Pursuant to Article 88 item 2 of the Constitution of the Republic of Montenegro, I am passing the

DECLARATION OF THE LAW ON POLITICAL PARTIES


The Law on Political Parties, adopted by the Parliament of Montenegro, is being proclaimed at the first session of the first the regular session in 2004, on March 23, 2004

Number: 01-455/2

Podgorica, 29. 03 2004.

President of Montenegro

Filip Vujanović,

LAW ON POLITICAL PARTIES

GENERAL PROVISIONS

SUBJECT OF THE LAW

Article 1:

This law regulates the conditions and method of: establishment, organization, registration, association and termination of work political parties (hereinafter: the party).

The term party

Article 2

The Party, within the meaning of this law, is the organization of freely and voluntarily affiliated citizens for the purpose of accomplishment political goals with democratic and peaceful means.
Publicity

Article 3

Party action is public.

The way of organizing and acting

Article 4

The party is organized and operates exclusively on the territorial principle.

Restrictions in action

Article 5

It is forbidden to have a party whose goals are aimed at: violently changing the constitutional order, disturbing territorial integrity of Montenegro, violation of the Constitution of guaranteed human rights and freedoms, provocation and fostering national, racial, religious and other hatred or intolerance.

The party that is not registered in accordance with this law, as well as the party that has the headquarter outside of Montenegro, cannot operates in Montenegro.

Legal status

Article 6

The party obtains the status of a legal entity on the day of its registration in the Register of Political Parties (hereinafter: the Registry).

The party begins its work on the day of registration in the Register.

II FOUNDATION OF THE PARTY

Founders

Article 7

The party may be established by at least 200 citizens with voting rights in Montenegro, who voluntarily sign the statement on the establishment of the party (hereinafter: statement).

Holders of judicial and prosecutorial function, protectors of human rights and freedoms, professional members of the police and army cannot be the party's founders.
Content and authentication of statements

Article 8

The statement contains the following information:

1) name and surname of the party founder;
2) the date and place of birth of the party founder;
3) residence of the party founder;
4) unique registration number of the party's founders;
5) the name of the party;
6) acceptance of the statutes and program of the party;
7) date of signing;
8) signature of the party founder.

The statement must be certified by the competent court.

The form of the statement is determined by the authority in charge of keeping the Registry.

Founding Assembly

Article 9

The party is established at the founding assembly by passing:

1) decisions on the establishment of the party;
2) Statute;
3) the program;
4) by choosing a person authorized to represent the party.

Decision on the Establishment

Article 10

The decision on the establishment of the party contains: name, abbreviated name, location and address of the party, basic party goals and data about the person authorized to represent the party.

An integral part of the decision is founders’ statement on the founding party.
Statute and program of the party

Article 11

The party has its own statute and program.

The Statute of the Party contains:

1) name, abbreviated title, mark and seat of the party;

2) the basic program objectives of the party;

3) the composition, powers, decision making and the mandate of the party body;

4) the procedure for deciding on the candidacy and the manner of election of the party body,

5) the territorial and internal organization of the party;

6) the procedure of admission and exclusion of party members;

7) rights and obligations of party members;

8) the procedure for determining candidates in the process of election of authorities;

9) the manner of securing affirmative action for the purpose of achieving gender equality in the process of selecting organs parties;

10) responsibility for the material and financial performance of the party;

11) the decision-making process in the event of a merger of the party;

12) the procedure for adopting a decision on association in the coalition parties (coalitions);

13) the procedure for deciding on membership in international organizations;

14) the decision-making process on the termination of the party's work;

15) the procedure for deciding on the property of the party in the event of the party's termination or the merge of a party;

16) the procedure for changing the Statute;

17) the manner of exercising the public's work.

The program contains a description of the political goals, values and principles for which the party is committed.

Name and Party Label

Article 12
The name of the party is entered in the language that is in official use in Montenegro.

The party name can also be entered in the language of national and ethnic groups, with the title in the official language use must be typed in the first place.

In international communication, parties can use the name translated on a foreign language.

The party name includes the full name of the party and the abbreviation of the party name.

The party is entitled to its authentic labels.

In legal transactions, parties may use their registered name, abbreviated name and label.

The party name may not contain the name of a foreign country, a foreign legal entity or a natural person.

Protecting of the name and label of the party

Article 13

The name, the abbreviated name, and the party’s label must be different from the name, the abbreviated name, and the label of the other registered party or a party that has ceased to operate, provided that not less than four years passed since the day of termination, and that they cannot act in that way to confuse citizens or hurt their moral feelings.

A political party that has been created, pursuant to Article 17 of this Law, by merging two or more parties has the right to a permanent protection of the name, abbreviated names, labels and features of the parties that performed the merging process.

A party who considers that its name, abbreviated name and label do not essentially differ from the name, abbreviated name and the labels of the later registered parties, which undoubtedly causes confusion in the public, is entitled, by lawsuit before the competent by the court, to require the deletion from the Register of the disputed name, abbreviated name and the label.

III REGISTRATION OF THE PARTY

Application for registration in the register

Article 14

The register of political parties is kept by the ministry competent for administrative affairs (hereinafter: the competent body), which regulates the content and manner of keeping the Registry.

The application for registration in the Register is submitted by a person authorized to represent the party.
The application can be submitted personally or sent by mail.

With the application for registration in the Register it is necessary to enclose:

1) decision on establishment of a party;

2) Statute of the Party;

3) Party program.

In the event that the necessary documents are not attached to the application for registration, the competent authority shall, within ten days from receiving the application, request completion of the registration dossier. If the party, within 30 days from the day of receiving information from the competent authority, does not complete the registration documentation, the party will be considered withdrawn application for registration in the Register.

The competent authority shall issue a certificate upon receiving the application to an authorized party for representation of the party.

The register is a public book.

Decision on registration in the Register

Article 15

The competent authority shall issue a decision on the registration of the party in the Register.

Enrollment in the Register will be made within 15 days from the day of submitting the application for registration.

If registration is not made within the deadline referred to in paragraph 2 of this Article, the registration shall be deemed to have been made by the first working days after the expiration of that period.

The Party shall begin its work in accordance with this Law and other regulations from the date of entry into the Register.

The competent authority shall announce the decision on the entry of the party into the Register in the "Official Gazette of Montenegro".

Enroll the change of data in the Register

Article 16

The authorized person for representation of the party shall, within 30 days from the date of the changes in the statute and the program of the party, and in the case of the election of a new person for representing the party, submit an application for the entry of new data with the competent authority.
The competent authority will carry out the procedure for entering new data, in accordance with this Law.

The decision on the entry of new data is published in the "Official Gazette of Montenegro".

V ASSOCIATION AND MERGING OF PARTIES

Article 17

The party can unite in wider political alliances in the country and abroad, while retaining its legal subjectivity.

The party can merge with the other party or other parties registered in the Register to create a new party in that case the Party loses its legal personality, and the new legal entity becomes a party formed by merging two or more party.

A party formed by merging two or more parties shall be entered in the Register by submitting an application for the entry:

1) decision on merging parties;
2) the consolidated assets report (balance sheet);
3) Statute of the Party;
4) program of the Party;
5) information on the person authorized to represent the party.

The procedure for entry into the Party Register referred to in paragraph 3 of this Article shall be conducted according to the provisions of this Law.

V CESSATION OF THE PARTY

Article 18

The party ceases to exist by deleting it from the Registry.

The competent authority shall delete a party from the Registry by a decision if:

1) The Constitutional Court decides that the acts of the party are not in conformity with the Constitution and law;

2) the competent court decides that the name, abbreviated name or labeling do not differ essentially from the name, abbreviated name or label of the party that was previously registered in the Registry;
3) the competent court decides that the name, abbreviated name or label of a party are the same or similar to the names or symbols of the institutions;

4) the party merges with another or other parties.

Immediately after deleting the party, the competent authority will inform the party.

The competent authority shall initiate the procedure for deleting a Party from the Registry, if:

1) the body established by the statute shall issue a decision on termination of the party's work;

2) finds out that the registration of the party was done on the basis of false information;

3) finds out that, within one year from the expiry of the mandate established by the statute, the party has not yet elected their statutory bodies;

4) the party independently or in the coalition did not participate in the parliamentary or local elections for six years.

The competent authority shall notify the Party of the initiation of the deletion procedure from the Registry and invite it to within 15 days from the date of receipt of the notification, declare it.

The competent authority shall issue a decision on the removal of the party from the Registry, within 15 days from the expiry of the deadline for the statement referred to in paragraph 5 of this Article.

The decision on the deletion shall be published in the "Official Gazette of Montenegro".

An administrative dispute may be initiated against the removal order.

In case of deletion from the Registry, funds belonging to the state budget funds shall be returned to the budget.

VI SUPERVISION ON THE LAW IMPLEMENTATION

Article 19

Supervision over the implementation of this law shall be performed by the ministry responsible for administrative affairs.

VII PENAL PROVISIONS

Article 20

A fine of 500 euros to 7,500 euros shall be imposed on a political party violation if:

1) is organized in a manner contrary to the territorial principle;
2) act before registering in the Register;

3) does not use the name entered in the Register in its activity;

4) within the specified deadline, did not inform the competent authority about any change in the essential data to be entered into Register.

The misdemeanor referred to in paragraph 1 of this Article shall be fined from EUR 30 to EUR 500 and the person representing the party.

VII. TRANSITIONAL AND FINAL PROVISIONS

By-laws

Article 21

The Ministry in charge of administrative affairs, within 30 days from the date of entry into force of this Law, shall adopt its regulations for the implementation of this law.

Re-registration of parties

Article 22

A Party registered in the Register of Political Organizations shall be obliged to be re-registered within 12 months from the date of entry into force of this Law, according to the provisions of this Law.

The Party referred to in paragraph 1 of this Article may change its name, abbreviated name and label.

A Party that fails to comply with the provision of paragraph 1 of this Article shall cease to exist by force of law.

The competent authority shall, within 10 days from the date of entry into force of this Law, register in the Registry, the Party which won one or more parliamentary, or councilor mandates.

The Party referred to in paragraph 4 of this Article must, at the latest within 12 months from the date of entry in the Register, harmonize its acts with the provisions of this law and submit it to the competent authority, otherwise it will be deleted from the Register.

Termination of legal provisions

Article 23

On the day this Law enters into force, the provisions of the Law on Association of Citizens will cease to apply ("Official Gazette RCG "No. 23/90, 13/91 and 30/92) referring to political organizations.
The procedure for entry into the Register started before the entry into force of this Law shall end according to the provisions of this Law.

The entry into force

Article 24

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