as a rule, to the proposal or initiative.

Article 39

The proceedings shall be deemed initiated on the date of the submission of the proposal to the Constitutional Court, or on the date of issuance of a ruling of the Constitutional Court initiating proceedings.

Article 40

The Constitutional Court shall not accept the initiative if it finds that there are no grounds to initiate proceedings.

Article 41

In the proceedings for review of constitutionality and legality the Constitutional Court shall not be limited by the proposal or initiative.

If the proponent or initiator withdraws the proposal or initiative, the Constitutional Court shall continue proceedings if it finds grounds for doing so.

Article 42

At the request of the authority which enacted the disputed regulation, the Constitutional Court may, before issuing a decision on the constitutionality or legality, stay the proceedings and allow the authority which enacted the general act to rectify unconstitutionality and illegalities found within a specified time-limit.

If the unconstitutionality or illegality is not rectified within a specified time-limit, the Constitutional Court shall resume the proceedings.

Article 43

The Constitutional Court in the course of the proceeding may suspend the enforcement of an individual act or action until taking the final decision, at the request of the proponent or initiator if he demonstrates that enforcement will cause irreversible detrimental consequences.

Article 44

If in proceedings pending before a court is raised the issue of compatibility of the law with the Constitution and ratified and published international treaties or of other regulations with the Constitution and law, the court shall stay the proceedings and initiate proceedings for review of constitutionality or legality of that act before the Constitutional Court.

Article 45

The Constitutional Court shall discontinue proceedings:

1) if during the proceedings the law was harmonised with the Constitution and with ratified and published international treaties, and/or if another regulation was harmonised with the Constitution and law, and the Constitutional Court did not find that a decision should be issued because the consequences of the unconstitutionality or illegality have not been rectified;

2) if during the proceedings the proposal for review of constitutionality or legality of regulation has been withdrawn and the Constitutional Court do not continue the proceedings on its own initiative;

3) if the proceedings were initiated based on wrongly established facts;

4) if during the proceedings the procedural preconditions for conduct of the proceedings cease to exist.

Article 46

Regulations enacted to implement laws and other regulations, which have been found to be incompatible with the Constitution and law, shall not apply as of the date of publication of the decision of the Constitutional Court.

Enforcement of final and legally binding individual acts enacted based on the regulations which are not applicable any longer, may not be allowed or implemented, and if the enforcement has already commenced it shall be terminated.

Article 47

Anyone whose right was violated by a final or legally binding individual act, enacted based on law or other regulation which has been, on its own initiative, found, by a decision of the Constitutional Court, to be incompatible with the Constitution, with ratified and published international treaties or law, shall have right to request the competent authority to amend that individual act.

The proposal for the amendment of the final or legally binding individual act enacted based on law or other regulation which has been found, by a decision of the Constitutional Court, to be incompatible with the Constitution, ratified and published international treaties or law, may be submitted within six months as of the date of publication of the decision in the Official Gazette of Montenegro, if between the delivery of the individual act and the submission of the request has not passed more than one year.

3. Proceedings upon constitutional complaint

Article 48

Constitutional complaints may be lodged against an individual act of state authority, local self-government authority or legal person vested with public powers, for the reason of violation of human rights and freedoms guaranteed by the Constitution, after all effective legal remedies have been exhausted.

Exhaustion of all effective legal remedies, referred to in paragraph 1 of this article, imply that the constitutional complainant in the proceeding has exhausted all legal remedies to which is entitled by law.

Article 49

Constitutional complaints may be lodged by anyone who believes that his human right and freedom guaranteed by the Constitution was violated by an individual act of state authority, local self-government authority or legal person vested with public powers.

Constitutional complaint may also be lodged by another person, on behalf of the person referred to on paragraph 1 of this article, based on his authorisation.

The Protector of human rights and freedoms may, concerning complaint he has in work, lodge constitutional complaint if the complainant agrees with that.

Article 50

Constitutional complaint is to be submitted within 60 days from the date of delivery of an individual act against which, in accordance with this law, constitutional complaint may be submitted.

To the person who for justified reasons fails to lodge the constitutional complaint within time-limit, the Constitutional Court shall grant *restitutio in integrum*, if that person, within 15 days from the disappearance of reasons which caused him to miss the deadline, submits an application for *restitutio in integrum* and simultaneously lodges a constitutional complaint.

After the expiry of a period of three months from the date of missing the deadline referred to in paragraph 1 of this article, *restitutio in integrum* cannot be requested.

Article 51

Constitutional complaint must contain: the name and surname, the personal identification number of the citizen, the domicile or temporary residence, or name and registered office of the complainant, the number and date of the act against which the complaint is lodged and the name of the authority which enacted it, human right or freedom guaranteed by the Constitution that is claimed to have been violated, with the quotation of the constitutional provision guaranteeing this right or freedom, the cause of complaint and description of the nature of violation or denial of rights, the request on which

the Constitutional Court is to decide and the signature of the complainant.

A certified copy of the challenged act, evidence that legal remedies have been exhausted, as well as other evidence of significance for deciding, shall be enclosed to the constitutional complaint.

Article 52

Constitutional complaint shall not preclude implementation of the individual act against which it was lodged.

Exceptionally, the Constitutional Court in the course of the proceeding may order the suspension of the enforcement of an individual act until taking the final decision, at the request of the complainant, if complainant demonstrates that enforcement will cause irreversible detrimental consequences.

Article 53

Constitutional complaint shall be delivered to other persons whose rights and obligations have been determined by challenged individual act, to send their responses thereto within a period specified by the Constitutional Court, if by that act their right and obligation.

Article 54

The Constitutional Court shall discontinue proceedings:

- 1) if a constitutional complaint was withdrawn;
- 2) if the authority which enacted the challenged individual act has annulled, repealed or amended that act in accordance with the request contained in the constitutional complaint;
- 3) if other procedural preconditions for conduct of the proceedings cease.

Article 55

The Constitutional Court shall decide only on the violation of human right or freedom cited in the constitutional complaint.

Article 56

When the Constitutional Court establishes that a challenged individual act violated a human right or freedom guaranteed by the Constitution, it shall grant the constitutional complaint and repeal that act, entirely or partially, and remand the case for repeat procedure to the authority which enacted the repealed act.

If at the time of passing of the decision of the Constitutional Court the legal effect of challenged individual act terminated, the Constitutional Court shall state by a decision that violation occurred if it finds that a human right or freedom guaranteed by the Constitution was violated.

Article 57

The competent authority shall be obliged to with no delay, and latest within 30 days as of the day of the reception of the decision of the Constitutional Court, take the case in work in case where the Constitutional Court has repealed individual act and remanded the case for repeat procedure.

When enacting the new act, the competent authority shall be obliged to observe legal reasons of the Constitutional Court expressed in the decision and to make the decision in repeat procedure within a reasonable time.

Article 58

The constitutional complaint shall be dismissed as unfounded if the Constitutional Court finds that the grounds on which the act is challenged do not exist.

Article 59

The decision of the Constitutional Court granting the constitutional complaint shall have legal effect

from the date of its delivery to the participants in the proceedings.

4. Proceedings for determination whether the President of Montenegro violated the Constitution

Article 60

The proceedings deciding whether the President of Montenegro violated the Constitution shall be deemed initiated on the date on which the proposal is received by the Constitutional Court.

The proposal referred to in paragraph 1 of this article shall contain the statement of reasons and statement of allegations due to which it is considered that the President of Montenegro violated the Constitution.

Article 61

The proposal referred to in the article 60 of this Law the Constitutional Court shall submit to the president of Montenegro within three days as of the day of its reception.

The President of Montenegro shall have the right to make a statement on the reasons contained in the proposal, to provide data and information relevant for conduct of proceedings and deciding, within 15 days as of the date on which proposal was submitted.

Article 62

The proceedings deciding whether the President of Montenegro violated the Constitution shall be urgent.

Article 63

In the proceedings deciding whether the President of Montenegro violated the Constitution, the Constitutional Court shall be limited solely to proposal.

Article 64

The Constitutional Court shall discontinue the proceedings:

- 1) if the Parliament withdraws the act of initiation of the proceeding;
- 2) if the office of the President of Montenegro is terminated during the proceedings.

Exceptionally from paragraph 1 item 2 of this article, the Constitutional Court shall continue the proceedings if requested by the President of Montenegro.

Article 65

The Constitutional Court shall issue the decision on whether the President of Montenegro violated the Constitution within 45 days as of the date on which the proposal was submitted.

5. Proceedings resolving a conflict of jurisdiction

Article 66

The proposal to resolve a conflict of jurisdiction may be submitted by one or more conflicting authorities, as well as the person who is unable to exercise his rights due to acceptance or rejection of jurisdiction, within 15 days as of the day of rejection or acceptance of jurisdiction.

Article 67

The proposal to resolve a conflict of jurisdiction shall contain the name of the authority, the subject of dispute and grounds on which jurisdiction has been accepted or rejected.

Article 68

The Constitutional Court shall discontinue the proceedings:

- 1) if the proposal to resolve the conflict of jurisdiction has been withdrawn during the proceedings;
- 2) if the procedural preconditions for conduct of proceedings and deciding have ceased to exist during the proceedings.

Article 69

The Constitutional Court may order to stay the proceedings before the authorities between which the conflict of jurisdiction occurred, until the decision is made.

Article 70

When the Constitutional Court finds that the conflict of jurisdiction exists, it shall decide upon the authority that is competent to decide.

When the Constitutional Court finds that there is no conflict of jurisdiction, it shall reject the proposal to resolve a conflict of jurisdiction.

Article 71

The decision of the Constitutional Court resolving the conflict of jurisdiction shall have legal effect from the date of its publication in the Official Gazette of Montenegro.

6. Proceedings deciding on ban on work of a political party or of a non-governmental organization

Article 72

The proceedings deciding to ban the work of a political party or of a non-governmental organization shall be initiated by a proposal which, within their competences, may be submitted by;

- the Protector of human rights and liberties;
- the Council of Defence and Security;
- state administration authority in charge of protection of human and minority rights;
- state administration authority in charge of entry of a political party or a non-governmental organization in the registry.

Article 73

The proposal for the ban on work of a political party or of a non-governmental organization must quote the prohibited activity, and/or the facts and circumstances of unconstitutional activity which may be a reason to ban the work of a political party or of a non-governmental organization.

Article 74

The Constitutional Court may ban the work of a political party or of a non-governmental organization if their activities are directed or aimed at violent destruction of constitutional order, infringement on the territorial integrity of Montenegro, violation of human rights and freedoms or instigating of racial, religious and other hatred and intolerance.

Article 75

When the Constitutional Court bans the work of a political party or of a non-governmental organization, that political party or non-governmental organization shall be erased from the registry.

The decision banning the work of a political party or of a non-governmental organization shall be delivered to political party or of a non-governmental organization in question and shall have legal effect from the date of serving of the decision of the Constitutional Court to the competent authority in charge of entry of a political party or a non-governmental organization in the registry.

7. Proceeding of deciding on electoral disputes and disputes related to referendum

1) Proceeding of deciding on violation of right during elections of Members of Parliament and Municipal Delegates

Article 76

The proceeding of deciding on the violation of right during elections for the Members of Parliament and Municipal Delegates shall be initiated by filing an appeal against the ruling of the competent electoral commission dismissing or rejecting the complaint against the decision.

The appeal referred to in paragraph 1 of this article shall be filed within 24 hours from the hour the ruling was received.

Article 77

The appeal may be filed by a voter, a candidate for a Member of Parliament or a Municipal Delegate, as well as by the party/group that submitted the electoral list.

The appeal shall contain grounds for and evidence of violation of the right during elections.

Article 78

The Constitutional court shall serve one copy of the appeal to the competent electoral commission, with a ruling to deliver a response and necessary electoral acts and/or documentation within a specified period

Article 79

The Constitutional Court shall render the decision on the appeal referred to in article 78 of this Law within 48 hours from the hour the appeal was received.

Article 80

Where an irregularity in an election procedure was proved, and had a significant influence on the result of the election, the Constitutional Court shall issue a decision annulling the entire electoral procedure or parts thereof which must be precisely specified.

Article 81

The decision of the Constitutional Court annulling the entire electoral procedure or a part thereof shall have legal effect as of the date of serving of the decision of the Constitutional Court to the competent authority.

2) Proceeding of deciding on violation of right during elections for the President of Montenegro, Mayors of the Capital City and of the Old Capital and Mayors

Article 82

The proceeding of deciding on the violation of right during elections for the President of Montenegro, Mayors of the Capital City and of the Old Capital and Mayors shall be initiated by an appeal which may be filed by the candidates for the President of Montenegro, Mayors of the Capital City and of the Old Capital and Mayors, the party/group nominating the candidate or by an voter.

The appeal referred to in paragraph 1 of this article shall contain grounds for and evidence of violation of the right during election.

Article 83

On the proceedings referred to in Article 82 of this Law shall apply the provisions of this Law relating

to the proceedings deciding on the violation of right during elections for the Members of Parliament and Municipal Delegates.

3) Proceedings deciding on violation of right during referendum

Article 84

The appeal initiating the proceeding for deciding on violation of right during referendum may be filed by a voter and authority calling the referendum.

The appeal must be reasoned and contain grounds for violation and evidence.

Article 85

The decision on violation of rights referred to in Article 84 of this Law shall be issued by the Constitutional Court within 30 days as of the date of initiation of proceedings.

The decision of the Constitutional Court referred to in paragraph 1 of this Article shall have legal effect from the date of serving of the decision to the competent authority.

Article 86

To the proceedings deciding on the violation of right during referendum shall apply the provisions of this Law relating to the proceedings deciding on the violation of right during elections of Members of Parliament and Municipal Delegates.

8. Proceedings deciding on compatibility with the Constitution of measures and actions of public authorities undertaken during the state of war and emergency

Article 87

The proceedings deciding on compatibility with the Constitution of measures and actions of public authorities undertaken during the state of war and emergency shall be initiated by an appeal.

The appeal referred to in paragraph 1 of this article may be submitted by a person who considers that these measures and actions limit the exercise of individual freedoms and rights beyond the extent necessary to achieve the purpose for which this limitation has been introduced or limit the rights that can not be limited or that rights are limited on grounds by which the limit can not be imposed according to the Constitution.

The appeal referred to in paragraph 1 of this Article shall be filed within three days from the date of introduction of measures and actions during the state of war and emergency.

The appeal referred to in paragraph 1 of this Article must contain the statement of reasons and grounds for and evidence of limitations on the exercise of individual freedoms and rights.

Article 88

The Constitutional Court shall issue the decision establishing compatibility or incompatibility with the Constitution of measures and actions referred to in Article 87 of this law within seven days from the date of receipt of the appeal in the Constitutional Court.

When the Constitutional Court establishes that the measures and actions are incompatible with the Constitution, it shall repeal the act entirely or partially, and/or ban the action.

Article 89

The decision of the Constitutional Court shall have legal effect from the date of serving of the decision to the competent authority.

IV - FINANCIAL RESOURCES

Article 90

Financial resources for the work of the Constitutional Court shall be provided from special allocation of the budget of Montenegro.

The Constitutional Court shall propose the allocation of annual budget for the work of the Constitutional Court to the Government of Montenegro.

V - TRANSITIONAL AND final PROVISIONS

Article 92

Proceedings before the Constitutional Court initiated before the effective date of this Law shall be finalized according to the provisions of this Law.

Article 93

Constitutional complaints filed before the entry into force of this Law shall be deemed timely submitted, and they shall be allowed against individual acts and actions adopted after the date of entry into force of the Constitution.

Article 94

The Constitutional Court shall adopt its Rulebook within 90 days of the entry into force of this Law.

Until the Rulebook is adopted, the provisions of the Rulebook of the Constitutional Court of the Republic of Montenegro (Official Gazette of the Republic of Montenegro, No. 53/93, 10/97 and 80/05) shall apply, unless they are contrary to this Law.

Article 95

The Law on the Constitutional Court of the Republic of Montenegro (Official Gazette of the Republic of Montenegro, No. 21/93) shall cease to be valid on the date of entry into force of this Law.

Article 96

This Law shall enter into force on the eighth day from the date of its publication in the Official Gazette of Montenegro.

SU-SK Number 01-820/19

Podgorica, 22 October 2008

Parliament of Montenegro

President, _____

