

15 NOV. 2010

LAW ON POLITICAL PARTIES

BASIC PROVISIONS

Subject matter to the Law

Article 1

This Law shall govern establishment and legal status of political parties, their registration and deletion from the Register, dissolution of political parties and other issues relevant for work of political parties.

Definition of the term "political party"

Article 2

Political party in respect to this Law, shall mean an organisation of citizens freely and willingly associated, which was establish for achieving political objectives by democratic modeling of political will of citizens, and participation in elections.

Definition of the term "ethnic minority political party"

Article 3

Ethnic minority political party in respect to this Law, shall mean a political party which activities, in addition to characteristic referred in Article 2 hereof, are especially directed to representing and advocating interests of one ethnic minority and protection and promotion of the rights of the ethnic minority group members, in conformity with the Constitution, laws and international standards, regulated by Articles of incorporation , Articles of association (Statute) and programme.

Manner of organisation and work of political parties

Article 4

Political party shall be organized and work solely on the principle of territoriality.

Activities of political party may not be aimed at: violent overthrowing of the Republic's constitutional order, violation of territorial entirety of the Republic of Serbia, violation of guaranteed human or minority rights or at provocation or incitement of national, racial and religious hatred or intolerance.

No political party may directly administer nor subdue authority.

Legal status and commencement of political party's work

Article 5

A political party shall acquire the status of legal entity at the date of its inscription into the Register of Political Parties (hereinafter: the Register")

Political party shall commence its work as of the date of its inscription into the Register.

Public work

Article 6

Work of political party shall be public.

Legality of political party's work

Article 7

Political party shall act in accordance with the Constitution, law, programme, Statute and other general acts.

II ESTABLISHMENT OF A POLITICAL PARTY

Founders of political party

Article 8

A political party may be founded by minimum 10,000 adult citizens having business capacity and being citizens of the Republic of Serbia.

Founders of ethnic minority political party

Article 9

An ethnic minority political party may be established by minimum 1,000 adult citizens having business capacity and being citizens of the Republic of Serbia.

Establishment of political party

Article 10

A political party may be established at founding assembly, by passing its Articles of incorporation, programme, Statute and election of a person authorized to represent the political party.

Articles of incorporation

Article 11

Articles of incorporation shall contain; name, head office and address of the political party; programme objectives; name, place of residence, address and unified identification code of the person authorized to submit application for inscribing the political party into the Register of Political Parties, as well as the date of passing the Articles of incorporation.

Statements of the founders on establishment of the political party shall be an integral part of the Articles of incorporation.

Content of founders' statement on establishment of political party

Article 12

Founders' statement on establishment of a political party shall contain: name, place of residence, address and unified identification code of the founder of the political party; party name; adoption of the programme and Statute of the political party; date of signing the statement; and signature of the founders of the political party.

The statement referred to in Paragraph 1 of this Article must contain certificate on legalized signature in accordance with the Law (hereinafter: legalization of signature).

Form of the statement referred to in Paragraph 1 of this Article shall be specified by the Minister responsible for administrative matters (hereinafter: the Minister)

Programme of a political party

Article 13

Programme of a political party shall contain summary of political principles, objectives and values, which the political party advocate.

Statute of a political party

Article 14

Statute shall be a basic general act of the party.

Other general acts, if enacted by the political party, must be in accordance with the Statute.

The Statute must govern: name and head office of the political party; symbols of visual identity; image and content of a seal of the political party and its territorial organisational units; the programme objectives; conditions and manner admission or resignation of a member; rights, duties and responsibilities of the members; territorial and internal organisations, organs and their purview, composition, method of election and dismissal, duration of mandate and decision-making procedure; representation of the political party; procedure for amendments and addendums to the programme and the Statute and procedure of enacting and amending other general acts of the political party, if the party enacted such documents; publicity in its work; decision-making procedure relating to association of political party in larger political coalitions, in the country and abroad or relating to merger of political party; funding of political party; method of internal audit of finances; a person responsible for the party's financial management, reporting and book-keeping and a person authorized to contact with competent authority; decision-making procedure relating to dissolution; manner of disposing of funds of political party when it ceases to exist, as well as other issues relevant for work and activities of the political party.

Representative of political party

Article 15

A political party shall be represented by a person authorized to represent the political party (hereinafter: political party's representative) elected i.e. appointed in a manner laid down by the Statute.

Decision on election, i.e. appointment of the political party's representative must contain: name, place of residence, address and unified identification code of the political party's representative.

Political party's representative shall comply with the authorisations and decisions laid down by the Statute and decisions by competent organs of the political party.

Availability of data, programme, Statute and other general acts of political party

Article 16

A political party shall be bound to ensure the public to have access via Internet to its Articles of Incorporation, political party's representative name, programme, Statute and other general acts of the political party, if enacted.

Organisational units according to principle of territoriality

Article 17

A political party may establish its organisational units according to principle of territoriality and in conformity with law, statute or other general acts.

Territorial organisational units shall have no status of legal entity.

Political party, in conformity with statute, shall make a decision on establishment or dissolution of its territorial organisational units.

Name and short name of political party

Article 18

Name of a political party must be in Serbian language and Cyrillic script.

Name of an ethnic minority political party, if so provided by its Statute, may be also in the language and alphabet of the ethnic minority. Name in language and alphabet of the ethnic minority shall be inscribed into the Register, following the name in Serbian language in Cyrillic script.

Name of the political party may contain word "Serbia" in appropriate case, in a manner emphasizing honour and dignity of the Republic of Serbia.

Name of the political party may not contain personal name, name of foreign state or legal entity, nor the elements defined in Article 4, Paragraph 2 hereof. Also, name of the political party may not indicate to the political parties that were implementing the policy prohibited by Article 4, Paragraph 2 hereof.

A political party may have its short name, which is defined by the Statute.

Distinguishing and using political party's name

Article 19

Name of a political party may not be identical to the name of any existing political party, which has already been inscribed, or applied for inscription into the Register, or which was deleted from the Register under condition that period of four years has not elapsed from the date of the deletion from the Register, i.e. that if name makes confusion in the public, or hurts moral feelings of citizens.

Name of a political party shall be used in legal affairs as inscribed into the Register.

Territorial organisational units of the political party may, in line with the Statute, bear a supplementary designation of their status of a territorial organisational unit.

Visual identity symbols

Article 20

A political party may bear symbols of its visual identity (its sign, logo or other symbols) in accordance with the Statute.

Visual identity symbols must be clearly distinguishable from that of any existing party, which has already been inscribed or applied for inscription into the Register, or which was deleted from the

Register under condition that a four-year period has not elapsed from the date of the deletion from the Register.

Membership in political party

Article 21

Membership in political party is free and willful.

A member of the political party may, under equal conditions laid down by the statute, be every adult citizen of the Republic of Serbia having business capacity.

Judges of the Constitutional Court, Judges, Public Prosecutors, Ombudsman, law enforcement personnel and Army personnel, as well as other persons whose function is incompatible with a membership in any political party in conformity with law, may not be members of any political party.

Political party shall keep and maintain records on its members, which must contain: personal name and a parent's name; place of residence, address and unified identification code of a member of the political party; date of admission and resignation of a member.

The records referred to in Paragraph 4 of this Article shall be maintained in writing as a unified central electronic database.

III INSCRIPTION INTO THE REGISTER

Maintaining the Register

Article 22

The Ministry shall be in charge of maintaining the Register

the Minister shall specify the registration procedure and manner of maintaining the Register, as referred to in Paragraph 1 of this Article.

Content of the Register

Article 23

The following information shall be entered into the Register: name and short name, head office and address of a political party; date of establishment of a political party; date on adoption, i.e. amendments to the Statute and programme; name, place of residence, address and unified identification code of a political party's representative; Status of ethnic minority political party in respect to this Law; membership in larger political coalitions in the country and abroad; number and date of rendering resolution on registration, change of data and deletion of a political party from the Register; note on renewal of i registration in the Register; note on instituting a proceeding for prohibition of political party's work; dissolution and prohibition of work of a political party.

Application for registration

Article 24

A political party shall be inscribed into the Register by an application.

The Minister shall specify content and form of the application referred to in Paragraph 1 of this Article.

The application for registration shall be submitted by person authorized to submit the application for registration to the Register (hereinafter: Applicant) within 30 days as of the establishment of a political party.

The application must be accompanied by: minutes from the founding assembly; Articles of incorporation; statements by founders on establishment of the political party on appropriate form, containing legalization of signatures; certificates on inscription of the founders in the Register of voters; two copies of its programme and Statute each; act on election of a political party's representative and verified photocopy of his/her ID card; if such ID card contains no data on place of his/her temporary residence and address, then a certificate of place of permanent residence.

Dismissal of application for registration

Article 25

The Ministry shall call applicants to remedy the deficiencies within a period from 15 to 30 days, if:

- 1) name of political party is identical to name of other party which was inscribed, or duly applied for the inscription into the Register, or which was deleted from the Register, under condition that a four-year period has not elapsed from the date of deletion from the Register, i.e. that such name makes confusion in the public or hurts moral feelings of citizens;
- 2) such application was submitted by an unauthorized person, or the prescribed documents were not attached to the application;
- 3) application, Articles of incorporation, programme and Statute of the political party do not contain all data prescribed by this Law, or if the application was not filed on appropriate form, or of founders' statements were not given in appropriate form or their signatures were not legalized.

If the applicant in prescribed deadline fails to remedy the deficiencies, the Ministry shall dismiss the application by its resolution.

The resolution referred to in Paragraph 2 of this Article shall be final and may not be subject to administrative proceedings.

Resolution on inscription into the Register

Article 26

The Ministry shall be bound to render resolution on inscription of political party into the Register within 30 days as of the submission of duly application for registration.

The resolution referred to in Paragraph 1 of this Article shall be final and may not be subject to administrative proceedings.

Resolution on inscription of the political party into the Register shall be published in "Official Gazette of the Republic of Serbia".

Should the Ministry within the deadline referred to in Paragraph 1 of this Article fail to render the resolution on inscription into the Register, or to dismiss the application for registration of a political party with the Register, it shall be deemed that the political party has been inscribed into the Register the succeeding day following expiry of the deadline.

Together with the resolution on inscription of the political party into the Register, the political party shall be furnished with one copy of its programme and Statute, which the Ministry certified by its seal and signature of determined officer, proving their authenticity with the copy of the programme and statute kept with the Ministry.

Change of data in the Register

Article 27

A political party shall be bound to notify the Ministry of each change in the data that are entered in the Register, within 15 days after the change occurred, by submitting an application for change of the data in the Register.

Minutes of the meeting of the organ in charge of making decisions on the changed data, in original document or in verified true copy, and decision on the change of data shall be attached to the application referred to in Paragraph 1 of this Article.

The application for change of data in the Register shall be submitted by a political party's representative.

Dismissal of application for inscription of changed data in the Register

Article 28

If any change in the data which are to be inscribed in the Register is not in accordance with this Law, programme and statute of a political party, the Ministry shall call the political party's representative to remedy the deficiencies within 15 days after the application for inscription of the change of data in the Register was submitted.

Should the political party's representative fail to remedy the deficiencies within the deadline prescribed, the Ministry shall render a resolution dismissing the application for inscription of the changed data into the Register.

The resolution referred to in Paragraph 2 of this Article shall be final and may not be subject to administrative proceedings.

Resolution on inscription of changed data in the Register

Article 29

The Minister shall render a resolution on inscription of the data changed into the Register within 30 days after the application was duly submitted.

The resolution referred to in Paragraph 1 of this Article shall be final and may not be a subject to administrative proceedings.

Renewal of registration with the Register

Article 30

Political parties must renew their registration by submitting an application for renewal of its registration with the Register every eight years as of the registration date.

The following shall be attached to the application referred to in Paragraph 1 of this Article: statements of the political party's members on their membership, in appropriate form, containing legalization of their signatures at least in the number required for establishment of the political party which has been inscribed into the Register.

The Minister shall specify content and form of the statement referred to in Paragraph 2 of this Article.

The application referred to in Paragraph 1 of this Article shall be submitted by a political party's representative.

In exceptional cases, a political party shall not submit the application for renewal of its registration to the Register, if within the deadline specified in Paragraph 1 of this Article, candidates proposed by the political party gained, whether independently or in coalition of political parties, at least one mandate through participation in elections for MPs in National Parliament, or MPs in autonomous province assembly.

The Ministry shall establish the facts and data referred to in Paragraph 5 of this Article ex officio.

Resolution on renewal of registration with the Register

Article 31

The Ministry shall render a resolution on renewal of registration with the Register within 30 days as of the day of duly submission of the application for renewal of the registration with the Register, i.e. as of the day of instituting proceedings for establishment of the facts and data referred to in Article 30, Paragraph 5 ex officio.

The resolution referred to in Paragraph 1 of this Article shall be final and may not be subject to administrative proceedings.

Public nature of the Register

Article 32

Data inscribed into the Register shall be public, in accordance with Law.

Any one may rely on accuracy of the data inscribed into the Register.

IV ASSOCIATION AND MERGER OF POLITICAL PARTIES

Association of political parties.

Article 33

A political party may be associated into larger political coalitions in the country or aboard, retaining its legal personality.

Merger of political parties

Article 34

A political party may merge with other political party/parties already registered in the Register, in order to form a new political party, in which case it shall lose its legal personality, while the new political party formed by merging of two or more parties shall become a new legal person.

The political party, which is established by such merger, shall be inscribed into the Register, and it shall submit, together with an application for registration the following: decision on merger of political parties; statements of the political party's members on their membership in a new political party formed by merger of two or more political parties, given in appropriate form, containing

legalization of signatures at least in the number required for establishment of the political party in the meaning of this Law; report on joint assets (balance sheet); two copies of its programme and statute each; act on election of the political party's representative and his/her verified photocopy of ID card; a certificate on permanent residence, if the ID card contains no data on temporary residence and address.

V DISSOLUTION OF POLITICAL PARTY

General conditions for dissolution of political party

Article 35

A political party shall dissolve by deletion from the Register.

By deletion from the Register, the political party shall lose its legal personality.

A political party shall be deleted from the Register if:

- 1) organ defined by the statute renders a decision to dissolve;
- 2) political party is associated with another party or parties;
- 3) the Constitutional court prohibits its work.

In cases referred to in Paragraph 3, Points 1) and 2) of this Article, political party's representative shall be bound to, within 30 days after the conditions for dissolution of the party are met, submit an application for deletion of the political party from the Register and evidence proving such facts.

Should the political party's representative, within the deadline specified in Paragraph 4 of this Article fail to submit the application for deletion of the party from the Register, and the Ministry establishes or finds out that the conditions referred to in Paragraph 3 Points 1) and 2) of this Article are met, it shall institute procedure for deletion of the political party ex officio.

Special conditions for dissolution

Article 36

A political party shall dissolve and shall be deleted from the Register, if within the time limit and under conditions specified in Article 30, Paragraphs 1 and 2 of this Law, fails to submit an application for renewal of its registration with the Register, except in case when the Ministry established the facts and data referred to in Article 30 Paragraph 5 of this Law.

The Ministry shall institute the dissolution proceedings referred to in Paragraph 1 of this Article.

Prohibition of political party

Article 37

The Constitutional Court shall decide on prohibition of a political party.

A political party shall be prohibited, if its acting is contrary to Article 4 Paragraph 2 of this Law, or if associated in larger coalitions in the country or abroad, or merge with political party acting contrary to Article 4 Paragraph 2 of this Law.

Procedure to prohibit a political party

Article 38

Procedure to prohibit a political party shall be initiated upon proposal by the Government, the Republic Public Prosecutor and the Ministry.

When the Constitutional Court prohibits work of the political party, such party shall be deleted from the Register at the date of serving the Constitutional Court's decision to the Ministry.

Resolution on deletion from the Register

Article 39

The Ministry shall be bound, in cases referred to in Article 35, Paragraph 3 Points 1) and 2) and Article 36, Paragraph 1 of this Law, to render a resolution on deletion from the Register within 30 days as of the day when duly application for deletion from the Register is submitted, or as of the day when the procedure was instituted ex officio; and in the case referred to in Article 38, Paragraph 2 of this Law, at the date of serving the Constitutional Court's decision on prohibition of political party to the respective political party.

The resolution referred to in Paragraph 1 of this Article shall be final and may not be subject to administrative proceedings.

The resolution on deletion political party from the Register shall be published in "Official Gazette of the Republic of Serbia".

VI OVERSIGHT

Purview for performing oversight

Article 40

The Ministry responsible for administrative affairs shall oversee application of this Law.

VII PENALTY PROVISIONS

Misdemeanours

Article 41

A political party shall be fined for a misdemeanor in the amount of RSD 50,000-500,000, if :

- 1) fails to make available on Internet the following information and documents: Articles of incorporation, name of the political party's representative, its programme, statute and other general acts, if enacted (Article 16);
- 2) in legal affairs it uses its name in form other than inscribed into the Register (Article 19, Paragraph 12);
- 3) fails to notify the Ministry within the set time limit of a change in the data that are to be inscribed into the Register, or fails to submit application for renewal of its registration to the Register, or if fails to submit application for deletion from the Register (Article 27, Paragraph 1, Article 30 Paragraph 1 and Article 35 Paragraph 4).

Political party's representative shall be fined for a misdemeanor referred to in Paragraph 1 of this Article in the amount of RSD 5,000-50,000,

Article 42

The following persons shall be fined for a misdemeanor in the amount of RSD 50,000-500,000:

- 1) person acting on behalf of a political party which has not been inscribed into the Register (Article 5);
- 2) person authorized to apply for registration of a political party with the Register, if fails to submit an application for registration of the political party with the Register within the set time limit.

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 43

The Minister shall enact regulations relating to application of this Law, within 60 days from entering this Law in force.

Article 44

Procedure of inscription into the Register, which was initiated before this Law enters into force, shall be completed according to provisions of this Law.

Article 45

The political organisation inscribed into the Register of political organisations, in conformity with the Law on Political Organisations ("Official Gazette of SRS" no. 37/90 and "Official Gazette of RS" no. 30/92, 53/93, 67/93, 48/94 and 101/05) as well as the organisations inscribed in the Register of associations, social organisations and political organizations in accordance with the Law on associating of citizens in associations, social organisations and political organisations established for the territory of Socialist Federal Republic of Yugoslavia ("Official Gazette of SFRJ" no. 42/90, and "Official Gazette of FRY" no. 16/93, 31/93, 41/93, 50/93, 24/94, 28/96 and 73/00) shall continue their work if within six months from the day of this Law enters into force, adjust their statute and other general acts with the provisions of this Law and submit an application for inscription of the political party into the Register.

The political organisations referred to in Paragraph 1 of this Law shall be bound to submit, together with the application for inscription of the political party into the Register, the following: two copies of their programme and statute each, act on election, i.e. appointment of the political party's representatives and other acts enacted in adjustment procedure, as well as statements of the political party's members on their membership in the party, containing legalization of their signatures, at least in the number required for establishment of the political party pursuant to Articles 8 and 9 of this Law.

Political parties that fail to comply with Paragraphs 1 and 2 of this Article shall be deleted from the Register of political organisations and the Register of associations, social organisations and political organizations, and shall lose their legal personality.

Within the time limit defined in Paragraph 1 of this Article, a party which name is identical to name of other party which was inscribed into the Register of political parties or the Register of associations, social organisations and political organizations, may not be registered in the Register of political parties.

Article 46

At the day this Law enters into force, the following laws shall be repealed:

- 1) Law on political organizations ("Official Gazette of SRS" no. 37/90 and "Official Gazette of RS" no. 30/92, 53/93, 67/93, 48/94 and 101/05)
- 2) Law on associating of citizens in associations, social organisations and political organisations established for the territory of Socialist Federal Republic of Yugoslavia ((("Official Gazette of SFRJ" no. 42/90, ("Official Gazette of FRY" no. 16/93, 31/93, 41/93, 50/93, 24/94, 28/96 and 73/00), in the Section governing political organizations.

Article 47

This Law shall enter in force on the eight day after it was published in "Official Gazette of the Socialist Republic of Serbia", and shall be applied after expiry of 60 days after the Law entered in force.