

# **LAW**

## **ON LOCAL SELF-GOVERNMENT**

### **I BASIC PROVISIONS**

#### **Article 1**

The right of citizens to local self-government shall be exercised directly and through freely elected representatives, by administering public affairs of direct, common and general interest to the local population.

Local self-government shall be exercised in a municipality, city, and the City of Belgrade (hereinafter: local self-government units).

Foreign citizens may have specific rights in exercising local self-government, under the conditions and in the manner prescribed by law.

The citizens with voting rights and residence in the area of local self-government units shall administer the affairs of local self-government in accordance with the Constitution, law, and the Statute of the local self-government unit.

#### **Article 2**

Specific activities within the rights and responsibilities of the Republic may be delegated to the local self-government unit by law.

Specific activities within the rights and responsibilities of Territorial Autonomy may be delegated to the local self-government unit by the regulation of the Territorial Autonomy body.

Funds for performing such delegated activities shall be provided by the Republic, *i.e.* Territorial Autonomy.

#### **Article 3**

Within the original scope of responsibilities, the local self-government unit shall independently pass the regulations, in accordance with its rights and responsibilities determined by the Constitution, law, another regulation and the Statute.

Within the delegated responsibilities, the local self-government unit shall pass regulations, and other by-laws, and pursue administrative actions on the basis of and within the authority stipulated by law, *i.e.* Territorial Autonomy regulation by which such responsibilities have been delegated.

#### **Article 4**

The local self-government unit shall be responsible for efficient and adequate performing of original and delegated responsibilities.

The local self-government unit may be restricted in performing its original responsibilities only under circumstances and conditions determined by law and in accordance with the Constitution.

#### **Article 5**

The local self-government unit shall be funded from original and allocated revenues determined by this Law, as well as from additional resources.

#### **Article 6**

For the purpose of exercising its rights and meeting its obligations, and for the purpose of fulfilling the needs of the local population, the local self-government unit may establish enterprises, institutions and other organizations engaged in public services, in accordance with the law and the Statute.

The local self-government unit may assign the activities referred to in paragraph 1 thereof to a legal or physical entity, by contract based on the principles of competition and public quality.

#### **Article 7**

For the purpose of meeting general, common and everyday needs of the population in a specific area, the local self-government unit may establish a local community or other form of community self-government, in accordance with the law and Statute.

#### **Article 8**

Relations between the Government bodies, the Territorial Autonomy bodies and the local self-government bodies shall be based on the rights and obligations determined by the Constitution and law.

#### **Article 9**

The local self-government shall enjoy full legal protection, in accordance with the Constitution and law.

#### **Article 10**

The Statute shall be the principal act of law of the local self-government unit.

The Statute shall particularly specify: rights and responsibilities of the local self-government unit and the manner in which they shall be exercised,

number of delegates in the Assembly of the local self-government unit, organization and procedures of its bodies and services, manner in which citizens administer activities within the competence of the local self-government unit, establishment and operation of local communities and other forms of community self-government, conditions for launching citizens' initiatives and other matters relevant to the local self-government unit.

### **Article 11**

The local self-government unit shall have the capacity of a legal entity.

### **Article 12**

Local self-government units shall co-operate and associate for the purpose of accomplishing common objectives, plans and development programs, as well as for the purpose of fulfilling other needs of common interest.

Local self-government units may establish their associations, in accordance with the Constitution and law.

Local self-government units may engage in co-operation with and join international local government organizations, and cooperate with local self-government units of other countries in accordance with the Constitution and law and the consent of the Government of the Republic of Serbia (hereinafter: Government).

Bodies of local self-government units may engage in co-operation with non-governmental organizations, humanitarian organizations and other organizations, in the interest of the local self-government unit and the population of its territory.

### **Article 13**

The local self-government unit may have its symbols and a holiday, in accordance with the law and the Statute.

## **II LOCAL SELF-GOVERNMENT UNITS**

### ***1. Establishment and territory of the local self-government unit***

#### **Article 14**

The establishment and abolition of the local self-government unit, the definition of its territory and seat, any changes of its boundaries and seat shall be prescribed by law, with previously obtained opinions of citizens, assemblies of local self-government units concerned with these changes, as well as the body of Territorial Autonomy competent for the local self-government units on its territory.

## **Article 15**

The territory of the local self-government unit shall consist of the area of one or more inhabited places, *i.e.* the cadastral municipalities within such a unit.

The territory for which the local self-government unit has been established shall represent a natural and geographical whole, an economically interrelated area with a developed and built infrastructure between the inhabited places, and the seat having the role of gravitation center.

## **2. Legal status of the local self-government unit**

### **2.1 Municipality**

#### **Article 16**

The Municipality is the basic territorial unit in which the local self-government shall be exercised.

#### **Article 17**

The Municipality shall specify the manner, conditions and forms of performing the tasks from its original scope of responsibilities, by the Statute and another general by-law.

##### **2.1.1 Original scope of responsibilities**

#### **Article 18**

Through its bodies, and in accordance with the Constitution and law, the Municipality shall:

- (1) make development plans and programs;
- (2) develop city planning projects;
- (3) adopt the budget and final statement;
- (4) regulate and ensure the functioning and development of communal services (water purification and distribution, production and distribution of steam and hot water, local town and commuter transportation of passengers in road traffic, cleaning of towns and settlements, maintenance of landfills, maintenance, spatial planning and utilization of green markets, parks, green, leisure and other public areas, public parking spaces, public illumination, maintenance of cemeteries and burials, etc.) as well as organizational, financial and other conditions for their functioning.
- (5) ensure the maintenance of residential buildings and the safety in the utilization thereof, and determine the amount of maintenance fees;
- (6) carry out the eviction procedures of illegitimate tenants from flats and common facilities in residential buildings;

- (7) develop construction land development programs, regulate and provide for the development and utilization of construction land, determine the amount of charges for the development and utilization of construction land;
- (8) regulate and provide for the utilization of business premises managed by the Municipality, determine the rents for the utilization thereof, and supervise the utilization of business premises;
- (9) take care of environmental protection, make programs for utilization and protection of natural resources and environment, *i.e.* local action and recovery plans, in accordance with strategic documents and its interests and specifics and determine the amount of special charges for the protection and improvement of the environment;
- (10) regulate and provide conditions for the construction, rehabilitation and reconstruction, maintenance, protection, use, development and management of local and non-categorized types of roads as well as streets in settlements;
- (11) regulate and provide special conditions and the organization of taxi services;
- (12) regulate and provide for waterway line transport within the territory of the municipality, and determine the parts of the riverbank and water area which can be utilized for the construction of water constructions and floating facilities.
- (13) set up goods reserves, and determine their volume and structure with the consent of competent Ministry, for the purpose of fulfilling the needs of local population;
- (14) establish institutions and organizations in the field of primary education, culture, primary health care, physical culture, sports, child and social welfare, and tourism, monitor and provide their functioning;
- (15) organize activities related to the protection of cultural assets of local significance, encourage the development of cultural and artistic amateur activities, and provide conditions for the work of museums and libraries, and other cultural institutions established by the Municipality;
- (16) regulate and organize protection against the elements and other disasters, protection against fire and create conditions for the purpose of eliminating and/or alleviating the effects thereof;
- (17) prepare the basic guidelines for protection, utilization and development of agricultural land, and provide for the enforcement thereof, define the areas affected by erosion, regulate the utilization of pasture land, and decide on their conversion into different agricultural purpose;
- (18) regulate and define the manner of utilizing and managing springs, public wells and fountains, define water-supply conditions, issue water-supply approvals and permits for the facilities of local significance;
- (19) provide adequate conditions for the purpose of preserving, utilizing and improving the areas with natural curative properties;
- (20) encourage and attend to the development of tourism within its territory and determine the amount of the sojourn fee;
- (21) ensure the development and improvement in hotel and restaurants services, handicrafts and trade, regulate the working hours and location for the performance of such activities and provide other conditions for their functioning;
- (22) use state-owned property, with due diligence in preserving and expanding thereof;
- (23) regulate and organize activities related to the breeding and protection of domestic and exotic animals;

- (24) organize activities related to the legal protection of rights and interests of the Municipality;
- (25) establish bodies, organizations and services to meet the needs of the Municipality, and regulate their organization and operation;
- (26) encourage and support the development of cooperatives;
- (27) organize, as needed, legal assistance services for citizens;
- (28) ensure the protection and exercising of personal and collective rights of minorities and ethnic groups;
- (29) specify the languages and alphabet of minorities to be officially used on the territory of the municipality;
- (30) provide public information of local significance;
- (31) prescribe the offences resulting from the violation of municipal regulations;
- (32) establish inspection services and ensure respective supervisory activities regarding the application of regulations, and other general by-laws within the municipal authority;
- (33) regulate the organization and work of mediation committees;
- (34) prescribe and provide the use of the name, coat of arms and other symbols of the Municipality;
- (35) engage in other activities of direct interest to the local population in accordance with the Constitution, law, and the Statute.

### **2.1.2 Delegated responsibilities**

#### **Article 19**

Specific responsibilities within the rights and responsibilities of the Republic may be delegated to the Municipality by law, and specific responsibilities within the rights and responsibilities of Territorial Autonomy may be delegated to the Municipality by regulation of the Territorial Autonomy. Such activities shall be delegated to all or certain Municipalities, for the purpose of exercising rights and obligations of the citizens, and fulfilling their immediate needs in a more efficient and rational manner.

The funds required for the delegated responsibilities shall be provided in accordance with the type and volume thereof.

#### **Article 20**

The Municipality shall engage in specific activities having the status of delegated responsibilities related to the inspection in the field of trade in commodities and services, agriculture, water-supply and forestry, and other inspection activities in accordance with the law.

## **2.2 The City**

#### **Article 21**

The City shall be the territorial local self-government unit consisting of two or more City Municipalities.

The provisions of this Law referring to the Municipality shall also apply to the City unless otherwise determined by this Law.

## **Article 22**

The City shall perform the original responsibilities of the Municipality, as well as the delegated responsibilities within the rights and responsibilities of the Republic and the forms of Territorial Autonomy.

## **Article 23**

The City Statute shall determine the City Municipalities; specify the activities to be performed by the City and those performed by the City Municipalities; define the City Municipality bodies; regulate the relations between the Municipal and City authorities; regulate other issues relevant for the functioning of the City.

### ***2.3 The City of Belgrade***

## **Article 24**

The status of the City of Belgrade shall be prescribed by a special law.

### ***3. Bodies of the local self-government unit***

#### ***3.1 Municipality***

## **Article 25**

The bodies of the Municipality shall be: Municipal Assembly, President of Municipality and Municipal Council.

#### ***3.1.1 Municipal Assembly***

## **Article 26**

The Municipal Assembly shall be the representative body performing the main functions of local authority which are determined by the Constitution, law, and the Statute.

The Municipal Assembly shall consist of delegates elected by citizens through a direct secret vote, in accordance with the law and the Municipality Statute.

## **Article 27**

The number of delegates in the Assembly shall be prescribed by the Statute of Municipality, however, it shall not be below 19, and shall not exceed 75.

## Article 28

The delegate shall not be an employee of the Municipal Administration or a person appointed to a position by the Municipal Assembly.

If an employee of the Municipal Administration is elected delegate, the rights and obligations stemming from his/her full-time job shall be suspended during his/her tenure.

If a person appointed to a position by the Municipal Assembly is elected delegate, his/her appointment shall be terminated.

## Article 29

The delegates shall be elected for a period of four years.

## Article 30

In accordance with the law, the Municipal Assembly shall:

- 1) adopt the Statute of the Municipality and the Rules of Procedure of the Municipal Assembly;
- 2) adopt the budget and final statement of the Municipality;
- 3) make the program for the development of the Municipality and specific activities;
- 4) develop the city planning projects and regulate the utilization of construction land;
- 5) adopt regulations and other general by-laws;
- 6) schedule the municipal referendum and the referendum in a part of the municipal territory, adopt proposals contained in citizens' initiatives, and make the proposal of the decision on contribution fee;
- 7) establish services, communal public enterprises, institutions and organizations stipulated by the Statute of the Municipality, and supervise their work;
- 8) appoint and dismiss the Management and Supervisory Board, appoint and remove the directors of communal public enterprises, institutions, organizations and services founded by the Municipal Assembly, and approve their Statutes in accordance with the law;
- 9) elect the Chairman of Assembly and the Deputy Chairman of Assembly, and upon the proposal of the President of Municipality elect the Municipal Council;
- 10) appoint and dismiss the Secretary of Assembly;
- 11) appoint and remove the Head of Municipal Administration, *i.e.* heads of administrations, upon the proposal of the President of Municipality;
- 12) determine municipal fees and other locally generated revenues as provided by law;
- 13) determine the charges for the development and utilization of construction land;
- 14) adopt the by-law on the Municipality's public debt;

- 15) regulate the working hours of hotels and restaurants, trade and handicraft facilities;
- 16) give an opinion on the Urban Plan on the level of the Republic, Province and Region;
- 17) give an opinion on the laws regulating the issues of interest to the local self-government;
- 18) initiate the proceedings for the protection of local self-government rights before the Constitutional Court;
- 19) give consent on the use of the name, coat of arms and other symbols of the Municipality;
- 20) perform other activities prescribed by law and the Statute.

### **Article 31**

The Municipal Assembly shall make valid decisions provided that the sitting is attended by the majority of the total number of delegates. Decisions shall be made by a majority of votes of present delegates unless otherwise determined by law or the Statute.

The Statute shall be adopted by a majority of votes of the total number of delegates.

### **Article 32**

The sitting of the Municipal Assembly shall be convened by the Chairman, as need requires, but at least once in three months.

The sitting of the Municipal Assembly may also be convened at the proposal of an authorized proposing party under the conditions and within the period specified in the Statute of Municipality.

### **Article 33**

The sittings of the Municipal Assembly shall be open to the public.

The Municipal Assembly may decide that its sitting shall not be public for reasons of safety, and other reasons provided by law and the Statute.

### **Article 34**

The Municipal Assembly shall establish permanent and temporary working bodies to review issues within its competence.

The working bodies shall present opinions regarding proposed regulations and decisions to be made by the Municipal Assembly, and shall perform other activities determined by the Statute of Municipality.

The number of working bodies, election, rights and obligations of heads and members of the working bodies shall be determined by the Statute of Municipality.

### **Article 35**

A delegate shall not be called to account in criminal proceedings, or detained or punished for an opinion expressed or a vote cast during the sittings of the Assembly and meetings of the working bodies.

### **Article 36**

The Municipal Assembly shall have the Chairman of Assembly.

The Chairman of Assembly shall organize the work of the Assembly, convene and chair its sittings, and perform other activities determined by law and the Statute of Municipality.

The Chairman of Assembly shall be elected amongst the delegates for a period of four years, by a secret vote and by a majority of votes of all delegates of the Municipal Assembly.

The Chairman of the Assembly may be removed from office before the expiry of the period for which he/she has been elected, in the same manner in which he/she has been elected.

### **Article 37**

The Chairman of the Assembly shall have a Deputy to replace him/her in case the Chairman is absent or hindered from performing his/her duties, or on the basis of special authorization.

The Deputy Chairman of Assembly shall be elected and removed from office in the same manner as the Chairman of Assembly.

### **Article 38**

The Municipal Assembly shall have a Secretary to be in charge of specific tasks related to the procedure by which the sittings of the Assembly and meetings of its working bodies are convened and held, and to manage administrative activities related to their work.

The Secretary of the Assembly shall be appointed at the proposal of the Chairman of the Assembly for a period of four years, and may be re-appointed.

The appointed Secretary of the Municipal Assembly may only be a person with a Law School Degree, qualifications for government administration gained through respective examination and a minimum three-year working experience.

The Municipal Assembly may dismiss the Secretary before the expiry of his/her tenure of office at the proposal of the Chairman of Assembly.

## **Article 39**

The preparation, chairing and procedures of the sittings of the Municipal Assembly, and other issues related to its activities shall be defined by its Rules of Procedure.

### **3.1.2. President of Municipality**

## **Article 40**

The executive function in the Municipality shall be performed by the President of Municipality.

The President of Municipality shall be elected a the period of four years by a direct and secret vote.

The electoral procedure and termination of the term of office of the President of Municipality before the end of the period for which he/she has been elected shall be determined by law.

The President of Municipality may not be a delegate in the Municipal Assembly.

The President of Municipality shall have a Deputy to replace him/her in case the President is absent or hindered to perform his/her duties.

The President of Municipality shall appoint and remove the Deputy President upon the consent of the Municipal Assembly.

The President of Municipality shall preside over the sessions of the Municipal Council.

## **Article 41**

The President of Municipality shall:

- (1) represent and act on behalf of the Municipality;
- (2) directly implement and ensure the implementation of the decisions and other by-laws of the Municipal Assembly;
- (3) propose regulations and other by-laws to be adopted by the Assembly, as well as the procedures for the decisions of the Municipal Assembly regarding the issues within its scope of competence;
- (4) ensure the implementation of delegated responsibilities within the rights and responsibilities of the Republic and/or forms of Territorial Autonomy;
- (5) provide guidelines for and co-ordinate the activities of the Municipal Administration;
- (6) propose the appointment and removal of the Head of Municipal Administration and/or the heads of administrations in charge of specific fields;

- (7) order the execution of the budget;
- (8) pass specific by-laws according to the authority vested in him/her by law, the Statute or decision of the Assembly;
- (9) perform other activities in accordance with the Statute and other by-laws of the Municipality.

#### **Article 42**

The term of office of the President of Municipality shall be terminated before the end of the period for which he/she has been elected if he/she:

- 1) resigns;
- 2) has been convicted of criminal offence and sentenced to a minimum of six months in prison;
- 3) has lost the right to perform his/her function by effective court decision;
- 4) has lost the Yugoslav citizenship;
- 5) performs activities determined by this Law as incompatible with the function of the President of Municipality;
- 6) ceases to be the resident of the Municipality;
- 7) in other cases prescribed by this Law.

Apart from the reasons referred to in Item 7) paragraph 1 of this Article, the termination of the term of office of the President of Municipality shall be established by the Ministry in charge of local self-government affairs, on the basis of the document proving the reasons for the termination of the term of office, and shall be acknowledged by the Municipal Assembly. The termination of the term of office of the President of Municipality caused by his/her resignation shall be acknowledged by the Municipal Assembly.

The termination of the term of office of the President of Municipality shall imply the termination of the term of office of the Deputy President of Municipality.

If the term of office of the President of Municipality is terminated before the end of the period for which he/she has been elected, the Chairman of the Municipal Assembly shall perform his/her function until the new President of Municipality takes office.

The Speaker of the National Assembly shall, within 15 days after the termination of the term of office of the President of Municipality, announce the elections for the President of Municipality if more than six months remain until the expiration of the term of office of the President of Municipality.

The President of Municipality may be recalled before the term of his/her office has expired.

The proposal for recalling the President of Municipality may be initiated by at least 10 per cent of the electorate, by a majority of votes of the total number of delegates in the Municipal Assembly, and/or the Government in case

they have found that the delegated responsibilities have not been performed in accordance with the law.

The electorate shall express an opinion on the proposal of such a recalling by direct secret elections.

### **Article 43**

The Municipal Council shall be a body in charge of the coordination of the functions of the President of Municipality and the Chairman of Municipal Assembly and shall control/supervise the work of the Municipal Administration.

The Municipal Council shall have no more than 11 members, who shall be elected for a period of four years by the Municipal Assembly by a majority of votes of the total number of delegates, upon the proposal of the President of Municipality.

The Deputy President of Municipality shall be a member of the Municipal Council by virtue of the office.

A member of the Municipal Council may be removed from office in the same manner as he/she has been elected, upon the proposal of the President of Municipality or a minimum one third of the delegates.

If the proposal of the President of Municipality for the election of the same member of the Municipal Council has been rejected twice, the Municipal Assembly may adopt the decision on the election of the member of the Municipal Council without such a proposal.

### **Article 44**

The Municipal Council shall:

- 1) determine the proposal of the decision on the budget of Municipality;
- 2) supervise the activities of the Municipal Administration, overrule or revoke the by-laws passed by the Municipal Administration contrary to the law, the Statute, another general by-law or decision made by the Assembly;
- 3) resolve in second-instance administrative proceedings the issues related to the rights and responsibilities of citizens, enterprises and institutions, and other organizations within the Municipality's original scope of responsibilities;
- 4) assist the President of Municipality in the performance of other activities within his/her scope of responsibilities.

## **3.2. The City**

### **Article 45**

The bodies of the City shall be: City Assembly, Mayor and City Council.

#### **Article 46**

The bodies of the City shall perform the activities prescribed by this Law for the bodies of the Municipality, as well as other activities determined by law and the Statute of the City.

The provisions of this Law referring to the President of Municipality shall apply to the Mayor.

The provisions of this Law referring to the Municipal Council shall apply to the City Council.

#### **Article 47**

The City Assembly shall consist of delegates whose number shall be defined by the Statute of the City, but shall not exceed 90 delegates.

### **4. Municipal Administration**

#### **Article 48**

The Municipal Administration shall:

- (1) prepare drafts of regulations and other by-laws to be adopted by the Municipal Assembly and the President of Municipality;
- (2) implement decisions and other by-laws adopted by the Municipal Assembly and the President of Municipality;
- (3) resolve through the first-instance administrative proceedings the issues related to the rights and responsibilities of citizens, enterprises, institutions, and other organizations within the Municipality's original scope of responsibilities;
- (4) engage in the administrative supervising activities as to the implementation of regulations and other general by-laws of the Municipal Assembly;
- (5) implement laws and other regulations where such implementation has been delegated to the Municipality;
- (6) perform expert and other activities determined by the Municipal Assembly and the President of Municipality.

#### **Article 49**

The Municipal Administration shall be established as a single unit, whereas the municipal administrations for specific fields may be established in the municipalities with over 50,000 inhabitants.

#### **Article 50**

The Municipal Administration, being a single unit, shall be managed by the Head of Municipal Administration.

The Head of Municipal Administration may only be a person with a degree in law, qualifications for government administration gained through respective examination, and at least five years of relevant experience.

The Municipal Administration may have organizational units to perform supplementary administrative, expert and other activities.

#### **Article 51**

If the Municipal Administration is organized to consist of several administrations, such administrations shall be managed by the heads of administrations.

The heads of administrations may only be persons with a relevant university degree, qualifications for government administration gained through respective examination, and at least five years of relevant experience.

The internal organizational units may be established within the administration to perform supplementary activities.

#### **Article 52**

The Head of Municipal Administration, *i.e.* the heads of administrations in charge of specific fields, shall be appointed by the Municipal Assembly upon the proposal of the President of Municipality.

The heads of organizational units within administrations shall be appointed by the Head of Administration.

#### **Article 53**

The Head of Municipal Administration shall report in respect of his/her activities and the Administration activities to the Municipal Assembly and the President of Municipality, in accordance with the Statute of Municipality, and the decision of the Municipal Assembly regarding the municipal administration.

#### **Article 54**

The Municipal Administration may include the position of Main Architect who shall:

- (1) launch initiatives for the preparation of a city planning layout, as well as for the amendments and addenda to the city planning layout;
- (2) provide guidelines for the development of architectural designs for the purpose of protecting the architectural values and preserving the environmental values of the city's particular parts and facilities;
- (3) cooperate with the institutions for the protection of immovable cultural values and the protection of special natural values;

- (4) give opinion on the architectural projects of major significance to the Municipality, and perform other activities specified in the by-law on organization of the Municipal Administration:

The Main Architect shall be appointed and removed by the President of Municipality.

In addition, and in accordance with the law, other main experts in specific fields may be appointed within the Municipal Administration (primary health care, environmental protection, agriculture, etc.).

#### **Article 55**

The Statute of Municipality may envisage the services of the Municipal Manager for the purpose of performing municipal activities.

The conditions and the manner in which the services of the Municipal Manager are used shall be determined by the contract signed between the President of the Municipality, on behalf of the Municipality, and the Municipal Manager.

#### **Article 56**

Within the scope of his/her activities, the Manager shall in particular:

- 1) propose projects to stimulate economic development, meet the needs of citizens and ensure environmental protection;
- 2) encourage entrepreneur initiatives, and private-public arrangements and partnerships;
- 3) encourage and co-ordinate capital investments and activities for attracting capital;
- 4) propose adjustments of the regulations with impeding effects on business initiatives.

#### **Article 57**

The by-law regarding the organization of the Municipal Administration shall be adopted by the Municipal Assembly upon the proposal of the President of Municipality.

The by-law regarding the internal organization and job classification of the Municipal Administration shall be passed by the Head of Municipal Administration with the consent of the President of Municipality.

### **Article 58**

In performing administrative supervisory activities the Municipal Administration may:

- (1) issue a decision ordering the execution of measures and actions within a specified period of time;
- (2) pronounce mandatory fines;
- (3) file charges for committed criminal offence or economic infraction before the competent authorities, and file a request to institute respective proceedings;
- (4) issue a temporary order, *i.e.* a prohibitory order;
- (5) notify another body in case there are reasons for measures to be taken within the responsibilities of such other body;
- (6) take other measures within its authority in accordance with the law, regulation or general by-law.

The authority and organization in performing the activities referred to in paragraph 1 thereof shall be more closely defined by the respective decision of the Municipal Assembly.

### **Article 59**

In the proceedings before the Municipal Administration for the purpose of resolving the issues related to the rights, obligations and interests of citizens and legal entities the regulations on administrative procedure shall apply.

### **Article 60**

The Municipal Council shall resolve the conflict of competence between the Municipal Administration, *i.e.* the administrations in charge of specific fields, and other enterprises, organizations and institutions, when deciding on specific rights of citizens, legal entities and other parties, upon the decision of the Municipal Assembly.

The Head of Municipal Administration, *i.e.* the heads of administrations in charge of specific fields, shall resolve the conflicts regarding the competence between the internal organizational units.

### **Article 61**

The activities of the Municipal Administration related to the rights, obligations and interests of citizens and legal entities may be performed by persons with the required level of education, qualifications for government administration gained through respective examination, and relevant work experience in accordance with the law and other regulations.

## **Article 62**

The suspension of the Head of Municipal Administration and/or the heads of administration in charge of particular fields shall be decided upon by the President of Municipality.

The suspension of employees of the Municipal Administration shall be decided upon by the Head of Municipal Administration.

## **Article 63**

The Committee for Interethnic Relations shall be established in multiethnic municipalities, and shall consist of representatives of all national and ethnic communities.

For the purpose of this Law, multiethnic municipalities shall be those in which one ethnic community accounts for over 5 per cent of the total population, or in which all the communities account for over 10 per cent of the total population according to the latest census in the Republic of Serbia.

The communities accounting for over 1 per cent of the total population of the Municipality shall be entitled to representatives in the Committee for Interethnic Relations.

The Committee shall consider the issues related to the achievement, protection and promotion of ethnic equality, in accordance with the law and the Statute.

The Committee shall communicate its viewpoints and proposals to the Municipal Assembly which shall be responsible for expressing its opinion thereon at the first next sitting and within 30 days, at the latest.

The Municipal Assembly shall first deliver the proposals of all decisions related to the rights of national and ethnic communities, to the Committee for Interethnic Relations for the opinion.

The Committee for Interethnic Relations shall be entitled to initiate the procedure for the assessment of constitutionality and legality of the decision or another general by-law adopted by the Municipal Assembly before the Constitutional Court, if it is determined that it directly violates the rights of national and ethnic communities represented in the Committee for Interethnic Relations, as well as to initiate the procedure for the assessment of the compliance of the decision or other general by-law of the Municipal Assembly with the Statute of the Municipality, before the Administrative Court.

The scope of activities, composition and procedures of the Committee for Interethnic Relations shall be defined by a respective decision of the Municipal Assembly, in accordance with the Statute.

## **5. City Administration**

### **Article 64**

The city administrations in charge of specific fields shall be established in cities.

The provisions of this Law regarding Municipal Administration shall apply, where appropriate, to the city administration.

### **III DIRECT PARTICIPATION OF CITIZENS IN EXERCISING LOCAL SELF-GOVERNMENT**

#### **Article 65**

The forms of direct participation of citizens in exercising self-government shall be: citizens' initiative, citizens' assembly, and referendum.

The forms of direct self-government referred to in paragraph 1 thereof shall be prescribed by law and the Statute.

#### **Article 66**

The citizens shall through citizens' initiatives present to the Assembly of the local self-government unit the proposals for by-laws regulating specific issues within its original scope of responsibilities, amendments to the Statute or other by-laws, and referendum to be scheduled in accordance with the law and the Statute.

The Assembly shall debate the proposals referred to in paragraph 1 thereof and communicate its reply with appropriate explanation to the citizens within 60 days after such a proposal has been received.

The Statute of the local self-government unit shall specify the number of citizens' signatures required for legitimate launching of citizens' initiatives, however, such a number shall not be less than 10 per cent of the electorate.

#### **Article 67**

The citizens' assembly shall be convened for the part of the territory of the local self-government unit determined by the Statute.

The citizens' assembly shall debate and present proposals for matters within the authority of the local self-government unit.

The citizens' assembly shall approve the requests and proposals by a majority of votes of the citizens attending the assembly, and shall communicate them to the Assembly or particular bodies and services of the local self-government unit.

The bodies and services of the local self-government unit shall consider the requests and proposals made by the citizens, and establish an opinion thereon, *i.e.* make the respective decision or devise an appropriate measure, and inform the citizens thereof within 60 days after the citizens' assembly has been held.

The procedure for convening the citizens' assembly, its activities, and the manner in which its positions are established shall be defined by the Statute and a special decision of the Municipal Assembly.

### **Article 68**

The Assembly of the local self-government unit shall be entitled to follow its own initiative in scheduling the referendum on the matters within its scope of activities.

The Assembly of the local self-government unit shall schedule a referendum on any matter within the scope of its activities upon the request of citizens in the local self-government unit, in the manner prescribed by the Statute and the law.

The decision by referendum shall be made if supported by a majority of citizens who have voted, provided that the number of voters exceeded 50 per cent of the total number of citizens.

### **Article 70**

The Assembly of the local self-government unit shall schedule a referendum in the part of the territory of the local self-government unit regarding the matter related to the needs and/or interests of the population in that part of the unit, in the manner determined by law and the Statute.

## **IV COMMUNITY SELF-GOVERNMENT**

### **Article 70**

For the purpose of meeting the needs and interests of the local population in villages, the local communities and/or other forms of communal self-government may be established.

Local communities and other forms of community self-government may also be established in parts of cities (area, district, zone, etc.).

A local community may be established for two or more villages.

### **Article 71**

The Assembly of the unit of local self-government shall decide on the establishment, area of establishment and abolishment of the local communities and other forms of community self-government.

This decision shall be made by a majority of votes of the total number of delegates.

### **Article 72**

The Statute of the local community, *i.e.* other form of community self-government, in accordance with the Statute of the local self-government unit and the by-law by which it has been established, shall specify its activities, bodies and electoral procedure, organization and activities of its bodies, decision-making procedure and other issues relevant for the activities of the local community, *i.e.* other form of community self-government.

### **Article 73**

The funds for the functioning of the local community, *i.e.* other form of community self-government, shall consist of:

- (1) funds transferred by the local self-government unit to the local community, *i.e.* other form of community self-government;
- (2) funds provided by citizens through contribution fees;
- (3) funds generated by fees on account of services;
- (4) gifts and other resources.

The local community, *i.e.* other form of community self-government shall use the funds in accordance with its programs and plans.

### **Article 74**

The local community or other form of community self-government shall have the status of legal entity within the rights and obligations determined by the Statute and the decision on the establishment thereof.

### **Article 75**

Specific activities within the original scope of the local self-government responsibilities may be delegated to all or certain local communities and other forms of community self-government, by the decision of the Assembly of the local self-government unit, with the provision of funds required for such activities.

Such activities shall be delegated with respect to the fact that they are of direct and everyday importance to the life of the population of the local community.

## **Article 76**

The procedure of the establishment and abolishment of local communities and other forms of community self-government in the City of Belgrade shall be prescribed by a special Law on the City of Belgrade.

## **V FINANCING OF THE LOCAL SELF-GOVERNMENT ACTIVITIES**

### **1. Resources**

#### **Article 77**

The funds required for financing the original and delegated responsibilities of the local self-government unit shall be provided by the budget of the local self-government unit.

The funds of the budget within the local self-government unit shall be provided from the original and allocated public revenues, in accordance with this Law.

The unit of local self-government which is unable to finance its yearly activities from the original and allocated public revenues, shall be provided with additional funds from the budget of the Republic.

#### **1.1. Original public revenues**

#### **Article 78**

The local self-government unit shall be entitled to the original public revenues generated within its territory, *i.e.*:

- 1) local administrative fees;
- 2) local communal fees;
- 3) local sojourn fees;
- 4) charges for utilization of the city construction land;
- 5) charges for the development of the construction land;
- 6) charges for utilization of natural curative resources;
- 7) charges for the protection and improvement of the environment;
- 8) revenues generated from renting or leasing immovable state-owned property used by the local self-government unit, an institution or any other organization founded by the local self-government unit;
- 9) revenues generated through the sale of movable state-owned property used by the local self-government unit, an institution or another organization founded by the local self-government unit;
- 10) revenues from concession charges on account of municipal services and revenues from other concession agreements entered into by the local self-government unit in accordance with the law;
- 11) revenues based on interest accrued from the funds owned by the local self-government unit;

- 12) fines resulting from misdemeanor proceedings following the offence prescribed the respective by-law of the Municipal Assembly, as well as the property interests withdrawn in the course of such proceedings;
- 13) revenues generated through the activities of municipal bodies, services and organizations;
- 14) contribution fees imposed within the territory of the Municipality;
- 15) revenues from donations;
- 16) other local public revenues determined by law.

### **1.1.1. Local communal fees**

#### **Article 79**

The Assembly of the local self-government unit may impose local communal fees on the account of the utilization of rights, objects and services.

#### **Article 80**

Local communal fee payers shall be parties utilizing the rights, objects and services for which the payment of local communal fees has been prescribed.

#### **Article 81**

The fee obligation shall commence as of the first day of utilizing the rights, objects or services for which the payment of local communal fees has been prescribed.

The fee obligation shall continue as long as the respective rights, objects or services are utilized.

#### **Article 82**

The local communal fees shall not be paid in cases where the rights, objects and services are utilized by Government bodies and organizations, Territorial Autonomy bodies and organizations, and the local self-government units.

#### **Article 83**

The local communal fees may be imposed on account of:

- 1) utilization of space in public areas or in front of business premises for business purposes, except for the sale of newspapers, books, and other publications; products of old and artistic handicrafts and folk handicraft;
- 2) games of chance equipment (“entertainment games”);
- 3) live music in restaurants;
- 4) using advertising billboards;

- 5) using parking spaces for road motor vehicles and trailers on appropriately fitted and marked area;
- 6) using available area for camping, setting up tents or other facilities for temporary use;
- 7) using the waterfront area for business and any other purposes;
- 8) signboards placed to denote business premises;
- 9) commercial signboards placed outside the business premises on facilities and areas owned by the Municipality (roadways, pavements, green areas, poles, etc.);
- 10) using glass showcases to display goods away outside the business premises;
- 11) keeping and using navigable equipment and vessels, and other facilities in rivers and lakes excluding wharves used in border river traffic;
- 12) keeping and using boats and floating platforms excluding the boats used by organizations engaged in waterway maintenance and marking;
- 13) restaurants and other catering and entertainment facilities on rivers and lakes;
- 14) keeping road motor vehicles and trailers excluding agricultural vehicles and machinery;
- 15) keeping domestic and exotic animals;
- 16) using public space for keeping construction material.

The local communal fees referred to in items 1) to 7) and 16) shall be determined for daily amounts, whereas the taxes referred to items 8) to 15) shall be determined annually.

#### **Article 84**

For the purpose of this Law, any name or title indicating that a legal entity or an individual is engaged in a particular activity shall be considered as a signboard.

If several signboards are placed on the same business premises by the same party subject to fee payment, the fee shall be paid for only one signboard.

A separate fee shall be paid for each signboard displayed outside of the actual business premises.

#### **Article 85**

The Municipality may determine local communal fees of different amounts depending on the type of activity, size and technical characteristics of facilities, according to different parts of the territory, *i.e.* zones in which the facilities and areas are located, *i.e.* objects or services subject to the fee payment rendered.

## **Article 86**

The by-law adopted by the Municipal Assembly by which the local communal fee is imposed shall also specify the amount, fee relieves, terms and methods of payment of the local communal fee.

### **1.1.2. Contribution fee**

## **Article 87**

The decision on the contribution fee to be imposed (hereinafter: Decision) shall be made by citizens by a direct secret vote, in accordance with the Statute.

## **Article 88**

The Decision shall contain data related to:

- 1) needs, *i.e.* purposes for which the funds shall be collected;
- 2) area in which the funds shall be collected;
- 3) period in which the funds shall be collected;
- 4) total amount to be collected;
- 5) contribution fee payers, method and terms of payment, as well as the names of those to be exempted from such an obligation;
- 6) amount of contribution fee (base, proportional rate, etc.);
- 7) method of keeping the records on funds;
- 8) amount and conversion unit when the contribution is expressed in labor, transport and other services;
- 9) supervising procedures to be applied by citizens regarding use of funds for specific purposes;
- 10) methods of reimbursement of funds collected above the amount specified by the Decision.

## **Article 89**

The Municipal Assembly shall make the proposal for the Decision in the manner and procedure specified by the Statute of Municipality.

The initiative to impose the contribution fee shall be supported by the program specifying the sources, purpose and the procedure by which the total funds for the contribution initiative shall be provided.

## **Article 90**

The Decision shall be made by citizens with voting rights and residence in the area for which the funds shall be collected.

The Decision shall also be made by citizens having no voting rights and residence in the area for which the funds shall be collected, provided that they

have immovable property in that area, whereas the conditions for the utilization of such property shall be improved by collected funds.

The Decision shall be considered adopted after it has been supported by the majority of the total number of citizens referred to in paragraphs 1 and 2 of this Article.

#### **Article 91**

The Decision shall be published in the same manner as other by-laws enacted by the Municipality.

The Decision with the list of citizens, to whom the contribution fee refers, shall be forwarded to the paying party located outside the area in which the funds are collected.

#### **Article 92**

The contribution fee may be expressed in money, commodities, labor, transport and other services depending on the citizens' needs and possibilities.

For the citizens referred to in Article 90, paragraph 2 of this Law, the contribution fee shall be determined according to the value of property, *i.e.* the income generated from such a property.

#### **Article 93**

The base of the contribution fee shall be determined by the Decision on introducing the contribution fee.

The base of the contribution fee shall be based on income (salaries) of employees, income from agriculture and forestry, and income from private business activities, which are subject to personal income tax, in accordance with the law regulating personal income tax, as well as the value of property subject to property tax, in accordance with the law regulating property tax, unless otherwise stipulated by the decision.

The contribution fee shall not be imposed on the income and property exempted from tax payment by law.

#### **Article 94**

The contribution fee shall be calculated and collected by procedure and within terms established by the Decision, except when the calculation is made by applying the principle of tax upon deduction. In case of this principle being applied, the responsibility of the paying party shall be to calculate and pay the contribution fee on each respective payment.

### **Article 95**

The contribution fee rate shall be proportional and specified by the Decision.

Any relieves and exemptions related to the contribution fee shall be specified by the Decision.

### **Article 96**

The method applied in determining the contribution fee, calculation, statute of limitation, collection, time limits, interest calculation, and other issues which have not been specified by this Law shall be regulated by provisions which regulate personal income tax.

### **Article 97**

The funds collected on the basis of the Decision on the contribution fee introduced within the territory of the Municipality shall be credited to the Municipality budget and strictly intended for specific purposes.

The funds collected on the basis of the Decision on the contribution fee introduced within the territory of local community shall be credited to the account of that local community.

## **1.2. Allocated public revenues**

### **Article 98**

The following public revenues generated in the territory of the local self-government unit shall be allocated by the Republic in favor of the local self-government unit:

- 1) Personal income tax payable on:
  - (1) income from agriculture and forestry;
  - (2) income from private business activities;
  - (3) income from immovable property;
  - (4) income from leased movable property;
  - (5) prizes in games of chance;
  - (6) income from personal insurance;
  - (7) other income in accordance with the law, and
  - (8) a part of the salary tax.
- 2) Tax on salaries fund at the rate of up to 3.5 per cent
- 3) Property tax
- 4) Inheritance and gift tax
- 5) Tax on transfer of absolute rights
- 6) Sales tax on goods and services:

- (1) a part of the commodities and services sales tax appropriated for financing public expenditures in the Republic, generated within the territory of the local self-government unit, with the exception of the sales tax on imported products;
  - (2) 8 % of the sales tax on goods and services appropriated for financing public expenditures in the Republic, generated within the territory of the Municipality;
  - (3) 10 % of the sales tax on goods and appropriated for financing public expenditures in the Republic, generated within the territory of the City;
  - (4) 15 % of the sales tax on goods and appropriated for financing public expenditures in the Republic, generated within the territory of the City of Belgrade;
- 7) Charges for the utilization of assets of public interest:
    - (1) part of the charges for the utilization of mineral raw materials;
    - (2) part of the charges for the utilization of the river material;
    - (3) part of the charges for the utilization of forest land;
    - (4) part of the charges for the change of the use of agricultural land;
    - (5) charges for the construction, maintenance and utilization of public roads.
  - 8) Charges for the activities related to environmental protection:
    - (1) part of the charges for pollution of the environment;
    - (2) part of the charges for investments.
  - 9) Funds collected through the sale of capital in the privatization process:
    - (1) part of funds collected from payments made through the sale of capital according to the seat of the subject of privatization.

### **Article 99**

A special law shall determine the part of the salary tax referred to in Article 98, item 1, sub-item 8, the part of sales tax referred to in Article 98, item 6, sub-item 1 and the annual amount of funds which belongs to the local self-government unit on the basis of these revenues.

The annual amount of funds referred to in paragraph 1 of this Article for each local self-government unit shall be determined in accordance with the general balance of public revenues and public expenditures, particularly on the basis of the following criteria:

- 1) size of the territory of the local self-government unit;
- 2) size of population;
- 3) number of classes in primary and secondary schools and number of primary and secondary school buildings;

- 4) number of children covered by child welfare and number of child welfare facilities;
- 5) level of development;
- 6) the condition of the environment.

The law referred to in paragraph 1 thereof shall prescribe the procedure by which the funds for local self-government units shall be restricted and denied.

#### **Article 100**

The local self-government unit which fails to generate the funds in accordance with Article 99, paragraph 1 of this Law shall receive additional funds from the budget of the Republic, in proportion to the amount of the revenues generated within the budget of the Republic.

#### **Article 101**

The Minister in charge of finance and economy shall prescribe the procedure and methodology of determining the amount of funds referred to in Article 99 of this Law, as well as the terms and the manner in which this information shall be delivered.

### ***2. Management and use of public revenues generated by the local self-government unit***

#### **Article 102**

The local self-government unit shall decide on the amount of funds necessary for the performance of its activities, in accordance with the law.

#### **Article 103**

The request for funds to be provided within the budget of the local self-government unit shall be submitted by the beneficiaries of the local self-government unit budget funds within the time limits and in the manner defined by a respective decision of the local self-government unit, in accordance with the law.

The beneficiaries of the budget shall, upon the request of the bodies of the local self-government unit, and at least once a year, submit a report on their work, the implementation of their programs and the utilization of funds from the budget.

The President of Municipality shall establish a local inspection and audit service, in accordance with the law.

Upon request of the competent Ministry, and at least once a year, the local self-government unit shall make a report on the implementation of the budget.

### **Article 104**

The local self-government unit shall give consent to the budget beneficiaries for general by-laws defining the number and structure of employees.

## **VI RELATIONS BETWEEN THE BODIES OF THE REPUBLIC, TERRITORIAL AUTONOMY AND THE BODIES OF THE LOCAL SELF-GOVERNMENT UNITS**

### **Article 105**

For the purpose of exercising their rights and obligations, the bodies of the Republic, Territorial Autonomy and the bodies of the local self-government units shall co-operate with each other in accordance with the Constitution, law, and other regulations.

### **Article 106**

In performing tasks within the original scope of their responsibilities, the bodies and services of the local self-government unit shall:

- (1) present to the bodies of the Republic and Territorial Autonomy initiatives for regulating the relations of significance to the local self-government and undertaking measures relevant for resolving the issues within the framework of rights and obligations of the local self-government unit;
- (2) submit written recommendations and proposals regarding the actions of the bodies of the Republic and Territorial Autonomy;
- (3) request opinion from the competent body of the Republic and Territorial Autonomy regarding the application of law and other regulations with immediate effects upon the development and exercising of local self-government, and the work of the bodies of the local self-government unit.
- (4) participate in the preparation of laws and other regulations relevant to the implementation and development of the local self-government.

### **Article 107**

Through co-operation, the bodies of the Republic and Territorial Autonomy shall:

- (1) inform the bodies and services of the local self-government unit, on their own initiative or upon the request of the bodies and services of the local self-government unit, of the measures taken or intended to be taken in the course of the implementation of laws and other regulations; protection of constitutionality and legality; the acts by which they are violated, and the measures for the elimination of such acts; citizens' right to local self-government; other issues of direct interest to the implementation of the local self-government system and work of the bodies of the local self-government unit.

- (2) give professional assistance to the bodies and the services of the local self- government units in relation to the performance of their duties, particularly in establishing the information system and in the computerization of work performed by the bodies and services of the local self- government units;
- (3) file requests for reports, data and information on the activities performed within the rights and responsibilities of the local self- government unit, and matters of interest to the role and functioning of the bodies of the Republic and Territorial Autonomy in the field of local self-government.
- (4) perform other tasks in accordance with the law and other regulations.

### **Article 108**

If it finds that the implementation of a regulation or other general by-law enacted by the local self-government should cause unrecoverable damage, deny or restrict guaranteed freedoms or individual and collective rights, or severely violate common interests, the Government may, upon the proposal of the competent Ministry, suspend the implementation of the regulation or other general by-law enacted by the local self-government unit, until a decision has been made by the Constitutional Court.

The Government shall decide on the suspension of implementation within 15 days from the day the respective proposal has been submitted by the Ministry.

After the regulation or other general by-law enacted by the body of the local self-government unit has been suspended from implementation, the Government shall immediately, and no later than 15 days from the suspension, initiate the proceedings before the Constitutional Court for the purpose of assessment of the constitutionality and legality of the disputed general by-law.

### **Article 109**

The Competent Ministry shall initiate the proceedings for the assessment of the constitutionality and legality of the Statute, regulations and other general by-laws of the local self-government unit before the Constitutional Court in case it has found that such a by-law does not comply with the Constitution, the law or another Republic regulation.

The competent body of the Territorial Autonomy shall initiate the proceedings referred to in paragraph 1 of this Article if it has found that a by-law does not comply with regulations enacted by the Province.

### **Article 110**

If the Ministry in charge of local self-government, *i.e.* the competent body of the Territorial Autonomy, has found that a general by-law enacted by the

body of the local self-government unit does not comply with its Statute, it shall, for the purpose of appropriate measures being taken, respectively notify the Assembly of the local self-government unit.

If the Assembly of the local self-government fails to act in accordance with the proposals referred to in paragraph 1 of this Article, the Ministry in charge of local self-government shall initiate the proceedings before the Supreme Court of Serbia, and shall simultaneously propose to the Government to suspend the implementation of the by-law referred to paragraph 1 thereof until a decision has been reached by the Supreme Court of Serbia.

### **Article 111**

If a by-law enacted by a body or service of the local self-government unit has been found non-compliant with the law or any other regulation and/or any decision or other general by-law enacted by the local self-government unit, whereas no protection against such a non-complying by-law has been provided by administrative action, the Ministry in charge of local self-government, *i.e.* the competent body of the Territorial Autonomy shall propose to the Assembly of the local self-government unit to repeal or annul such a by-law.

If the Assembly fails to act in accordance with the proposals referred to in paragraph 1 thereof within one month, the Ministry in charge of local self-government shall repeal or annul the by-law referred to in paragraph 1 thereof.

### **Article 112**

The Assembly of the local self-government unit shall be dismissed in the event of:

- (1) failing to convene for over three months;
- (2) failing to adopt the Statute or the budget within the period provided by law.

If the Chairman is not recalled after the motion for recalling has been filed by the Municipal Assembly, as specified in Article 42 of this Law, the Assembly shall be dismissed.

### **Article 113**

The decision on the dismissal of the Assembly of the local self-government unit shall be reached by the Government upon the proposal of the Ministry in charge of local self-government, *i.e.* the competent body of the Territorial Autonomy.

The Government shall acknowledge the existence of reasons for the dismissal of the Assembly in accordance with Article 112, paragraph 2 of this Law.

The Speaker of the National Assembly shall schedule elections for delegates within three months of the day the Assembly of the local self-government unit has been dismissed. Elections shall not be scheduled if the current tenure of office held by current delegates in the Assembly of the local self-government unit is to expire in less than 6 months.

Until the Assembly of the local self-government unit is constituted the activities of the Assembly shall be performed by a temporary body of the local self-government unit consisting of five members appointed by the Government.

#### **Article 114**

If the elections in the local self-government unit have not been organized or its bodies have not been constituted after the elections in accordance with the law within 60 days after the date of the elections, the Government shall appoint a temporary body as referred to in Article 113, paragraph 4 thereof to perform the activities of the Assembly.

The Speaker of the National Assembly shall schedule new elections for the Assembly of the local self-government unit within 3 months from the day the elections should have been organized, *i.e.* from the day the Assembly of the local self-government unit should have been constituted.

The tenure of office of the delegates elected at the elections referred to in paragraph 2 thereof shall be the period until the expiry of the tenure of office held by the delegates of the Assembly of the local self-government unit elected at the regular elections.

### **VII CO-OPERATION AND ASSOCIATION OF LOCAL SELF-GOVERNMENT UNITS**

#### **Article 115**

Local self-government units, their bodies and services as well as enterprises, institutions and other organizations founded by the local self-government units, shall co-operate with other local self-government units and their bodies and services in the fields of mutual interest.

Local self-government units may, within the fields of mutual interest, co-operate with the respective local self-government units and their bodies in other countries, as well as with international local self-government associations in accordance with the Constitution and the law.

Records related to the co-operation of the local self-government units referred to in paragraphs 1 and 2 thereof shall be kept by the Ministry in charge of local self-government in co-operation with associations of towns and municipalities.

Records related to the co-operation of the local self-government units referred to in paragraphs 1 and 2 thereof on the territory of Territorial Autonomy,

shall be kept by the competent body of Territorial Autonomy in co-operation with associations of towns and municipalities.

#### **Article 116**

In order to improve the development and protection of local self-government, local self-government units may establish associations of towns and municipalities.

The associations of towns and municipalities shall represent the interests of their members before Government bodies and especially during the procedure of the adoption of a law and other by-laws relevant for the protection, improvement and funding of local self-government, as well as other regulations relevant for the activities of local self-government.

### **VIII SYMBOLS AND NAMES OF PARTS OF INHABITED PLACES WITHIN THE LOCAL SELF-GOVERNMENT UNIT**

#### **Article 117**

In accordance with the Statute, the local self-government unit may have its symbols (coat of arms and flag) and its holiday.

#### **Article 118**

The symbols of the local self-government unit shall be displayed solely with the state symbols.

In the official premises of the bodies of the local self-government unit the sole symbols displayed shall be the state symbols and the symbols of the local self-government unit.

#### **Article 119**

The symbols of the local self-government units shall differ from each other.

#### **Article 120**

The Assembly of the local self-government unit shall decide upon the names of streets, squares, city quarters, hamlets, and other parts of inhabited places within its territory.

#### **Article 121**

The Assembly of the local self-government unit shall present the Statute and other by-laws specifying the symbols, holidays and names of streets, squares and other parts of inhabited places to the Ministry in charge of local self-government, for the purpose of obtaining consent.

If the contents of the provisions of the Statute of the local self-government units or other by-laws on symbols, holidays and names of parts of inhabited places do not comply with historical or actual facts, and if any general or state interests, national and religious feelings are thereby violated, or the public ethics affected, or if they do not comply with the provisions of Article 119 of this Law, the Ministry in charge of local self-government shall deny the approval of such a provision of the Statute or other by-law within 60 days after the Statute or other by-law referred to in paragraph 1 thereof has been received.

If the Ministry in charge of local self-government fails to respond within the time frame referred to in paragraph 2 thereof, it shall be considered that approval has been given.

## **IX PROTECTION OF LOCAL SELF-GOVERNMENT**

### **Article 122**

The Assembly of the local self-government unit shall be entitled to initiate proceedings for the purpose of appraising the constitutionality of the law and/or the constitutionality or legality of other regulation or general by-law before the competent Constitutional Court in case it has found that the rights of the local self-government unit provided by the Constitution and the law have been violated by such a document.

### **Article 123**

The Assembly of the local self-government unit, *i.e.* the President of Municipality (the Mayor) shall be entitled to request the review of decision-making rights from the Government, *i.e.* body of Territorial Autonomy if it/he/she has found that the body of the Republic or Territorial Autonomy has decided on an issue within the competence of the Municipality, *i.e.* the City.

The request referred to in the previous paragraph thereof shall be submitted within 30 days after the day of adoption of a regulation or another by-law.

### **Article 124**

Legal protection shall be guaranteed in respect of the right to local self-government against any by-laws or acts of the Government bodies, or bodies of the Territorial Autonomy by which the rights of a local self-government unit guaranteed by the Constitution and the law have been violated, or the citizens have been prevented from participating in the local self-government.

### **Article 125**

The protection of the rights referred to in Article 124 shall be exercised before the Administrative Court.

An appeal may be lodged within 30 days after the respective by-law was delivered, *i.e.* the act committed.

The Administrative Court may repeal the by-law referred to in paragraph 1 thereof, prohibit the respective act to be further pursued, or deny the request for the protection of the rights.

The provisions of the law specifying the procedure in administrative proceedings shall apply to the dispute for the protection of rights, where appropriate.

The local self-government units shall be entitled to indemnity for any damage caused by a by-law and/or act of the Government body or the body of the Territorial Autonomy after the Administrative Court has established that the rights to local self-government were violated.

### **Article 126**

The local self-government unit may appoint a Civil Council (Ombudsman) to protect the collective and individual rights and the interests of citizens by undertaking thorough review of the activities of the Administration and public services.

The Civil Council shall inform the Administration and public services of any findings related to illegal and improper activities violating the rights and interests of the citizens and shall give his/her recommendations and reprimands on that matter and advise the Assembly and the public accordingly.

The Administration of the local self-government unit and other public services shall deliver data and information relevant to the performance of his/her authorized activities, upon the request of the Civil Council.

The Assembly of the local self-government shall appoint the Civil Council from respectable and politically unbiased persons, under the conditions and in the manner determined by the Statute and other general by-laws.

The competence, authority, manner of conducting his/her duties, appointment and removal from office of the Civil Council shall be prescribed by the Statute and another general by-law.

### **Article 127**

The Assembly of the local self-government unit may establish the Committee for Development and Protection of Local Self-government (hereinafter: Committee) for the purpose of providing a democratic influence of citizens on the improvement of local self-government.

The members of the Committee shall be selected amongst citizens and experts in the fields relevant to the local self-government.

The Committee shall be entitled to present its proposals to the Assembly of the local self-government unit in respect of improvement of local self-government, and the protection of rights and responsibilities of the local self-government unit provided by the Constitution and the law. The bodies of local self-government units, Municipal Administration and the public services within the local self-government unit shall be obliged to express their opinion on the proposals presented by the Committee.

The Statute of the local self-government unit, and the by-law on establishing the Committee shall specify its rights and responsibilities, structure and the procedure applied in selection of its members and in its activities.

## **X TRANSITIONAL AND FINAL PROVISIONS**

### **Article 128**

On the date of this Law entering into force, the following shall cease to exist:

- 1) The Law on Local Self-government (The "Official Gazette of the Republic of Serbia" No. 49/99 and 27/01), excluding the provisions in respect of the election of delegates in the Municipal Assembly referred to in Article 120-162 which shall apply until the new Law on the Election of Delegates has been enacted.
- 2) The Law on Communal Fees and Charges (The "RS Official Gazette" no 11/92, 75/92, 52/93, 67/93, 28/94, 75/94, 53/95, 42/98 and 25/2000);
- 3) Article 2, paragraphs 2 and 3 of the Decree on the Amount of Annual Charges for Road Motor Vehicles, Tractors and Trailers (The "RS Official Gazette", no 40/93, 56/93, 84/93, 94/93, 112/93, 8/94, 21/94, 7/96, 9/96 and 8/2000).

### **Article 129**

The Municipalities and Cities shall adjust their Statutes and other general by-laws with the provisions of this Law within three months after the date this Law has entered into force.

### **Article 130**

The provisions of this Law referring to the bodies of the local self-government unit shall apply as of the next elections for delegates of the Assemblies of the local self-government units.

The Supreme Court of Serbia shall have the competences of the Administrative Court prescribed by this Law, until the commencement of the functioning of the Administrative Court, which will thereafter take over the cases from the Supreme Court of Serbia.

### **Article 131**

A special Law on the City of Belgrade shall be enacted within six months after this Law has entered into force.

Until the Law referred to in paragraph 1 thereof has been enacted, the provisions of this Law shall apply to the City of Belgrade.

### **Article 132**

This Law shall enter into force on the eighth day after its publishing in the "Official Gazette of the Republic of Serbia".