

Law for 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 applicable as of the date of its adoption and proclamation by the Federal Assembly, in the same wording as in which it was adopted beforehand by the Assembly of the Republic of Montenegro and the National Assembly of the Republic of Serbia, unless otherwise provided by the present Law with regard to application of some of its provisions.

Article 2

The provisions of the Constitutional Charter relating to the rights and duties of institutions of the State Union of Serbia and Montenegro shall be applicable as of the date of their constitution, establishment and/or election in keeping with the Constitutional Charter, except in the cases otherwise provided for by the present 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 effective date of the Constitutional Charter.

As of the effective date of the Constitutional Charter, the organs of the Federal Republic of Yugoslavia: Federal Assembly, President of the Republic, Federal Government, Federal Court and Federal Constitutional Court shall perform their duties in conformity with the Constitutional Charter, unless otherwise provided by the present Law, pending the constitution, establishment and/or election of institutions of the State Union of Serbia and Montenegro. The Yugoslav Army shall carry on performing its duties pending its transformation into the Army of Serbia and Montenegro.

The organs of the Federal Republic of Yugoslavia that are performing the duties referred to in paragraph 2 of this Article may render only such decisions as are essential for trouble-free functioning of the State Union of Serbia and Montenegro, except under the circumstances of a state of emergency or a state of war. These organs may not assume additional duties for the State Union of Serbia and Montenegro.

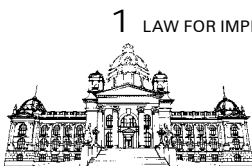
Article 4

The Charter of Human and Minority Rights and Civic Freedoms shall be adopted prior to the constitution of the Assembly of Serbia and Montenegro.

II. INSTITUTIONS OF SERBIA AND MONTENEGRO

Article 5

The member-states shall enact laws dealing with the election of deputies to the Assembly of Serbia and Montenegro within ten days from the effective date of the Constitutional Charter.



The President of the Federal Republic of Yugoslavia shall schedule the first indirect elections of deputies to the Assembly of Serbia and Montenegro within five days from the date of adoption of the laws referred to in Paragraph 1 of this Article, in conformity with the Constitutional Charter.

No deputy to the Assembly of Serbia and Montenegro may be recalled by the assembly of a member-state because of the position he/she had taken or how he/she had voted in the Assembly of Serbia and Montenegro.

Article 6

The first session of the Assembly of Serbia and Montenegro shall be scheduled by the Speaker of the Federal Assembly Chamber of Citizens, the Speaker of the Federal Assembly Chamber of Republics, the Speaker of the National Assembly of the Republic of Serbia and the Speaker of the Assembly of the Republic of Montenegro.

The first session of the Assembly of Serbia and Montenegro shall be held within five days from the 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 oldest deputy.

The provisional rules of procedure of the Assembly of Serbia and Montenegro shall be adopted, the speaker and deputy speaker of the Assembly of Serbia and Montenegro, the law on the election of the President of Serbia and Montenegro and the deed concerning provisional financing of the institutions of the State Union of Serbia and Montenegro in the year 2003 shall be adopted at the first session.

Article 7

The term of federal deputies to the Federal Assembly Chamber of Citizens and the Federal Assembly Chamber of Republics shall be terminated with the verification of the terms of deputies to the Assembly of Serbia and Montenegro.

Article 8

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

Article 9

The President of Serbia and Montenegro shall schedule the direct election of deputies to the Assembly of Serbia and Montenegro, so that such election is conducted upon the expiration of two years from the date of constitution of the first convocation of the Assembly of Serbia and Montenegro.

Article 10

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

The Assembly of Serbia and Montenegro shall enact laws dealing with organisation and operation of the institutions of the State Union of Serbia and Montenegro, within 25 days from the date of election of the President of Serbia and Montenegro.

The Assembly of Serbia and Montenegro shall enact the Court of Serbia and Montenegro Law and elect the judges of that court at the same session.

Article 11

The Supreme Defence Council shall command the Army of Serbia and Montenegro and take decisions pursuant to the provisions of the Constitutional Charter as of its effective date.

Article 12

The Court of Serbia and Montenegro shall take over all cases and documents of the Federal Constitutional Court and the Federal Court that have not been dealt with, for which it is competent under the Constitutional Charter.

The cases that have not been dealt with by the Federal Constitutional Court and the Federal Court and are not within the jurisdiction of the Court of Serbia and Montenegro shall be taken over and dealt with by the constitutional and regular courts of the member-states, in conformity with the laws of member-states.



Article 13

The following federal agencies and organisations shall become the agencies of the member-state of Serbia and carry on working in conformity with the regulations under which they had been formed, which shall be in force pending the adoption of appropriate regulations of the member-state of Serbia, as of the effective date of the Constitutional Charter:

1. National Bank of Yugoslavia;
2. Federal Customs Administration;
3. Federal sanitary, veterinary and phyto-sanitary inspectorates;
4. Federal Foreign Exchange Inspectorate;
5. Bank Deposit Insurance, Financial Rehabilitation, Bankruptcy and Liquidation Agency;
6. Federal Money Laundering Control Agency;
7. Federal Securities and Financial Market Commission.

Article 14

The Council of Ministers of the State Union of Serbia and Montenegro shall decide on the appointment of a fiscal agent in international financial organisations, with the consent of the ministries of finance and central banks of the member-states.

Pending the constitution of the Council of Ministers, the duties of the fiscal agent in international financial organisations shall be performed by the Federal Ministry of Foreign Economic Relations, with the consent of competent agencies of the member-states.

The professional and organisational matters referred to in paragraph 2 of this Article shall be dealt with by the institutions that have been dealing with such matters before the enactment of the present Law, pending the institution of the final way of representation and agency in international financial organisations.

The functions of the payer's agent shall be discharged on behalf of the member-states, by the National Bank of Serbia and the Central Bank of Montenegro, in conformity with concluded international treaties.

Article 15

Pending the definition of their final status, the following agencies and organisations shall carry on conducting their present business:

1. Federal Office of Vegetable and Animal and Genetic Resources;
2. Federal Weather and Hydrological Forecasting Bureau;
3. Federal Office of Standardisation;
4. Yugoslav Accreditation Body (YUAT);
5. Federal Office of Intellectual Property;
6. Federal Bureau of Measures and Precious Metals;
7. Federal Office of Statistics;
8. Federal Air Traffic Control Authority;
9. Federal Air Traffic Inspectorate;
10. Plov-put Belgrade;
11. Plov-put Bar;
12. Yugoslav Shipping Register, Belgrade;
13. Yugoslav Shipping Register, Tivat;
14. Yugoslav History Museum;
15. Yugoslav Archives;
16. Yugoslav Aviation Museum;
17. Harbour Master's Offices and Branches;
18. National Council of the Federal Republic of Yugoslavia for Co-operation with the International Tribunal for the Prosecution of Persons Responsible for Gross Violation of International Humanitarian Law Committed in the Territory of the Former Yugoslavia from 1991 Onwards;
19. Co-ordinating Centre of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohija.



Article 16

The following shall cease to operate as of the effective date of the Constitutional Charter:

1. Federal State Attorney;
2. Federal Ministry of Interior Affairs;
3. Federal Ministry of Finance;
4. Federal Ministry of Justice;
5. Federal Ministry of Transport and Telecommunications;
6. Federal Budget Inspectorate;
7. Federal Administrative Inspectorate;
8. Federal Market Inspectorate;
9. Federal Transport Inspectorate;
10. Military Legal Office;
11. Federal Legal Office;
12. Anti-Monopoly Commission;
13. Federal Secretariat of Information;
14. Federal Secretariat of Legislation;
15. Federal Secretariat of Development and Science;
16. Federal Secretariat of Labour, Public Health and Social Welfare;
17. Federal Secretariat of Sports and Youth;
18. Federal Secretariat of Religions;
19. Federal Office of Informatics;
20. Federal Office of International Co-operation in Agribusiness, UNIDO Yugoslavia Centre;
21. Federal Office of Health Protection and Improvement;
22. Federal Office of Social Security;
23. Federal Office of Labour Market and Migrations;
24. Federal Directorate for the FRY Property;
25. Federal Directorate for Commodity Stocks;
26. Agricultural Export Promotion and Fostering Agency;
27. Media Research and Public Relations Agency;
28. Federal Government and Federal Agencies Common Affairs Service;
29. Air-transport Service; and
30. Protocol Service.

Article 17

Other federal agencies, organisations, services, permanent and temporary expert and advisory working bodies and commissions not mentioned in Articles 13, 15 and 16 of the present Law, shall cease to operate as of the effective date of the Constitutional Charter.

The Council of Ministers may decide for certain services and groups of operations within the competencies of the State Union of Serbia and Montenegro, which were being performed by the agencies, organisations or services referred to in Articles 15 and 16 of the present Law, to be taken over by institutions of the State Union of Serbia and Montenegro.

The member-states may establish by mutual agreement the necessity for some agencies, organisations or services, including the ones referred to in Articles 15 and 16 of the present Law, to carry on working. The agreement between the member-states may stipulate that these agencies, organisations or services are to carry on working as joint agencies, organisations or services of the member-states.

The enterprises, financial organisations or establishments in which the Federal Republic of Yugoslavia and/or its agencies, organisations or services have founder rights shall carry on working, unless the Council of Ministers recommends that they should be liquidated.

Should the enterprises, financial organisations or establishments referred to in paragraph 4 of this Article carry on working, the founder rights shall be regulated by an agreement between the member-states.



Article 18

Some of the matters dealt with by the federal ministries, other federal agencies and the Federal Government services that are to stop working, which are within the competencies of the State Union of Serbia and Montenegro pursuant to the provisions of the Constitutional Charter, shall deal with the following, pending the election of the Council of Ministers:

1. Federal Ministry of Foreign Affairs shall assume the following duties:
 - 1) Those of all federal ministries, other federal agencies and organisations relating to the conduct of negotiations for and conclusion of international treaties to which the State Union of Serbia and Montenegro is a party as personality in international law, with the exception of matters relating to international treaties in the domain of foreign economic relations;
 - 2) Those of federal ministries, other federal agencies and organisations relating to the rights and duties stemming from membership of the international global and regional organisations, the membership of which is a prerequisite for personality in international law of the State Union of Serbia and Montenegro.
2. Federal Ministry of Foreign Economic Relations shall assume the duties of all federal ministries, other federal agencies and organisations dealing with foreign economic relations within the competencies of the State Union of Serbia and Montenegro.
3. Federal Ministry of Economy and Domestic Commerce shall assume the following duties:
 - 1) Those of the Federal Market Inspectorate relating to administrative supervision aimed at the prevention and elimination of obstructions to the unrestricted movement of people, goods, services and capital within the State Union of Serbia and Montenegro;
 - 2) Those of the Anti-monopoly Commission relating to the prevention and elimination of monopolistic behaviour or having such a position on the common market of the State Union of Serbia and Montenegro.
4. The Federal Ministry of National and Ethnic Communities shall assume the following duties:
 - 1) Those of the Federal Ministry of Justice relating to the exercise of and monitoring the freedoms and rights of man and citizen guaranteed under the Constitutional Charter and to extradition;
 - 2) Those of the Federal Ministry of Interior Affairs relating to aliens and migration policy, immigration and granting of asylum, travel documents and visa regime and state border and/or integrated border administration.
5. The Federal Government Secretariat shall assume the following duties:
 - 1) Those of the Federal Ministry of Finance relating to financial service in connection with the drawing up of documents concerning the effectuation of expenditures by the institutions of the State Union of Serbia and Montenegro, through treasuries of the member-states;
 - 2) Those of the Federal Ministry of Justice relating to the property of the State Union of Serbia and Montenegro necessary for the operation of its institutions and in connection with that, also the pertinent duties of the FRY Property Directorate, duties relating to the protection of such property in the proceedings conducted before courts and other government agencies by the Federal Legal Office, as well as duties in the implementation of the Succession Agreement and the functions and organisation of the institutions of the State Union of Serbia and Montenegro and the status of their employees;
 - 3) Those of the Federal Administrative Inspectorate relating to internal control and administrative supervision over the lawfulness of administrative action and harmonised activity of ministries of the Council of Ministers and other institutions that make decisions by applying the administrative procedure and acting in conformity with the regulations dealing with office operations;
 - 4) Those of the Federal Secretariat of Legislation relating to the following: provision of unified methods of drafting the laws recommended by the Council of Ministers and the regulations it enacts pursuant to its statutory authorisations; development and advancement of the legislative system of the State Union of Serbia and Montenegro and seeing to the regulations being published in the official gazette;
 - 5) Those of the Federal Secretariat of Information relating to the keeping of domestic general public supplied with information on the activity of the Council of Ministers and its ministries and analysing the reports of domestic and foreign media on the activity of the Council of Ministers and its ministries and their acquaintance with the analysed state;



- 6) Those of the Federal Office of Informatics relating to development and advancement of the information system of the State Union of Serbia and Montenegro, by giving informatics support to the Council of Ministers, its ministries and services and their linking with other institutions of the State Union of Serbia and Montenegro and government agencies of the member-states;
- 7) Those of the Common Affairs Service of the Federal Government and Federal Government Agencies;
- 8) Those of the Air-transport Service; and
- 9) Those of the Protocol Service.

The Federal Government Secretariat shall supervise the performance of the duties referred to in item 5 of this Article.

The duties of the military legal officer shall be taken over by the Federal Ministry of Defence.

Article 19

The institutions of the State Union of Serbia and Montenegro and the member-state agencies that are to assume the duties of the agencies and organisations of the Federal Republic of Yugoslavia or a federal ministry, some other federal agency or organisation or service of the Federal Government, shall also take over the employees who were working on the effective date of the Constitutional Charter on jobs to do with the assumed duties or who were working on such jobs directly.

The employees that are not going to be taken over by the institutions of the state union or government agencies of the member-states may exercise the rights stemming from employment for not more than a year from the date on which they were made redundant.

Deputies to the Federal Assembly and persons having the status of elected state officials under the provisions of federal law on the effective date of the Constitutional Charter, whose term is to be terminated with the constitution of the institutions of the State Union of Serbia and Montenegro or election of new officials, shall be entitled to salary pending the fulfilment of requirements for old age pension or settlement of their employment status, but for no longer than a year from termination of their term or function.

III. HARMONISATION OF REGULATIONS WITH THE CONSTITUTIONAL CHARTER

Article 20

The federal laws and other federal regulations in the areas that are within the competencies of the State Union of Serbia and Montenegro pursuant to the Constitutional Charter, shall be applicable as legal acts of the State Union of Serbia and Montenegro, with the exception of the parts that are contrary to the provisions of the Constitutional Charter.

The member-states shall bring their constitutions in line with the Constitutional Charter and the ratified international treaties of the State Union of Serbia and Montenegro within six months from the effective date of the Constitutional Charter.

The institutions of the State Union of Serbia and Montenegro shall bring the regulations referred to in paragraph 1 of this Article in line with the Constitutional Charter within a year from the effective date of the Constitutional Charter.

The member-states shall bring their laws and regulations in line with the Constitutional Charter, ratified international agreements of the State Union of Serbia and Montenegro and laws of the State Union of Serbia and Montenegro, by 31 December 2003.

The regulations referred to in paragraph 1 of this Article, which do not apply to the areas that are not under the jurisdiction of the State Union of Serbia and Montenegro pursuant to the Constitutional Charter, shall be applicable after the effective date of the Constitutional Charter, as general regulations of the member-states until their competent authorities put them out of force, with the exception of their parts that are contrary to the provisions of the Constitutional Charter, though excluding the areas already dealt with by the regulations of the member-state concerned.

Upon its constitution, the Assembly of Serbia and Montenegro shall set up a special commission for the purpose of seeing to the regulations of Serbia and Montenegro being harmonised with the Constitutional Charter.

The commission referred to in paragraph 6 of this Article shall recommend the programme of harmonisation of regulations, taking into account the deadlines set by the present Law and the urgency of dealing with some relations.



IV. PROPERTY

Article 21

The Law on the Property of the State Union of Serbia and Montenegro shall determine the property of the state union that is necessary for the functioning of its institutions and the Army of Serbia and Montenegro, within six months from the effective date of the Constitutional Charter.

The member-states and the state union shall form a commission, within 60 days from the effective date of the Constitutional Charter, for the purpose of setting the recommended volume of the property referred to in paragraph 1 of this Article, as well as the volume, structure and distribution of the remaining property.

The commission referred to in paragraph 2 of this Article, consisting of representatives of the Government of the Republic of Serbia, Government of the Republic of Montenegro, Council of Ministers of the State Union of Serbia and Montenegro and central banks of the member-states, shall present the recommendation to the Assembly of Serbia and Montenegro for adoption, within 90 days from the date of its formation.

Pending the completion of the procedure referred to in paragraph 3 of this Article, the State Union institutions, the institutions performing the duties of the State Union in the period of transition and the Army of Serbia and Montenegro may not dispose of the real estate that was the property of the Federal Republic of Yugoslavia on the date of adoption of the Constitutional Charter.

V. CONCLUDING PROVISIONS

Article 22

All time limits set in the Constitutional Charter shall run from the effective date of the Constitutional Charter.

Article 23

The Law on the Flag of the State Union of Serbia and Montenegro shall be adopted within 60 days from the date of Constitution of the Assembly of Serbia and Montenegro.

The Law on the Coat of Arms and Anthem of the State Community of Serbia and Montenegro shall be adopted by the end of 2003.

Article 24

The military judicial agencies shall carry on working until the adoption of the law referred to in Article 66 of the Constitutional Charter.

The law referred to in paragraph 1 of this Article shall be adopted within six months from the effective date of the Constitutional Charter.

Article 25

The persons who had acquired the Yugoslav citizenship prior to the effective date of the Constitutional Charter shall retain the right to such citizenship and the right to use the existing public documents pending the adoption of the law that will deal with such matters.

Article 26

The seals and stamps used by federal agencies and organisations shall remain in use pending the enactment of regulations dealing with new seals and stamps.

Article 27

The existing money, securities and other documents shall be valid also after the effective date of the Constitutional Charter and the marks on them shall be changed on their new emission and/or issuance.

Article 28

The name of the official gazette of the Federal Republic of Yugoslavia shall be changed to the Official Gazette of Serbia and Montenegro as of the effective date of the present Law.

Article 29

The present Law shall be adopted and proclaimed by the Assembly of the Federal Republic of Yugoslavia in the same wording as that adopted beforehand by the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro and it shall come into force on the effective date of the Constitutional Charter.

