

LAW ON SOCIAL AND ECONOMIC COUNCIL ("Official Gazette of the Republic of Serbia"  
no. 125/2004)

I INTRODUCTORY PROVISIONS

Article 1

This law regulates the establishment, registration, scope and manner of operation, funding and other issues of importance for the operation of a Social and Economic Council.

Article 2

A Social and Economic Council shall be an independent body comprising:

- 1) for the territory of the Republic of Serbia: representatives of the Government of Serbia (hereinafter: the Government), representatives of representative employers' associations (hereinafter: Employers) and representatives of representative trade unions (hereinafter: Trade Unions), established for the territory of the Republic of Serbia;
- 2) for the territory of the autonomous province and local government unit: representatives of competent executive bodies of the autonomous province or the local government unit, representatives of Employers and Trade Union established for that particular territorial unit.

Article 3

The Social and Economic Council shall be formed for the purposes of establishing and developing social dialogue on the issues of importance for the exercising of economic and social freedoms and human rights, material, social and economic position of employees and employers and their living and working conditions, developing a culture of negotiations, encouraging peaceful resolution of collective industrial disputes, development of democracy and issuing magazines, brochures and other publications from its purview.

II THE SOCIAL AND ECONOMIC COUNCIL OF THE REPUBLIC OF SERBIA

Article 4

The Social and Economic Council of the Republic of Serbia (hereinafter: the Council) shall be established.

The Social and Economic Council shall have legal personality.

The seat of the Social and Economic Council shall be in Belgrade.

Article 5

The Social and Economic Council shall have 18 members.

The Social and Economic Council shall comprise six Government representatives, six representatives of trade unions and six representatives of employers established for the territory of the Republic of Serbia.

The representatives of trade unions and employers shall be determined in proportion with the number of members. Members of the Council shall be appointed for a period of four years.

Each member of the Council shall have a deputy who shall attend the meetings as his substitute in the case of his absence.

#### Article 6

The Government shall appoint and dismiss its own representatives in the Council upon the proposal of the minister in charge of labour issues (hereinafter: the Minister), and trade-union and employer representatives shall be appointed and dismissed by trade unions and employers respectively.

The membership status of the Council member shall cease:

- 1) upon resignation;
- 2) upon expiry of the term for which he was appointed;
- 3) if he has been convicted to an unconditional prison sentence of no less than six months;
- 4) upon dismissal.

#### Article 7

Organizational and administrative and technical operations for the Council shall be carried out by the Secretariat of the Council (hereinafter: the Secretariat).

The Secretariat shall be managed and accounted for by the Secretary of the Social and Economic Council (hereinafter: the Secretary).

The Secretary shall decide on individual rights, obligations and responsibilities of the Secretariat employees.

The Secretary shall be appointed by the Council for a term of office of four years.

#### Article 8

The Social and Economic Council shall adopt an act on internal organization and job plan and descriptions (systematization) in the Secretariat, upon the proposal of the Secretary and with the consent of the Government.

The rights, obligations and responsibilities of Secretariat employees shall be governed by civil service employment regulations.

The Secretary shall be paid a salary and other emoluments for his work, in accordance with the law and government act.

#### Article 9

The Social and Economic Council shall discuss the issues of: development and improvement of collective bargaining, impact of economic policy and measures for the implementation thereof on social development and stability, employment, wage and price, competition, productivity, and privatization policies and other issues of structural adjustment, protection of working and general environment, education and professional training, health

care and social welfare, demographic trends and other issues in accordance with the Social and Economic Council by-laws.

The Council shall adopt positions on discussed issues and submit them to the Government.

The positions taken shall require the consent of all members of the Council.

#### Article 10

The Council shall discuss draft laws and proposals of other regulations of importance for the economic and social position of employees and employers and issue opinions thereon.

The opinion shall be submitted to the ministry in charge of the particular area that has prepared the law or another regulation.

The Ministry shall notify the Council on its position within 30 days of the submission of the opinion.

If the ministry does not accept the opinion, the Council may submit its opinion to the Government.

#### Article 11

The Council may form standing and ad hoc working bodies to discuss and propose positions in different areas.

The Council may invite the representatives of non-government organizations as well as prominent scientists and experts to participate in the operation of working bodies without voting rights.

#### Article 12

The meetings of the Council shall be convened and run by the chairman of the Council.

The Council shall elect the chairman from its ranks for a term of one year. The chairman shall alternately be elected from the ranks of Government, trade union employer associations representatives.

The chairman of the Council shall represent the Council, enter into legal transactions, dispose of funds on behalf and for the account of the Council and be liable for the conclusion legality of legal transactions entered into and disposal of funds.

#### Article 13

The work of the Council shall be public.

The Council may inform the public on its work and positions taken through the media.

### III THE SOCIAL AND ECONOMIC COUNCIL FOR THE TERRITORY OF AUTONOMOUS PROVINCE OR LOCAL GOVERNMENT UNIT

#### Article 14

The Council for the territory of autonomous province or local government unit (hereinafter: Local Council) may be established by the agreement of the competent executive body of the territory of autonomous province or local government unit, trade unions and employers established the territory of autonomous province or local government unit (hereinafter: participants).

The agreement on establishment of the Local Council shall contain but not be limited to: the composition and number of local council members, scope of work, purpose of establishment and work, manner of funding and performance of administrative and technical operations and other issues of relevance for the work of the local council in accordance with this Law.

If two participants launch an initiative to establish a local council, other participants shall be obligated to accept such initiative.

#### Article 15

The Local council shall discuss and take positions on the issues referred to in article 9 hereof to be decided on the level of autonomous province or local government unit.

The positions taken shall require the consent of all members of the Local Council.

#### Article 16

The Local Council shall register with the ministry in charge of labour related affairs (hereinafter: the Ministry).

The register of local councils (hereinafter: Register) shall be maintained as a public and electronic database.

#### Article 17

The application for the Local Council registration (hereinafter: the Application) shall be submitted to the Ministry by a Participant, within 15 days of entering into the agreement on the establishment of the Local Council.

The Application shall be accompanied by:

- 1) Agreement on establishment of the Local Council
- 2) Power of attorney for filing the Application

#### Article 18

The Local Council shall acquire the status of a legal person on the date of registration with the Registry.

#### Article 19

The Ministry shall issue a decision on entering the Local Council in the Register within 30 days of application.)

The decision shall contain:

- 1) the number and date of registration;
- 2) name and level of the Local Council
- 3) seat and registered address of the Local Council.

#### Article 20

The data entered into the Register shall contain but not be limited to:

- 1) name and level of the Local Council
- 2) seat and registered address of the Local Council
- 3) participants in the Local Council
- 4) date of the agreement on the establishment of the Local Council
- 5) number and date of the decision on entering into and striking from the register.

The Minister shall issue the by-law regulating the contents and manner of entering into and striking from the Register of the Local Council

#### Article 21

The Local Council shall be stricken from the Register in the case of:

- 1) cancellation of the Agreement referred to in Article 14 hereof by all Local Council participants;
- 2) when one of the Local Council Participants withdraws from the Local Council, or when it loses its representative character in terms of the labour legislation, due to which the conditions referred to in Article 2, sub-paragraph 2) hereof regarding the representativeness of all three participants in the Local Council have ceased to exist.

The Minister shall issue a decision on striking the Local Council from the Register if the circumstances referred in paragraph 1 of this Article occur, upon the application of one of the participants or *ex officio* within 15 days of application, or becoming aware of the circumstances referred to in paragraph 1 of this Article.

The Local Council shall cease to exist when stricken from the Register.

#### Article 22

The provisions of Article 11-13 hereof shall apply *mutatis mutandis* to the Local Council.

#### IV COMMON PROVISIONS

##### Article 23

The Social and Economic Council and the Local Council shall adopt the Rules of Procedure and other acts regulating the manner and scope of work and other issues of relevance.

##### Article 24

The funds for the establishment and work of the Council shall be provided in the budget of the Republic of Serbia.

The funds for the establishment and work of the Local Council shall be provided in the budget of the autonomous province or local government unit.

In addition to the funds referred to in paragraphs 1 and 2 of this Article, the funds for the establishment and work of for the establishment and work of the Social and Economic Council and Local Council shall be provided from grants, contributions and sponsorships of local and foreign legal and natural persons and from other sources in accordance with the law.

#### V TRANSITIONAL AND FINAL PROVISIONS

##### Article 25

The members the Council shall be appointed within 30 days of this law becoming effective.

The act referred to in Article 8, paragraph 1 hereof shall be adopted within 15 days of the date of appointment of the Secretary.

##### Article 26

Local Councils formed prior to the date when this Law becomes effective shall continue their work in accordance with this Law.

The participants of local councils continuing to work shall harmonize their agreement on establishment with the provisions of this Law and submit the application for registration to the Ministry within 60 days of this Law becoming effective.

##### Article 27

This law shall come into force on the eighth day of its publication in the "Official Gazette of the Republic of Serbia".