

**LAW ON IMPLEMENTATION OF THE CONSTITUTIONAL CHARTER OF  
THE STATE UNION OF SERBIA AND MONTENEGRO  
/”Official Gazette of Serbia and Montenegro” No.1/2003/**

**I GENERAL PROVISIONS**

Article 1

The Constitutional Charter of the state union of Serbia and Montenegro (hereinafter Constitutional Charter) shall apply from the day of adoption and proclaiming by the Federal Assembly, in identical text previously adopted by the Assembly of the Republic of Montenegro and the National Assembly of the Republic of Serbia, unless otherwise provided by this Law in respect of application of particular provision thereof.

Article 2

Provisions of the Constitutional Charter pertaining to the rights and obligations of the institutions of State Union of Serbia and Montenegro shall apply from the day of their constitution, establishing and/or election in conformity with the Constitutional Charter, except in cases where otherwise provided by this Law.

Article 3

All institutions of the State Union of Serbia and Montenegro shall be constituted, established, and/or elected within 30 days from the day the Constitutional Charter comes into force.

As of the day the Constitutional Charter goes into effect the bodies of the Federal Republic of Yugoslavia, as follows: the Federal Assembly, the President of the Republic, the Federal Government, the Federal Court and the Federal Constitutional Court shall discharge their duties in line with the Constitutional Charter until the constitution, establishing and/or election of institutions of the State Union of Serbia and Montenegro unless otherwise provided by this Law. The Yugoslav Army shall perform its duties until its transformation into the Army of Serbia and Montenegro.

The bodies of the Federal Republic of Yugoslavia performing their duties under terms of Paragraph 2 of this Article, may only pass decisions necessary for unhindered functioning of the State Union of Serbia and Montenegro, except in state of emergency or state of war. These bodies cannot assume additional obligations on behalf of the State Union of Serbia and Montenegro.

#### Article 4

The Charter on Human and Minority Rights and Civil Liberties shall be passed prior to the date of constitution of the Assembly of Serbia and Montenegro.

## **II INSTITUTIONS OF THE STATE UNION OF SERBIA AND MONTENEGRO**

#### Article 5.

The member states shall pass laws on election of deputies to the Assembly of Serbia and Montenegro, within ten days from the day the Constitutional Charter comes into force.

The President of the Federal Republic of Yugoslavia shall call the first indirect elections for the Assembly of Serbia and Montenegro within five days from the day the law referred to in paragraph 1 of this Article is passed,, in accordance with the Constitutional Charter.

A deputy in the Assembly of Serbia and Montenegro may not be recalled by the Assembly of a member state due to a position expressed or manner of voting in the Assembly of Serbia and Montenegro.

#### Article 6

The first session of the Assembly of Serbia and Montenegro shall be called by the President of the Council of Citizens of the Federal Assembly, the President of the Council of Republics of the Federal Assembly, the President of the National Assembly of the Republic of Serbia and the President of the Assembly of the Republic of Montenegro.

The first Session of the Assembly of Serbia and Montenegro shall be held no later than five days from the day of election of deputies to the Assembly of Serbia and Montenegro.

The first Session of the Assembly of Serbia and Montenegro shall be chaired by the most senior deputy.

At the first session the provisional Rules of Procedure of the Assembly of Serbia and Montenegro shall be adopted, the President and the Vice-President of the Assembly of Serbia and Montenegro shall be elected, the Law on Election of the President of Serbia and Montenegro will be enacted, as well as the act on temporary financing of the institutions of the State Union of Serbia and Montenegro for the year 2003.

#### Article 7

The term in office of federal deputies in the Council of Citizens and the Council of Republics of the Federal Assembly shall end with verification of the mandates of deputies to the Assembly of Serbia and Montenegro.

#### Article 8

The President of Serbia and Montenegro is elected at the first session of the Assembly of Serbia and Montenegro.

#### Article 9

The President of Serbia and Montenegro shall call for direct elections of deputies to the Assembly of Serbia and Montenegro so that these elections may be held following expiry of the two-year term from the day the first convention of the Assembly of Serbia and Montenegro was constituted.

#### Article 10

The President of Serbia and Montenegro, within five days from his/her election, shall propose to the Assembly of Serbia and Montenegro members of the Council of Ministers.

The Assembly of Serbia and Montenegro shall, within 25 days from the date of election of the President of Serbia and Montenegro, pass laws governing organization and mode of operation of the institutions of the State Union of Serbia and Montenegro.

The Assembly of Serbia and Montenegro shall at the same session pass the Law on the Court of Serbia and Montenegro and elect judges of this Court.

#### Article 11

The Supreme Defence Council shall command the Army of Serbia and Montenegro and take decisions based on provisions of the Constitutional Charter, from the date of its coming into effect.

#### Article 12

The Court of Serbia and Montenegro shall take over all outstanding cases and documents from the Federal Constitutional Court and the Federal Court that come under its jurisdiction in accordance with the Constitutional Charter.

Outstanding cases of the Federal Constitutional Court and the Federal Court which do not fall under the jurisdiction of the Court of Serbia and Montenegro shall be taken over and adjudicated by the Constitutional Courts and Regular Courts of the member states, in compliance with the laws of the member states.

#### Article 13

On the day the Constitutional Charter comes into force the following federal bodies and organizations shall become the bodies and organizations of the member state of Serbia and shall continue operation in accordance with legislation governing their establishment, which shall apply on the territory of Serbia until such time when new pertaining regulations of the member state of Serbia are passed:

1. the National Bank of Yugoslavia;
2. Federal Customs Administration;
3. Federal Sanitary, Veterinary and Phytosanitary Inspectorate;
4. Federal Foreign Exchange Inspectorate;
5. Agency for deposit insurance, rehabilitation, bankruptcy and liquidation of banks;
6. Federal Commission for Prevention of Money Laundering;
7. Federal Securities and Financial Market Commission.

#### Article 14

The Council of Minister of the State Union of Serbia and Montenegro shall pass the decision on the Fiscal Agent in international financial organizations, with the agreement of the Finance Ministry and Central Banks of the member states.

Until the constitution of the Council of Ministers, the duties of Fiscal Agent in international financial organizations shall be discharged by the Federal Ministry for Foreign Economic Relations, with agreement of the competent bodies of the member states.

Professional and organizational duties referred to in the above paragraph shall be performed during the transitional period by institutions engaged on these duties prior to enactment of this Law until defining the final model of representation in international financial organizations.

The function of Payment Agent shall be discharged by the National Bank of Serbia and the Montenegrin Central Bank for and on behalf of the member states, in accordance with concluded international agreements.

#### **Article 15.**

Following bodies and organizations shall continue to perform their functions until their final status is defined:

1. Federal Bureau for Plant and Animal Genetic Resources

2. Federal Hydro-meteorological Institute
3. Federal Bureau for Standardization
4. Yugoslav Accreditation Body (JUAT)
5. Federal Bureau for Intellectual Property
6. Federal Bureau for Measures and Precious Metals
7. Federal Statistics Bureau
8. Federal Air Traffic Control Authority
9. Federal Aviation Inspectorate
10. River Transport Belgrade (Plov-put Beograd)
11. River Transport Bar (Plov-put Bar)
12. Yugoslav Ship Register Belgrade
13. Yugoslav Ship Register Tivat
14. The Museum of Yugoslav History
15. Archives of Yugoslavia.
16. Aviation Museum of Yugoslavia
17. Port Authorities and their Offices
18. National Council of the Federal Republic of Yugoslavia for co-operation with the International Tribunal for criminal prosecution of persons responsible for serious violation of international humanitarian law committed on the territory of the former Yugoslavia since 1991
19. Co-ordination Centre of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohija.

Article 16 On the day the Constitutional Charter comes into effect, the following shall cease to operate:

1. Federal State Prosecutor;
2. Federal Ministry of Internal Affairs;
3. Federal Ministry of Finance
4. Federal Ministry of Justice
5. Federal Ministry for Transport and Telecommunications
6. Federal Budget Inspectorate
7. Federal Administrative Inspectorate
8. Federal Market Inspectorate
9. Federal Inspectorate for Transport
10. Military Prosecutor's Office
11. Federal Public Attorney's Office
12. Antimonopoly Commission
13. Federal Secretariat for Information
14. Federal Secretariat for Legislation
15. Federal Secretariat for Development and Science
16. Federal Secretariat for Labour, Health and Welfare
17. Federal Secretariat for Sports and Youth
18. Federal Secretariat for Religion
19. Federal Secretariat for Information Technology
20. Federal Bureau for International Co-operation in Agricultural Industry  
UHIDO Centre Yugoslavia
21. Federal Bureau for Health Protection and Development
22. Federal Bureau for Social Security
23. Federal Bureau for Labour Market and Migration

24. Federal Office for the FRY Property
25. Federal Office for the Commodity Reserves
26. Agency for the Promotion and Agricultural Export Incentives
27. Agency for Media and Public Relations Research
28. Office for Joint Services of the Federal Government and Federal Administrative Bodies
29. Air Transport Service and
30. The Protocol Office

#### Article 17

On the day of coming into force of the Constitutional Charter other federal bodies shall also cease to operate, organizations, services, permanent and temporary specialized and advisory working bodies and commissions not mentioned in Article 13, 15 and Article 16 of this Law shall also cease to operate

The Council of Ministers may decide that certain services and groups of tasks under jurisdiction of the state union of Serbia and Montenegro that were performed by bodies, organizations or services listed under Article 15 and Article 16 of this Law be assumed by institutions of the State Union of Serbia and Montenegro.

The member state' may determine by agreement a need for continued activity of particular bodies, organizations or services, including also those specified in Article 15 and Article 16 of this Law. The member states may also determine by agreement that these bodies, organizations or services continue to perform as joint bodies, organizations or services of member states.

Companies, financial organizations or institutions where the FRY and/or its bodies, organizations or services have founding rights shall continue to operate unless the Council of Minister recommends their liquidation.

If companies, financial organisations or institutions referred to in Paragraph 4 of this Article continue their work, the founding rights shall be governed by the agreement between the member states.

#### Article 18

Certain duties of Federal Ministries, other federal bodies and organizations and services of the Federal Government that cease to operate which, pursuant to the provisions of the Constitutional Charter are under jurisdiction of the State Union of Serbia and Montenegro, shall be assumed until election of the Council of Ministers, by:

1. The Federal Ministry of Foreign Affairs shall assume the duties of:
  - 1) all federal ministries, other federal bodies and organizations in the part relating to conducting negotiations and concluding international agreements where the State Union of Serbia and Montenegro, being an entity under international law is a

- contracting party, except affairs related to international agreements within the purview of foreign economic relations;
- 2) all federal ministries, other federal bodies and organizations in the part relating to the rights and obligations arising from membership in international global and regional organizations, where membership is preconditioned with State Union of Serbia and Montenegro being an international entity.
2. Federal Ministry of Foreign Economic Relations shall take over affairs of all federal ministries, other federal bodies and organizations in the part relating to foreign economic relations under the purview of the state union of Serbia and Montenegro.
  3. Federal Ministry of Economy and Internal Trade shall take over the affairs of:
    - 1) Federal Trade Inspectorate, in the part related to exercising administrative supervision aimed at prevention and abolishing obstacles to the free movement of persons, goods, services and capital within state union of Serbia and Montenegro;
    - 2) the Antimonopoly Commission, in the part relating to prevention of occurrence and abolishing the existence of monopolistic behaviour or such position within the common market of the State Union of Serbia and Montenegro.
  4. Federal Ministry of National and Ethnic Communities shall take over the affairs of:
    - 1) Federal Ministry of Justice, in the part relating to realisation and monitoring of human rights and freedoms of man and citizen guaranteed under the Constitution, International Agreements and the law.
    - 2) Federal Ministry of Internal Affairs, in the part relating to foreigners and/or migration policy, immigration and granting of asylum, travel documents and/or visa regime and state border, and/or integrated border administration.
  5. General Secretariat of the Federal Government, shall take over the affairs of:
    - 1) The Federal Ministry of Finances, in the part relating to the financial service affairs, in connection with preparation of the documents for the write-off of the institutions of the state union of Serbia and Montenegro through the member state Treasury;
    - 2) Federal Ministry for Justice, in the part relating to the property of the state union of Serbia and Montenegro necessary for functioning of its institutions, and in this regard also the pertaining affairs of the Office for FRY Property, the affairs

relating to protecting such property in proceedings underway before courts and other state bodies instituted by the Federal Public Attorney, as well as affairs in implementation of the Agreement on Succession and functions and organisation of the institutions of the State Union of Serbia and Montenegro and position of the employees within;

- 3) Federal Administrative Inspectorate, in the part relating to performing of internal control and/or administrative supervision over legality of administrative proceedings and harmonized activity of the ministries of the Council of Ministers and other institutions exercising authority through institution of administrative proceedings and proceeding in line with regulations on office operations;
- 4) Federal Secretariat for Legislation, in the part relating to: providing a unified methodology in preparing legislation proposed by the Council of Ministers and regulations it enacts in accordance with the legal authorisation; building and promotion of the legislative system of the state union of Serbia and Montenegro and providing publication of regulations in the Official Gazette;
- 5) Federal Secretariat for Information, in the part related to informing the public on the work of the Council of Ministers and its ministries and analysing domestic and foreign media reports on the work of the Council of Ministers and its ministries and informing them with the analysis of the situation
- 6) Federal Office for Information Technology, in the part relating to the building and updating of the information technology system of the State Union of Serbia and Montenegro; providing information technology support for the Council of Ministers, its Ministries and Service and their connection with other institutions of the state union of Serbia and Montenegro and state bodies of the member states;
- 7) Service for joint affairs of the Federal Government and Federal Administrative Bodies;
- 8) Air transport Service and
- 9) The Protocol Service.

The General Secretariat of the Federal Government shall supervise performance of affairs specified in paragraph 5 of this Article.

The Federal Ministry of Defence shall take over the affairs of the Military Prosecutor.



#### Article 19.

Institutions of the State Union of Serbia and Montenegro, and/or. state bodies of the member state under whose purview shall be the affairs of bodies and organisations of the Federal Republic of Yugoslavia or a federal ministry, other federal body or organization or Federal Government Service, shall concurrently with taking over of duties take over also the employees who on the day the Constitutional Charter came into effect were assigned to posts performing tasks that are being taken over, i.e. who were directly employed on such tasks.

The employees not taken over into institutions of the state union or state bodies of the member states shall exercise their employment rights not longer than one year from the date of redundancy.

Federal Deputies in the Federal Assembly and persons who in accordance with the provisions of federal law at the time the Constitutional Charter comes into effect, , hold the status of an elected state official and whose term in office is to be terminated by reason of constitution of the institutions of the state union of Serbia and Montenegro or with election of new officials, shall be entitled to the salary until fulfilment of the conditions for retirement or solving of their legal-employment status, but not longer than one year termination of their term in office.

### **III HARMONISATION OF THE REGULATIONS WITH THE CONSTITUTIONAL CHARTER**

#### Article 20

Federal laws and other federal regulations from the fields that are , under the purview of the institutions of Serbia and Montenegro pursuant to the Constitutional Charter, shall be implemented as Legal Acts of Serbia and Montenegro, except the parts in contravention with the provisions of the Constitutional Charter.

The member states shall harmonise their constitutions with the Constitutional Charter and ratified International Agreements of the State Union of Serbia and Montenegro within six months following coming into force of the Constitutional Charter.

Institutions of Serbia and Montenegro are obliged to harmonise regulations referred to in paragraph 1. of this Article with the Constitutional Charter no later than one year term from the day the Constitutional Charter has come into force.

The member states are obliged to harmonise their laws and other regulations with the Constitutional Charter, ratified International Agreements of the State Union of Serbia and Montenegro and the laws of the state union of Serbia and Montenegro no later than 31 December 2003.

The Acts specified in paragraph 1 of this Article which are not from the fields under the purview of the state union of Serbia and Montenegro as established by the

Constitutional Charter shall apply after the Constitutional Charter has come into effect as General Acts of the member states until abrogated by competent bodies thereof, except the parts in opposition with the Constitutional Charter provisions and with exception of parts already regulated by the regulations of the member states.

Following its constitution the Assembly of Serbia and Montenegro shall form a special commission to harmonise regulations of Serbia and Montenegro with the Constitutional Charter.

The Commission referred to in paragraph 6 of this Article shall propose a programme of harmonising of legislation, taking into account the deadlines set by this Law and the urgency of regulating particular relations.

#### **IV PROPERTY**

##### Article 21

The Law on Property of the state union shall set out the property of the state union essential for functioning of its institutions and the Army of Serbia and Montenegro, within six months from coming into force of the Constitutional Charter.

The member states and the State Union shall within 60 days following enactment of the Constitutional Charter establish a commission which shall determine the proposal of the scope of property referred to in paragraph 1 of this Article, as well as the scope, structure and manner of distribution of the remaining assets.

The Commission specified in paragraph 2 of this Article comprising representatives of the Government of the Republic of Serbia, the Government of the Republic of Montenegro and the Council of Ministers of the State Union of Serbia and Montenegro and central banks of the member states, shall within 90 days following its establishment submit a proposal for approval to the Assembly of Serbia and Montenegro.

Until finalising of the proceeding under paragraph 3 of this Article, the institutions of the state union, the institutions performing the affairs of state union institutions during the transitional period and the Army of Serbia and Montenegro may not dispose of real property which at the time of adopting of the Constitutional Charter is the property of the Federal republic of Yugoslavia.

#### **VI FINAL PROVISIONS**

##### Article 22.

All the deadlines specified by the Constitutional Charter will come in effect on the day the Constitutional Charter comes into effect.

Article 23.

The Law on the Flag of the state union of Serbia and Montenegro shall be passed no later than 60 days from the day of constitution of the Assembly of Serbia and Montenegro.

The Law on the Coat of Arms and Anthem of the state union of Serbia and Montenegro shall be passed before the end of year 2003.

Article 24.

Military judicial bodies shall continue operation until the enactment of the law specified in paragraph 66 of the Constitutional Charter.

The law specified in paragraph 1 of this Article shall be passed no later than 6 months from the day the Constitutional Charter has come into effect.

Article 25.

Persons who acquired Yugoslav citizenship prior to the date of coming into force of the Constitutional Charter shall retain this citizenship and the right to use current personal/public documents until the law regulating this matter is adopted.

Article 26.

The seals and stamps used by federal bodies and organizations shall remain in use until enactment of the regulations on new seals and stamps.

Article 27

The current currency, securities and other documents shall remain valid after the date the Constitutional Charter comes into effect, and the symbols thereon shall be changed in the course of new issuance i.e. new money.

28.

On the day this law comes into force the name of the Official Gazette of the FRY shall be changed to read: "Official Gazette of Serbia and Montenegro".

Article 29

This Law is adopted and promulgated by the Assembly of the Federal Republic of Yugoslavia in identical text as previously adopted by the National Assembly of the

Translated by the Legal Translation Unit  
OSCE Mission to Serbia and Montenegro  
11-Feb-03

Republic of Serbia and the Assembly of the Republic of Montenegro and shall enter into force on the day of the Constitutional Charter comes into force.