

Constitution of The Republic of Serbia

1. National Assembly

Status of the National Assembly

Article 98

The National Assembly shall be the supreme representative body and holder of constitutional and legislative power in the Republic of Serbia.

Competences

Article 99

The National Assembly shall:

1. adopt and amend the Constitution,
2. decide on changes concerning borders of the Republic of Serbia,
3. call for the Republic referendum,
4. ratify international contracts when the obligation of their ratification is stipulated by the Law,
5. decide on war and peace and declare state of war and emergency,
6. supervise the work of security services,
7. enact laws and other general acts within the competence of the Republic of Serbia,
8. give previous approval for the Statute of the autonomous province,
9. adopt defence strategy,
10. adopt development plan and spatial plan,
11. adopt the Budget and financial statement of the Republic of Serbia, upon the proposal of the Government,
12. grant amnesty for criminal offences.

Within its election rights, the National Assembly shall:

1. elect the Government, supervise its work and decide on expiry of the term of office of the Government and ministers,
2. appoint and dismiss judges of the Constitutional Court,
3. appoint the President of the Supreme Court of Cassation, presidents of courts, Republic Public Prosecutor, public prosecutors, judges and deputy public prosecutors, in accordance with the Constitution,
4. appoint and dismiss the Governor of the National Bank of Serbia and supervise his/her work,
5. appoint and dismiss the Civic Defender and supervise his/her work,
6. appoint and dismiss other officials stipulated by the Law.

The National Assembly shall also perform other functions stipulated by the Constitution and Law.

Constitution of the National Assembly

Article 100

The National Assembly shall consist of 250 deputies, who are elected on direct elections by secret ballot, in accordance with the Law.
In the National Assembly, equality and representation of different genders

and members of national minorities shall be provided, in accordance with Law.

Election of deputies and constitution of the National Assembly

Article 101

Elections for deputies shall be called by the President of the Republic, 90 days before the end of the term of office of the National Assembly, so that elections are finished within the following 60 days.

The first session of the National Assembly shall be convened by the Chairman of the National Assembly from the previous session, so that the session is held not later than 30 days from the day of declaring the final election results.

At the first session, the National Assembly shall confirm deputies' terms of office.

The National Assembly shall be constituted by confirmation of terms of office of the two thirds of deputies.

Against the decision made in relation to confirmation of terms of office, an appeal may be lodged before the Constitutional Court, which decides on it within 72 hours.

By means of confirming terms of office of the two thirds of deputies, the term of office of the previous session of the National Assembly shall end.

Status of Deputies

Article 102

The term of office of the deputy shall begin on the day of confirmation of terms of office in the National Assembly and last four years, that is until the expiry of terms of office of deputies of that session of the National Assembly. Under the terms stipulated by the Law, a deputy shall be free to irrevocably put his/her term of office at disposal to the political party upon which proposal he or she has been elected a deputy.

Deputy may not be a deputy in the Assembly of the autonomous province, nor an official in bodies of executive government and judiciary, nor may he or she perform other functions, affairs and duties, which represent a conflict of interest, according to the Law.

Election, expiry of the term of office and status of deputies shall be stipulated by the Law.

Immunity of deputies

Article 103

Deputies shall enjoy immunity.

Deputies may not accept criminal or other liability for the expressed opinion or cast vote in performing the deputy's function.

Deputy who uses his/her immunity may not be detained, nor may he or she be involved in criminal or other proceedings in which prison sentence may be pronounced, without previous approval by the National Assembly.

Deputy found in the act of committing any criminal offence for which the

prison sentence longer than five years is not envisaged, may be detained without previous approval by the National Assembly. There shall be no deadlines stipulated for the criminal or other proceedings in which the immunity is established. Failure to use the immunity shall not exclude the right of the National Assembly to establish the immunity.

President and Vice Presidents of the National Assembly

Article 104

By means of majority votes of all deputies, the National Assembly shall elect the President and one or more Vice Presidents of the National Assembly. The President of the National Assembly shall represent the National Assembly, convoke its sessions, preside over them and perform other activities stipulated by the Constitution, Law and Rules of Procedure of the National Assembly.

Method of decision making in the National Assembly

Article 105

The National Assembly shall adopt decisions by majority vote of deputies at the session at which majority of deputies are present.

By means of majority vote of all deputies the National Assembly shall:

1. grant amnesty for criminal offences,
2. declare and call off the state of emergency,
3. order measures of departure from human and minority rights in the state of war and emergency,
4. enact the Law by which the Republic of Serbia delegates particular issues falling within its competence to autonomous provinces and local self-government units,
5. give previous approval for the Statute of the autonomous province,
6. decide on the Rules of Procedure pertaining to its work,
7. cancel immunities of deputies, the President of the Republic, members of the Government and Civic Defender,
8. adopt the Budget and financial statement,
9. elect members of the Government and decide on the end of the term of office of the Government and ministers,
10. decide on response to interpellation,
11. elect judges of the Constitutional Court and decide on their dismissal and end of their term of office,
12. elect the President of the Supreme Court of Cessation, presidents of courts, Republic Public Prosecutor and public prosecutors and decide on the end of their term of office,
13. elect judges and deputy public prosecutors, in accordance with the Constitution,
14. elect and dismiss the Governor of the National Bank of Serbia, Governors' Council and Civic Defender,
15. also perform other election competences of the National Assembly .

By means of majority vote of all deputies, the National Assembly shall decide on laws which regulate:

1. referendum and national initiative,
2. enjoying of individual and collective rights of members of national minorities,
3. development and spatial plan,
4. public debt,
5. territories of autonomous provinces and local self-government units,
6. conclusion and ratification of international contracts,
7. other issues stipulated by the Constitution.

Sessions

Article 106

The National Assembly shall be convoked for two regular sessions per year. The first regular session shall start on the first weekday of March, while the second regular session shall start on the first weekday of October. Regular sessions may not last longer than 90 days.

The National Assembly shall be convoked for extraordinary session upon the request of at least one third of deputies or upon the request of the Government, with previously determined agenda.

The National Assembly shall be convoked without announcement upon the declaration of the state of war or emergency.

Right to propose laws

Article 107

A right to propose laws, other regulations and general acts shall belong to every deputy, the Government, assemblies of autonomous provinces or at least 30,000 voters.

The Civic Defender and National Bank of Serbia shall have a right to propose laws falling within their competence.

Referendum

Article 108

Upon the request of the majority of all deputies or at least 100,000 voters, the National Assembly shall call the referendum on issues falling within its competence, in accordance with the Constitution and Law.

The subject of the referendum may not include duties deriving from international contracts, laws pertaining to human and minority rights and freedoms, fiscal and other financial laws, the budget and financial statement, introduction of the state of emergency and amnesty, as well as issues pertaining to election competences of the National Assembly.

Dissolution of the National Assembly

Article 109

The President of the Republic may dissolve the National Assembly, upon the elaborated proposal of the Government.

The Government may not propose dissolution of the National Assembly, if a proposal has been submitted for the vote of no confidence in the Government or if the issue of its confidence has been raised.

The National Assembly shall be dissolved if it fails to elect the Government within 90 days from the day of its constitution.

The National Assembly may not be dissolved during the state of war and emergency.

The President of the Republic shall be obliged to dissolve the National Assembly upon his/her decree, in cases stipulated by the Constitution.

Simultaneously with the dissolution of the National Assembly, the President of the Republic shall schedule elections for deputies, so that elections finish not later than 60 days from the day of their announcement.

The National Assembly, which has been dissolved, shall only perform current or urgent tasks, stipulated by the Law. In case of declaration of the state of war or emergency, its full competence shall be reestablished and last until the end of the state of war, that is, emergency.

Law on the National Assembly

Article 110

The Law on the National Parliament shall be enacted.