

LAW ON PUBLISHING REGULATIONS AND OTHER ACTS

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I hereby promulgate the Law on Publishing Regulations and other Acts, passed by the Parliament of Montenegro at the sixth sitting of the second regular session in 2007, on 26th December 2007.

LAW ON PUBLISHING REGULATIONS AND OTHER ACTS¹

I. GENERAL PROVISIONS

Publishing Article 1

Laws and other regulations, as well as other acts shall be published in the manner defined by this Law.

Publishing in the Official Gazette of Montenegro Article 2

Laws and other regulations adopted by the competent authorities of Montenegro as well as other acts defined by law, regulation of the Government of Montenegro (hereinafter referred to as: the Government) or which are decided by these authorities shall be published in the Official Gazette of Montenegro.

Competent authorities shall decide on the manner of publishing of other acts which are not published within the meaning of paragraph 1 of this Article.

Publishing of Acts of Legal Entities Article 3

¹ Official Gazette of Montenegro, No. 005/08 of 23.01.2008.

Acts of commercial entities, institutions, non-governmental organisations and other legal entities shall be published in the manner determined by these entities, unless otherwise defined by law.

Public Interest Article 4

Publishing of laws, other regulations and acts in the Official Gazette of Montenegro (hereinafter: the Official Gazette) shall be a public interest activity.

Mandatory Publishing in the Official Gazette Article 5

The following shall be published in the Official Gazette, within the meaning of Article 2 paragraph 1 of this Law:

- Constitution of Montenegro, constitutional amendments, laws, other regulations and acts of the Parliament of Montenegro (hereinafter referred to as: The Parliament);
- ratified international treaties and information on the entry and cessation of their effect;
- other international agreements and international acts determined by law and other regulations or the ones which are decided by the Government;
- decrees, decisions and other acts of the President of Montenegro (hereinafter referred to as: the President) and acts of the Security and Defence Committee;
- decrees, decisions and other acts of the Government;
- secondary and other legislation adopted by the ministries;
- decisions and other acts of the Constitutional Court of Montenegro;
- acts of the Judicial Council, judicial bodies, Prosecutorial Council and State Prosecution Office, defined by the law;
- decisions of the European Court of Human Rights referring to Montenegro;
- acts of regulatory bodies, other legal entities and subjects (councils, commissions, etc) adopted within the performance of public authority;
- regulations of municipal bodies, royal capital, capital and city municipality (hereinafter referred to as: local self-government bodies) as well as other acts defined by law and their by-laws;
- corrections of laws, other regulations, international treaties and other acts published in the Official Gazette.

Publishing of Other Acts in the Official Gazette Article 6

In addition to the regulations and acts referred to in Article 5 of this Law, acts of other legal entities and subjects can be published in the Official Gazette as well as public vacancies, notices, public invitations and other information of legal and natural entities.

International Treaties Article 7

International treaties and other international acts shall be published in a separate edition of the Official Gazette under the name "Official Gazette of Montenegro - International Treaties".

Regulations of the Local Self-government Bodies
Article 8

Regulations of the local-self government bodies as well as other acts determined by law and their by-laws shall be published in a separate edition of the Official Gazette under the title "Official Gazette of Montenegro - Municipal Regulations"

Montenegrin Standards
Article 9

Montenegrin standards shall be published in the manner determined by the organisation responsible for standardisation affairs, pursuant to the law.

Public Institution
Article 10

The activity of publishing laws and other regulations as well as other acts in the Official Gazette shall be performed by the Public Institution the Official Gazette of Montenegro (hereinafter: Public Institution)

Inadmissibility of Publishing
Article 11

Announcements, advertisements, news and other information not related to the activity of the Public Institution shall not be published in the Official Gazette.

Language
Article 12

Laws and other regulations as well as other acts shall be published in Montenegrin language in Cyrillic or Latin alphabet.

International treaties and other international acts as well as the decisions of the European Court of Human Rights shall be published in one of the languages in which they were concluded or ratified.

Regulations and other acts adopted by the local self-government bodies in the language of the minority nation and other minority national communities, in line with the law, shall be published in that language and alphabet as well.

II. MANNER OF PUBLISHING REGULATIONS AND OTHER ACTS

Publishing of the Original text
Article 13

Laws and other regulations (hereinafter referred to as: Regulations) and other acts shall be published in the Official Gazette, in the form of the text adopted by the enacting authority, on the basis of the order of the body or the service responsible for their publishing.

Competences of Authorities

Article 14

The following are responsible for publishing regulations and acts referred to in Article 5 of this Law:

- from indents 1 and 2 - Parliamentary Service;
- from indent 3 - state administration body responsible for foreign affairs;
- from indent 4 - Presidential Service;
- from indents 5 and 6 - Secretariat for Legislation (hereinafter referred to as: the Secretariat);
- from indents 7, 8 and 10 - bodies that adopted those acts, in line with their regulations;
- from indent 9 - representative of Montenegro before the European Court of Human Rights;
- from indent 11 - bodies or the local self-government services defined by their statutes.

Competences of the Secretariat

Article 15

When the Secretariat believes that a secondary legislation or another act of a ministry is not in conformity with the Constitution, law or any other regulation, prior to publishing the act, it will point to this lack of conformity to the ministry that submitted the act.

Provided that the body referred to in paragraph 1 of this Article holds the position that that secondary legislation or another act should be published, Secretariat will thereof inform the Government and propose to undertake measures under its authority in line with the law.

Deadline and Order of Publishing

Article 16

Regulations and other acts submitted to the Public Institution shall be published, as a rule, in the first following number of the Official Gazette, not later than within 10 days of the day of submission.

Manner and deadline of submitting regulations and acts to be published, advantage and order of their publishing in the Official Gazette shall be prescribed by the Government.

Correction of Regulations, International Treaties and Other Acts

Article 17

Bodies or services referred to in Article 14 of this Law shall, immediately following the publishing of regulations, international treaties and other acts within their responsibility, determine whether these acts have been published in the original text and if the text published in the Official Gazette does not correspond to the original text, prepare its correction.

The order for publishing corrections of regulations, international treaties and acts referred to in Article 14, paragraph 1, indents 1, 2, 3 and 4 of this Law, shall be provided by the head of the body or service.

Order for publishing the correction of acts referred to in Article 14, paragraph 1 indents 5, 6 and 7 of this Law shall be provided by the authorised representative of the body that passed the act or the representative of Montenegro for the decision of the European Court of Human Rights.

III. PUBLISHING OF THE OFFICIAL GAZETTE

Electronic and Printed Form of the Official Gazette Article 18

The Official Gazette shall be issued in an electronic and printed form.

Mandatory Publishing Copies Article 19

Regulations and acts referred to in Article 5 of this Law shall be published in the electronic and printed copy the Official Gazette.

Sole Publishing in the Electronic Copy Article 20

Public vacancies and announcements, acts on the entry into court and other registries and other notices which must be published in the Official Gazette in line with the regulations as well as announcing the lack of validity of public identification documents etc. shall be published only in the electronic copy of the Official Gazette.

Electronic Copy Article 21

Electronic copy of the Official Gazette shall be signed with the advanced electronic signature and published on the website of the Public Institution.

Electronic copy of the Official Gazette is free of charge.

Issuing the Official Gazette Article 22

Official Gazette is issued as needed.

The day of issuing individual numbers of the Official Gazette is the date indicated on the electronic and printed page of the Official Gazette.

Electronic and printed copy of the Official Gazette shall have the same date. Provided that these two issues of the Official Gazette do not have the same date, the valid date of issuance shall be the date indicated in the printed issue.

Issuer of the Official Gazette Article 23

Issuer of the Official Gazette and special issues determined by this law shall be the Public Institution.

Activity of the Public Institution Article 24

The activity of the Public Institution shall be:

- the issuing of the Official Gazette: preparation for publishing, publishing and keeping the electronic issue, preparation for printing and publishing the printed issue of the Official Gazette;
- sale of the printed issue of the Official Gazette;
- making copies and sale of recorded, audio, video and computer recordings;
- issuing and sale of collections of regulations, commentaries to regulations, collections of court decisions, forms, book and professional magazines;
- performing other affairs defined by the Statute of the Public Institution, in service of the implementation of the prescribed activity.

Activities referred to in paragraph 1 indents 3, 4 and 5 of this Article shall be carried out by the Public Institution provided that its publishing does not impede the full and timely performance of activities i.e. affairs referred to in paragraph 1 indent 1 of this Article.

Sources of Funding Article 25

Funds necessary for work and performance of activities of the Public Institution shall be provided for from:

- the Budget of Montenegro (hereinafter referred to as: the Budget), for the publishing of acts referred to in Article 5 indent 1 to 9 of this Law;
- budget of the local self-governments for publishing acts referred to in Article 5 indent 11 of this Law;
- its own revenues (subscriptions to the printed issues of the Official Gazette, sale of individual copies of the Official gazette and fees for publishing acts referred to in Article 5 indent 10 and Article 6 of this Law, as well as other fees related to making copies and sale of recorded, audio, video and computer recordings, issuing and sale of collections of regulations, commentaries to regulations, collections of court decisions, forms, books and professional magazines and performing other activities defined by the Statute of the Public Institution) and other sources, in line with the law.

Manner of Funding Article 26

The amount of funds referred to in Article 25 paragraph 1 indents 1 and 2 of this Law shall be provided on the basis of the financial plan the Public Institution submits to the state administration body or the local self-government body competent for budget affairs.

In the financial plan referred to in paragraph 1 of this Article, the funds are indicated according to real expenses of publishing regulations and other acts or the entry prices of real costs, for the Budget and for the budgets of local self-government units individually.

Provided that, according to the report of the Supervisory Board, the Public Institution lacks funds referred to in paragraph 1 of this Article, they will be provided from the Budget or the budgets of local self-governments.

Provided that the Public Institution, at the end of the budget year, has an surplus of revenues over expenditures, according to the report of the Supervisory Board, the surplus of revenues shall belong to the Budget and budgets of local self-governments and shall be paid into a separate account of the public administration body or the local self-government body responsible for budget affairs.

Forming the Prices of Services **Article 27**

Prices of publishing regulations and other acts and prices of sale of printed issues of the Official Gazette shall be formed on the basis of the input price of real expenses of issuing the Official Gazette, according to the principles of wide price accessibility.

Prices for other products and services shall be freely formed.

Free Copies of the Printed Issue **Article 28**

Public Institution is responsible for providing a certain number of free copies of the printed issue of the Official Gazette to bodies whose regulations and other acts are mandatorily published, within Article 5 of this Law, excluding the bodies who pass the acts within the performance of public authorisations, in line with the Statute of the Public Institution.

Bookkeeping **Article 29**

Public Institution shall perform bookkeeping of revenues and expenditures referred to in Article 25 paragraph intends 1 and 2 of this Law separately and shall list it separately in the annual statement of account, in line with the regulations referring to the budget.

Public Institution Bodies **Article 30**

Public Institution bodies shall be: Managing Board, Director and Supervisory Board.

Appointing the Managing Board **Article 31**

Managing Board shall be the managing body of the Public Institution.

The Managing Board shall consist of seven members as follows: chairman and three members proposed by the Government, two members as representatives of local self-government proposed by the Community of municipalities of Montenegro and one

member as a representative of employees, proposed in line with the Statute of the Public Institution.

Managing Board shall be appointed and dismissed by the Government to a mandate of four years.

Competence of the Managing Board Article 32

Managing Board shall:

- determine the professional and editorial policy of the Public Institution;
- adopt the development plan and annual work programme of the Public Institution;
- adopt the financial plan and adopt the annual statement of accounts and periodical accounts of the Public Institution;
- determine the sale price and the price of subscription to the printed issues of the Official Gazette;
- determine the fee for publishing acts referred to in Article 5 indent 10 and Article 6 of this Law;
- determine the fee for the collections of regulations, commentaries to regulations, collections of court decisions, forms, book and professional magazines, ect. as well as for other services;
- adopt the statute, Rulebook on Internal Organisation and Job Descriptions and other acts of the Public Institution;
- decide in second instance on the rights of employees in the Public Institution;
- perform other affairs defined by law and the Statute of the Public Institution.

Government shall give the approval to the Statute and Rulebook on Internal Organisation and Job Descriptions.

Appointing the Director Article 33

Director of the Public Institution shall be appointed and dismissed by the Government, on the basis of the public vacancy, to a period of four years.

Competence of the Director Article 34

Director shall:

- represent and act on behalf of the Public Institution;
- organise the work and manage activities of the Public Institution;
- be responsible for the legality of the work of the Public Institution;
- enforce the decisions of the Managing Board;
- propose editorial policy;
- decide on the rights of employees in line with the law;
- perform other affairs defined by law and statute of the Public Institution.

Director of the Public Institution shall be the Editor-in-chief of the Official Gazette.

Appointing the Supervisory Board Article 35

Supervisory Board shall have a chairman and two members appointed by the Government to a mandate of four years.

One member of the Supervisory Board shall be the representative of the local self-government proposed by the Union of Municipalities of Montenegro.

Competences of the Supervisory Board Article 36

Supervisory Board shall:

- revise the financial plan, annual and periodical accounts and determine whether they have been made in line with the regulations;
- inspect whether the business books are kept in line with the regulations;
- inspect whether prices of services have been defined in line with this Law;
- inspect whether the services performed have been invoiced in line with the set price;
- inspect whether measures have been undertaken to collect the invoiced services;
- hire an independent auditor and reviews his reports;
- perform other affairs in line with the statute of the Public Institution.

Supervisory Board shall submit the report on the supervision results to the Managing Board and the Government.

Rights of Employees Article 37

Salaries, remuneration and other income of the employees in the Public Institution shall be determined through a collective labour agreement in line with the labour regulations.

Controlling the Performance of Affairs of Public Interest Article 38

Supervision of the legality and suitability of work of the Public Institution and control of the performance of affairs of the Public Institution regarding the publishing of regulations and other act prescribed by this Law, shall be carried out by the Secretariat in line with the law.

Submitting the Report and the Annual Statement of Accounts Article 39

Public Institution shall submit to the Government, at least once a year, the report on the work and the annual statement of accounts with the report of the independent auditor.

Application of Other Regulations Article 40

Regulations defining public institutions as well as publishing laws shall apply to the issues of work and operations of the Public Institution that are not defined by this Law.

IV. LEGAL AND INFORMATION SYSTEM OF MONTENEGRO

Establishing the Legal and Information System
Article 41

Public interest determined by this Law shall be provided also through the establishment of the legal and information system of Montenegro (hereinafter referred to as: the legal and information system)

Defining the Legal and Information System
Article 42

The legal and Information system is a collection of data in an electronic copy containing the register of regulations and other acts published in the Official Gazette and other data on the legal system of Montenegro as well as the connection to the legal acts of the European union.

Adopting Regulations and Funding
Article 43

Establishment, content, manner of managing and keeping the legal and information system as well as the obligations of other state authorities, state administration bodies and local self-government bodies relating to the legal and information shall be prescribed by a regulation of the Government.

Funds for the legal and information system shall be provided for in the Budget.

V. TRANSITIONAL AND FINAL PROVISIONS

Continuation of Work
Article 44

The previous NPI Official Gazette of the Republic of Montenegro shall continue to function as the Public Institution Official Gazette of Montenegro.

Public Institution shall assume rights, obligations and employees of the NPI Official Gazette of the Republic of Montenegro.

Public Institution shall continue to use funds used by Official Gazette of the Republic of Montenegro until the day this Law enter into force, with the balance sheet on that day.

Director of the previous Official Gazette shall continue working until the mandate to which he has been appointed expires.

Deadline for Appointing the Managing and Supervisory Board
Article 45

Appointing the Managing Board and the Supervisory Board of the Public Institution in line with this Law shall be carried out within 30 days from the day this Law enters into force.

Notwithstanding Article 31 paragraph 2 of this Law, representatives of employees in the Managing Board of the Public Institution shall be proposed by the director of the Public Institution.

Until the Managing Board is appointed, the affairs from its scope of work shall be carried out by the former managing body of the NPI Official Gazette of Montenegro.

Deadline for Passing the Acts of the Public Institution Article 46

Statute and Rulebook on internal organisation and job descriptions of the Public Institution shall be passed within 60 days from the day of appointing the Managing Board.

Obligatory Activity Alignment Article 47

Public Institution shall align its activities with this Law within six months from the day of its entry into force.

Deadline for Passing Regulations Article 48

Secondary legislation referred to in Article 16 paragraph 2 of this Law shall be passed within three months from the day of entry into force of this Law.

Regulation referred to in Article 43 paragraph 1 of this Law shall be adopted by the Government, upon the proposal of the public administration body competent for information society, within six months from the day of issuing the Official Gazette in the electronic copy.

Beginning of Issuing the Electronic Copy of the Official Gazette Article 49

Official Gazette in the electronic copy in line with this law shall begin to be published on 1 July 2009.

The funds for establishing the electronic issue of the Official Gazette, within paragraph 1 of this Article, shall be provided for in the Budget.

Acts referred to in Article 20 of this Law shall be published in the printed copy of the Official Gazette until 30 June 2009.

Cessation of Validity of a Regulation Article 50

On the day this Law enters into force the Law on Publishing Republic Laws and Other Regulations and General Acts and on Newspaper Printing Institution Official Gazette of the Socialist Republic of Montenegro shall cease to apply.

Entry into Force Article 51

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