

# **THE LAW ON POLITICAL PARTIES**

## **I. GENERAL PROVISIONS**

### **SUBJECT OF THE LAW**

#### **Article 1**

This law governs the establishment and the legal position of political parties, their entry and deletion from the Registry, the cease of existence of political parties and other issues of importance for the activities of political parties.

#### **Notion of a Political Party**

#### **Article 2**

Within the meaning of this law, a political party is a free and voluntary association of citizens established for the purpose of achievement of political aims by means of democratic formation of political will of citizens and participation in election.

#### **Notion of a Political Party of Some National Minority**

#### **Article 3**

Within the meaning of this law, a political party of national minorities is a political party whose activities, in addition to the properties mentioned in Article 2 of this law, are in particularly directed to presentation and representation of the interests of a national minority and protection and promotion of the rights of the persons belonging to that particular national minority in accordance with the Constitution, law and international standards, as defined by the articles of association, programme and statute of the political party.

#### **Method of Organization and Activities of A Political Party**

#### **Article 4**

A political party is organized and performs its activities explicitly according to the territorial principle.

The activities of a political party may not be aimed at destabilization of the constitutional order by force and destabilization of the territorial entity of the Republic of Serbia, violation of guaranteed human or minority rights or cause and incitation of racial, national or religious hatred.

A political party may not directly administrate power nor submit itself to it.

## **Legal Status and Commencement of Activities of A Political Party**

### **Article 5**

A political party gains the status of a legal entity on the date it is entered into the Registry of Political Parties (hereinafter referred to as: the Registry).

A political party starts its activities on the date it is entered into the Registry.

## **Publicity of Activities**

### **Article 6**

The activities of a political party are public.

## **Legality of Activities of A Political Party**

### **Article 7**

A political party performs its activities in accordance with the Constitution, law, programme, articles of association and other general acts.

## **II. ESTABLISHMENT OF A POLITICAL PARTY**

### **Founders of A Political Party**

#### **Article 8**

A political party may be established by at least 10,000 citizens of age and citizens having capacities for work of the Republic of Serbia.

### **Founders of A Political Party of Some National Minority**

#### **Article 9**

A political party of some national minority may be established by at least 1,000 citizens of age and citizens having capacities for work of the Republic of Serbia.

### **Establishment of A Political Party**

#### **Article 10**

A political party is established at the constituent assembly meeting by the adoption of the articles of association, programmes, statute and appointment of persons authorized to represent the political party.

## **Articles of Association**

### **Article 11**

Articles of Association of a political party shall contain: the name, the seat and the address of a political party, programme goals, name and surname, place of residence and address and personal identification number of the citizen authorized to file an application for the registration of a political party in the Registry and the date of adoption of the Articles of Association.

The statements of the founders of a political party make an integral part of the Articles of Association.

### **Contents of the Statement by the Founders of A Political Party**

#### **Article 12**

The statement of the founders of a political party shall contain: name and surname, place of residence and address and personal identification number of the citizens who are the founders of a political party, the name of the political party, the acceptance of the programme and the statute of the political party, the date of signature of the statement and the signature of the founders of the political party.

The statement mentioned under paragraph 1 of this Article must also contain the certificate of verification of signature in compliance with the law (hereinafter referred to as: verification of signatures).

The form of the statement mentioned under paragraph 1 of this Article shall be precisely set out by the Minister in charge of administration affairs (hereinafter referred to as: the Minister).

### **Programme of A Political Party**

#### **Article 13**

The programme of a political party shall contain a description of political principles, goals and values the political party shall strive for.

### **Statute of A Political Party**

#### **Article 14**

The statute is the main general act of any political party.

Other general acts, if adopted by a political party, must be in accordance with the statute.

It is compulsory that the statute shall define: the name and the seat of a political party, symbols of visual identity, form and contents of a seal of any political party and its organizational units based on the territorial principle, programme goals, conditions

and method of how to become a member of the political party and the cease of membership, rights, obligations and responsibilities of the members, organization based on the territorial principle and internal organization, bodies, their powers, composition, method of appointment and revocation, duration of mandate and method of decision-making, representation of the political party, procedures to amend and supplement the programmes and the statute and the procedures to adopt and amend other general acts of the political party, if any, accomplishment of public activities, method of decision-making process in relation to the association of the political party into larger political associations in the country and abroad and merger of the political parties, method of provision of funds for the political party, method of internal control of financial operations, the person in charge of financial operations, submission of reports and book-keeping and the person authorized to contact the competent authorities, method of adoption of the decision on the cease of activities, the method of availability of the property of the political party if it ceases to exist as well as other issues of importance for the activities and actions of the political party.

### **Representative of A Political Party**

#### **Article 15**

A political party shall be represented by a person authorized to do so (hereinafter referred to as: the representative of a political party), who has been elected, namely appointed in the manner prescribed by the statute.

The act on the election, namely the appointment of the representative of a political party must contain: personal name and surname, place of residence and address and personal identification number of the citizen who represents the political party.

The representative of the political party is obliged to comply with the powers defined by the statute and the decisions of the competent bodies of the political party.

### **Availability of Data, Programme, Statute and Other General Acts of Political Parties**

#### **Article 16**

A political party is obliged to make available to the public by means of Internet the Articles of its Association, the name and surname of the representative of the political party, programme, statute and other general acts of the political party, if it adopts any.

### **Organizational Units According to the Territorial Principle**

#### **Article 17**

Any political party may have organizational units according to the territorial principle pursuant to law, statute and other general acts.

The organizational units established according to the territorial principle do not have the status of a legal entity.

A political party, pursuant to its statute, adopts a decision on establishment and cease of activities of organizational units based on the territorial principle.

### **Name and Abbreviated Name of A Political Party**

#### **Article 18**

The name of any political party must be in Serbian language in Cyrillic script.

The name of a political party of some national minority, if prescribed by the statute, may also be in the language and the script of that particular national minority. The name in the language and the script of the national minority is entered into the Registry after its name in Serbian language and Cyrillic script.

The name of a political party may include the word *Serbia* in an adequate case in the manner stressing the reputation and dignity of the Republic of Serbia.

The name of a political party may not include any personal names, names of foreign countries and foreign legal entities or the elements prescribed by Article 4 paragraph 2 of this law. Also, the name of a political party may not be associated with political parties carrying out the policies prohibited by Article 4 paragraph 2 of this law.

A political party may have an abbreviated name prescribed by the statute.

### **Distinction and Use of the Name of A Political Party**

#### **Article 19**

The name of a political party may not be identical to the name of another political party, which had been entered or which had duly applied for the registration into the Registry, namely to the name of a political party deleted from the Registry under the condition that from the date of its deletion from the Registry no more than four years passed, namely its name may not be such that it causes confusion in the public or violates moral feelings of the citizens,

The name of a political party is used in legal affairs in the form it had been entered into the Registry.

The organizational units of a political party established according to the territorial principle may also use, pursuant to the statute, together with the name of the political party, a suffix evidencing it is about an organizational unit of the political party established according to the territorial principle.

### **Symbols of Visual Identity**

#### **Article 20**

A political party may have symbols of visual identity (its sign, logotype and other symbols) in accordance with the statute.

The symbols of visual identity may not be identical to the symbols of another political party, which had been entered or which had duly applied for the registration in the Registry, namely to the name of a political party deleted from the Registry under the condition that from the date of its deletion from the Registry no more than four years passed.

## **Membership in A Political Party**

### **Article 21**

Membership in any political party is free and voluntary.

Any citizen of age and having capacity for work of the Republic of Serbia may become a member of a political party.

The judges of the Constitutional Court, judges, public prosecutors, the ombudsman, police officers and army officers whose functions are not in line with the membership in a political party pursuant to the law, may not be members of political parties.

All political parties keep records of their members and these records must include: name and surname of one of the parents, place of residence and address and personal identification number of the citizen who is a member of the party, date of affiliation to the political party and the date of his/her cease to be a member of the party.

The records mentioned in paragraph 4 of this Article are kept in writing and as a unique central electronic data base.

## **III. ENTRY INTO THE REGISTRY**

### **Keeping the Registry**

#### **Article 22**

The Registry is kept by the Ministry.

The Minister defines in details how to enter the data into the Registry mentioned under paragraph 1 of this Article and how to keep it.

### **Contents of the Registry**

#### **Article 23**

The following data are entered into the Registry: the name, the abbreviated name, the seat and the address of a political party, the date of its establishment, the date of

adoption of the programme and the statute, namely the date of their amendments, the date of application for entry into the Registry, the name and surname, place of residence and address and personal identification number of the citizen who shall represent the party, the status of a political party of some national minority in the sense of this law, membership in larger political associations in the country and abroad, the number and the date of adoption of the decision on entry, the amendment of the data and the deletion of a political party from the Registry, the notes on the renewal of the entry into the Registry, the notes on the initiation of the procedure to prohibit the activities of the political party, the cease of existence and the prohibition of activities of a political party.

## **Application for Registration**

### **Article 24**

The entry into the Registry is based on the application.

The contents and the form of the application mentioned under paragraph 1 of this Article are defined in more details by the Minister.

The application for the entry is to be filed by the person authorized to file an application for the entry into the Registry (hereinafter referred to as: the applicant) within 30 days from the date of establishment of the political party.

The application must be accompanied by the following: the minutes of the constituent assembly meeting, Articles of Association of the political party in an adequate form, which include verification of signatures, certificates of registration of the founders of the political party in the election registry, two copies of each programme and statute, document on the appointment of the representative of the political party and a certified copy of the identity card of the representative of the political party and in case his/her identity card does not contain the data about the residence, then a certificate of residence must also be enclosed.

## **Rejection of the Application for Registration**

### **Article 25**

Within the period not longer than 30 days and not shorter than 15 days, the Ministry invites the applicant to eliminate the following:

- 1) if the name of the political party is identical to the name of the political party registered or properly applied for entry into the Registry, namely, if the political party had been deleted from the Registry under the condition that no more than four years expired since the date of its deletion, namely, if the name of the party is such that it shall cause confusion in the public or shall violate moral feelings of citizens;
- 2) if the application had been submitted by an unauthorized person, namely, if proper documents had not been enclosed to the application;
- 3) if the application, Articles of Association, programme and statute of the political party do not contain all the data prescribed by this law, namely, if

the application had not been submitted in the adequate form, or if the statements of the founders had not been provided in the adequate form or if they do not contain verification of signatures.

If the applicant does not eliminate the failures within the specified term, the Ministry shall reject the application by means of a relevant decision.

The decision prescribed in paragraph 2 of this Article is final and no administrative proceedings may be initiated against it.

### **Decision on the Entry into the Registry**

#### **Article 26**

The Ministry is obliged to adopt the decision on the entry of the political party into the Registry within 30 days from the submission of a proper application for registration.

The decision mentioned in paragraph 1 of this Article is final and no administrative proceedings may be initiated against it.

The decision on the entry of the political party into the Registry is to be published in the Official Bulletin of the Republic of Serbia.

If the Ministry does not adopt the decision on the entry of the political party into the Registry within the term mentioned in paragraph 1 of this Article, namely if it does not reject the application for the entry of the political party into the Registry, it shall be deemed that the political party is entered into the Registry as from the next day after the expiration of the specified term.

Together with the decision on the entry of the political party into the Registry, the political party shall also be given a copy of each programme and statute certified by the Ministry by its seal and signature of the competent officer, thus certifying that they are identical to the copies of programme and statute kept by the Ministry.

### **Amendment of the Data Entered into the Registry**

#### **Article 27**

The political party is obliged to inform the Ministry about any amendment of the data registered in the Registry within 15 days from the date of the amendment by submitting an application for the amendment of the data in the Registry.

Together with the application mentioned in paragraph 1 of this Article, the minutes of the meeting of the competent body bringing the decision on the data amendment is also to be submitted in its original or in certified transcript and the decision on the data amendment.

The representative of the political party shall submit the application for the amendment of the data in the Registry.

## **Rejection of the Application for the Entry of the Amendment of the Data into the Registry**

### **Article 28**

If the amendment of the data to be entered into the Registry is not in accordance with this law, programme and statute of the political party, the Ministry shall invite the representative of the political party to eliminate the failures within 15 days from the submission of the application for the entry of the amendment of the data in the Registry.

If the representative of the political party does not eliminate the failures within the given term, the Ministry shall reject the application for the entry of the amendment of the data in the Registry.

The decision mentioned in paragraph 2 of this Article is final and no administrative proceedings may be initiated against it.

## **Decision on the Entry of the Amendment of the Data into the Registry**

### **Article 29**

The Ministry shall adopt the decision on the entry of the amendment of the data in the Registry within 30 days from the submission of a proper application.

The decision mentioned in paragraph 1 of this Article is final and no administrative proceedings may be initiated against it.

## **Renewal of the Entry into the Registry**

### **Article 30**

Any political party is obliged to submit an application for the renewal of the entry in the Registry after the expiration of each eighth year from the date of the entry in the Registry.

Together with the application mentioned in paragraph 1 of this Article, the statements of the members of the political party about the membership in the political party are also to be submitted in the adequate form, which shall contain verification of signatures of at least minimum number required for the establishment of the political party entered in the Registry.

The Minister shall define in details the contents and the form of the statement mentioned in paragraph 2 of this Article.

The representative of the political party shall submit the application mentioned in paragraph 1 of this Article.

In exceptional cases, the political party shall not submit the application for the renewal of the entry in the Registry if, within the term mentioned in paragraph 1 of this Article, the candidates proposed by it independently or in coalition with political parties had obtained at least one mandate through participation in elections for the members of the National Assembly, namely for the members of the Assembly of the Autonomous Province.

The Ministry shall establish the facts and the data mentioned in paragraph 5 of this Article in the capacity of the office.

### **Decision on the Renewal of the Entry into the Registry**

#### **Article 31**

The Ministry shall adopt the decision on the renewal of the entry in the Registry within 30 days from the submission of a proper application for the renewal of the entry in the Registry, namely from the date of the initiation of the proceedings for establishment of facts and data in the capacity of the office as prescribed in Article 30 paragraph 5 of this law.

The decision mentioned in paragraph 1 of this Article is final and no administrative proceedings may be initiated against it.

### **Publicity of the Registry**

#### **Article 32**

The data entered in the Registry are public pursuant to the law.

Anyone can trust the truthfulness of the data entered in the Registry.

## **IV. COALITION AND MERGER OF POLITICAL PARTIES**

### **Coalition of Political Parties**

#### **Article 33**

Political parties may make coalitions of larger political alliances in the country or abroad, while keeping their legal personalities.

### **Merger of Political Parties**

#### **Article 34**

Any political party may merge with another political party or parties entered in the Registry in order to establish a new political party and in such a case, it shall not keep its legal personality, and the political party resulting from the merger of two or several political parties shall have the new legal personality.

The political party resulting from the merger of two or several political parties shall be entered in the Registry by submitting, together with the application for the entry, the following: the decision on the merger of political parties, statements of the members of the political party on the membership in the political party resulting from the merger of two or more political parties in the adequate form, which contains verification of signatures of the minimum number required for the establishment of the political party within the meaning of this law, the report on the merger of property (balance sheet), two copies of each programme and statute, the document on the appointment of the representative of the political party and the certified copy of the identity card of the representative of the political party and in case his/her identity card does not contain the data about the residence, then a certificate of residence must also be enclosed.

## **V. CEASE OF EXISTENCE OF A POLITICAL PARTY**

### **General Conditions of Cease of Existence of A Political Party**

#### **Article 35**

Any political party shall cease to exist if it is deleted from the Registry.

If it is deleted from the registry, no political party shall keep its legal personality.

Any political party is deleted from the Registry if:

- 1) the body established by the statute shall adopt the decision on the cease of its activities,
- 2) the political party shall merge with another political party or parties,
- 3) the Constitutional Court shall prohibit its activities.

In cases mentioned under paragraph 3, items 1) and 2) of this Article, the representative of the political party is obliged to submit the application for the deletion of the political party from the Registry within 30 days from the date on which the conditions for the cease of the political party occur as well as the evidence on which basis such facts shall be established.

If the representative of the political party does not submit the application for the deletion of the political party from the Registry within the term specified in paragraph 4 of this Article and the Ministry finds or learns about the conditions mentioned in paragraph 3, items 1) and 2), the procedure to delete the political party shall be initiated in the capacity of the office.

### **Special Condition of the Cease of Existence of A Political Party**

#### **Article 36**

Any political party shall cease to exist and shall be deleted from the Registry if, within the term and under the conditions mentioned in Article 30, paragraphs 1 and 2 of this law, it does not submit the application for the renewal of registration in the

Registry, except in cases when the Ministry establishes the facts and the data specified in Article 30 paragraph 5 of this law.

The Ministry shall initiate the procedure mentioned in paragraph 1 of this Article for the deletion of a political party from the Registry in the capacity of the office.

### **Prohibition of Activities of A Political Party**

#### **Article 37**

The Constitutional Court shall adopt the decision on prohibition of activities of a political party.

A political party performing activities contrary to Article 4 paragraph 2 of this law shall be prohibited or a political party making larger political alliances in the country or abroad, or if it is a political party performing activities contrary to Article 4 paragraph 2 of this law.

### **Procedure to Prohibit the Activities of A Political Party**

#### **Article 38**

The procedure to prohibit activities of a political party is initiated under the proposal of the Government, the Republic Public Prosecutor and the Ministry.

If the Constitutional Court prohibits the activities of a political party, that political party shall be deleted from the Registry on the date the decision of the Constitutional Court is forwarded to the Ministry.

### **Decision on Deletion from the Registry**

#### **Article 39**

As regards the cases mentioned in Article 35 paragraph 3 items 1) and 2) and Article 36 paragraph 1 of this law, the Ministry is obliged to adopt the decision on the deletion of a political party from the Registry within 30 days from the date of the submission of the proper application for the deletion of the political party from the Registry, namely from the date on which the procedure in the capacity of the office is initiated, and in case mentioned in Article 36 paragraph 2 of this law on the date on which the decision of the Constitutional Court on the prohibition of activities of a political party is provided.

The decision on the deletion of a political party from the Registry is final and no administrative proceedings may be initiated against it.

The decision on the deletion of a political party from the Registry is published in the Official Bulletin of the Republic of Serbia.

## **VI. SUPERVISION**

## **Competence to Perform Supervision**

### **Article 40**

The Ministry in charge of administrative affairs is competent to perform supervision of application of this law.

The inspection is performed by the Ministry through the administrative inspection.

## **VII. PENAL PROVISIONS**

### **Offences**

#### **Article 41**

Fines from 50,000 to 500,000 dinars shall be imposed to political parties if:

- 1) it does not put at the disposal of the public by means of Internet, the Articles of Association, the name and the surname of the representative of the political party, programme, statute and other general documents of the political party, if any (Article 16);
- 2) the name of the political party is not used in legal affairs in the form it had been entered into the Registry (Article 19, paragraph 2):
- 3) it does not report to the Ministry on the amendment of the data entered in the Registry within the specified term, namely it does not submit the application for the renewal of entry in the Registry, namely it does not submit the application for the deletion from the Registry (Article 27 paragraph 1, Article 30 paragraph 1 and Article 35 paragraph 4).

For the offence mentioned in paragraph 1 of this Article, the fine from 5,000 to 50,000 dinars shall be imposed to the representative of the political party.

#### **Article 42**

For offences fines from 5,000 to 50,000 dinars shall be imposed to:

- 1) the persons acting on behalf of a political party not entered in the Registry (Article 5);
- 2) the person authorized to submit the application for the entry of the political party in the Registry if he/she does not submit the application for the entry of the political party in the Registry within the specified term (Article 24 paragraph 3).

## **VIII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 43**

The Minister shall adopt the regulations for the application of this law within 60 days from the date of this law coming into force.

#### **Article 44**

The procedure of entry in the Registry initiated from the date of this law coming into force shall be completed according to the provisions of this law.

#### **Article 45**

The political organizations entered in the Registry of Political Organizations according to the Law on Political Organizations (the Official Gazette of SRS no. 37/90 and the Official Bulletin of RS nos. 30/92, 53/93, 67/93, 48/94 and 101/05) as well as those entered in the Registry of Associations, Social Organizations and Political Organizations pursuant to the Law on Associations of Citizens, Social Organizations and Political Organizations Established in the Territory of the Socialist Federal Republic of Yugoslavia (the Official Gazette of SFRY no. 42/90 and the Official Gazette of FRY nos. 16/93, 31/93, 41/93, 50/93, 24/94, 28/96, 73/00 shall continue to perform their activities if they bring their statutes and other general documents into accordance with the provisions of this law and submit the applications for the entry of the political party in the Registry within six months from the date of commencement of application of this law.

The political organizations mentioned under paragraph 1 of this Article are obliged to submit, together with the application for the entry of the political party into the Registry, the following: two copies of each programme and statute, the document on the appointment of the representative of the political party and other documents adopted in the process of compliance with this law, as well as the statements of the members of the political party on the membership in the political party, which shall contain verified signatures of the minimum number required for the establishment of the political party pursuant to Articles 8 and 9 of this law.

The political organizations that shall not act according to paragraphs 1 and 2 of this Article shall be deleted from the Registry of Political Organizations and the Registry of Associations, Social Organizations and Political Organizations and shall lose the status of legal entity.

Within the term specified under paragraph 1 of this Article no political party may be entered in the Registry of Political Parties if its name is identical to the name of a political organization entered in the Registry of Political Organizations and in the Registry of Associations, Social Organizations and Political Organizations.

#### **Article 46**

On the date this law comes into force, the following laws shall cease to be valid:

- 1) The Law on Political Organizations (the Official Gazette of SRS no. 37/90 and the Official Bulletin of RS nos. 30/92, 53/93, 67/93, 48/94 and 101/05);

- 2) The Law on Associations of Citizens, Social Organizations and Political Organizations Established in the Territory of the Socialist Federal Republic of Yugoslavia (the Official Gazette of SFRY no. 42/90 and the Official Gazette of FRY nos. 16/93, 31/93, 41/93, 50/93, 24/94, 28/96, 73/00) in the part related to the political organizations.

#### **Article 47**

This law shall come into force eight days after it had been published in the Official Bulletin of the Republic of Serbia and it shall start to be applied upon the expiry of 60 days from the date of its coming into force.

Source: <http://www.legislationline.org/topics/country/5/topic/1>(accessed: May 2009)