

## THE LAW MAKING PROCESS IN SERBIA

### Introduction

In accordance with the Constitution (Article 107), the government, every member of the National Assembly or Assembly of Autonomous Province, and at least 30,000 voters have the right to propose laws. The Protector of Citizens and National Bank of Serbia also have a right to propose laws falling within their competence.

The stages of legislative process such as intra-departmental and public consultations, regulatory impact assessment, and the content of justification statement are regulated by the Rules of Procedure of the Government and the Rules of Procedure of the National Assembly.

In most cases, new laws are proposed by the government. The Ministry drafting a law must obtain an opinion from the following institutions:

- 1) the Secretariat for Legislation (the legal department of the government that checks compliance with the Constitution and overall legal system);
- 2) the Ministry of Finance (when the implementation of the law requires funds from the budget or if changes to the financial system are proposed);
- 3) the Republic Public Attorney's Office (in case of issues related to protecting property rights and interests of the Republic);
- 4) the Ministry of Justice (when the law regulates criminal offenses, economic crime, or if it changes court jurisdiction or competence);
- 5) the European Integration Office (if issues of harmonization with the EU legislation are concerned);
- 6) the Council for Regulatory Reform (whether the justification statement that goes with the draft law contains the Regulatory Impact Analysis (RIA) and contains all necessary clarifications. However the drafter of the law can assess that RIA is not needed [e.g. in case of minor amendments] but in those cases a motivation needs to be provided)

Besides these opinions, the ministry must obtain the opinion of other ministries and administrative bodies when the subject matter of the draft law is of interest to them. Upon adoption by the government, the draft law is forwarded to the National Assembly for enactment.

### Useful Links:

Ministry of Justice:

[Ministry of Justice - Home Page](#)

Serbian Government:

[http://www.srbija.gov.rs/?change\\_lang=en](http://www.srbija.gov.rs/?change_lang=en)

National Assembly of the Republic of Serbia:

<http://www.parlament.rs/national-assembly.467.html>

OSCE Rule of Law/Human Rights Dept:

<http://www.osce.org/serbia/13161.html>

Ministry of Finance:

[http://www.mfin.gov.rs/?change\\_lang=en](http://www.mfin.gov.rs/?change_lang=en)

European Integration Office:

<http://www.seio.gov.rs/home.50.html>

Council for Regulatory Reform:

<http://www.ria.merr.gov.rs/index.php?id=8&L=1>

Structure of the Law Making Process when the proponent is the government:

