

LAW ON THE CONSTITUTIONAL COURT OF MONTENEGRO

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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 OF MONTENEGRO¹

I. GENERAL PROVISIONS

Article 1

This Law shall regulate the procedure for considering proposals for the election of judges of the Constitutional Court of Montenegro (hereinafter referred to as the Constitutional Court), dismissal and termination of their office, organisation 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 deciding on matters within the scope of its competence.

Article 3

Everyone shall respect the decisions of the Constitutional Court.

¹ 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, 071/26 as of 26 May 2026

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.

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 morals 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 authorised 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, allowances and other income related to the performance of duties in line with the law governing the salaries of holders of those offices.

Judges of the Constitutional Court and the President of the Constitutional Court shall be entitled to an additional allowance 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, allowances and other income related to the performance of duties in line with the law governing the salaries of holders of those offices.

Judges of the Constitutional Court and the President of the Constitutional Court shall be entitled to an additional allowance 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. ORGANISATION OF THE CONSTITUTIONAL COURT

1. President and Judges of the Constitutional Court

Article 7

(Law on Amendments to the Law on the Constitutional Court, Official Gazette of Montenegro 071/26 as of 26 May 2026, Article 1)

President of Montenegro and the 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 emergence of reasons for the termination of office of a judge or the President of the Constitutional Court due to meeting the eligibility requirements for an old-age pension or the expiry of the term for which he was elected shall be determined by the Constitutional Court at its session and the competent proposer shall be notified thereof one year prior to the date when the eligibility requirements for an old-age pension are met or prior to the expiry of the term for which he was elected.

Judge or the President of the Constitutional Court shall meet the eligibility requirements for an old-age pension upon reaching 66 years of age and completing at least 15 years of contributing to insurance.

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 7a

(Law on Amendments to the Law on the Constitutional Court, Official Gazette of Montenegro 071/26 as of 26 May 2026, Article 2)

Judge or the President of the Constitutional Court may not participate in the session at which the emergence of reasons for the termination of his office is determined.

Provisions of this Law governing exemption shall apply mutatis mutandis to the procedure for the exemption of a judge or the President of the Constitutional Court referred to in paragraph 1 of this Article.

Article 7b

(Law on Amendments to the Law on the Constitutional Court, Official Gazette of Montenegro 071/26 as of 26 May 2026, Article 2)

If, due to the existence of grounds for exemption referred to in Article 7a of this Law or other justified reasons, there is not a sufficient number of judges to hold a session of all judges of the Constitutional Court at which the grounds for termination of office are to be determined, the President of the Constitutional Court shall notify the proposers of the grounds for termination of office of a Constitutional Court judge; in the case of the President of the Constitutional Court, the proposers shall be notified by his deputy or, if there is no Deputy President of the Constitutional Court, by the judge with the longest judicial experience in the Constitutional Court.

Article 8

The proposer shall announce a public call for the election of a judge 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 this Law and in at least one of the print media based in Montenegro.

The proposer shall publish the public call for the election of a judge 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, state 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 proposer shall publish the list of applicants on its website, making it available to the public for at least ten days from the date of publication.

The proposer shall interview all candidates who have applied to its public call and meet the requirements for election as a Constitutional Court judge and shall, based on the evidence on meeting the requirements and the results of interviews with candidates, prepare a proposal for the election of a Constitutional Court judge, which must be reasoned.

A proposal for the election of judges shall contain the same number of candidates as the number of Constitutional Court judges elected upon the proposal of that proposer.

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

The proposer shall submit the proposal for the election of a Constitutional Court judge to the Parliament.

In nominating candidates, the proposer shall take into account the proportionate representation of members of minorities and other minority ethnic communities, as well as 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 election 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

The session of the Constitutional Court at which the President of the Constitutional Court is elected 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.

The decision on the election 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, organisations 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 this Law, the Rules of Procedure and other acts of the Constitutional Court.

Article 15

(Law on Amendments to the Law on the Constitutional Court, Official Gazette of Montenegro 071/26 as of 26 May 2026, Article 3)

Should the office of a Constitutional Court judge terminate due to meeting the eligibility requirements for an old-age pension or due to the expiry of his term of office and the proposer fails to propose or the Parliament fails to elect a Constitutional Court judge to the vacant position, as a result of which the Constitutional Court has fewer than four judges, the judge whose office has terminated may, with his consent, continue to exercise the office of a Constitutional Court judge until a new judge is elected.

Should the office of two or more Constitutional Court judges terminate simultaneously in the case referred to in paragraph 1 of this Article, those judges may, with their consent, continue to exercise the office of a Constitutional Court judge until new judges are elected, so that the Constitutional Court has at least four judges.

Article 16

A Constitutional Court judge shall submit a request for termination of office prior to the expiry of the time period for which he was elected 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 has been sentenced to an unconditional term of imprisonment shall terminate on the date on which the judgement becomes final, of which the competent court shall notify the Parliament and the Constitutional 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 becomes permanently incapable of 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

The office of the President of the Constitutional Court shall terminate if his office as a Constitutional Court judge terminates prior to the expiry of the time period for which he was elected.

Article 21

The President of the Constitutional Court shall submit to the Constitutional Court a request for termination of the office of the President prior to the expiry of the time period for which he was elected.

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 elect the Deputy President at the proposal of the President of the Constitutional Court.

The Deputy President of the Constitutional Court shall be elected for a term of three years.

In the event of expiry of office of the President of the Constitutional Court, until the election 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 elected by the Constitutional Court, on the basis of a public announcement, for a period of five years and may be re-elected.

A person who meets the general requirements for employment in state authorities, has completed a faculty of law – level VII1 of education qualifications, has ten years of work experience in legal affairs and meets other special requirements in accordance with the Act on the Organisation of the Constitutional Court may be elected Secretary-General.

The Secretary-General shall be responsible for the preparation and organisation 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 this Law and the Rules of Procedure.

Article 26

The procedure for a public announcement, aptitude testing, evaluation and disciplinary liability of the Secretary-General shall be governed, as appropriate, by the provisions of the law governing the rights and obligations of civil servants and state employees that apply to high managerial staff.

Article 27

The Secretary-General shall have a deputy.

The election procedure, duration of the term of office, evaluation and disciplinary liability of the Deputy Secretary-General shall be governed, as appropriate, by the provisions of this 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 organisation, activities and manner of work of the Service shall be regulated by the Act on organisation 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.

A person who has completed a faculty of law – level VII1 of education qualifications, has seven years of work experience in legal affairs and meets other special requirements in accordance with the Act on the Organisation of the Constitutional Court may be a Constitutional Court adviser.

Classification of tasks of Constitutional Court advisers into salary grades shall be done by the Act on organisation 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 instituting proceedings before the Constitutional Court shall be:

- 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 deciding on a conflict of jurisdiction;
- 5) motion for the prohibition of activities of a political party or a non-governmental organisation;
- 6) complaint in electoral disputes and disputes related to a referendum.

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

- 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 instituting proceedings before the Constitutional Court shall be submitted by post, directly to the Constitutional Court or by electronic means, unless otherwise provided by this Law.

A petition seeking the institution of proceedings or instituting proceedings before the Constitutional Court shall be deemed filed on the day on which it is submitted to the Constitutional Court.

Should a petition seeking the institution of proceedings or instituting 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; should it be sent by ordinary mail, the date of receipt of the consignment shall be deemed the date of submission of the petition to the Constitutional Court.

Should a petition seeking the institution of proceedings or instituting proceedings before the Constitutional Court be sent by electronic means, it shall be deemed to have been received on the date and at the 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 this Law, unless this Law provides otherwise.

Article 32

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

Should a petition seeking the institution of proceedings or instituting proceedings before the Constitutional Court be unintelligible or incomplete, or contain deficiencies preventing action upon it, the petitioner shall be requested to rectify those deficiencies within the specified time period, 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 another petition instituting proceedings where:

- 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) the petitioner fails to rectify, within the time period specified, deficiencies preventing action upon the petition;
- 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, which shall 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 collegia 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 why he fully or partially agrees with the decision taken but considers that additional reasons should have been

stated in the decision, or the reasons why he fully or partially disagrees with 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, together with the decision to which it relates.

A judge who has singled out his opinion shall have the right to request that his opinion be published in the Official Gazette of Montenegro, together with the decision to which it relates.

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

A 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, the legal representative or authorised representative of a participant in the proceedings is his blood relative in the direct line to any degree or in the collateral line up to the third degree, or his spouse, common-law partner or relative by marriage up to the second degree, regardless of whether the marriage has terminated;
- 3) he participated in deciding upon the case in court or administrative proceedings.

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 this 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.

The President or a 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 greater detail 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: an introduction, a pronouncement, i.e. an 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) uphold 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 organisation;
- 7) adopt a complaint for violation of rights during elections or during a referendum;
- 8) repeal measures and prohibit 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 the prohibition of activities of a political party or non-governmental organisation;
- 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 this Law;

- 4) suspend the proceedings in the cases determined by this 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 was adopted at a session of the Constitutional Court, and by the chairman of the Panel if the decision or resolution on the constitutional complaint was 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) a court, where the question arises in proceedings before it as to whether a law, other regulation or general act to be applied in those proceedings is in conformity with the Constitution and ratified and published international agreements or with 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 presiding judge of the judicial 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 itself initiate 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, 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 organisation, settlement, group of persons and other organisational forms that do not have the status 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 this Law, everyone on 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

A motion or initiative 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 contain: 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 not have been published in the Official Gazette of Montenegro, a copy of that regulation shall, as a rule, be submitted along with the motion or initiative.

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 this Law, the Constitutional Court may immediately adopt a resolution on the institution of proceedings without conducting the proceedings referred to in Article 33 of this Law.

Article 62

At the 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 the request of the

applicant that submitted the motion or initiative referred to in Article 54 and Article 56 of this 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 this 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 this 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 specify in its decision the date on which that decision is to be published in the Official Gazette of Montenegro, which may not be later than three months from the date of adoption of the decision, 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 or legally binding 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 authorised or enforced, and if 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, organisation, settlement, group of persons and other organisational 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 was entitled under the law in the proceedings, including effective extraordinary legal remedies and other special legal remedies that may result in an individual act being amended for the benefit of the applicant submitting the constitutional complaint, or in the termination or rectification of an action, or the termination of a failure to act by a state authority, public administration body, local self-government or local government body, legal person or other entity exercising 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 service of the individual act against which a constitutional complaint may be filed in accordance with this 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;
- from 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 this 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 return to the status quo ante to a person who, due to justified reasons, misses the deadline for the submission of a constitutional complaint, provided that he submits an application for return to the status quo ante 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 return to the status quo ante may not be requested.

Article 72

The constitutional complaint shall contain: the name, permanent or temporary residence and address, or the name and registered office of the applicant submitting the constitutional complaint; the reasons for the constitutional complaint, including reasoned allegations of a violation of human rights or freedoms guaranteed by the Constitution; the claim on which the Constitutional Court is to decide; and the signature of the applicant submitting the constitutional complaint or of a person holding a special power of attorney to file the 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 a human right or freedom guaranteed by the Constitution to which the allegations in the constitutional complaint refer.

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 in part, 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 or freedom guaranteed by the Constitution, it shall pass a decision upholding the constitutional complaint and determine the manner of just satisfaction for the violation of a human right or freedom guaranteed by the Constitution suffered by the applicant submitting the constitutional complaint.

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 another appropriate measure or action to eliminate existing or future adverse effects of the established violation of human rights or freedoms guaranteed by the Constitution.

Article 77

Where the Constitutional Court repealed an individual act and remanded the case for reconsideration, 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 reconsideration proceedings, 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 reconsideration 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 for Deciding Whether the President of Montenegro Has 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 for deciding 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 the receipt of the motion of the Parliament referred to in Article 79 of this Law and shall serve a copy of the motion on him within three days from the date of its receipt.

The President of Montenegro may submit documents, data and information to the Constitutional Court 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 for deciding whether the President of Montenegro has violated the Constitution, the Constitutional Court shall be limited to the reasons stated in the motion.

Article 83

In addition to the reasons referred to in Article 38 of this Law, the Constitutional Court shall discontinue the proceedings for deciding whether the President of Montenegro has violated the Constitution if the office of the President of Montenegro terminates during the proceedings.

Notwithstanding paragraph 1 of this Article, the Constitutional Court shall continue the proceedings after the termination of the office of the President of Montenegro if he so requests.

Article 84

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

5. Proceedings for Deciding on a Conflict of Jurisdiction

Article 85

The motion for deciding on a 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 from the date on which the authority acted upon the application of a party in accordance with the law, provided that the other authority had already acted in the same case or had taken actions which clearly demonstrate that it considers itself competent in that case (positive conflict of jurisdiction).

Article 86

Participants in the proceedings for deciding on a 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 deciding on a conflict of jurisdiction shall contain information on the applicant submitting the motion, the names of the authorities between which the conflict of jurisdiction exists, the subject matter of the proceedings, a detailed explanation of the facts and circumstances of the case giving rise to the conflict of jurisdiction and the reasons why the authority considers itself to lack or to have jurisdiction to decide 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 for Deciding on the Prohibition of Activities of a Political Party or Non-Governmental Organisation

Article 91

Proceedings for deciding on the prohibition of activities of a political party or non-governmental organisation shall be initiated by a motion that may be submitted by:

- 1) state prosecutor's 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 organisations;
- 5) other competent body, in accordance with the law.

Article 92

The motion for the prohibition of activities of a political party or non-governmental organisation shall state the prohibited activity, i.e. the facts and circumstances of unconstitutional activity, which may be the reason for the prohibition of activities of a political party or non-governmental organisation.

Article 93

Participants in the proceedings for deciding on the prohibition of activities of a political party or non-governmental organisation shall be the applicant submitting the motion referred to in Article 91 of this Law and the political party or non-governmental organisation the prohibition of whose activities is being decided upon.

Article 94

The Constitutional Court shall submit the motion referred to in Article 91 of this Law to the political party or non-governmental organisation whose activities are proposed to be prohibited, within 15 days of the day of receipt.

The political party or non-governmental organisation referred to in paragraph 1 of this Article shall be entitled to respond in writing to the reasons stated in the motion and to submit documents, data and information relevant to the conduct of the proceedings and the taking of a decision within 15 days from the date of service of the motion.

Article 95

The Constitutional Court may prohibit the activities of a political party or non-governmental organisation 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 prohibits the activities of a political party or non-governmental organisation, the particular political party or non-governmental organisation shall be deleted from the register in which it was registered.

The decision on the prohibition of activities of a political party or non-governmental organisation shall be submitted to the particular political party or non-governmental organisation and shall have legal effect from the date of service of the decision of the Constitutional Court on the public administration body in charge of registration into the register of political parties or non-governmental organisations.

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

7. Proceedings for Deciding on Electoral Disputes and Disputes Related to a Referendum

Article 97

Proceedings for deciding on a violation of rights during the election of MPs and councillors shall be instituted by filing a complaint against a resolution of the competent electoral commission dismissing or rejecting an objection against a decision, action or failure to act of a polling board or municipal electoral commission.

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

The complaint referred to in paragraph 1 of this Article shall, as a rule, be filed directly with 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 proceedings concerning electoral disputes shall be the applicant submitting the complaint referred to in Article 98 paragraph 1 of this Law, the competent electoral commission and the electoral management body whose electoral activity gave rise to 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 exceed 24 hours from 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 this Law within 48 hours from receipt of the response referred to in Article 100 of this 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 for deciding 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 this Law relating to the proceedings for deciding 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 proceedings for deciding on a violation of rights during the election of the Mayor of the Capital City, the Mayor of the Old Royal Capital and presidents of municipalities, where they are elected in direct elections.

Article 105

The complaint initiating the proceedings for deciding 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 proceedings concerning disputes related to a referendum shall be the applicant submitting the complaint referred to in Article 105 paragraph 1 of this Law and the body responsible for conducting the referendum whose activity gave rise to the dispute.

Article 107

The proceedings for deciding on the violation of rights during a referendum shall be governed by the provisions of this Law related to the proceedings for deciding on the violation of rights during the election of MPs and councillors.

8. Proceedings for Assessing the Conformity with the Constitution of Measures and Actions of State Authorities Taken during the State of War and the State of Emergency

Article 108

Proceedings for assessing the conformity with the Constitution of 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 restrict rights which may not be restricted, or impose restrictions on grounds on which restrictions may not be imposed under 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 for assessing the 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 this Law and the authority which has taken measures and actions during the state of war or the state of emergency.

Article 110

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

When the Constitutional Court finds that measures and actions are not in conformity with the Constitution, it shall repeal the measure, in whole or in part, or prohibit the action.

Article 111

The decision of the Constitutional Court to repeal 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 for Monitoring 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 authorising officer for the use of funds from the budget of the Constitutional Court and may designate another authorised official of the Constitutional Court to act as an authorising officer alongside him.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 115

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

Article 116

The Rules of Procedure of the Constitutional Court shall be harmonised with this Law within 30 days of the entry into force of this 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 this 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 date of its publication in the Official Gazette of Montenegro.