

**-UNOFFICIAL TRANSLATION-**

**THE LAW  
ON THE IMPLEMENTATION OF THE CONSTITUTIONAL CHARTER OF THE  
STATE UNION OF SERBIA AND MONTENEGRO**

**I Common Provisions**

Article 1

The Constitutional Charter of the State Union of Serbia and Montenegro (hereinafter: the Constitutional Charter) shall be implemented after being adopted and proclaimed by the Federal Assembly, its text being identical to the one adopted by the Assembly of the Republic of Montenegro and the one adopted by the National Assembly of the Republic of Serbia, unless this Law specifies otherwise.

Article 2

The provisions of the Constitutional Charter pertaining to the rights and obligations of the institutions of the State Union of Serbia and Montenegro shall apply from the date on which they are constituted, established or elected in conformity with the Constitutional Charter, except in the cases in which this Law specifies otherwise.

Article 3

All institutions of the State Union of Serbia and Montenegro shall be constituted, established or elected within 30 days from the date on which the Constitutional Charter goes into effect.

As of the date on which the Constitutional Charter goes into effect the following bodies of the Federal Republic of Yugoslavia 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 institutions of the State Union of Serbia and Montenegro are constituted, established or elected, unless this Law specifies otherwise. The Yugoslav Army shall perform its duties until it is transformed into the Armed Forces of Serbia and Montenegro.

The bodies of the Federal Republic of Yugoslavia performing the duties referred to in Paragraph 2 above shall adopt only those decisions that are necessary for an unhindered operation of the State Union of Serbia and Montenegro, except in conditions of a state of emergency or a state of war. These bodies cannot assume additional responsibilities on behalf of the State Union of Serbia and Montenegro.

Article 4

The Charter of Human and Minority Rights and Civil Liberties shall be adopted by the time the Parliament of Serbia and Montenegro is established.

## II. INSTITUTIONS OF SERBIA AND MONTENEGRO

### Article 5

The Member States shall pass the laws on the election of the Members of the Parliament of Serbia and Montenegro within ten days of the entry into force of the Constitutional Charter.

Under the Constitutional Charter, the President of the Federal Republic of Yugoslavia shall call a first indirect vote for the Parliament of Serbia and Montenegro within five days from the date on which the laws referred to in Paragraph 1 above are passed.

A member of the Parliament of Serbia and Montenegro shall not be recalled by the Assembly of a Member State for a view he/she has expressed or the way he/she voted in the Parliament of Serbia and Montenegro.

### Article 6

The first session of the Parliament of Serbia and Montenegro shall be called by the President of the Chamber of Citizens of the Federal Assembly, the President of the Chamber 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 Parliament of Serbia and Montenegro shall be held within five days from the date on which the Members to the Parliament of Serbia and Montenegro are elected.

The first session of the Parliament of Serbia and Montenegro shall be chaired by the oldest Member of Parliament.

At the first session of the Parliament of Serbia and Montenegro, interim Rules of Procedure of the Parliament shall be adopted, a speaker and his/her deputy shall be elected, and the Law on the Election of President of Serbia and Montenegro passed along with an act governing temporary funding of the institutions of the State Union of Serbia and Montenegro for 2003.

### Article 7

The terms of office of federal deputies to the Chamber of Citizens and the Chamber of Republics of the Federal Assembly shall end once the terms of office of members of the Parliament of Serbia and Montenegro are verified.

### Article 8

Speaker of the Parliament of Serbia and Montenegro shall be elected at the first session of the Parliament of Serbia and Montenegro.

### Article 9

President of Serbia and Montenegro shall call direct elections for the Parliament of Serbia and Montenegro after two years from the date the present Parliament of Serbia and Montenegro was constituted.

### Article 10

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

The Parliament of Serbia and Montenegro shall pass the laws governing the organization and mode of operation of the institutions of the State Union of Serbia and Montenegro within 25 days from the date on which President of Serbia and Montenegro is elected.

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

#### Article 11

The Supreme Defense Council shall be in command of the Armed Forces of Serbia and Montenegro and make decisions pursuant to the Constitutional Charter as of the date it comes into effect.

#### Article 12

The Court of Serbia and Montenegro shall take over all outstanding cases and documents of the Federal Constitutional Court and the Federal Court that fall within its jurisdiction under the Constitutional Charter.

All outstanding cases of the Federal Constitutional Court and the Federal Court not in the jurisdiction of the Court of Serbia and Montenegro shall be taken over and processed by the constitutional and regular courts of the Member States in compliance with their laws.

#### Article 13

On the date on which the Constitutional Charter comes into effect, the following federal bodies and organizations shall become the bodies and organizations of the Member State of Serbia, continuing their work in line with the regulations on the basis of which they were established, which will apply on the territory of the Member State of Serbia until the passage of relevant legislation of the Member State of Serbia:

1. The National Bank of Yugoslavia
2. The Federal Customs Administration
3. The Federal Sanitary, Veterinary and Phyto-Sanitary Inspectorate
4. The Federal Foreign Exchange Inspectorate
5. The Agency for Insurance of Deposits, Rehabilitation, Bankruptcy, Proceedings and Closing of Banks
6. The Federal Commission for the Prevention of Money Laundering
7. The Federal Commission for Securities and Financial Market

#### Article 14

The Council of Ministers of the State Union of Serbia and Montenegro shall make a decision on the fiscal agent representing it in international financial institutions, with the consent of finance ministries and central banks of the Member States.

Until the Council of Ministers is formed, the functions of the fiscal agent representing it in international financial institutions shall be discharged by the Federal Ministry for Foreign Economic Relations, with the consent of relevant bodies of the Member States.

In the transitional period, which shall last until the final mode of representation with international financial institutions is defined, professional and organizational duties referred to under Paragraph 2 above shall be performed by the institutions that have done so until the adoption of this Law.

The post of the financial agent shall be performed on behalf of the Member States by the National Bank of Serbia and the Central Bank of Montenegro according to international agreements signed.

#### Article 15

Until their final status is defined, the following bodies and institutions shall continue to perform their functions:

1. The Federal Institute for Plant and Animal Genetic Resources
2. The Federal Hydro-meteorological Institute
3. The Federal Standardization Office
4. The Yugoslav Accreditation Body (JUAT)
5. The Federal Institute for Intellectual Property
6. The Federal Office for Measures and Precious Metals
7. The Federal Statistical Office
8. The Federal Air Traffic Control Authority
9. The Federal Aviation Inspectorate
10. Plov-put Beograd
11. Plov-put Bar
12. The Yugoslav Register of Ships "Beograd"
13. The Yugoslav Register of Ships "Tivat"
14. The Museum of Yugoslav History
15. The Archives of Yugoslavia
16. The Yugoslav Aviation Museum
17. Port Authorities and their Sub-offices
18. The National Council of the Federal Republic of Yugoslavia for Cooperation with the International Tribunal for Prosecution of Persons Responsible for grave breaches of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
19. The Coordinating Center of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohija

#### Article 16

On the date on which the Constitutional Charter goes into effect, the following bodies shall cease to operate:

1. The Federal State Prosecutor
2. The Federal Ministry of Internal Affairs

3. The Federal Ministry of Finance
4. The Federal Ministry of Justice
5. The Federal Ministry of Transport and Telecommunications
6. The Federal Budget Inspectorate
7. The Federal Administrative Inspectorate
8. The Federal Market Inspectorate
9. The Federal Transportation Inspectorate
10. The Military Prosecutor`s Office
11. The Federal Public Attorney's Office
12. The Anti-Trust Commission
13. The Federal Secretariat of Information
14. The Federal Secretariat of Legislation
15. The Federal Research and Development Secretariat
16. The Federal Secretariat for Labor, Health and Social Welfare
17. The Federal Secretariat for Sport and Youth
18. The Federal Secretariat for Religions
19. The Federal Institute of Information Technologies
20. The Federal Office for International Cooperation in Agricultural Industry UNIDO  
Yugoslavia Center
21. The Federal Institute for Health Protection and Development
22. The Federal Social Security Office
23. The Federal Office for Labor Market and Migration
24. The Federal Directorate of the Federal Republic of Yugoslavia Property
25. The Federal Procurement Agency
26. The Agency for Agricultural Export Promotion and Incentives
27. The Agency for Media and Public Relations Research
28. The Office for Joint Responsibilities of the Federal Government and Federal Administrative  
Agencies
29. The Flight Arrangements
30. The Protocol Service

## Article 17

Other federal bodies, organizations, services, permanent and temporary expert and advisory working groups and commissions that have not been listed under Articles 13, 15 and 16 of this Law shall also cease to operate on the date on which the Constitutional Charter goes into effect.

The Council of Ministers may decide to transfer certain services and groups of duties falling within the jurisdiction of the federal Union of Serbia and Montenegro, which were performed by the bodies, organizations or services listed in Articles 15 and 16 of this Law to the institutions of the State Union of Serbia and Montenegro.

The Member States may decide by mutual agreement that there is a need for certain bodies, organizations or services, including those specified under Articles 15 and 16 of this Law, to continue to perform their duties. The Member States may also establish by an agreement that these bodies, organizations or services shall continue to perform their duties as joint bodies, organizations or services of the Member States.

Companies, financial organizations or institutions in which the Federal Republic of Yugoslavia, i.e. its bodies, organizations or services, shall have the right of founders, shall continue to operate unless the Council of Ministers proposes that they should be closed.

If the companies, financial institutions or undertakings referred to in Paragraph 4 above continue to operate, the foundation rights shall be governed by an agreement between the Member States.

## Article 18

Until the election of the Council of Ministers, certain duties of the federal ministries, other federal bodies and organizations and the Federal Government services that shall cease to operate, which, pursuant to the Constitutional Charter fall within the jurisdiction of the State Union of Serbia and Montenegro, shall be performed as follows:

1. The Federal Ministry of Foreign Affairs shall assume the duties of:
  - 1) All federal ministries, other federal bodies and organizations in the part related to the conduct of negotiations and the conclusion of international treaties in which the State Union of Serbia and Montenegro, as a subject of the international law, is a Contracting Party, except for the duties related to international treaties falling within the competence of economic relations with foreign countries;
  - 2) All federal ministries, other federal bodies and organizations in the part related to the rights and obligations stemming from membership of international global and regional organizations that requires international personality of the State Union of Serbia and Montenegro.
2. The Federal Ministry of Foreign Economic Relations shall take over the duties of all federal ministries, other federal bodies and organizations in the part related to economic relations with foreign countries falling within the jurisdiction of the State Union of Serbia and Montenegro.
3. The Federal Ministry of Economy and Internal Trade shall take over the duties of:
  - 1) The Federal Market Inspectorate in the part related to administrative supervision aimed at preventing and eliminating obstacles to a free flow of people, goods, services and capital within the State Union of Serbia and Montenegro.

- 2) The Anti-Trust Commission in the part related to the prevention of the existence and an end to monopolist conduct or such a position within the common market of the State Union of Serbia and Montenegro.
4. The Federal Ministry for National and Ethnic Communities shall take over the duties of:
    - 1) The Federal Ministry of Justice in the part related to the monitoring and exercise of the freedoms and rights of man and citizen guaranteed by the Constitutional Charter, international treaties and laws, and extradition;
    - 2) The Federal Ministry of Internal Affairs in the part related to foreigners, i.e. migration policy, immigration, asylum, travel documents, visa regime and the state border, i.e. the integrated border administration.
  5. The General Secretariat of the Federal Government shall take over the duties of:
    - 1) The Federal Ministry of Finance in the part related to the duties of the financial service, in connection with the preparation of documentation for the execution of expenditure of the institutions of the State Union of Serbia and Montenegro through a Member State's treasury;
    - 2) The Federal Ministry of Justice in the part related to the property of the State Union of Serbia and Montenegro needed for the operation of its institutions and, accordingly, corresponding duties of the Directorate for the Property of the Federal Republic of Yugoslavia, the duties related to the protection of the property involved in the proceedings the Federal Public Attorney has instituted before courts and other state organs, as well as the duties related to the implementation of the Succession Agreement, the functions and organization of the institutions of the State Union of Serbia and Montenegro and the position of its employees;
    - 3) The Federal Administration Inspectorate in the part related to internal control, i.e. administrative supervision of the legality of administrative procedures and harmonized activity of the ministries of the Council of Ministers and other institutions that rule through administrative procedures, and actions in line with the regulations on office operations;
    - 4) The Federal Secretariat of Legislation in the part related to a unified methodological approach to the preparation of laws proposed by the Council of Ministers and regulations it enforces in conformity with its legal authority; the establishment and development of a legislative system of the State Union of Serbia and Montenegro and the business of the publication of regulation in the Official Gazette;
    - 5) The Federal Secretariat of Information in the part related to informing the public on the work of the Council of Ministers and its ministries, analyzing domestic and foreign media reports on the work of the Council of Ministers and its ministers and informing them about the results of such analyses;
    - 6) The Federal Institute of Informational Technologies in the part related to the establishment and development of the information system of the State Union of Serbia and Montenegro, providing IT support to the work of the Council of Ministers, its ministries and services and linking them with other institutions of the State Union of Serbia and Montenegro and state organs of the Member States;
    - 7) Services provided for the joined duties of the Federal Government and federal administrative bodies;
    - 8) Flight Arrangements and

### 9) The Protocol Services.

The General Secretariat of the Federal Government shall supervise the performance of duties referred to in Paragraph 5 above.

The duties of the Military Prosecutors shall be taken up by the Federal Ministry of Defense.

### Article 19

The institutions of the State Union of Serbia and Montenegro, i.e. the state bodies of a Member State whose jurisdiction includes the duties of the bodies and organizations of the Federal Republic of Yugoslavia or a federal ministry, other federal organ or organization, or a Federal Government service, shall take up both the duties and the employees, who on the date on which the Constitutional Charter goes into force have been assigned to the posts in which the transferred duties are performed, that is, those who worked directly on those duties.

The employees who are not co-opted by the institutions of the State Union or the state bodies of the Member States shall exercise the rights stemming from employment for no longer than one year after the need for their work has ceased.

Members of the Federal Assembly and persons who, pursuant to the federal legislation, enjoy the status of an elected state official at the time when the Constitutional Charter goes into force, but whose term of office, i.e. post, terminates by the establishment of institutions of the State Union of Serbia and Montenegro or the election of new officials, have the right to a pay until they fulfill pension requirements or solve their legal employment status, but no longer than one year from the date their terms of office, i.e. post, terminated.

## **III. HARMONIZATION OF REGULATIONS WITH THE CONSTITUTIONAL CHARTER**

### Article 20

The federal laws and other federal regulations in the fields that all within the jurisdiction of institutions of Serbia and Montenegro under the Constitutional Charter shall be applied as legal acts of the State Union of Serbia and Montenegro, except in the parts that are contrary to the provisions of the Constitutional Charter.

The Member States shall harmonize their constitutions with the Constitutional Charter and ratified international treaties of the State Union of Serbia and Montenegro within six months from the date on which the Constitutional Charter goes into effect.

The institutions of the State Union of Serbia and Montenegro shall be obliged to harmonize with the Constitutional Charter the regulations specified in Paragraph 1 above no later than one year after the date on which the Constitutional Charter goes into effect.

The Member States shall have the duty to harmonize their laws and other regulations with the Constitutional Charter, ratified international treaties of the State Union of Serbia and Montenegro and the laws of the State Union of Serbia and Montenegro until December 31, 2003.

The acts referred to in Paragraph 1 above, which do not fall within the fields which the Constitutional Charter has defined as the jurisdiction of the State Union of Serbia and Montenegro shall be applied after the Constitutional Charter goes into effect as general acts of the Member States until their relevant bodies declare them null and void, except in parts contrary to the provisions of the Constitutional Charter and in the fields that have already been regulated by the regulations of a Member State.

Upon its establishment, the Parliament of Serbia and Montenegro shall set up a special commission to take care of the harmonization of regulations of Serbia and Montenegro with the Constitutional Charter.

The Commission, as provided for in Paragraph 6 above, shall propose a harmonization program, taking into account the time-frame envisaged by this Law and the urgency of regulating certain relations.

#### **IV. PROPERTY**

##### *Article 21*

The Law on the Property of the State Union of Serbia and Montenegro shall define the property of the State Union necessary for the operation of its institutions and the Armed Forces of Serbia and Montenegro within six months from the date on which the Constitutional Charter goes into effect.

Within 60 days from the date on which the Constitutional Charter goes into effect, the Member States and the State Union shall establish a commission to define the volume of property as stipulated in Paragraph 1 above, along with the volume and the structure of the remaining property and the way in which it will be distributed.

The Commission referred to in Paragraph 2 above, composed of representatives of the Government of the Republic of Serbia, the Government of the Republic of Montenegro, the Council of Ministers of the State Union and the central banks of the Member States, shall submit for adoption by the Parliament of Serbia and Montenegro the proposal, within 90 days from the date of establishment.

Until the procedure described in Paragraph 3 above is completed, the institutions of the State Union, the institutions performing the duties of the institutions of the State Union in the interim period, as well as the Armed Forces of Serbia and Montenegro, may not dispose of real estate that is property of the Federal Republic of Yugoslavia at the moment the Constitutional Charter is adopted.

#### **V. FINAL PROVISIONS**

##### *Article 22*

The deadlines specified by the Constitutional Charter shall begin on the date the Constitutional Charter goes into effect.

##### *Article 23*

The Law on the Flag of the State Union of Serbia and Montenegro shall be passed within 60 days from the date on which the Parliament of Serbia and Montenegro is constituted.

The Law on the Coat-of-arms and the anthem of the State Union of Serbia and Montenegro shall be passed by the end of the year 2003.

##### *Article 24*

Military judicial bodies shall continue to operate until the law referred to in Article 66 of the Constitutional Charter is passed.

The law referred to in Paragraph 1 above shall be passed within six months from the date on which the Constitutional Charter goes into effect.

#### Article 25

The persons who have acquired Yugoslav citizenship before the Constitutional Charter comes into effect shall retain the citizenship and the right to use the existing public documents until a law governing this matter is passed.

#### Article 26

Seals and stamps used by federal bodies and organizations shall be used until regulations are adopted on new seals and stamps.

#### Article 27

The current money, securities and other documents shall be valid even after the Constitutional Charter comes into effect, and markings on them shall be changed with new money issue or new batches.

#### Article 28

On the date on which this Law goes into effect, the name of the Official Gazette of the Federal Republic of Yugoslavia shall be changed into the Official Gazette of Serbia and Montenegro.

#### Article 29

This Law shall be adopted and promulgated by the Parliament of the Federal Republic of Yugoslavia in the wording identical with the one previously adopted by the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro, and shall go into effect on the date on which the Constitutional Charter comes into force