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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW
ON AMENDMENTS AND ADDITIONS
TO THE LAW
ON THE CONSTITUTIONAL COURT
OF SERBIA

Article 1

The Law on the Constitutional Court ("Official Gazette of RS", no. 109/07), in article 3, paragraph 2 is being amended as follows:

"The publicity is guaranteed by publication of the decisions of the Constitutional Court, publication of session notifications on the Internet site of the Constitutional Court, by conducting public hearings and hearings in procedures before the Constitutional Court, through release of communiqués to the public information media, holding press conferences and in other manner."

Article 2

In article 4, after paragraph 1 a new paragraph 2 is being added as follows:

"In the proceedings upon constitutional appeals and appeals of judges, public prosecutors and deputy public prosecutors, solely the participants in the proceedings have the right of insight into the case files."

Former paragraph 2 shall now become paragraph 3.

Article 3

In the article 10, paragraph 1 is being amended as follows: "The Constitutional Court, by the majority vote of all judges, adopts the Rules of Procedure of the Constitutional Court (hereinafter: the Rules of Procedure) which regulates in detail the organization, manner of work and the conduct of the Constitutional Court."

Article 4

The name of the Title II. "ELECTION, APPOINTMENT AND TERMINATION OF OFFICE OF CONSTITUTIONAL COURT JUDGES", is being amended as follows: "ELECTION, APPOINTMENT, TERMINATION OF OFFICE AND POSITION OF CONSTITUTIONAL COURT JUDGES".

Article 5

In the article 14, a new paragraph 1 is being added as follows:

"The office of a judge of the Constitutional Court is terminated with the fulfilment of general requirements for retirement".

In former paragraph 2, which now becomes paragraph 3, the number "1" is being replaced with the number "3".

After the former paragraph 3, which now becomes paragraph 4, a paragraph 5 is being added as follows:

"The pension base for the calculation of the amount of retirement pensions for judges of the Constitutional Court is a monthly amount of salary without taxes and social security contributions, which belongs to a judge for full time work in the month in which his office is being terminated."

Article 6

After the article 20, a new article 20a is being added, as follows:

"Article 20a

The salary of a judge of the Constitutional Court reflects the position and competences of the Constitutional Court and the responsibility of a judge for the performance of duties and it represents one of the guarantees of judge's independence in the protection of constitutionality and legality and human and minority rights and freedoms.

The basis for calculation and payment of salaries of the President and judges of the Constitutional Court shall be determined by the Law on the Budget of the Republic of Serbia, though it can not be lower than the basis defined for the calculation and payment of salaries of judges.

The coefficient for calculation and payment of salary of the President of the Constitutional Court is equal to the coefficient of the President of the Supreme Court of Cassation, and of a judge of the Constitutional Court – to the coefficient of a judge of the Supreme Court of Cassation.

In the event that judicial positions in the Constitutional Court are not all filled in, the salary of the President and judges of the Constitutional Court may be increased up to 30% until they will be filled in, on the basis of the decision of the Constitutional Court passed by a majority vote of all judges.

A judge of the Constitutional Court who is elected or appointed to office from among the Law Faculty professors, and who exercises his/hers employment rights at the Law Faculty, is entitled to monthly compensation amounting to the difference between the salary of a judge of the Constitutional Court calculated for full time work and not increased on the basis of years spent at work, and a salary s/he makes at Law Faculty determined in accordance with the regulations governing the method of calculation of funds for salaries and coefficients for the calculation and payment of salaries at Faculties whose activities are financed from the Budget of the Republic of Serbia."

Article 7

In the article 21 after paragraph 3, paragraphs 4 to 8 are being added as follows:

"A judge of the Constitutional Court whose office has been terminated upon the expiry of term s/he has been elected or appointed for, is entitled to return to work in governmental and other authority or legal entity from which s/he was elected or appointed for a judge of the Constitutional Court, or to duties s/he had performed until the election or appointment, or to other duties corresponding to his/hers level of competences and capabilities, within three months from the date of termination of office.

A Constitutional Court judge, who is elected or appointed from among judges or deputy public prosecutors, shall be relieved from the exercise of judicial or prosecutorial functions while performing the duty of a judge of the Constitutional Court.

The judge or deputy public prosecutor from paragraph 5 of this article whose office was terminated upon the expiry of term s/he had been elected or appointed for, shall continue to perform judicial or deputy public prosecutor function, in the court or public prosecutor's office he/she had been elected or appointed from.

The High Judicial Council or the State Prosecutorial Council is obliged to issue a resolution from the paragraph 6 of this article, within 30 days as of the day of termination of office of a judge of the Constitutional Court.

For a judge of the Constitutional Court elected or appointed from among public prosecutors, on the day of entry upon the function his/her prosecutorial function shall be terminate, and upon the termination of office of the judge of the Constitutional Court due to the expiry of the term s/he had been elected or appointed for, the State Prosecutorial Council shall within 30 days issue a resolution on his/her election on the function of deputy public prosecutor at the public prosecutor's office s/he had been as a judge of the Constitutional Court elected or appointed from."

Article 8

The article 22 is being amended as follows:

"The seat of the Constitutional Court is in Sremski Karlovci.

Sessions, public hearings and other forms of the activities of the Constitutional Court may also be held outside the seat of the Constitutional Court, following the decision of the Constitutional Court.

The reception of submissions at the seat and outside the seat of the Constitutional Court shall be regulated by the Rules of Procedure."

Article 9

In the article 27, paragraph 3 after the word "appointees" instead of a full stop a comma and the words "unless the law provides otherwise." are being added.

Article 10

After the article 27, articles 27a to 27d are being added as follows:

"Article 27a

The act referred to in the article 27, paragraph 2 of this Law shall define the required number of civil servants in office, civil servants on executive functions and appointees in the Professional Service.

Article 27b

The office in the Professional Service is the working position where the civil servant has the authority and responsibilities relating to management and coordination of the work of the Professional Service or individual parts of the Professional Service or the working position where s/he is in charge of organizing and conducting the most complex professional tasks that have the role to implement the powers of the Constitutional Court defined by the Constitution.

A civil servant is appointed to the office by majority vote of all judges of the Constitutional Court.

A civil servant in the office may be relocated, temporarily or until the expiry of term s/he has been appointed for, to another position, if it is in the interest of implementing the powers of the Constitutional Court defined by the Constitution, whereas the time spent at the previous position is counted in the time that the civil servant is appointed for.

Article 27v

A civil servant can advance by a transfer to an executive position in higher ranking, by appointment to an office or a higher office, or by upgrading to a higher salary grade without changing the position.

A civil servant, who has at least three consecutive times been graded with the "outstanding distinction" mark, can advance to the executive position that is not of immediate higher ranking, if s/he meets the performance requirements for that working position.

For a civil servant who advanced by transferring to executive position in higher ranking, the coefficient of salary grade within salary group of his/her new position is determined by the President of the Constitutional Court, taking into account that the coefficient that is being determined reflects the complexity and the scope of duties to be performed by a civil servant in this working position, as well as public servant's former work results.

A civil servant, who is employed in a Constitutional Court and was graded with the "outstanding distinction" mark after the first year of employment, shall advance for two salary grades within the salary group of his/her appointed position.

Article 27g

For employees of the Professional Service, 30% higher coefficients than those provided by the law governing the salaries of civil servants and employees can be determined for the calculation and payment of salaries.

Amount of the coefficients from paragraph 1 of this article shall be determined by the act on salaries of the employees in the Professional Service adopted by the Constitutional Court by majority vote of all judges.

Article 27d

The Secretary of the Constitutional Court prepares a proposal of personnel plan simultaneously with the preparation of the Budget proposal of the Constitutional Court, in order to be in compliance with it.

The President of the Constitutional Court adopts personnel plan, after obtaining the opinion of the competent working body of the Constitutional Court.

Article 27đ

The costs of additional education of civil servants that is relevant to the operation of the Constitutional Court, as well as the costs related to the professional practice of civil servants in international institutions responsible for protection of human rights and in constitutional courts of other states, shall be borne by the Budget of the Constitutional Court.

The rights and obligations of civil servant in additional training or the one sent to professional practice shall be regulated in accordance with the law governing the rights and obligations of civil servants."

Article 11

The article 28 is being amended as follows:

"The funds for work and functioning of the Constitutional Court (hereinafter: the Budget of the Constitutional Court), are provided from the Budget of the Republic of Serbia, on the proposal of the Constitutional Court.

The Constitutional Court independently disposes of the funds of the Budget of the Constitutional Court.

The Government cannot without the consent of the President of the Constitutional Court, suspend, delay or restrict the execution of the Budget of the Constitutional Court.

The procedure for the determination of the Budget proposal of the Constitutional Court shall be regulated by this Law and the Rules of Procedure."

Article 12

After the article 28, articles 28a and 28b are being added as follows:

"Article 28a

The Secretary of the Constitutional Court prepares a Budget proposal of the Constitutional Court in accordance with the law governing the Budget system and the Rules of Procedure and submits it to the competent working body of the Constitutional Court.

The competent working body from paragraph 1 of this article determines the Budget proposal of the Constitutional Court and sends it to the President of the Constitutional Court for transmission to the Ministry in charge of finance for an opinion.

The Minister in charge of finance shall submit a reasoned opinion to the Constitutional Court on the proposal from paragraph 2 of this article.

In the event that the Minister in charge of finance has objections to the delivered Budget proposal of the Constitutional Court, s/he will organize the consultations with the President of the Constitutional Court and the competent working body of the Constitutional Court, in order to achieve the agreement.

In the event that the Minister in charge of finance has no objections to the Budget proposal of the Constitutional Court, or an agreement from paragraph 4 of this Article is achieved, the Constitutional Court shall determine by majority vote of all judges, the final Budget proposal of the Constitutional Court, which the Ministry in charge of finance shall include unmodified in the Draft Budget of the Republic of Serbia, and the Government shall include it unmodified in the Draft Law on the Budget of the Republic of Serbia.

If agreement from paragraph 4 of this article is not achieved, the Ministry in charge of finance shall include the final Budget proposal of the Constitutional Court from paragraph 5 of this article, unmodified, in the Draft Budget of the Republic of Serbia, and the Government shall include it unmodified in the Draft Law on the Budget of the Republic of Serbia.

In the case from the paragraph 5 of this Article, the Government shall in the reasoning of the Draft Law on the Budget of the Republic of Serbia state the reasons for considering the Budget proposal of the Constitutional Court as unacceptable.

Article 28b

The control of execution of the budget of the Constitutional Court shall be conducted in accordance with the regulations governing the Budget system, accounting and auditing.

The Constitutional Court ensures the exercise of internal control of the execution of the Budget of the Constitutional Court in the manner provided by the Rules of Procedure and in accordance with the regulations governing the Budget system, accounting and auditing."

Article 13

The article 30, paragraph 2 is being amended as follows:

"Persons authorized by special power of attorney by participants in the proceedings may participate in the proceedings before the Constitutional Court."

Article 14

The article 35 is being amended as follows:

"The Judge Rapporteur is determined in accordance with the Rules of Procedure in the proceedings before the Constitutional Court.

Exceptionally, when the complexity of the constitutional issues dictates, the President of the Constitutional Court may appoint one or more judges who will along with the Judge Rapporteur conduct proceedings and prepare a joint proposal of the act, which is decided upon by the Constitutional Court.

The Judge Rapporteur or the Professional Service performs actions in the preliminary proceedings, in accordance with this Law and the Rules of Procedure.

In the preliminary proceedings the accuracy and admissibility of submissions which initiate or commence the proceedings before the Constitutional Court are being examined, acts on the commencement of the proceedings are being delivered, and initiatives are being delivered for responses and opinions, necessary data, information and evidence to verify the allegations from the initiative to commence proceedings for the constitutionality and legality assessment are being collected.

In preliminary proceedings other procedural actions relevant for the decision-making of the Constitutional Court are also being undertaken."

Article 15

The article 36 is being amended as follows:

"The Constitutional Court shall dismiss the submission that initiates or commences the proceedings before the Constitutional Court:

- 1) When it determines that the Constitutional Court is not competent to issue a decision;
- 2) If the submission was not filed within the prescribed time limit;
- 3) If the submission is anonymous;
- 4) When the submitter had not rectified shortcomings which preclude processing within a designated time limit;
- 5) When it determines that submission is manifestly unfounded;
- 6) If it determines that the submission abuses the rights;
- 7) When there are no other requirements for the conduct of the proceedings and decision making stipulated by law.

When the Constitutional Court determines that it is not competent to issue a decision it may refer the submission which initiates the proceedings to the competent authority."

Article 16

The article 42 is being amended as follows:

"The Constitutional Court decides on issues from its competence on the Constitutional Court session or at Council session.

The Constitutional Court, at the Constitutional Court session comprised of all judges of the Constitutional Court:

- 1) Passes regulations;
- 2) Issues decisions from the article 45, point 1) to 5), points. 8), 11), 14) and 15) of this Law;
- 3) Initiates procedure for determination of unconstitutionality or illegality of the general act at his own initiative;
- 4) Brings resolutions under the article 46, point 10) of this Law;
- 5) Decides when there is no unanimity in decision-making of the Grand Council;
- 6) Adopts individual acts when the law and the Rules of Procedure do not provide them to be made by the Councils or the President of the Constitutional Court.

At the session of the Constitutional Court, decisions are made by majority vote of all judges of the Constitutional Court.

Session of the Constitutional Court is scheduled also in the cases of conducting public hearing and session on deliberation and voting after conducted public hearings.

The Constitutional Court working in session of the Grand Council, consisting of the President of the Constitutional Court and seven judges:

1) Issues decisions referred to in the article 45, points. 6), 7), 9), 10), 12) and 13) of this Law;

2) Brings resolutions referred to in the article 46, points 1) to 8) of this Law;

3) Decides when there is no unanimity in decision-making of the Small Council;

The Constitutional Court working in session of the Small Council, consisting of three judges of the Constitutional Court:

1) brings the resolutions referred to in the article 46, point 9) of this Law;

2) Issues conclusions referred to in the article 47 this Law.

The decision, resolution or conclusion adopted in the Council referred to in the paragraphs 5 and 6 of this article, shall be passed when all Council members voted for them.

Constitutional Court session are convened and chaired by the President of the Constitutional Court.

President of the Constitutional Court, who at the same time is the President of the Grand Council, convenes and chairs sessions of the Grand Council.

Session of the Small Council is convened and chaired by the President of that Council.

Minutes are kept of the Constitutional Court session and Council session.

Manner of work and decision making on the Constitutional Court session and Council sessions, as well as the manner of establishment of Council, are governed by the Rules of Procedure.

The Constitutional Court may, in order to clarify matter in case, hold preparatory sessions, consultative meetings and other sessions as well, in accordance with the Rules of Procedure.

Article 17

In the article 43, paragraph 1 after the word "commissions" the words "and committees" are being added.

Article 18

In article 45 after item 14), an item 15) is being added as follows:

"15) Rejecting the request for a procedure for assessing the unconstitutionality or illegality of the general act from the initiative regarding which the resolution on commencement of the proceedings was issued."

Article 19

In the article 46, item 1) is being amended as follows:

"1) Initiating the procedure for assessing the unconstitutionality, illegality or non-compliance with generally accepted rules of international law and ratified international agreement;"

The item 5) is being amended as follows:

"5) Dismissing the initiative for commencing the procedure for assessing the constitutionality and legality in the case referred to in the article 53, paragraph 2 of this Law."

After the item 9) an item 10) is being added as follows:

"10) Postponing the publication of its decision in the" Official Gazette of the Republic of Serbia".

Article 20

The article 47 is being amended as follows:

"The Constitutional Court by its conclusion:

1) Dismisses the initiative for commencing the procedure for assessing the constitutionality and legality of the general act, motion or other request which initiates the proceedings before the Constitutional Court except for the constitutional appeal due to the lack of competence in this case;

2) Dismisses the proposal for assessing the unconstitutionality or illegality of the general act and initiative for commencing the procedure for assessing the constitutionality and legality that are not filed within the time limit referred to in the article 168, paragraph 5 of the Constitution;

3) Dismisses the appeal of judge, public prosecutor and deputy public prosecutor, if not filed within the time limit prescribed by the law;

4) Dismisses the initiative for commencing the procedure for assessing the constitutionality and legality of general act, motion or other request which initiates the proceedings before the Constitutional Court, except for the constitutional appeal, which is incomprehensible or incomplete, or contains other shortcomings which preclude processing of the Constitutional Court;

5) Dismisses anonymous initiative for commencing the procedure for assessing of the constitutionality and legality of the general act, motion or other request which initiates the proceedings before the Constitutional Court, except for the constitutional appeal;

6) Dismisses the initiative for commencing the procedure for assessing the constitutionality and legality of general act, motion or other request, which initiates the proceedings before the Constitutional Court, except for the constitutional appeal, representing an abuse of rights;

7) Dismisses the initiative for commencing the procedure for assessing the constitutionality or legality and the proposal for assessing the unconstitutionality or illegality of the general act which is not yet passed;

8) Dismisses the initiative for commencing the procedure for assessing the constitutionality or legality and the proposal for determination of the unconstitutionality or illegality of the general act if its bearer legally ceased to exist;

9) Decides on the request of the bearer of the disputed general act to suspend the proceedings;

10) Terminates the proceedings when the proposal for assessing the unconstitutionality or illegality of the general act was withdrawn, that is when the initiator withdraws the initiative for commencing the procedure for assessment of the constitutionality and legality;

11) Terminates the proceedings also in other cases, except for proceedings on constitutional appeal, upon the withdrawal or relinquishment of the authorized initiator or applicant, from the submitted application or for termination of other procedural requirements for conducting the procedure.

The Constitutional Court adopts conclusions also in other cases, when in accordance with the provisions of this Law and the Rules of Procedure it does not issue decisions or resolutions."

Article 21

The article 48 is being amended as follows:

"Decisions, resolutions and conclusions of the Constitutional Court contain: introduction, holding and reasons.

The contents of certain parts of acts referred to in the paragraph 1 of this article shall be specified by the Constitutional Court. "

Article 22

In the article 51, the paragraph 1 is being amended as follows:

"The proposal for assessing the unconstitutionality or illegality, or initiative for the commencement of the procedure for assessing the constitutionality and legality, shall include the name of the general act whose constitutionality or legality is being disputed; the title and the number of the Official Gazette in which the general act was published if the publication was made in the Official Gazette; designation of the provision or provisions whose constitutionality

or legality is being disputed; the provisions of the Constitution or laws in respect to which the constitutionality or legality of a general act is being disputed; the reasons for disputing and other data relevant for assessing the constitutionality or legality of the disputed general act; proposal or request suggesting how to decide; the information on the applicant or initiator; signature of applicant or of the initiator. "

Article 23

In the article 52, after the word "submittal of the" the word "orderly" is being added.

Article 24

In the article 53, after the paragraph 1, a new paragraph 2 is being added as follows:

"When the Constitutional Court finds that the initiative is unacceptable because the set out reasons for disputing do not substantiate the statement that the grounds for commencing the proceedings for assessing constitutionality and legality exist, it shall dismiss the initiative by a resolution."

The former paragraphs 2 and 3 shall become paragraphs 3 and 4.

The paragraph 4 is being amended as follows:

"When the Constitutional Court after the conducted procedure determines that the request for assessing unconstitutionality or illegality from the initiative regarding which the proceedings were commenced, is not grounded, it shall issue the decision on its rejection".

Article 25

In the article 58, after the paragraph 3, the paragraphs 4 and 5 are being added as follows:

"The Constitutional Court may postpone publication of its decision in the "Official Gazette of the Republic of Serbia" by a special resolution, but not longer than six months from the date of its adoption.

In the case referred to in the paragraph 4 of this article, the decision determining that a general act is not in accordance with the Constitution, law, generally accepted rules of international law or ratified international agreement, along with the resolution on postponing of the publication, shall be deliver to the bearer of the general act by the Constitutional Court."

Article 26

In the article 61, paragraph 1 after the word "individual act", a comma and words "in accordance with the rules of procedure in which an individual act was passed" are being added.

Article 27

In the article 63 after the words, "court shall", a comma and words "if it finds such objection to be grounded," are being added.

Article 28

In the article 79, paragraph 1, after the word "candidate", a comma and words "within 48 hours of the adoption of decision" are being added".

In the paragraphs 2 and 3, the word "hour" is replaced with the word "hours".

Article 29

After the article 81, a new article 81a is being added as follows:

"Article 81a

When the proposal requested the prohibition of secret or paramilitary associations, the Constitutional Court shall determine by its decision that the operation of such association is prohibited by the Constitution.

By the decision referred to in the paragraph 1 of this article, the Constitutional Court may order taking of measures required to prevent the operation of secret or paramilitary associations."

Article 30

In the article 85, paragraph 1, the words " the motion on which the Constitutional Court is to decide and the signature of the person filing the constitutional appeal." are being replaced with the words "specified motion on which the Constitutional Court is to decide with stated amount and basis of compensation for material or immaterial damages, when the compensation is required, the signature of the person filing the constitutional appeal or the person to whom a special power of attorney had been issued for filing the motion."

In the paragraph 2 after the words "that legal remedies have been exhausted," the words: "evidence on the amount of material damage," are being added.

After the paragraph 2, the paragraph 3 is being added as follows:

"The request for compensation may only be placed simultaneously with filing the constitutional appeal."

Article 31

In the article 89, the paragraphs 2 and 3 are being amended as follows:

"When the Constitutional Court determines that the challenged individual act or action has violated or denied a human or minority right and liberty guaranteed by the Constitution, it may annul the individual act except court decisions, prohibit further performance of such action, or order undertaking of other measure or actions to eliminate detrimental consequences of the determined violation or denial of guaranteed rights and liberties and to determine the manner of just satisfaction for the applicant.

In a decision adopting the constitutional appeal, the Constitutional Court shall decide also on the request of the complainant for compensation of material or immaterial damage, when such request had been filed."

Article 32

The article 90 is being deleted.

Article 33

In the article 99, paragraph 2, article 100, paragraph 1 and article 101 the word "dismissal" is replaced with the words "termination of office".

Article 34

After the article 102, the article 102a is being added as follows:

"Article 102a

In the proceedings upon the appeal of a judge, public prosecutors and deputy public prosecutor, the provisions of this Law governing the proceedings on constitutional appeal shall apply accordingly."

Article 35

In the article 103, the number "102." is being replaced with the word "102a".

Article 36

The Constitutional Court shall harmonize the Rules of Procedure within 90 days from the date of entry into force of this Law.

Article 37

The High Judicial Council shall, within 30 days of termination of office of a judge of the Constitutional Court due to the expiry of term s/he had been elected or appointed for, issue a decision on the election to the function of the Constitutional Court judge, who had been elected until the date of entry into force of this Law, or appointed to the duty from among judges to the court s/he had been elected or appointed as judge of the Constitutional Court from or to the highest rank of court which has taken over the jurisdiction of the court which the Constitutional Court judge had been elected or appointed to the duty from.

Article 38

Proceedings initiated before the entry into force of this Law shall be completed pursuant to the provisions of this Law.

Claims for compensation of damages submitted to the Commission referred to in the article 90, paragraph 3 of the Law on the Constitutional Court ("Official Gazette of RS", No. 109/07), until the date of entry into force of this Law, shall be resolved in accordance with the regulations in force until the date of entry into force of this Law.

Article 39

On the date of the entry into force of this Law, the provisions of the Law on Salaries in State Authorities and Public Services ("Official Gazette of RS" No. 34/01, 62/06 – oth. law, 63/06 – correction oth. law and 116 / 08 – oth. law) cease to be in force in part related to the method of determining the salary of the President and judges of the Constitutional Court.

Article 40

This Law shall enter into force on the eight day upon its publication in "Official Gazette of the Republic of Serbia", except for the provisions of the article 16 of this Law, which shall enter into force within 90 days from the date of entry into force of this Law, and the provision of the article 8, paragraph 1 of this Law, which shall enter into force on January 1st 2013.



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LAW ON THE CONSTITUTIONAL COURT

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LAW ON THE CONSTITUTIONAL COURT

I. MAIN PROVISIONS

Article 1

The organisation of the Constitutional Court, the procedure before the Constitutional Court and the legal effect of its decisions are determined by this Law.

Article 2

The Constitutional Court decides on questions from its jurisdiction determined by the Constitution of the Republic of Serbia (hereinafter: the Constitution) and performs other activities determined by the Constitution and by law.

Article 3

The work of the Constitutional Court is public.

Publicity is guaranteed by public hearings in procedures before the Constitutional Court, publication of its decisions, release of communiqués to the public information media and in other manner.

The Constitutional Court may exclude the public, only for the purpose of protecting the interests of national security, public order and morality in a democratic society, as well as for the purpose of protecting the interests of juveniles and the privacy of participants in a procedure.

Exclusion of the public does not pertain to the participants in a procedure, their legal representatives and representatives of the professional public.

Judges may not express publicly their opinions about questions which are the subject matter of a dispute before the Constitutional Court.

Article 4

Everyone is entitled to request insight into the case files and to request that he/she be allowed to copy the files, in accordance with the law governing free access to information of public importance.

Insight into case files shall not be allowed if there are reasons for exclusion of public and in other cases, in accordance with law.

Article 5

Procedures before the Constitutional Court are conducted in the Serbian language and with the use of the Cyrillic script.

Official usage of other languages and scripts in procedures before the Constitutional Court is effected in accordance with the law governing the use of those languages and scripts.

Article 6

Procedures before the Constitutional Court are not subject to any duties.

Participants in procedures before the Constitutional Court bear their own expenses, unless the Constitutional Court determines otherwise.

The Constitutional Court may compensate other summoned persons for their expenses and determine a fee for their participation in the procedure.

Article 7

Decisions of the Constitutional Court are final, enforceable and universally binding.
The manner and procedure of enforcing decisions of the Constitutional Court are determined by this Law.

Article 8

Matters of procedure before the Constitutional Court not regulated by this Law shall accordingly be governed by provisions of appropriate procedural laws.

Matters of procedure not regulated by this Law or provisions of other procedural laws shall be decided on in each individual case by the Constitutional Court.

Article 9

Constitutional Court passed general and individual acts, by majority vote of all judges, except in cases prescribed by this Law.

Article 10

The Constitutional Court has the Rules of Procedure of the Constitutional Court (hereinafter: Rules of Procedure), which regulate in detail the organisation, manner and publicity of work and the procedure before the Constitutional Court.

Rules of Procedure are published in the "Official Gazette of the Republic of Serbia".

II. ELECTION, APPOINTMENT AND TERMINATION OF OFFICE OF CONSTITUTIONAL COURT JUDGES

Article 11

The Constitutional Court consists of 15 judges elected and appointed in the manner prescribed by the Constitution.

On assuming office judges take an oath before the Speaker of the National Assembly.

The text of the oath is as follows: "I solemnly swear to abide by the Constitution and laws of the Republic of Serbia in my work and to perform my duty honourably, conscientiously and impartially".

Article 12

Six months before the expiry of the nineyear term of office to which a Constitutional Court judge has been appointed, or elected, the President of the Constitutional Court shall notify thereof the authorised propounder and the National Assembly.

Article 13

Constitutional Court judges files requests for termination of office before the expiry of the term to which they have been elected, or appointed, to the authorised propounder for election, or appointment, to the National Assembly, and the President of the Constitutional Court.

If the National Assembly fails to adopt a decision on the request referred to in paragraph 1 of this Article within three months from the day it was filed, the office of the Constitutional Court judge expires by force of law on the expiry of that timelimit, and this is stated by a ruling passed by the President of the Constitutional Court

In case of death of Constitutional Court judge, the President of the Constitutional Court informs the authorised propounder and the National Assembly thereof.

Article 14

The Constitutional Court notifies the authorised propounder for election, or appointment of a judge, and the National Assembly, that the judge has fulfilled requirements for mandatory retirement, no later than six months before the fulfillment of those requirements.

In the case referred to in paragraph 1 of this Article, the authorised propounder shall initiate a procedure for termination of office of the Constitutional Court judge concerned.

If the National Assembly fails to adopt a decision on the termination of office of a judge who has fulfilled requirements for retirement, the office of that judge is terminated on the date of fulfilment of those requirements, and this is stated by a ruling passed by the President of the Constitutional Court.

Article 15

A Constitutional Court judge may be dismissed if he/she becomes a member of a political party, violates the prohibition of conflict of interest, suffers permanent loss of ability to perform the duty of a Constitutional Court judge, or is convicted to a prison sentence or convicted for a punishable offence rendering them him/her unworthy to serve as a Constitutional Court judge.

Fulfilment of conditions for dismissal of a Constitutional Court judge of duty is determined by the Constitutional Court.

Procedure for dismissal of Constitutional Court is initiated by the authorised propounders for the election, or appointment, of Constitutional Court judges. Initiative for commencement of dismissal procedure may be filed by the Constitutional Court.

Article 16

Constitutional Court judges may not hold or perform other public or professional office or job, except for professorships at faculties of law in the Republic of Serbia.

Unpaid work in cultural and artistic, humanitarian, sports or other associations shall not within the meaning of this Law be deemed as public or professional office or job.

Constitutional Court judge is under the obligation to inform the Constitutional Court of activities from paragraph 2 of this Article.

Professorship at faculties of law shall within the meaning of this Law be deemed as conducting teaching activities at faculties as full or associate professor.

Where it is suspected that a conflict of interest may exist, a Constitutional Court judge may approach the Constitutional Court for its opinion.

Article 17

Loss of ability to work as a Constitutional Court judge is determined on the basis of an expert finding and opinion of an authorised healthcare institution.

Article 18

The competent court, or other state authority, has an obligation to serve to the authorised propounder for the election or appointment of a Constitutional Court judge, and to the Constitutional Court, legally binding decisions on convictions of Constitutional Court judges to a prison sentence or conviction for other punishable offence.

Article 19

For the duration of the procedure for determining whether requirements for dismissal a Constitutional Court judge have been fulfilled, the judge may be suspended from duty.

Decision on suspending a Constitutional Court judge is passed at the proposal of the President of the Constitutional Court\

Decision on suspension of the President of the Constitutional Court is passed at the proposal of at least three Constitutional Court judges.

Decision on suspension is passed by the Constitutional Court, by majority vote of all judges, in

accordance with the Rules of Procedure.

Article 20

Where the office of a Constitutional Court judge is terminated before the expiry of the term to which that judge has been elected, or appointed, the authorised propounder nominates two candidates for election, or appointment.

The nomination referred to in paragraph 1 of this Article is submitted to the authority in charge of the election, or appointment, within three months from the date of notification about the termination of a Constitutional Court judge's office.

If the Constitutional Court judge whose office has been terminated was from the territory of an autonomous province, the candidates for election, or appointment, must be from the territory of the autonomous province.

Article 21

Constitutional Court judge whose office has been terminated is entitled to receive a compensation of salary in the duration of six months in the amount equal to the salary of Constitutional Court judge.

The entitlement to compensation of salary shall cease before the expiry of the six months time limit if a judge whose office is terminated establishes an employment relation or acquires the right to a pension, and can be extended for additional six months if he/she acquires the right to pension within those six months.

Constitutional Court judge whose office was terminated due to fulfilling requirements for retirement, or who has been dismissed due to membership in a political party, violation of the prohibition of conflict of interest, conviction to a prison sentence or conviction for a punishable offence rendering him/her unworthy to serve as a Constitutional Court judge, shall not be entitled to compensation of salary from paragraphs 1 and 2 of this Article.

III. ORGANISATION OF THE CONSTITUTIONAL COURT

Article 22

The seat of the Constitutional Court is in Belgrade.

Article 23

The Constitutional Court has a President.

The President of the Constitutional Court is elected by the judges of the Constitutional Court from among them, by secret ballot and a majority vote of all the judges, to a term of office of three years, with possibility of reelection.

If the President of the Constitutional Court is not elected, the office of the President, until the election, shall be exercised by the Deputy President, or the oldest judge.

Article 24

The President of the Constitutional Court represents the Constitutional Court, convenes its sessions, proposes the agenda and chairs sessions, harmonises the work of the Constitutional Court, looks after the implementation of Constitutional Court acts and performs other duties determined by this Law, the Rules of Procedure and other acts of the Constitutional Court.

The President of the Constitutional Court also exercises the duty of a judge.

Article 25

The Constitutional Court has a Deputy President, who stands in for the President of the Constitutional Court if the President is absent or otherwise engaged.

Provisions of this Law on election and term of office of the President of the Constitutional Court apply to the election and term of office of Deputy President accordingly.

The Deputy President of the Constitutional Court also exercises the duty of a judge.

Article 26

The Constitutional Court has a Secretary, appointed by a majority vote of all the judges, by secret ballot, to a term of office of five years, with the possibility of reappointment.

The Secretary manages the Professional Service of the Constitutional Court and is accountable to the Constitutional Court for his work.

The Secretary of the Constitutional Court may have a deputy, appointed by the Constitutional Court by majority vote of all judges, for a period of five years, with possibility of reappointment.

The Secretary and Deputy Secretary of the Court have the status of civil servant holding a post.

Requirements for the appointment of Secretary and Deputy Secretary are determined by an act of the Constitutional Court.

Article 27

The Constitutional Court shall form a Professional Service for performance of professional and other tasks. .

Organisation, tasks and manner of work of the Professional Service shall be governed in more detail by an act of the Constitutional Court.

Rights and obligations of employees in the Professional Service shall be governed by regulations govern the rights and duties of civil servants and appointees.

Article 28

Funds needed for the work and functioning of the Constitutional Court are provided from the Budget of the Republic of Serbia on the proposal of the Constitutional Court.

The Constitutional Court disposes of the funds referred to in paragraph 1 of this Article independently, in accordance with the law and the Rules of Procedure.

IV. PROCEDURES BEFORE THE CONSTITUTIONAL COURT AND LEGAL EFFECT OF ITS DECISIONS

1. General Provisions

a) Participants in Procedures

Article 29

Participants in procedures before the Constitutional Court are the following:

1) state authorities, authorities of the autonomous provinces and local selfgovernment entities, members of parliament, in procedures for assessing constitutionality and legality (hereinafter: authorised propounder);

2) anyone on whose initiative a procedure for assessing constitutionality and legality has been initiated (hereinafter: the initiator);

3) the enactor of a law, statute of an autonomous province, or local selfgovernment entity and other general act (hereinafter: general act) whose constitutionality and legality are being assessed, as well as parties to a collective contract;

4) political parties, trade union organisations or citizens' associations the constitutionality and legality of statute of other general act of which is being assessed or prohibition of activity of which

being decided on;

5) religious communities the prohibition of activity of which is being on;

6) anyone at whose request a procedure for deciding on an electoral dispute for which jurisdiction of a court has not been determined by law is being conducted, as well as the authority in charge of implementing the election in connection with the electoral activity of which the dispute is being initiated;

7) state and other authorities who accept, or disclaim, competence, as well as anyone unable to exercise a right on account of an acceptance or disclaimer of competence;

8) the Government, Republican Public Prosecutor and authority in charge of registering political parties, trade union organisations, citizens' associations or religious communities, in procedures for the prohibition of the activity of political parties, trade union organisations, citizens' associations or religious communities;

9) submitters of constitutional complaints, as well as state authorities or organisations vested with public authority, against the individual acts or actions of which the constitutional complaint has been filed;

10) authorities designated by the statute of an autonomous province or a local selfgovernment unit, in appellate procedures where the exercise of the authority of an autonomous province, or a local selfgovernment unit, is precluded by an individual act or action of a state authority or local selfgovernment authority, as well as the authority against the individual act or action of which the appeal has been filed;

11) the National Assembly and the President of the Republic the existence of a violation of the Constitution in a procedure for his impeachment is being decided on;

12) judges, public prosecutors and deputy public prosecutors in procedures on appeals against decisions on termination of office, as well as the authority that passed the decision on termination;

13) other persons, in accordance with the law.

Other persons summoned by the Constitutional Court may also participate in proceedings before the Constitutional Court.

Article 30

Authorities and organisations are represented in procedures before the Constitutional Court by their authorised representatives.

Persons duly authorised by participants in procedures may also participate in procedures before the Constitutional Court.

Article 31

Participant in procedure has the right to file proposals and a duty to provide necessary data and information in the course of procedures and hearings, to submit evidence and to undertake other activities of significance for the decisionmaking of the Constitutional Court.

Participant in proceedings is entitled to present and explain his/her position and reasons during the procedure, as well as to answer the claims and reasons of other participants in the procedure.

Participants in procedure may, in the course of procedure, abandon their proposal, claim, appeal or initiative.

b) Preliminary Procedure

Article 32

Submissions filed to the Constitutional Court are filed by mail or to the Constitutional Court directly and must be signed.

Proposal, initiative or other submission shall be deemed filed on the day they were received by the Constitutional Court.

If a proposal, initiative or other submission were sent by registered mail, the day of dispatch shall be deemed as the day they were received by the Constitutional Court.

Article 33

At the request of the Constitutional Court, a reply to a proposal, initiative and ruling on the initiation of a procedure to assess constitutionality or legality of a general act is provided by the enacter of that act, or an authority authorised by the enacter.

In respect of initiatives for assessing the constitutionality of a law or constitutionality and legality of other general act adopted by the National Assembly, the Constitutional Court may, before initiating a procedure, request an opinion from the National Assembly.

In respect of initiatives for assessing the constitutionality of the statute of an autonomous province or local selfgovernment unit, the Constitutional Court may, before initiating a procedure, request an opinion from the Assembly of the autonomous province or of the local selfgovernment unit.

Article 34

The enacter of the contested general act is bound, within a timelimit determined by the Constitutional Court which may not be less than 15 days, to submit the contested general act and necessary documentation and to provide data and information of significance for the conduct of the procedure and decisionmaking.

State and other authorities, organisations vested with public authority, legal and natural persons are under the obligation to provide data and information of significance for the procedure and decisionmaking of the Constitutional Court, at the request of the Constitutional Court, within a time limit that may not be less than 15 days.

If the Constitutional Court does not receive a response, opinion, requested data or information within the specified timelimit, the procedure may be resumed.

Article 35

In proceedings before the Constitutional Court, data, information, opinions and evidence are collected from participants in procedure, and other actions significant for discussion and decisionmaking on the Constitutional Court session are taken, in particular: whether the Constitutional Court is competent to issue a decision; whether a proposal has been submitted by an authorised propounder, or whether a proposal or an initiative are complete and comprehensible; whether requisite information, documents and attachments have been provided; whether other procedural prerequisites for the conduct of a procedure have been met.

Article 36

The Constitutional Court will dismiss a proposal, initiative, constitutional complaint, request or other act initiating a procedure:

- 1) when it determines that it is not competent to issue a decision;
- 2) if it was not filed within the prescribed timelimit;
- 3) when the submitter had not rectified shortcomings which preclude processing within a designated timelimit;
- 4) when other legallydefined preconditions for conducting a procedure and determination do not exist.

When the Constitutional Court determines that it is not competent to issue a decision, it may refer the proposal, initiative, request, constitutional complaint or other act initiating a procedure to the competent authority.

c) Public Hearing

Article 37

Constitutional Court shall hold a public hearing in the procedure for assessing constitutionality and legality, in the procedure for deciding on electoral disputes, as well as in proceedings for prohibition of work of a political party, trade union organisation, citizens' association or religious community.

Constitutional court can decide not to hold a public hearing in procedure for assessing the constitutionality and legality: if it deems that the matter was sufficiently clarified in the course of procedure and that, on the basis of evidence collected, it can decide even without holding a public hearing; if it has already decided on the same matter and new evidence for making a different decision on the matter have not been provided, as well as if there are conditions for discontinuation of procedure.

The Constitutional Court can hold a public hearing in other cases, when it deems that holding of a public hearing is necessary, in particular when the case concerns a complex constitutional issue or when there is an issue of constitutionality or legality on which the Constitutional Court does not have a position.

Article 38

All participants in proceedings are summoned to public hearing, in order to express their positions and provide necessary information.

If it is in the interest of constitutionality or legality, the Constitutional Court can summon representatives of authorities and organisations responsible for enforcing the given general act.

When necessary, representatives of authorities and organisations, scholars and public officials, as well as other persons, in order to give opinions and explanations.

Article 39

Absence of certain participants in proceedings from a public hearing shall not preclude the Constitutional Court from holding a public hearing and passing a decision.

Article 40

Constitutional Court may suspend or adjourn the public hearing in order to obtain necessary data, information and opinions, as well as in other justified cases.

Article 41

Other issues related to public hearing shall be governed in more detail by the Rules of Procedure.

g) Forms of Work of Constitutional Court

Article 42

Constitutional Court decides on issues from its competence on a session.

Constitutional Court sessions are convened and chaired by the President of the Constitutional Court.

Minutes are kept of the Constitutional Court sessions.

Manner of work and decisionmaking on Constitutional Court sessions are governed by the Rules of Procedure.

Constitutional Court may, in order to clarify matters in a case, hold other sessions, in accordance with the Rules of Procedure.

Article 43

Constitutional court shall form commissions as permanent working bodies.

Constitutional Court may also form occasional working bodies.

Permanent and occasional working bodies from paragraphs 1 and 2 of this Article shall be formed in accordance with the Rules of Procedure.

d) Acts of the Constitutional Court

Article 44

The Constitutional Court issues decisions, rulings and conclusions.

Article 45

The Constitutional Court issues decisions:

1) establishing that a law, statute of an autonomous province or local selfgovernment unit and other general act does not comply with the Constitution, generally accepted rules of international law and ratified international agreements, or that at the time when it was in force it did not comply with the Constitution;

2) establishing that a law which has been adopted, but not promulgated by a decree, is not in compliance with the Constitution;

3) establishing that a ratified international agreement is not in compliance with the Constitution;

4) establishing that a statute of an autonomous province or local selfgovernment unit or other general act is not in compliance with the law, or that it did not comply with the law at the time when it was in force;

5) establishing that a collective contract is not in compliance with the Constitution and the law;

6) specifying the manner of rectifying consequences that arose due to the implementation of a general act that is not in compliance with the Constitution or a law;

7) deciding on electoral disputes for which the jurisdiction of a court is not defined by law;

8) prohibiting the activities of a political party, trade union organisation, citizens' association or religious community;

9) deciding on constitutional complaints;

10) determining on complaints of authorities of an autonomous province or of local selfgovernment unit in procedures where the exercise of the authority of an autonomous province, or a local selfgovernment unit, is precluded by an individual act or action of a state authority or local selfgovernment authority;

11) deciding in procedures for establishing violations of the Constitution by the President of the Republic;

12) deciding in procedures on appeals by judges, public prosecutors and deputy public prosecutors against decisions on termination of office and other decisions of the High Judicial Council;

13) dismissing proposals for establishing unconstitutionality and illegality.

Article 46

The Constitutional Court issues rulings:

1) initiating procedures;

2) deciding on conflicts of jurisdiction between state and other authorities, in accordance with the Constitution;

- 3) staying enforcement of individual acts, or action, and repealing a stay or dismissing a request for staying the enforcement of an individual act or action;
- 4) delaying the entry into force of a decision of an autonomous province authority;
- 5) not accepting an initiative for initiating a procedure of determining unconstitutionality and illegality;
- 6) determining the manner of enforcement of a Constitutional Court decision or ruling.
- 7) discontinuing procedures in the cases referred to in Articles 57, 88 and 97 of this Law;
- 8) dismissing requests for assessing constitutionality and legality of general acts on which it has already made determination, wherein new claims, reasons and evidence submitted do not provide grounds for a finding that there is reason for new deliberation and determination;
- 9) dismisses constitutional complaints if the procedural preconditions are not satisfied.

Article 47

Constitutional Court decisions and orders contain: introduction, holding and reasons.

Article 48

When it does not issue other acts, the Constitutional Court issues conclusions.

Article 49

Decisions of the Constitutional Court, except for constitutional complaint decisions, are published in the Official Gazette of the Republic of Serbia, as well as in the official journals in which the statute of an autonomous province, other general acts and collective contracts are published, i.e., in the manner in which the general act on which the Constitutional Court decided was published.

Decisions on constitutional complaints, as well as rulings of broader significance for the protection of constitutionality and legality, may be published in the Official Gazette of the Republic of Serbia.

2. Procedure for Assessing the Constitutionality or Legality of General Acts

Article 50

Procedure for assessing the constitutionality or legality of general acts is initiated on the basis of a proposal submitted by an authorised propounder or a ruling on initiation of procedure

Procedure for assessing the constitutionality or legality of general acts may be initiated by the Constitutional Court itself, on the basis of a decision taken by a two-thirds majority of the votes of all its judges.

Article 51

Proposal and/or initiative for assessing the constitutionality or legality of general acts include: the name of the general act, designation of the provision, title and number of the official journal in which it was published, grounds for the proposal, proposal or claim on how to decide, as well as other data of importance for assessing constitutionality or legality.

Where the general act whose constitutionality or legality is being challenged was not published in an official journal, a certified copy of the act shall be attached to the proposal.

Article 52

A procedure is deemed initiated on the date of the submittal of the proposal to the Constitutional Court, or on the date of issuance of a written decision to initiate a procedure.

Article 53

Where the Constitutional Court finds there are grounds to commence a procedure on the basis of an initiative, it shall commence the procedure by a ruling.

Where the constitutionality and legality are being challenged by an initiative, except for the laws and statute of an autonomous province or local selfgovernment unit, or individual provisions of that act regulating questions on which the Constitutional Court has already assumed a position or where during the preliminary procedure the legal situation has been determined in full and the data collected provide a reliable foundation for determination, the Constitutional Court determines the matter without issuing a ruling on commencement of procedure.

Where the Constitutional Court finds there are no grounds to initiate on initiative, it will not accept the initiative.

Article 54

In the procedure of assessing constitutionality and legality, the Constitutional Court is not constrained by the request of the authorised propounder, or initiator.

Where the authorised propounder, or initiator, abandons the request or initiative, the Constitutional Court will continue the procedure of assessing constitutionality or legality if it finds grounds for doing so.

Article 55

During the procedure, and at the request of the enacter of the disputed general act, the Constitutional Court may, before issuing a decision on the constitutionality or legality, suspend the procedure and allow the enacter of the general act to rectify, within a specified timelimit, unconstitutionality or illegalities found.

If the unconstitutionality or illegalities are not rectified within a specified timelimit, the Constitutional Court will continue the procedure..

Article 56

In the course of procedure, until the issuing of a final decision, the Constitutional Court may suspend the enforcement of an individual act or action taken on the basis of the general act whose constitutionality or legality are being assessed, where such enforcement could cause irreversible detrimental consequences.

Where, during a procedure, the Constitutional Court finds that due to altered circumstances the reasons for the suspension have ceased, it will lift the suspension of the enforcement of the individual act or action.

The Constitutional Court will dismiss a request for suspension of the enforcement of an individual act or action when issuing the final decision.

Article 57

The Constitutional Court will discontinue a procedure:

1) where during the procedure the general act was harmonised with the Constitution or law, and the Constitutional Court did not determine that, due to the consequences of the unconstitutionality or illegality, a decision should be issued because the consequences of the unconstitutionality or illegality have not been rectified;

2) where during the procedure the procedural preconditions for conducting the procedure cease to exist.

Article 58

When the Constitutional Court establishes that a law, statute of an autonomous province or local selfgovernment unit, other general act or collective contract do not comply with the Constitution, generally accepted rules of international law and ratified international agreement, such law, statute of autonomous province or local selfgovernment unit, other general act or

collective contract shall cease to be valid on the day the Constitutional Court decision is published in the "Official Gazette of the Republic of Serbia".

Provisions of ratified international agreement for which it is established by a Constitutional Court decision that they do not comply with the Constitution, shall cease to be valid in the manner provided by such international agreement or generally accepted rules of international law.

When the Constitutional Court determines that a general act or collective contract is not in compliance with the law, the validity of that general act or collective contract expires on the date of the publication of the Constitutional Court's decision in the Official Gazette of the Republic of Serbia.

Article 59

When the Constitutional Court determines the manner of rectifying the consequences which arose due to the implementation of a general act which is not in compliance with the Constitution or law, the decision of the Constitutional Court has legal effect from the date of its publication in the Official Gazette of the Republic of Serbia.

Article 60

Laws and other acts for which it has been established by a Constitutional Court decision that they do not comply with the Constitution, generally accepted rules of international law, ratified international agreements or law, cannot apply to relations that arose before the day of publication of the Constitutional Court decisions, if they were not finally resolved by that date.

General act passed for the purpose of enforcement of laws and other general acts for which it is established, by a Constitutional Court decision, that they are not in compliance with the Constitution, generally accepted rules of international law, ratified international agreements or law, shall not apply from the day of publication of the Constitutional Court decision, if the decision implies that these general acts are incompatible with the Constitution, generally accepted rules of international law, ratified international agreements or law.

Enforcement of finally binding individual acts passed on the basis of regulations that can no longer apply, cannot be allowed or implemented, and if the enforcement is initiated, it shall be discontinued.

Article 61

Everyone whose right has been violated by a final or legally binding individual act adopted on the basis of a law or other general act determined by a decision of the Constitutional Court not to be in compliance with the Constitution, generally accepted rules of international law, ratified international agreements or law is entitled to demand from the competent authority a revision of that individual act.

Proposals for revision of a final or legally binding individual act adopted on the basis of a law or other general act determined by a decision of the Constitutional Court not to be in compliance with the Constitution, generally accepted rules of international law, ratified international agreements or law may be submitted within six months from the date of the publication of the decision in the Official

Article 62

If it is established that revision of an individual act cannot rectify the consequences which arose from the implementation of the general act determined by a decision of the Constitutional Court not to be in compliance with the Constitution, generally accepted rules of international law, ratified international agreements or law, the Constitutional Court may order the consequences rectified by restitution, indemnification, or otherwise.

Article 63

If during a procedure before a court of general or special jurisdiction the issue of compliance

of law or other general act with the Constitution, generally accepted rules of international law, ratified international agreements or law, is raised, such court shall adjourn the procedure and initiate a procedure for assessing the constitutionality or legality of that act before the Constitutional Court.

Article 64

Where during a procedure a general act's validity expired or the act was brought into compliance with the Constitution, generally accepted rules of international law, ratified international agreements or law, but the consequences of unconstitutionality, or illegality, had not been rectified, the Constitutional Court may determine by decision that the general act was not in compliance with the Constitution, generally accepted rules of international law, ratified international agreements or law. This decision of the Constitutional Court has an identical legal effect as a decision determining that a general act is not in compliance with the Constitution, generally accepted rules of international law, ratified international agreements, or law.

Article 65

The provisions of Articles 50 through 64 of this Law shall apply accordingly in procedures of deciding on compliance of laws and other general acts with generally accepted rules of international law and ratified international agreements.

3. Procedure for Assessing the Constitutionality of a Law before its Promulgation

Article 66

The text of the adopted law certified by the Secretary of the National Assembly or a person so authorised by him/her shall be attached to the proposal for assessing the constitutionality of a law before its promulgation.

The proposal for assessing the constitutionality of a law before its promulgation shall not be forwarded for the National Assembly to provide its opinion, nor shall a public hearing regarding it be held.

The Constitutional Court shall inform the President of the Republic that a procedure for assessing the constitutionality of a law before its promulgation has been initiated.

The procedure of assessing the constitutionality of a law before its promulgation is urgent shall be conducted in accordance with the time limits prescribed by the Constitution.

Decision establishing that a law that has not been promulgated does not comply with the Constitution shall have legal effect from the day the law is promulgated.

4. Procedure for Deciding on Suspending the Entry into Force of a Decision of an Autonomous Province Authority

Article 67

In a proposal for assessing the constitutionality or legality of a decision of an autonomous province authority that has not yet entered into force, the Government can propose to the Constitutional Court to suspend the entry into force of the contested decision until the Constitutional Court decides on its constitutionality or legality.

The Government is under the obligation to attach the text of the contested decision of an autonomous province authority to the proposal.

Constitutional Court first decides on the Government proposal to suspend the entry into force of the contested decision, in accordance with the time limits prescribed by the Rules of Procedure, where it shall not ask for an opinion on the contested decision from the authority that passed it, nor shall it hold a public hearing on the proposal.

If the Constitutional Court passes a ruling to suspend the entry into force of the contested decision of an autonomous province authority, it is under the obligation to conduct the procedure of assessing the constitutionality or legality urgently, in accordance with the time limits prescribed by the Rules of Procedure.

A ruling whereby the Constitutional Court suspends the entry into force of the contested decision of an autonomous province authority shall have legal effect from the day it is served to the autonomous province authority that has adopted it.

5. Procedures of Resolving Conflicts of Jurisdiction

Article 68

The Constitutional Court resolves conflicts of jurisdiction from Article 167 paragraphs 2 subparagraph.1 to 4 of the Constitution.

Motions for resolving conflicts of jurisdiction referred to in paragraph 1 of this Article are filed by one or both of the conflicting authorities, as well as the person in connection with whose right the conflict of jurisdiction appeared.

Article 69

Motions for resolving conflicts of jurisdiction contain the titles of the authorities which accept or disclaim jurisdiction and their reasons for doing so.

Article 70

If the authorities disclaim jurisdiction, the motion for resolution of conflict of jurisdictions shall be filed within 15 days from the day the decision of the second authority that declared itself incompetent becomes finally binding.

Article 71

Motions for resolving conflicts of jurisdiction are deemed initiated on the date the motion is received by the Constitutional Court.

Article 72

The time limit for the reply of authorities in conflict of jurisdiction is eight days from the day of service

Article 73

The Constitutional Court may order that the procedure before the authorities between which the conflict of jurisdiction appeared is suspended until the conclusion of the procedure of resolving the conflict of jurisdiction by the Constitutional Court.

Article 74

When the Constitutional Court resolves a conflict of jurisdiction between state and other authorities, the order of the Constitutional Court has legal effect from the date of its publication in the Official Gazette of the Republic of Serbia.

6. Procedure of deciding on electoral disputes

Article 75

Motion for deciding on electoral disputes for which jurisdiction of a court is not defined by law may be submitted by: any elector, candidates for President of the Republic, member of parliament or council member, as well as those who nominate candidates.

Motion contains the grounds for requesting a decision on the electoral dispute and appropriate evidence.

Requests may be submitted no later than 15 days from the concluding date of the electoral procedure being challenged.

Article 76

The Constitutional Court serves one copy of the request for deciding on an electoral dispute to the authority in charge of implementing the election in connection with whose activities the electoral dispute was initiated, with an order for a response and requisite electoral acts, i.e., documentation, to be submitted within a specified timelimit.

Article 77

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

In the case referred to in paragraph 1 of this Article the entire electoral procedure or parts thereof will be repeated within ten days of the serving of the decision of the Constitutional Court to the competent authority.

Article 78

Decisions of the Constitutional Court on annulling an entire electoral procedure or parts thereof have legal effect from the day a decision of the Constitutional Court is served to the competent authority

Article 79

Appeals against decision regarding the confirmation of mandate of members of parliament can be filed by the candidate and by those who have proposed the candidate.

In procedures on appeal against decisions in connection with confirmation of members of parliament mandates, the authority against whose decision the complaint was submitted shall submit requisite documentation to the Constitutional Court within 24 hours of the submittal of the appeal.

The Constitutional Court shall issue a decision within 72 hours of the submittal of the appeal.

The provisions of Articles 75 through 78 of this Law shall also apply in procedures on appeal against decisions in connection with confirmation of members' of parliament mandates.

7. Procedures of Deciding on Prohibition of The Activity Oof Political Parties, Trade Union Organisations, Citizens' Associations or Religious Communities

Article 80

The Constitutional Court decides on the prohibition of the activity of political parties, trade union organisations, citizens' associations or religious communities on the basis of a proposal of the Government, the Republican Public Prosecutor or authority in charge of the registration of political parties, trade union organisations, citizens' associations or religious communities.

The proposal specifies grounds and provides evidence for requesting a ban on the activity of the political party, trade union organisation, citizens' association or religious community.

Article 81

When the Constitutional Court prohibits the activity of a political party, trade union

organisation, citizens' association or religious community, that political party, trade union organisation, citizens' association or religious community is struck from the appropriate register on the date the decision of the Constitutional Court is served to the competent authority

8. Constitutional Appeal Procedure

Article 82

Constitutional appeal may be filed against individual acts or actions of state authorities or organisations vested with public authority that violate or deny human and minority rights and freedoms guaranteed by the Constitution, when other legal remedies have been exhausted or are not prescribed or where the right to their judicial protection has been excluded by law.

Constitutional appeal may also be filed even if all legal remedies have not been exhausted, in cases where the plaintiff's right to a trial within a reasonable time was violated.

Article 83

Constitutional appeal may be filed by everyone who believes that his/her human or minority rights and freedoms guaranteed by the Constitution have been violated or denied by an individual act or action of a state authority or organisation vested with public authority.

Constitutional appeal can be filed on behalf of the persons referred to in paragraph 1 of this Article, on the basis of their written authorisation, by other natural or legal persons, state and other authorities in charge of the monitoring and exercise of human and minority rights and freedoms.

Article 84

Constitutional appeal may be filed within 30 days of the date of being served an individual act or the date of the action whereby human rights and freedoms guaranteed by the Constitution were violated or denied.

The Constitutional Court will allow restitution to a person who on justified grounds failed to observe the time limit for submitting a constitutional appeal if such persons, within 15 days from the cessation of the reasons that caused the failure, files a proposal for restitution and simultaneously submits a constitutional appeal.

Restitution cannot be requested after the expiry of a period of three months from the date of failure to observe the time limit.

Article 85

Constitutional appeal must contain the name and surname, citizens' identification number, place permanent or temporary residence, or name and seat of person filing the constitutional appeal, name and surname of plaintiff's representative, number and date of the act against which the appeal is being filed the name of the authority that enacted it, specification of human or minority right and freedom guaranteed by the Constitution that is allegedly violated with specification of the Constitutional provision guaranteeing such right or freedom, the motion on which the Constitutional Court is to decide and the signature of the person filing the constitutional appeal.

A copy of the disputed individual act, evidence that legal remedies have been exhausted, and other evidence of significance for determination shall be attached to the constitutional appeal .

Article 86

A constitutional appeal, as a rule, does not preclude implementation of the individual act or action against which it was filed.

Acting on a proposal of the complainant, the Constitutional Court may suspend

implementation of the individual act or action referred to in paragraph 1 of this Article if implementation would cause irreparable damage to the complainant, provided that suspension is not contrary to the public interest, and that suspension would not cause considerable damage to a third party.

Article 87

Where a Constitutionally guaranteed human or minority right or freedom of several persons was violated or denied by an individual act or action, and only some of them filed the constitutional appeal, the decision of the Constitutional Court also relates to persons who did not file the constitutional appeal, if they are in the same legal situation.

Article 88

The Constitutional Court will discontinue the procedure:

1. where a constitutional appeal was withdrawn;
2. where the authority that enacted the disputed individual act annuls, repeals or revises the act in accordance with the request contained in the constitutional appeal or if the action which caused the violation or denial of a Constitutionally guaranteed right or freedom has ceased, with the consent of the complainant;
3. where other procedural preconditions for conducting the procedure cease.

Article 89

Constitutional appeal is upheld or denied as unfounded by a decision.

When in a procedure on a constitutional appeal the Constitutional Court determines that the challenged individual act or action violated or denied a human or minority right and liberty guaranteed by the Constitution, it will annul the individual act, or prohibit further performance, or order a certain action to be performed and order the detrimental consequences rectified.

A decision of the Constitutional Court upholding a constitutional appeal constitutes legal grounds for filing a motion for damages or rectification of other detrimental consequences before a competent authority, in accordance with the law.

A decision of the Constitutional Court upholding a constitutional appeal has legal effect from the date when it is served to the participants in the procedure.

Article 90

Person who filed the constitutional appeal can file motion for damages to the Damages Commission on the basis of Constitutional Court decision from Article 80 paragraph 3 of this Law, in order to reach an agreement on the amount of damages.

If the motion for damages is not accepted or if the Damages Commission fails to pass a decision on it within 30 days from the day the motion was filed, the complainant can file an action for damages with the competent court. If agreement has been reached only in respect of part of the motion, the action can be filed in respect of the remainder of the motion.

Act of the minister competent for judiciary shall determine the composition of the Commission from paragraph 1 of this Article and govern its work in detail.

Article 91

Provisions of Articles 82 to 88 of this Law shall apply accordingly in procedures on appeals of authorities designated by the statute of autonomous province or local selfgovernment unit, if the individual act or action of state authority or local self government unit precludes the exercise of authority of autonomous province or local selfgovernment.

Article 92

When in a procedure on a appeal of an authority designated by the statute of an autonomous province or a local selfgovernment unit the Constitutional Court establishes that the exercise of the authority of an autonomous province, or of local selfgovernment, is precluded by an individual act or action of a state authority or local selfgovernment authority, it will annul the individual act, or prohibit further performance or order the performance of a certain action and order the detrimental consequences rectified.

A decision of the Constitutional Court upholding the appeal referred to in paragraph 1 of this Article has legal effect from the date of its delivery to the participants in the procedure.

9. Procedure of establishing a violation of the Constitution by the President of the Republic

Article 93

Procedures of establishing a violation of the Constitution by the President of the Republic are initiated by the National Assembly, at the proposal of one third of the total number of members of parliament.

The act on the initiation of the procedure referred to in paragraph 1 of this Article contains the legal grounds, the provisions of the Constitution that were violated and evidence on which the act is based.

The Speaker of the National Assembly submits the act on the initiation of the procedure referred to in paragraph 1 of this Article to the Constitutional Court.

If the Constitutional Court establishes that the procedure for the impeachment of the President of the Republic was initiated in accordance with the Constitution and the law, the act of the National Assembly initiating the procedure of establishing a violation of the Constitution is served to the President of the Republic for a reply, within a timelimit determined by the Constitutional Court.

Article 94

After the expiry of the time limit given for the reply, the President of the Constitutional Court will schedule a hearing to which he will summon the President of the Republic and the Speaker of the National Assembly.

Article 95

In the procedure of establishing a violation of the Constitution by the President of the Republic, the Constitutional Court is limited solely to the establishment of violations of the provisions of the Constitution specified in the act of the National Assembly on initiation of the procedure.

Article 96

The Constitutional Court will determine whether the President of the Republic violated the Constitution and serve its decision thereof to the National Assembly and to the President of the Republic.

The decision referred to in paragraph 1 of this Article must be issued by the Constitutional Court within 45 days from the day the act of the National Assembly initiating a procedure for establishing a violation of the Constitution by the President of the Republic was filed.

Article 97

The Constitutional Court will discontinue the procedure:
1 if the National Assembly withdraws the act on the initiation of the procedure;

2 if the office of the President of the Republic is terminated during the procedure.

Article 98

A decision of Constitutional Court on violation of the Constitution by the President of the Republic has legal effect from the date of the service of the decision to the National Assembly.

10. Procedures on Appeals by Judges, Public Prosecutors and Deputy Public Prosecutors Against Decisions on Termination Of Office

Article 99

Judges, public prosecutors and deputy public prosecutors may lodge appeals to the Constitutional Court against decisions on termination of office within 30 days of the day of being served the decision.

The authority that issued the decision on dismissal is entitled to a reply to the appeal within 15 days of the day of being served the appeal.

Article 100

After the expiry of the timelimit for submitting a reply, the Constitutional Court schedules a hearing to which it summons the appellant and a representative of the authority that issued the decision on dismissal.

The public may be excluded from the hearing referred to in paragraph 1 of this Article.

Article 101

The Constitutional Court may issue a decision upholding the appeal and annul the decision on dismissal, or deny the appeal.

Article 102

Decisions of the Constitutional Court in procedures on appeals by judges, public prosecutors and deputy public prosecutors against decisions on dismissal have legal effect from the date of being served to participants in proceedings

Article 103

The provisions of Articles 99 through 102 shall apply accordingly to procedures on appeals against decisions of the High Judicial Council, in cases prescribed by law. .

VI. ENFORCEMENT OF CONSTITUTIONAL COURT ACTS

Article 104

State and other authorities, organisations vested with public authority, political parties, trade union organisations, citizens' associations or religious communities have an obligation to enforce decisions and orders of the Constitutional Court, within their rights and duties.

If necessary, enforcement of decisions and rulings of the Constitutional Court will be secured by the Government, in a manner established by a special Constitutional Court ruling.

VII. RELATIONSHIP OF THE CONSTITUTIONAL COURT AND THE NATIONAL ASSEMBLY

Article 105

The Constitutional Court informs the National Assembly about the situation and problems of exercising constitutionality and legality in the Republic of Serbia, provides opinions and indicates the need for adopting and revising laws and implementing other measures for the purpose of protecting constitutionality and legality.

Article 106

When the Constitutional Court determines that a competent authority has not adopted a general act for the enforcement of provisions of the Constitution, law or other general act, and had had an obligation to adopt such a general act, it will notify the National Assembly thereof.

Article 107

Proposals of authorised propounders and rulings on initiation of procedure for the assessment of the constitutionality of a law, or constitutionality and legality of other general act adopted by the National Assembly are submitted by the Constitutional Court to the National Assembly for its reply.

The Constitutional Court forwards to the National Assembly decisions establishing that a law or other general act adopted by the National Assembly is not in compliance with the Constitution, generally accepted rules of international law, ratified international agreements or law.

VII COOPERATION WITH STATE AND OTHER AUTHORITIES AND ORGANISATIONS AND INTERNATIONAL COOPERATION

Article 108

In exercise of its functions, the Constitutional Court cooperates with state and other authorities and organisations, scientific and other institutions, companies and other legal persons, on questions of interest for preservation of constitutionality and legality

Article 109

Constitutional Court realises international cooperation with foreign and international courts and international organisations in accordance with its competence.

VIII. PENAL PROVISIONS

Article 110

Organisations or other legal persons shall be punished by a fine ranging from 50,000 dinars to 1,000,000 dinars for the following petty offences:

- 1) if they fail to forward to the Constitutional Court within the prescribed timelimit the challenged general act and necessary documentation and to provide data and information of significance for the conduct of the procedure and determination (Article 34 paragraph 1);
- 2) if they fail to submit to the Constitutional Court necessary data and information of

significance for the conduct of the procedure and determination (Article 34 paragraph 2);

Entrepreneurs are liable to fines ranging from 20,000 dinars to 500,000 dinars for the minor offences referred to in paragraph 1 of this Article.

Responsible persons in organisations or other legal persons are liable to fines of up to 50,000 dinars for the minor offences referred to in paragraph 1 of this Article.

Responsible officials in state and other authorities are also liable to fines of up to 50,000 dinars for the petty offences referred to in paragraph 1 of this Article.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 111

First session of the Constitutional Court shall be chaired by the oldest judge.

Article 112

Procedures before the Constitutional Court initiated before the effective date of this Law will be concluded according to the provisions of this Law.

Article 113

Procedures on constitutional appeals filed from the day of promulgation of the Constitution to the day this Law enters into force shall be conducted in accordance with the provisions of this Law.

Constitutional appeal can also be filed against an individual act or action of state authority or organisation vested with public authority, which violates or denies a human or minority right or freedom guaranteed by the Constitution, if such act or action was effected from the day of promulgation of the Constitution to the day this Law enters into force.

Constitutional appeal in cases referred to in paragraph 2 of this Article can be filed within 30 days from the day this Law enters into force.

Article 114

Judges of the Constitutional Court elected in accordance with Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 1/90) whose office is terminated are entitled to six months' salary equal to the salary of a Constitutional Court judge.

The pay entitlement referred to in paragraph 1 of this Article shall cease before the expiry of six months if the judge whose office has been terminated enters into employment contract or acquires the right to pension, and may also be extended for additional six months, if the judge acquires the conditions for pension within those six months.

Article 115

Civil servants and employees employed in the Service of the Constitutional Court of Serbia continue to work in the Constitutional Court in positions to which they had been appointed or allocated until the effective date of this Law, pending the adoption of appointment of allocation rulings, or the conclusion of employment contracts, in accordance with a Constitutional Court act from Article 27 paragraph 2 of this Article.

Article 116

The Constitutional Court adopts its Rules of Procedure and the act from Article 27 paragraph 2 within 90 days of the effective date of this Law.

Minister competent for judiciary shall pass the act from Article 90 paragraph 3 of this Act within 90 days from the effective date of this Law

Article 117

The validity of the Law on the Procedure before the Constitutional Court and Legal Effect of its Decisions (Official Gazette of the Republic of Serbia, Nos. 32/91, 67/93 and 101/05) expires on the effective date of this Law.

Article 118

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