

# LAW ON THE CONSTITUTIONAL COURT

## DISCLAIMER

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Pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, the Parliament of Montenegro of the 25th convocation, at the sitting of the first extraordinary session in 2015, on 26th February 2015, has adopted the:

## THE LAW

### ON THE CONSTITUTIONAL COURT<sup>1</sup>

#### I. GENERAL PROVISIONS

##### Article 1

The present Law shall regulate the procedure of determining proposals for appointment of judges of the Constitutional Court of Montenegro (hereinafter referred to as the Constitutional Court), dismissal and termination of their office, organization of the Constitutional Court, proceedings before the Constitutional Court, legal effect of its decisions and other issues of importance for the work of the Constitutional Court.

##### Article 2

The Constitutional Court shall ensure observance and implementation of the Constitution of Montenegro (hereinafter referred to as the Constitution).

The Constitutional Court shall autonomously and independently decide on matters falling within the scope of its competence, defined by the Constitution.

The Constitutional Court shall not be influenced by anyone while taking decisions over the matters within the scope of its competence.

##### Article 3

Everyone shall respect the decisions of the Constitutional Court.

Positions on certain issues expressed in the decisions of the Constitutional Court shall be obligatory for all state authorities, public administration bodies, local self-government and local government bodies, legal persons and other entities exercising public powers.

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<sup>1</sup> (Official Gazette of Montenegro, 011/15 as of 12 March 2015, 055/19 as of 27 September 2019, 092/25 as of 07 August 2025, 031/26 as of 06 March 2026)

#### **Article 4**

The work of the Constitutional Court shall be public.

Public nature of the work of the Constitutional Court shall be ensured through the publication of its decisions, statements from the sessions on the website of the Constitutional Court, as well as by holding public hearings in proceedings before the Constitutional Court, holding press conferences and otherwise.

The Constitutional Court may exclude the public only in order to protect the interests of national security, public order and morale in a democratic society, as well as to protect the interests of minors or the privacy of participants in proceedings.

Exclusion of the public shall not apply to participants in proceedings and their authorized representatives.

Judges may not publicly disclose their opinion on issues that are the subject of a dispute before the Constitutional Court.

#### **Article 5**

Funds for the work of the Constitutional Court shall be provided in the Budget of Montenegro.

The Constitutional Court shall dispose of the funds referred to in paragraph 1 of this Article independently.

#### **Article 5a**

***(Law on Amendments to the Law on the Constitutional Court, Official Gazette of Montenegro 092/25 as of 7 August 2025, Article 1)***

Judges of the Constitutional Court and the president of the Constitutional Court shall have the right to a salary, compensation and other income related to the performance of duties in line with the law governing the remuneration of judges and state prosecutors.

Judges of the Constitutional Court and the President of the Constitutional Court shall be entitled to an additional compensation to salary pertaining to their function in the amount of 30% of the basic salary.

The allowance referred to in paragraph 2 of this Article shall not exclude the right to other allowances to the basic salary, in line with the law governing the remuneration of employees in the public sector.

#### **Article 5b**

***(Law on Amendments to the Law on the Constitutional Court, Official Gazette of Montenegro 031/26 as of 6 June 2026, Article 1)***

Judges of the Constitutional Court and the president of the Constitutional Court shall have the right to a salary, compensation and other income related to the performance of duties in line with the law governing the remuneration of judges and state prosecutors.

Judges of the Constitutional Court and the President of the Constitutional Court shall be entitled to an additional compensation to salary pertaining to their function in the amount of 30% of the basic salary.

The allowance referred to in paragraph 2 of this Article shall not exclude the right to other allowances to the basic salary, in line with the law governing the remuneration of employees in the public sector.

### **Article 6**

All terms used in this Law for natural persons in the masculine gender shall mean the same terms for the feminine gender.

## **II. ORGANIZATION OF THE CONSTITUTIONAL COURT**

### **1. President and Judges of the Constitutional Court**

#### **Article 7**

President of Montenegro and competent working body of the Parliament of Montenegro (hereinafter referred to as the proposers) shall conduct the procedure of nominating the judges of the Constitutional Court after receiving a notice on the termination of office or dismissal of a judge of the Constitutional Court.

The Constitutional Court shall notify the proposer who nominated the judge on the fulfilment of conditions for old-age pension or the expiration of the term of office of the judge of the Constitutional Court, six months prior to the fulfilment of the conditions for old-age pension or prior to the expiry of the term of office.

The proposer who nominated the judge shall inform the Parliament of Montenegro (hereinafter referred to as the Parliament) of the termination of his office, when the termination followed a request of a judge of the Constitutional Court or when he is sentenced to an unconditional prison sentence, and shall also inform the Parliament of the dismissal of the judge of the Constitutional Court due to a conviction for an offence that renders him unworthy of exercising the office, due to permanent incapacity to exercise the office or public expression of political beliefs.

#### **Article 8**

The proposer shall announce a public call for the appointment of judges of the Constitutional Court in the Official Gazette of Montenegro, no later than 15 days from the date of receipt of the notice referred to in Article 7 of the present Law and in at least one of the print media based in Montenegro.

The proposer shall publish the public call for the appointment of judges of the Constitutional Court on its website.

The deadline for applications of candidates shall be determined in the call and may not be shorter than 15 days from the announcement of the public call.

#### **Article 9**

Candidates eligible to apply to the public call shall be prominent lawyers who, in addition to constitutionally defined requirements for a Constitutional Court judge, also meet the general conditions for employment in state authorities.

Prominent lawyers, within the meaning of paragraph 1 of this Article, shall refer to legal science professors, judges, public prosecutors, attorneys, notaries, lawyers who work in state authorities, public administration bodies and local self-government or local government bodies, as well as lawyers who work in companies and legal entities, who enjoy a professional and personal reputation.

In addition to the application to a public call, candidates for a Constitutional Court judge shall submit evidence on meeting the conditions referred to in paragraph 1 of this Article.

The same person may not apply to public calls of both proposers.

## **Article 10**

The proposers shall publish the list of applicants on their website, making it available to the public for at least ten days from the date of publication.

The proposers shall interview all candidates who have applied to their public call and meet the requirements for the appointment of the Constitutional Court judges and shall, based on the evidence on meeting the requirements and the results of interviews with candidates, prepare a proposal for appointment of a Constitutional Court judge, which must be elaborated.

Proposal for the appointment of judges shall contain the same number of candidates as Constitutional Court judges appointed under the proposal of that proposer.

Competent working body of the Parliament shall adopt the proposal for appointment of judges by a qualified majority of all members.

The proposers shall submit the proposals for the appointment of Constitutional Court judges to the Parliament.

In nominating the candidates, proposers shall take into account the proportionate representation of members of minorities and other minority ethnic communities, as well as a balanced gender representation.

## **Article 11**

The Constitutional Court judges shall take an oath before the Parliament.

The Constitutional Court judges may not assume the office before taking an oath.

The text of the oath shall read as follows: "I swear that I shall execute the office of a Constitutional Court judge in an honourable, conscientious, fair and impartial manner, according to the Constitution and the law".

Should a Constitutional Court judge refuse to take an oath, the decision on the appointment shall be repealed due to a withdrawal.

## **Article 12**

A Constitutional Court judge may not participate in political activities and may not publicly express his political views.

Judges of the Constitutional Court who perform scientific, educational and artistic activities or activities protected by copyright shall not be considered to professionally perform other activities within the meaning of the Constitution.

## **Article 13**

Session of the Constitutional Court in which the President of the Constitutional Court is appointed shall be chaired by the oldest Constitutional Court judge.

The Constitutional Court judges shall each nominate, in writing, two candidates for the President of the Constitutional Court.

On the basis of nominations referred to in paragraph 2 of this Article, a list of three candidates with the highest number of nominations shall be prepared, and in the event that there are more than three candidates with the same highest number of nominations, the list shall include all the candidates with the same highest number of nominations.

In the event that two or more nominated candidates receive the same highest number of votes, voting shall be repeated between those candidates.

Decision on the appointment of the President of the Constitutional Court shall be adopted by secret ballot, by a majority vote of all judges.

## **Article 14**

President of the Constitutional Court shall represent the Constitutional Court before the state authorities and institutions in Montenegro and international bodies, organizations and institutions in the country and abroad.

President of the Constitutional Court shall convene and chair the sessions of the Constitutional Court and expert meetings, coordinate the work of the Constitutional Court and perform other duties prescribed by the present Law, the Rules of Procedure and other acts of the Constitutional Court.

#### **Article 15**

When the office of a Constitutional Court judge terminates due to expiry of the term of office and the proponent does not nominate or the Parliament does not appoint a Constitutional Court judge to fill the vacant position, the Parliament shall simultaneously make a decision on termination of office of the Constitutional Court judge whose term of office had expired and a decision that the judge shall continue to perform the office of a Constitutional Court judge until the appointment of a new judge, but not longer than one year.

#### **Article 16**

Constitutional Court judges shall submit a request for termination of office before the expiry of the term for which they were appointed to the Parliament.

If the Parliament does not adopt a decision on the termination of office within 30 days of the date of request submission, the office of the Constitutional Court judge shall terminate with the expiry of that deadline.

#### **Article 17**

The office of a judge who was sentenced to unconditional prison sentence shall terminate on the day when the judgement becomes final and enforceable, which shall be communicated to the Parliament and the Constitutional Court by the competent court.

#### **Article 18**

Upon the initiative of the President of the Constitutional Court or on the basis of the reasoned initiative of three judges, the Constitutional Court shall submit to the Parliament a reasoned proposal that a Constitutional Court judge is dismissed from duty if he is convicted of an offence that renders him unworthy of exercising the office, if he gets permanently incapacitated for exercising the office or if he publicly expresses his political beliefs.

Criminal offences which render a Constitutional Court judge unworthy of exercising the office shall be those criminal offences that are prosecuted ex officio and those for which a sentence of imprisonment of more than six months is prescribed.

Permanent loss of capacity to exercise the office of a Constitutional Court judge shall be determined on the basis of expert findings and an opinion of a health care facility, which may be requested by the judge himself or by the President of the Constitutional Court, and for the President of the Constitutional Court by the Deputy President.

#### **Article 19**

Where criminal proceedings are instituted against a Constitutional Court judge, the competent court shall, without delay, notify the President of the Constitutional Court, or the Deputy President if the proceedings are instituted against the President of the Constitutional Court.

After receiving the notice referred to in paragraph 1 of this Article, the President of the Constitutional Court or the Deputy President shall immediately convene a session of the Constitutional Court.

In the case referred to in paragraph 1 of this Article, the decision that the Constitutional Court judge shall not exercise his duty during the criminal proceedings against him shall be taken at the session of the Constitutional Court, by majority vote of all the judges, without the participation of the judge whose exercise of duty is decided upon.

The decision referred to in paragraph 3 of this Article shall be reasoned and submitted to the Parliament.

#### **Article 20**

Office of a president exercised by the Constitutional Court President shall terminate if, prior to the expiry of the time period he was appointed for, his office of a Constitutional Court judge expires.

#### **Article 21**

President of the Constitutional Court shall submit to the Constitutional Court a request for termination of office of a president prior to the expiry of the term he was appointed to.

Should the Constitutional Court not adopt a decision within 30 days of the date of submission of the request referred to in paragraph 1 of this Article, the term of office of the President of the Constitutional Court shall terminate with the expiry of that period.

#### **Article 22**

President of the Constitutional Court shall have a deputy who shall replace the President of the Constitutional Court in the case of his absence or inability to exercise office and in other cases stipulated by the Rules of Procedure of the Constitutional Court.

The Constitutional Court shall appoint the Deputy President at the proposal of the President of the Constitutional Court.

The Deputy President of the Constitutional Court shall be appointed for a period of three years.

In the event of expiry of office of the President of the Constitutional Court, until the appointment of the new President, the office of the president shall be exercised by the Deputy President of the Constitutional Court, who shall have the rights and duties of a President, and if there is no Deputy President, the office of the President of the Constitutional Court shall be exercised by the oldest judge.

### **2. Rules of Procedure and other Acts**

#### **Article 23**

The Constitutional Court shall adopt Rules of Procedure regulating the manner of work and decision-making of the Constitutional Court, the relationship of the Constitutional Court with the public, international cooperation, professional development, as well as other issues of importance for its work (hereinafter referred to as the Rules of Procedure).

The Rules of Procedure shall be published in the Official Gazette of Montenegro and on the website of the Constitutional Court.

#### **Article 24**

The Constitutional Court shall adopt other acts in accordance with the Rules of Procedure.

The acts referred to in paragraph 1 of this Article shall be published on the website of the Constitutional Court.

### **3. Secretary-General and the Service of the Constitutional Court**

#### **Article 25**

The Constitutional Court shall have a Secretary-General.

The Secretary-General shall be appointed by the Constitutional Court, based on a public competition, for a period of five years with the possibility of re-appointment.

Person who meets the general requirements for employment in state authorities, has completed the law faculty – level VII1 of education qualifications, has ten years of work experience in the field of legal affairs and meets other special conditions, in accordance with the Act on the organization of the Constitutional Court, may be appointed as the Secretary-General.

The Secretary-General shall be responsible for the preparation and organization of sessions of the Constitutional Court, preparation of the proposal for allocation of the budget for work of the Constitutional Court and the use of budgetary funds, the professional development of Constitutional Court advisers and other civil servants and state employees and perform professional and other tasks entrusted to him by the Constitutional Court, in line with the present Law and the Rules of Procedure.

#### **Article 26**

Procedure of public competition announcement, aptitude test, evaluation and disciplinary liability of the Secretary-General shall be governed by the provisions of the law governing the rights and obligations of civil servants and state employees, relating to high managerial staff.

#### **Article 27**

Secretary-General shall have a deputy.

The procedure of appointment, duration of the term of office, evaluation and disciplinary liability of the Deputy Secretary-General shall be governed by the provisions of the present Law that apply to the Secretary-General.

#### **Article 28**

The Constitutional Court shall establish the Service of the Constitutional Court (hereinafter referred to as the Service) for the purpose of performing professional and other activities, with the Secretary-General managing and being accountable for its work.

The organization, activities and manner of work of the Service shall be regulated by the Act on organization of the Constitutional Court.

#### **Article 29**

Professional tasks within the competence of the Constitutional Court shall be performed by the Constitutional Court advisers under the instructions of the judges of the Constitutional Court.

Person who has completed law faculty – level VII1 of education qualifications and has seven years of work experience on legal affairs and meets other special conditions, in accordance with the Act on the organization of the Constitutional Court, may be appointed as a Constitutional Court adviser.

Classification of tasks of Constitutional Court advisers into salary grades shall be done by the Act on organization of the Constitutional Court, in line with the law governing the salaries of civil servants and state employees.

### **III. PROCEEDINGS BEFORE THE CONSTITUTIONAL COURT AND LEGAL EFFECT OF ITS DECISIONS**

#### **1. Common Provisions**

##### **Article 30**

Petitions initiating the proceedings before the Constitutional Court shall be the following:

- 1) motion for the assessment of conformity of laws with the Constitution and ratified and published international agreements and a motion for assessment of conformity of other regulations and general acts with the Constitution and the law;
- 2) constitutional complaint for violation of human rights and freedoms guaranteed by the Constitution;
- 3) motion for instituting proceedings to determine whether the President of Montenegro violated the Constitution;
- 4) motion for determining on the conflict of jurisdiction;
- 5) motion for banning the work of a political party or a non-governmental organization;
- 6) complaint in electoral disputes and disputes related to a referendum.

Petitions initiating the institution of proceedings before the Constitutional Court shall be the following:

- 1) initiative for instituting the proceedings for the assessment of conformity of laws with the Constitution and ratified and published international agreements and an initiative for instituting the proceedings for assessment of conformity of other regulations and general acts with the Constitution and the law;
- 2) initiative for instituting the proceedings to review the conformity with the Constitution of measures and actions of state authorities taken during the state of war and the state of emergency.

##### **Article 31**

Petitions initiating the institution of proceedings or initiating the proceedings before the Constitutional Court shall be submitted by mail, directly to the Constitutional Court or by electronic means, unless the present Law provides otherwise.

Petition initiating the institution of proceedings or initiating the proceedings before the Constitutional Court shall be deemed filed on the day when it was submitted to the Constitutional Court.

Should a petition initiating the institution of proceedings or initiating the proceedings before the Constitutional Court be sent by registered mail, the date of submission to the post office shall be deemed the date of submission to the Constitutional Court and, if it was sent by ordinary mail, the date of receipt of the shipment shall be deemed the date of submission to the Constitutional Court.

Should a petition initiating the institution of proceedings or initiating the proceedings before the Constitutional Court was sent by electronic means, it shall be deemed to have been received on the date and time indicated in the confirmation of receipt of the document in electronic form, in accordance with the law governing electronic government.

Petitions submitted by fax, telegrams addressed to the Constitutional Court and anonymous petitions shall not be deemed petitions within the meaning of the present Law, unless the present Law provides otherwise.

### **Article 32**

Petitions referred to in Article 31 paragraph 1 of the present Law and attachments shall be submitted to the Constitutional Court in three copies and must be signed.

Should a petition initiating the institution of proceedings or initiating the proceedings before the Constitutional Court is unintelligible, incomplete or if it contains deficiencies that prevent corresponding action-taking, the applicant shall be required to rectify these deficiencies within the prescribed deadline, in line with the Rules of Procedure.

### **Article 33**

The Constitutional Court shall submit a copy of the motion, initiative, constitutional complaint and complaint to participants in the proceedings and shall designate a period of time for them to submit the required documents, data and information, as well as a reply or opinion with regard to the allegations and the evidence contained in these petitions.

Notwithstanding the above, the Constitutional Court shall not submit for reply or opinion the petitions referred to in paragraph 1 of this Article should it find that there are no procedural requirements for initiating or conducting the proceedings.

### **Article 34**

Parties to the proceedings shall submit the requested documents, data and information to the Constitutional Court within the defined time period, and may provide a reply or opinion to the allegations and evidence contained in the motion, initiative, constitutional complaint and complaint.

The Constitutional Court may extend the time period referred to in paragraph 1 of this Article upon the reasoned request of a party.

Should the Constitutional Court not receive the requested reply, opinion and other requested data and information within the time period referred to in paragraph 1 and paragraph 2 of this Article, the proceedings shall continue.

### **Article 35**

In addition to the parties to the proceedings, everyone shall submit to the Constitutional Court, at its request, the documents and information required for the conduct of the proceedings.

### **Article 36**

Proceedings shall be deemed initiated on the date of:

- 1) submission of a motion, constitutional complaint or complaint to the Constitutional Court;
- 2) adopting the resolution of the Constitutional Court on the initiation of proceedings under the initiative for the assessment of conformity of laws with the Constitution and ratified and published international agreements or under the initiative for instituting the proceedings to review the conformity of other regulations and general acts with the Constitution and the law;
- 3) adopting the resolution of the Constitutional Court to initiate, on its own, proceedings for the assessment of conformity of laws with the Constitution and

ratified and published international agreements or of other regulations and general acts with the Constitution and the law.

### **Article 37**

The Constitutional Court shall dismiss a motion, initiative, constitutional complaint, complaint or other petitions initiating the proceedings:

- 1) when it determines that it is not competent to decide;
- 2) if the motion, initiative, constitutional complaint, complaint or other petition was not filed within the prescribed time period;
- 3) when the applicant does not eliminate the deficiencies that prevent action-taking within the designated period of time;
- 4) when it determines that it had already decided on the same issue;
- 5) when it determines, after a conducted examination, that a petition instituting proceedings is clearly unfounded or based on abuse of law;
- 6) when other preconditions for deciding on the merits of the petition do not exist.

### **Article 38**

The Constitutional Court shall suspend the proceedings:

- 1) if the applicant withdraws the petition;
- 2) if the applicant (natural person) dies or if the applicant (legal entity) ceases to exist;
- 3) when other preconditions for the conduct of the proceedings do not exist or cease to exist.

Notwithstanding the above, the Constitutional Court shall conduct the proceedings:

- 1) in case referred to in paragraph 1 item 1 of this Article, when it assesses that the conduct of proceedings is necessary to ensure respect for the rule of law or for the protection of human rights and freedoms guaranteed by the Constitution;
- 2) in case referred to in paragraph 1 item 2 of this Article, if the applicant's heir or legal successor assumes the position of the applicant, provided that he proves having a direct legal interest in the outcome of the proceedings.

### **Article 39**

*(Decision of the Constitutional Court of Montenegro repealing the provision of Article 39 paragraph 2 of the Law on the Constitutional Court of Montenegro, "Official Gazette of Montenegro" 11/15 and cease to have effect on the date of publication of this decision – "Official Gazette of Montenegro" 055/19 as of 27 September 2019)*

The Constitutional Court shall decide on matters within its competence at a session of all judges (hereinafter referred to as the session of the Constitutional Court) as well as at a session of a panel composed of three judges (hereinafter referred to as the panel) when, in line with the Constitution, deciding on a constitutional complaint.

The Constitutional Court shall hold regular expert meetings on cases within its competence which, in addition to the judges, may be attended by the Secretary-General and the Constitutional Court advisers, as well as the boards of judges in which important issues relating to the operation, management and international cooperation of the Constitutional Court shall be discussed.

### **Article 40**

The session of the Constitutional Court shall be convened and chaired by the President of the Constitutional Court.

Deliberations and voting shall be conducted in a closed session, while the decision shall be made public.

Each judge may single out his opinion stating the reasons for which he fully or partially agrees with the decision taken, but considers that there are additional reasons that should have been stated in the decision or the reasons for which he is fully or partially against the decision taken.

The singled-out opinion referred to in paragraph 3 of this Article shall be published on the website of the Constitutional Court, along with the decision it refers to.

Judge who has singled out his opinion shall have the right to request publishing of his opinion in the Official Gazette of Montenegro, along with the decision it refers to.

#### **Article 41**

The Panel shall have a chairman and two members.

The number of Panels and their manner of work with regard to constitutional complaints shall be determined by the Rules of Procedure.

The chairmen and members of the Panel shall be determined by the President of the Constitutional Court, through the annual work distribution.

Panel sessions shall be convened and chaired by the chairman of the Panel.

#### **Article 42**

Criteria for allocation of cases to judges as well as the rights and duties of the judge the case was allocated to (hereinafter referred to as judge rapporteur) shall be governed by the Rules of Procedure.

#### **Article 43**

Judge or the President of the Constitutional Court shall be exempt from the deliberations and decision-making in a certain case if:

- 1) he is a participant in the proceedings, a legal representative or an attorney of a participant in the proceedings;
- 2) a participant in the proceedings, a legal representative or an attorney of a participant in the proceedings is a blood relative of his to any degree in the direct line, and to the third degree in the lateral line, or his spouse or common-law partner or relative by marriage up to the second degree, regardless of if the marriage has terminated;
- 3) he participated in deciding upon the case in court or administrative proceedings.
- 4) if the case referred to in paragraph 1 of this Article refers to the President of the Constitutional Court, the session of the Constitutional Court shall, under a reasoned initiative of three judges, be convened by the Deputy President.

#### **Article 44**

Request for exemption of a Constitutional Court judge for reasons referred to in Article 43 of the present Law may be submitted by the President of the Constitutional Court, a judge or a participant to the proceedings.

Merits of the request for exemption of a Constitutional Court judge shall be decided upon by the Constitutional Court.

President or judge of the Constitutional Court whose exemption is requested shall not participate in decision-making on the request for exemption, but shall provide his opinion on the request for exemption.

When the Constitutional Court adopts a decision on exemption of a judge, that judge shall not participate in deliberations and decision-making of the Constitutional Court in that case.

#### **Article 45**

The Constitutional Court shall hold a public hearing when it assesses that holding of a public hearing is necessary, particularly when it is a matter of a complex constitutional-legal issue.

Scheduling, holding and other issues pertaining to the public hearing shall be regulated in more details by the Rules of Procedure.

#### **Article 46**

During its work on a case, the Constitutional Court may seek an expert opinion of an expert from an adequate field, in line with the Rules of Procedure.

Persons referred to in paragraph 1 of this Article shall be entitled to a reward and compensation of costs, in line with the regulations governing rewards and compensation of costs in court proceedings.

#### **Article 47**

The Constitutional Court shall issue decisions and resolutions.

A decision or the resolution of the Constitutional Court shall contain: introduction, pronouncement i.e. operative part and reasoning.

#### **Article 48**

The decision of the Constitutional Court shall:

- 1) determine that the law or some of its provisions are not in conformity with the Constitution and ratified and published international agreements, or that they were not in conformity with the Constitution while they were in force;
- 2) determine that another regulation or some of its provisions are not in conformity with the Constitution and the law, or that they were not in conformity with the Constitution and the law while they were in force;
- 3) adopt a constitutional complaint for violation of human rights and freedoms guaranteed by the Constitution;
- 4) determine that the President of Montenegro has violated the Constitution;
- 5) resolve the conflict of jurisdiction;
- 6) ban the activities of a political party or non-governmental organization;
- 7) adopt a complaint for violation of rights during elections or during a referendum;
- 8) abolish measures and actions of state authorities taken during the state of war or the state of emergency;
- 9) reject: proposals for the review of unconstitutionality and illegality, proposals for determining if the President of Montenegro has violated the Constitution, proposals for resolving the conflict of jurisdiction and the proposal for ban on work of a political party or non-governmental organization;
- 10) reject a constitutional complaint or complaint as unfounded.

#### **Article 49**

The resolution of the Constitutional Court shall:

- 1) initiate proceedings;
- 2) reject the initiative for instituting the proceedings for the review of the constitutionality and legality;
- 3) dismiss a motion, initiative, constitutional complaint, complaint and other petitions in the cases referred to in Article 37 of the present Law;
- 4) suspend the proceedings in the cases determined by the present Law;
- 5) suspend the enforcement of an individual act or action, repeal the measure of suspension or dismiss the application for suspension of enforcement of an individual act or action;
- 6) decide on issues of administering the proceedings.

#### **Article 50**

Decisions and resolutions shall be signed by the President of the Constitutional Court if the decision or resolution were adopted at a session of the Constitutional Court, and by the chairman of the Panel if the decision or resolution on the constitutional complaint were adopted at a Panel session.

#### **Article 51**

Decisions of the Constitutional Court, except for decisions on constitutional complaints and complaints, shall be published in the Official Gazette of Montenegro, as well as in the same way in which the act whose constitutionality and legality was decided upon by the Constitutional Court was published.

Decisions on constitutional complaints and complaints, as well as the resolutions of importance for protecting the constitutionality and legality may be published in the Official Gazette of Montenegro. Publication of these decisions or resolutions shall be decided upon by the Panel or the Constitutional Court, upon the proposal of the judge rapporteur.

Decisions and resolutions of the Constitutional Court shall be published on the website of the Constitutional Court, in line with the Rules of Procedure.

#### **Article 52**

State authorities, public administration bodies, local self-government and local government bodies, legal persons and other entities exercising public powers shall, within their jurisdiction, enforce the decisions of the Constitutional Court, and their enforcement shall, where necessary, be provided by the Government of Montenegro.

In a decision, the Constitutional Court may determine the deadline and manner of enforcement of the decision, as well as the authority that is required to enforce it.

Following the expiry of the deadline referred to in paragraph 2 of this Article, the authority that is required to enforce a decision of the Constitutional Court shall submit a report on enforcement of the decision of the Constitutional Court to the Constitutional Court.

#### **Article 53**

No fees shall be paid in the proceedings before the Constitutional Court.

Participants in the proceedings before the Constitutional Court shall bear their own costs.

Notwithstanding paragraph 2 of this Article, the Constitutional Court may reimburse the costs to other summoned persons and determine compensation for their participation in the proceedings, and in the case of a constitutional complaint, it may order that they are

reimbursed the costs of proceedings before the Constitutional Court by the applicant who filed the constitutional complaint for whose petition the Constitutional Court determines that it presents an abuse of the right to file a constitutional complaint.

## **2. Proceedings for the assessment of conformity of laws with the Constitution and ratified and published international agreements and the proceedings for the assessment of conformity of other regulations and general acts with the Constitution and the law**

### **Article 54**

Motion for the assessment of conformity of laws with the Constitution and ratified and published international agreements or conformity of other regulations and general acts with the Constitution and the law may be filed by:

- 1) the court if in the proceedings it conducts the issue is raised of conformity of laws or other regulations or general acts, which should be applied in the proceedings before the court, with the Constitution and ratified and published international agreements, or the Constitution and the law;
- 2) another state authority if the case is about a law or other regulation or general act which that authority applies in its work;
- 3) local self-government body if the case is about a law or other regulation or general act which governs the issues relating to local self-government;
- 4) five Members of the Parliament.

In the case referred to in paragraph 1 item 1 of this Article, the judge or the chairman of the Panel shall stay the proceedings and initiate the proceedings for assessment of constitutionality or legality and constitutionality of this regulation before the Constitutional Court and shall previously notify the President of the Court thereon, who is obliged to inform the President of the Supreme Court of Montenegro.

In the proceedings before the Constitutional Court, which was initiated in accordance with paragraph 1 item 1 of this Article, the Constitutional Court shall decide no later than 45 days from the date of submission of the motion.

### **Article 55**

The Constitutional Court may initiate the proceedings for the assessment of conformity of laws with the Constitution and ratified and published international agreements or conformity of other regulations and general acts with the Constitution and the law itself, particularly when:

- during the proceedings under a constitutional complaint, the issue is raised of conformity of laws with the Constitution and ratified and published international agreements or conformity of other regulations and general acts with the Constitution and the law, based on which an individual act that is the subject of the constitutional complaint was adopted;
- during the proceedings for the assessment of conformity of laws with the Constitution and ratified and published international agreements or conformity of other regulations and general acts with the Constitution and the law the issue is raised of constitutionality or legality of other provisions and regulations related to the provisions that are the subject of assessment.

### **Article 56**

Initiative for instituting the proceedings for the assessment of conformity of laws with the Constitution and ratified and published international agreements or conformity

of other regulations and general acts with the Constitution and the law may be filed by a natural or legal person, as well as by an organization, settlement, group of persons and other organizational forms that do not have the form of a legal person, which do not have to possess a direct legal interest in the submission of the initiative.

#### **Article 57**

Participants in the proceedings for the assessment of conformity of laws with the Constitution and ratified and published international agreements or conformity of other regulations and general acts with the Constitution and the law shall be the bodies and MPs referred to in Article 54 of the present Law, everyone under whose initiative the proceedings are conducted and the entity that enacted the law or other regulation or general act that is the subject of assessment.

#### **Article 58**

Motion for the assessment of conformity of laws with the Constitution and ratified and published international agreements or conformity of other regulations and general acts with the Constitution and the law may be filed by: the title of the law or other regulation or general act, designation of the provision that is being disputed, the title and the number of the Official Gazette of Montenegro in which it was published, the reasons on which the motion or the initiative is based, as well as other data of importance for the assessment of constitutionality and legality.

Should the regulation whose constitutionality or legality is being disputed was not published in the Official Gazette of Montenegro, along with the motion or the initiative, copy of the regulation shall be submitted as a rule.

The motion or the initiative referred to in paragraph 1 of this Article may be filed for as long as the law or other regulation or general act is in force.

#### **Article 59**

In the proceedings for the assessment of conformity of laws with the Constitution and ratified and published international agreements or conformity of other regulations and general acts with the Constitution and the law, The Constitutional Court shall not be limited by the motion or initiative.

#### **Article 60**

The Constitutional Court shall not accept an initiative for instituting the proceedings for the assessment of conformity of laws with the Constitution and ratified and published international agreements or conformity of other regulations and general acts with the Constitution and the law when it assesses that there are no grounds for initiating the proceedings.

#### **Article 61**

In the case of an initiative referred to in Article 30 paragraph 2 item 1 of the present Law, the Constitutional Court may immediately adopt a resolution on the institution of proceedings without conducting the proceedings referred to in Article 33 of the present Law.

#### **Article 62**

At a request of the entity that enacted the disputed regulation, the Constitutional Court may, before taking a decision on the constitutionality and legality, stay the proceedings and give the entity that enacted the regulation a possibility to eliminate the observed

unconstitutionality and illegality within a certain time period set by the Constitutional Court.

If the unconstitutionality and illegality is not eliminated within the time period referred to in paragraph 1 of this Article, the Constitutional Court shall continue the proceedings.

### **Article 63**

During the proceedings, the Constitutional Court may order the suspension of the enforcement of an individual act or action until the final decision, at a request of the applicant that submitted the motion or initiative referred to in Article 54 and Article 56 of the present Law, if the applicant that submitted the motion or initiative makes it certain that there would be irreparable adverse effects.

### **Article 64**

In addition to the reasons referred to in Article 38 of the present Law, the Constitutional Court shall suspend the proceedings:

- 1) if, during the proceedings, the law was brought into conformity with the Constitution and ratified and published international agreements or if other regulations or general acts were brought into conformity with the Constitution and the law, and the Constitutional Court decides that the proceedings should not continue for the reason that the effects of unconstitutionality or illegality have not been removed;
- 2) if a law, other regulation or general act ceases to apply, and the Constitutional Court had so far brought no resolutions on instituting the proceedings under an initiative, or did not initiate the proceedings itself by means of a resolution;
- 3) if it, by means of a resolution, instituted the proceedings under an initiative of the applicant, or if it initiated the proceedings itself, but determined in that proceedings that there are no reasons of unconstitutionality or unconstitutionality and illegality;
- 4) in the case referred to in Article 65 paragraph 3 of the present Law.

### **Article 65**

If, due to the termination of validity of the law for which the Constitutional Court found that it was not in conformity with the Constitution and ratified and published international agreements, or if due to the termination of validity of other regulations and general acts for which the Constitutional Court found that they were not in conformity with the Constitution and the law, a legal gap would be created on the day of publication of the decision of the Constitutional Court, the Constitutional Court shall set forth the date of publication of the decision in the Official Gazette of Montenegro in its decision, which may not be longer than three months of the day of adoption of the decisions, and shall inform the relevant state authorities and the public thereof through its website, delivering the decision to participants in the proceedings.

If by the date specified in the decision referred to in paragraph 1 of this Article, the law is brought into conformity with the Constitution and ratified and published international agreements, or if other regulation or general act is brought into conformity with the Constitution and the law, the Constitutional Court shall verify whether the effects of the implementation of that law or other regulation or general act have been eliminated.

If, in the case referred to in paragraph 2 of this Article, the Constitutional Court determines that the effects of the implementation of the law or other regulation or general act have been eliminated, it shall not publish the decision, and the proceedings shall be suspended.

If, in the case referred to in paragraph 2 of this Article, the Constitutional Court determines that the effects of the implementation of the law or other regulation or general act have not been eliminated, it shall publish the decision in the Official Gazette of Montenegro.

#### **Article 66**

Enforcement of final individual acts adopted on the basis of laws or other regulations and general acts or some of their provisions, for which the decision of the Constitutional Court found that they were not in conformity with the Constitution and ratified and published international agreements, or with the Constitution and the law, may not be allowed or implemented, and if the enforcement has begun, it shall be suspended.

#### **Article 67**

Anyone whose rights have been violated by a final individual act adopted on the basis of a law or other regulation or general act which the Constitutional Court decision found not to have been or not to be in conformity with the Constitution, ratified and published international agreements or the law, shall be entitled to require the competent authority to amend the individual act, if this amendment does not affect the rights of third conscientious persons.

The motion for amendment of the final individual act referred to in paragraph 1 of this Article may be filed within six months of the day of publication of the decision in the Official Gazette of Montenegro.

By a decision through which it determines that the law or other regulation or general act is not in conformity with the Constitution, ratified and published international agreements or the law, the Constitutional Court may determine the manner of compensation of damages to all persons whose rights were violated by a final individual act adopted on the basis of that law or other regulation, regardless of whether they have filed an initiative for assessment of conformity of laws and other regulations and general acts with the Constitution, ratified and published international agreements or the law.

### **3. Proceedings under a Constitutional Complaint**

#### **Article 68**

A constitutional complaint may be filed by any natural and legal person, organization, settlement, group of persons and other organizational forms that do not have the status of a legal person, if they believe that an individual act, action or inaction of a state authority, public administration body, local self-government or local government body, legal person or other entity that exercises public powers violated their human rights or freedoms guaranteed by the Constitution.

A constitutional complaint may be filed after the exhaustion of all effective legal remedies, which implies that the applicant submitting the constitutional complaint has exhausted all legal remedies to which he / she was entitled under the law in proceedings, including the effective and extraordinary legal remedies and other special legal remedies that may lead to an amendment of an individual act to the benefit of the applicant submitting the constitutional complaint, or to the termination and rectification of an action, or the termination of inaction by a state authority, public administration body, local self-government or local government body, legal person or other entity that exercises public powers.

A constitutional complaint may also be filed before the exhaustion of all effective legal remedies referred to in paragraph 2 of this Article, if the applicant submitting the

constitutional complaint proves that the legal remedy to which he is entitled in the specific case was not or would not be effective.

#### **Article 69**

A constitutional complaint shall be filed within 60 days:

- from the date of submission of the individual act against which a constitutional complaint may be filed in accordance with the present law;
- from the date of termination of the current action which violated human rights or freedoms guaranteed by the Constitution, if there is no effective legal remedy against that action;
- the last day on which the inaction that violated human rights or freedoms guaranteed by the Constitution could have been avoided, if there is no effective legal remedy against such inaction.

In the case of an action or inaction which is continuous for a longer period of time, the constitutional complaint may also be filed during the action or inaction, provided that the applicant provides arguments in the constitutional complaint to explain why the action or inaction results in permanent violation of one of his human rights or freedoms guaranteed by the Constitution, what the permanent violation of the right or freedom consisted of, and that he proves that there is no effective legal remedy against that action or inaction.

If, in the case referred to in paragraph 2 of this Article, the case is about an inaction of the court within a reasonable time, the constitutional complaint may be filed only if the legal remedies for the protection of the right to trial within a reasonable time have previously been exhausted, in accordance with the law governing the protection of the right to trial within a reasonable time or if the applicant submitting the constitutional complaint proves that these remedies were not or would not be effective.

#### **Article 70**

Participants in the proceedings under a constitutional complaint shall be the applicant submitting the constitutional complaint referred to in Article 68, paragraph 1 of the present Law and the state authority, public administration body, local self-government or local government body, legal person or other entity that exercises public powers, against whose act or action or inaction the constitutional complaint was filed.

#### **Article 71**

The Constitutional Court shall allow restoration to previous condition to a person who, due to justified reasons, misses the deadline for the submission of a constitutional complaint, provided that he submits a request for restoration to previous condition and a constitutional complaint within 15 days from the day of expiry of the reason that has caused the deadline to be missed.

Following the expiration of the deadline of three months from the day of missing of the deadline referred to in paragraph 1 of this Article, the restoration to previous condition may not be requested.

#### **Article 72**

The constitutional complaint shall contain: name, permanent or temporary residence and address, or the name and seat of the applicant submitting the constitutional complaint, the reasons for the constitutional complaint with reasoned allegations of violation of human rights or freedoms guaranteed by the Constitution, the application on which the Constitutional Court should decide, and the signature of the applicant

submitting the constitutional complaint, or a person who has been issued a special power of attorney to file a constitutional complaint.

In addition to the information referred to in paragraph 1 of this Article, the constitutional complaint that is filed against an individual act shall also contain the number and the date of the individual act against which the complaint is filed, as well as the name of the enacting authority, and if it is filed for inaction or action, the complaint shall also contain the name of the authority that did not act or took an action that is the subject of the constitutional complaint.

Along with the constitutional complaint, a certified copy of the challenged individual act shall be filed, as well as evidence that effective legal remedies have been exhausted, the facts on which the claim of the violation of rights and freedoms is based, and other evidence relevant to decision making.

### **Article 73**

The constitutional complaint shall not stay the enforcement of an individual act against which it is filed.

Notwithstanding the above, on the request of the applicant submitting the complaint, during the proceedings, the Constitutional Court may order the suspension of the enforcement of an individual act until a final decision is made, if the applicant submitting the complaint makes it certain that there would be irreparable adverse effects.

### **Article 74**

The constitutional complaint shall also be submitted to other persons whose rights or obligations would be directly affected by a decision of the Constitutional Court upholding a constitutional complaint and these persons shall have the right to provide a statement regarding the constitutional complaint within the period of time determined by the Constitutional Court.

### **Article 75**

The Constitutional Court shall decide on the violation of human rights or freedoms guaranteed by the Constitution the allegations in the constitutional complaint refer to.

### **Article 76**

Should it determine that a human right or freedom guaranteed by the Constitution has been violated by the challenged individual act, the Constitutional Court shall uphold the constitutional complaint and repeal that act, in whole or partially, remanding the case for retrial to the body that has adopted the repealed act.

Should, during the procedure of decision-making on the constitutional complaint the legal effect of the individual act that is the subject of the constitutional complaint cease and the Constitutional Court determine that this act violated a human right of freedom guaranteed by the Constitution, it shall pass a decision upholding the constitutional complaint and determine the manner of just satisfaction of the applicant submitting the constitutional complaint on the grounds of suffered violation of a human right or freedom guaranteed by the Constitution.

Provided that the violation was committed by an action or inaction of a state authority, public administration body, local self-government or local government body, legal person or other entity exercising public powers, the Constitutional Court shall, through the decision upholding the constitutional complaint, prohibit the further commission of the action, i.e. it shall order the adoption of an act or taking other appropriate measure or

action removing the already incurred or eliminate future adverse effects of the determined violation of human rights or freedoms guaranteed by the Constitution.

#### **Article 77**

Where the Constitutional Court repealed an individual act and remanded the case back for a repeated procedure, the competent authority shall immediately, but no later than 30 days following the receipt of the decision of the Constitutional Court, process the case.

In the repeated procedure, the competent authority referred to in paragraph 1 of this Article shall respect the legal reasoning of the Constitutional Court stated in the decision and shall decide in the repeated proceedings within a reasonable time.

#### **Article 78**

Decision of the Constitutional Court upholding a constitutional complaint shall have legal effect from the date of delivery to the participants in the proceedings, in accordance with the Rules of Procedure.

### **4. Proceedings of Determining whether the President of Montenegro Violated the Constitution**

#### **Article 79**

Motion of the Parliament for determining whether the President of Montenegro violated the Constitution shall be reasoned and shall contain allegations based on which it is considered that the President of Montenegro has violated the Constitution.

Along with the motion referred to in paragraph 1 of this Article, the Parliament shall submit documents based on which it determined the motion as well as the written statement of the President of Montenegro, requested from him by the Parliament in accordance with Article 98 paragraph 4 of the Constitution.

#### **Article 80**

Participants in the proceedings of determining whether the President of Montenegro has violated the Constitution shall be the Parliament and the President of Montenegro.

#### **Article 81**

The Constitutional Court shall notify the President of Montenegro of receiving the motion of the Parliament referred to in Article 79 of the present Law and shall submit a copy of the motion to him / her, within three days of its receipt.

The President of Montenegro may submit the Constitutional Court with documents, data and information of relevance to the conduct of proceedings and decision-making within 15 days of receipt of the notice and a copy of the motion of the Parliament.

In the case that the President of Montenegro does not provide a statement on the motion of the Parliament, within the meaning of Article 98 paragraph 4 of the Constitution, he may provide it in writing to the Constitutional Court, within the time period referred to in paragraph 2 of this Article.

#### **Article 82**

In the proceedings of determining whether the President of Montenegro has violated the Constitution, the Constitutional Court shall be limited to the reasons from the motion.

#### **Article 83**

In addition to the reasons referred to in Article 38 of the present Law, the Constitutional Court shall suspend the proceedings of determining whether the President of Montenegro

has violated the Constitution in the case that the office of the President of Montenegro expires during the proceedings.

Notwithstanding paragraph 1 of this Article, the Constitutional Court shall continue the proceedings after the expiration of the office of the President of Montenegro in the case that he requires so.

#### **Article 84**

The Constitutional Court shall adopt the decision determining whether the President of Montenegro has violated the Constitution at the latest within 45 days of receipt of the motion.

### **5. Proceedings of Determining on the Conflict of Jurisdiction**

#### **Article 85**

The motion for determining on the conflict of jurisdiction may be submitted by one or more bodies that are in conflict, as well as by a person who cannot exercise his rights because of the acceptance or refusal of jurisdiction.

The motion referred to in paragraph 1 of this Article shall be submitted to the Constitutional Court within 15 days of adoption of the decision through which the body declined jurisdiction, provided that the other authority already declined its jurisdiction in the same case before that, i.e. from the date of expiry of the deadline in which the body had to act upon the party's request in accordance with the law but failed to do so, where the other body had already declined its jurisdiction in the same case or had not acted in the prescribed period of time, making it clear that it does not deem itself competent for that case (negative conflict of jurisdiction).

The motion referred to in paragraph 1 of this Article shall be submitted to the Constitutional Court within 15 days of action-taking by the body under a party's request in accordance with the law, provided that the other authority has already acted in the same case or has taken actions which undoubtedly show that it finds itself competent for the case (positive conflict of jurisdiction).

#### **Article 86**

Participants in the proceedings of determining on the conflict of jurisdiction shall be the court and the other state authority, local self-government unit authority that accepts or declines jurisdiction, as well as the person who was not able to exercise his rights due to the acceptance or refusal of jurisdiction.

#### **Article 87**

The motion for determining on the conflict of jurisdiction shall contain data on the applicant who submitted the motion, name of authorities between which there is a conflict of jurisdiction, subject of proceedings, a detailed explanation of the facts and circumstances of the case for which the conflict of jurisdiction occurred and the reasons for which the authority considers itself incompetent or competent for decision-making in the case.

Along with the motion referred to in paragraph 1 of this Article, documents of importance for decision-making shall be submitted.

#### **Article 88**

The Constitutional Court may order that, pending a decision on the resolution of the conflict of jurisdiction, proceedings before the authorities between which there is a positive conflict of jurisdiction are stayed.

### **Article 89**

When the Constitutional Court determines that there is no conflict of jurisdiction, it shall reject the motion for resolving the conflict of jurisdiction.

When it determines that there is a conflict of jurisdiction, the Constitutional Court shall decide which authority is competent to decide.

### **Article 90**

The decision of the Constitutional Court that resolved the conflict of jurisdiction shall have legal effect from the date of delivery to the participants in the proceedings.

## **6. Proceedings of Determining on the Ban of Work of a Political Party or Non-Governmental Organization**

### **Article 91**

Proceedings of determining on the ban of work of a political party or non-governmental organization shall be initiated by a motion that may be submitted by:

- 1) public prosecution office;
- 2) Protector of Human Rights and Freedoms of Montenegro;
- 3) Defence and Security Council;
- 4) public administration body responsible for keeping the register of political parties and non-governmental organizations;
- 5) other competent body, in accordance with the law.

### **Article 92**

The motion for ban of work of a political party or non-governmental organization shall state the forbidden activity, i.e. the facts and circumstances of unconstitutional activity, which may be the reason for a ban of work of a political party or non-governmental organization.

### **Article 93**

The participants in the proceedings of decision-making on the ban of work of a political party or non-governmental organization shall be the applicant submitting the motion referred to in Article 91 of the present Law and a political party or a non-governmental organization whose work is being decided upon.

### **Article 94**

The Constitutional Court shall submit the motion referred to in Article 91 of the present Law to the political party or non-governmental organization whose work is proposed to be banned, within 15 days of the day of receipt.

The political party or non-governmental organization referred to in paragraph 1 of this Article shall be entitled to declare in writing on the reasons contained in the motion, as well as to submit the documents, data and information of importance to the conduct of the proceedings and decision-making within 15 days of the day of submission of the motion.

### **Article 95**

The Constitutional Court may ban the work of a political party or non-governmental organization in the cases referred to in Article 55, paragraph 1 of the Constitution if their activity is directed at violent overthrowing of the constitutional order, violation of territorial

integrity of Montenegro, violation of guaranteed human rights and freedoms or inciting ethnic, racial, religious and other hatred and intolerance.

#### **Article 96**

When the Constitutional Court bans the work of a political party or non-governmental organization, the particular political party or non-governmental organization shall be deleted from the register in which it was registered.

The decision on ban of work of a political party or non-governmental organization shall be submitted to the particular political party or non-governmental organization and shall have legal effect from the day of submission of the decision of the Constitutional Court to the public administration body in charge of registration into the register of political parties or non-governmental organizations.

The decision referred to in paragraph 2 of this Article shall be published in the Official Gazette of Montenegro.

### **7. Proceedings of Determining on Electoral Disputes and Disputes Related to a Referendum**

#### **Article 97**

The proceedings of deciding upon a violation of law during the election of MPs and councillors shall be initiated by filing a complaint against the decision of the competent electoral commission, which dismissed or denied the objection against a decision, action or inaction of the electoral committee or the municipal electoral commission.

The complaint referred to in paragraph 1 of this Article shall be filed within 48 hours of submission of the resolution.

The complaint referred to in paragraph 1 of this Article shall, as a rule, be filed directly to the Constitutional Court.

Notwithstanding paragraph 3 of this Article, the complaint may be filed via fax, in line with the Rules of Procedure.

#### **Article 98**

A complaint may be filed by a voter who believes his voting right was violated, a candidate for MPs and councillors and the person submitting the electoral list.

A complaint shall contain the reasons and evidence of a violation of electoral rights during the elections.

#### **Article 99**

Participants in the proceedings on electoral disputes shall be the applicant submitting the complaint referred to in Article 98 paragraph 1 of the present Law, the competent electoral commission and the body for implementation of elections whose electoral activity is the reason for initiating the proceedings.

#### **Article 100**

The Constitutional Court shall submit a copy of the complaint to the competent electoral commission with a request to provide, within a designated time period, which may not be longer than 24 hours of receipt of the request, the response and the necessary electoral acts or documents.

#### **Article 101**

The Constitutional Court shall decide on the complaint referred to in Article 97 of the present Law within 48 hours from receipt of the response referred to in Article 100 of the present Law.

#### **Article 102**

If the irregularity established in the electoral process had a significant impact on the election result, the Constitutional Court shall adopt a decision annulling the entire electoral process or parts of this process, which must be precisely specified, or certain actions in the process, which must be precisely specified.

#### **Article 103**

The decision of the Constitutional Court annulling the entire electoral process or parts of the process shall have legal effect from the date of service of the decision of the Constitutional Court to the competent electoral commission or the competent authority.

#### **Article 104**

The proceedings of determining on the violation of rights during the elections for the President of Montenegro shall be initiated by a complaint that may be filed by a candidate, the proposer of a candidate and a voter who believes that his voting rights were violated.

The complaint referred to in paragraph 1 of this Article shall contain the reasons and evidence of a violation of the voting rights during the elections.

The proceedings referred to in paragraph 1 of this Article shall be governed by the provisions of the present Law relating to the procedure of determining on a violation of rights during the election of MPs and councillors.

The provisions of paragraphs 1, 2 and 3 of this Article shall also apply to the proceedings of determining a violation of rights during the election of the Mayor of the Capital City and the Mayor of the Old Royal Capital and the Presidents of Municipalities, if they are elected in direct elections.

#### **Article 105**

The complaint initiating the proceedings of determining on a violation of rights in the course of a referendum may be submitted by a voter.

The complaint shall be reasoned and contain the reasons and evidence of a violation of rights during the referendum.

#### **Article 106**

Participants in the proceedings on disputes related to a referendum shall be the applicant submitting the complaint referred to in Article 105 paragraph 1 of the present Law and the body for implementation of the referendum, whose electoral activity triggered the dispute.

#### **Article 107**

The procedure of determining on the violation of rights during a referendum shall be governed by the provisions of the present Law related to the procedure of determining on the violation of rights during the election of MPs and councillors.

### **8. Proceedings of Determining on Conformity with the Constitution of the Measures and Actions of State Authorities Taken during the State of War and the State of Emergency**

#### **Article 108**

Proceedings of determining on conformity with the Constitution of the measures and actions of state authorities taken during the state of war and the state of emergency shall be initiated by a complaint.

The measures referred to in paragraph 1 of this Article shall mean the laws, other regulations and general acts adopted during the state of war or the state of emergency.

The complaint referred to in paragraph 1 of this Article may be submitted by a person who considers that these measures and actions limit the exercise of individual freedoms and rights beyond the extent necessary to achieve the purpose for which this limitation has been introduced or that they limit the rights that cannot be limited or based on the grounds that cannot be used for limitations according to the Constitution.

The complaint referred to in paragraph 1 of this Article may be filed for as long as the measure is in force, i.e. for as long as the action is lasting.

The complaint referred to in paragraph 1 of this Article shall be reasoned and contain the reasons and evidence on the unconstitutional limitation of the exercise of individual human rights and freedoms within the meaning of paragraph 3 of this Article.

#### **Article 109**

Participants in the proceedings of determining on conformity with the Constitution of measures and actions of state authorities taken during the state of war and the state of emergency shall be the applicant submitting the complaint referred to in Article 108 of the present Law and the authority which has taken measures and actions in time of war or emergency.

#### **Article 110**

The Constitutional Court shall decide on the complaint referred to in Article 108 paragraph 1 of the present Law within 30 days of receipt of the complaint.

When the Constitutional Court finds inconsistency of measures and actions with the Constitution it shall abolish the measure, in whole or in part, or prohibit the action.

#### **Article 111**

The decision of the Constitutional Court to abolish a measure or prohibit an action, prescribed or taken in the state of war and state of emergency, shall have legal effect from the date of publication in the Official Gazette of Montenegro.

### **9. Proceedings of Monitoring the Implementation of Constitutionality and Legality**

#### **Article 112**

The Constitutional Court shall notify the Parliament of the observed phenomena of unconstitutionality and illegality in accordance with Article 149 paragraph 3 of the Constitution through the submission of a report once a year.

Reports referred to in paragraph 1 of this Article shall be published in the Official Gazette of Montenegro.

## **IV. FUNDS**

#### **Article 113**

Funds for the work of the Constitutional Court shall be provided in a separate section of the Budget of Montenegro, at the proposal of the Constitutional Court (hereinafter referred to as the budget of the Constitutional Court).

The President of the Constitutional Court shall have the right to participate in the session of the Parliament in which the proposal for the budget of the Constitutional Court is discussed.

The procedure for determining the proposal for the budget of the Constitutional Court shall be governed by the Rules of Procedure.

#### **Article 114**

The President of the Constitutional Court shall be the principal for the use of funds from the budget of the Constitutional Court and may determine another authorized officer of the Constitutional Court to be the principal as well.

### **V. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 115**

Proceedings initiated before the Constitutional Court before the entry into force of the present Law shall continue under the present Law.

#### **Article 116**

Rules of Procedure of the Constitutional Court shall be harmonized with the present Law within 30 days of the entry into force of the present Law.

#### **Article 116a**

***(Law on Amendments to the Law on the Constitutional Court, Official Gazette of Montenegro 092/25 as of 7 August 2025, Article 2)***

Provisions of Article 5a of this Law shall apply until 1 January 2026.

#### **Article 116b**

***(Law on Amendments to the Law on the Constitutional Court, Official Gazette of Montenegro 031/26 as of 6 June 2026, Article 2)***

Provisions of Article 5b of this Law shall apply from 1 January until 31 December 2026.

#### **Article 117**

On the day of entry into force of the present Law, the Law on the Constitutional Court of Montenegro (Official Gazette of Montenegro 64/08, 46/13 and 51/13) shall be repealed.

#### **Article 118**

This Law shall enter into force on the day of its publishing in the Official Gazette of Montenegro.