

Pursuant to the provisions of Article 23, paragraph 1 of the Law on Constitutional Court of Montenegro (Official Gazette of Montenegro 11/15), the Constitutional Court of Montenegro at its session dated 28 December 2015 adopted the following:

RULES OF PROCEDURE

OF THE CONSTITUTIONAL COURT OF MONTENEGRO

I BASIC PROVISIONS

Article 1

(1) The Rules of Procedure of the Constitutional Court (hereinafter referred to as: the Rules), together with the rules set forth by the Law on Constitutional Court of Montenegro (hereinafter referred to as: the Law), regulate organization, procedures before the Constitutional Court of Montenegro (hereinafter referred to as: the Constitutional Court) and other issues pertaining to the operation of the Constitutional Court.

(2) Words and terms in male or female form refer to male and female gender regardless of their use in the context of the Rules herein.

1. Seat of the Constitutional Court

Article 2

The seat of the Constitutional Court is in Podgorica and the sessions of the Constitutional Court may exceptionally be held at other places in Montenegro too.

2. Use of symbols

Article 3

The flag and the coat of arms of Montenegro shall be displayed in the offices of the Constitutional Court in conformity with the law.

3. Seal and stamp

Article 4

The Constitutional Court has its seal and its stamp as prescribed by the law and by the act passed by the Constitutional Court.

Article 5

The Constitutional Court shall have its logo (sign), whose form, contents and the application are prescribed by a separate act of the Constitutional Court.

Article 6

(1) The President of the Constitutional Court (hereinafter referred to as the President) and judges of the Constitutional Court (hereinafter referred to as the judges) have official attire - judicial robe.

(2) Judicial robe is worn at the session and public deliberations of the Constitutional Court.

(3) Judicial robe has basic black colour with crimson plastron and the design and material are the same for all judges.

(4) A gold embroidered strip is on the left side of the robe and it represents the stylized detail taken from the Montenegrin national costume while the President's robe has the strip thereof on right side too.

4. Transparency of the Constitutional Court

Article 7

- (1) Operation of the Constitutional Court is transparent, in compliance with the Law and the Rules herein.
- (2) Besides the manner prescribed by the Law, the transparency of the Constitutional Court is also be provided by:
- Presence of media representatives at sessions of the Constitutional Court and at public deliberations in the Constitutional Court, except when there are reasons to exclude the public (Article 4, paragraph 3 of the Law);
 - Publishing constitutional case law and important information on the website of the Constitutional Court (<http://www.ustavnisudcg.co.me/>);
 - Publishing the collections of decisions and rulings of the Constitutional Court;
 - Publishing other publications pertaining to the operation and activities of the Constitutional Court and on the development of constitutional judiciary in Montenegro;
 - Publishing press releases in the media;
 - Holding press conferences;
 - Other appropriate ways.
- (3) For the purpose of implementing the principle of transparency, the Constitutional Court may appoint an advisor for public relations.

Article 8

- (1) Accredited media representatives who attend session of the Constitutional Court are obliged to keep personal information about individuals who filed constitutional complaints and other parties in the constitutional proceedings confidential up until the decision or ruling is published in the 'Official Gazette of Montenegro'.
- (2) The media representatives from paragraph 1 of this Article get an accreditation notice from the General Secretary of the Constitutional Court (hereinafter referred to as the General Secretary).

1) Exclusion of the public

Article 9

Besides the cases prescribed by the Law, the public is excluded from deliberation sessions, voting sessions and from expert judicial meetings in the Constitutional Court.

Article 10

- (1) The Constitutional Court prohibits the following information to be disclosed:
- Information about a judge rapporteur or advisor assigned with a case and information relevant for deciding the case;
 - Information on the contents of proposed decisions or rulings of the Constitutional Court.
- (2) It is prohibited to disclose information on the contents of the decisions or rulings rendered in the constitutional complaints proceedings before the decisions thereof are served to the parties to the constitutional proceedings of before they are published in the Official Gazette of Montenegro.
- (3) Should an employee of the Constitutional Court act in contravention to the provisions 1 and 2 of this Article, the act thereof is to be considered a breach of duty.

II ORGANIZATION OF THE CONSTITUTIONAL COURT

Article 11

- (1) The Constitutional Court is composed of the President and the judges.
- (2) The Constitutional Court has its Office of the Constitutional Court (hereinafter referred to: the Office).

1. President, Deputy-President and judges of the Constitutional Court

1) President of the Constitutional Court

Article 12

- (1) The President is elected at the session of the Constitutional Court, in conformity with the Law.
- (2) Should none of the candidates with the biggest number of votes win majority of votes of all judges, the voting is to be repeated for as long as there are two remaining candidates with biggest number of votes.
- (3) Should none of the two candidates with the biggest number of votes win the necessary number of votes, the voting for these two candidates is to be repeated three times at most.
- (4) Should three rounds of voting fail to produce a candidate with the necessary number of votes, the voting is to be repeated as a whole, including also the repetition of the procedure of candidate nomination.

Article 13

- (1) Besides the rights and obligations incumbent on the President by the Law, the President:
 1. guards independent and impartial position of the Constitutional Court;
 2. organizes the work of the Constitutional Court;
 3. signs general and other acts of the Constitutional Court;
 4. adopts individual acts in conformity with the Law;
 5. considers complaints against the work of the Constitutional Court;
 6. decides about rights and obligations of the staff of the Constitutional Court, in conformity with the Law;
 7. approves of the official travels in the country and abroad;
 8. performs other activities prescribed by the Law, the Rules herein and other acts of the Constitutional Court.

2) Deputy President of the Constitutional Court

Article 14

- (1) Deputy President of the Constitutional Court (hereinafter referred to as: the Deputy President) is elected at the session of the Constitutional Court from among the judges at the proposal of the President and with consent of the nominee provided beforehand; election is done by an open ballot and majority of ballots decide of the holder of the three year mandate of the Deputy President.
- (2) Should the nominee for Deputy President fail to win majority of votes of all judges, the President is obliged to nominate some other judge instead within 30 days.

Article 15

- (1) Deputy President:

1. substitutes the President when absent or prevented from duty;
2. performs activities within the purview of the President as authorized by the President;
3. performs other activities stipulated by the act of the Constitutional Court in conformity with the Law and the Rules herein.

(2) In cases from paragraph 1, item 1 of this Article, Deputy President continues his/her full incumbent activities as a judge rapporteur or president or member of judicial panel.

3) Judge of the Constitutional Court

Article 16

Besides his/her incumbent rights and obligations as stipulated by the Constitution and the Law, a judge of the Constitutional Court (hereinafter referred to as: judge):

1. takes part in running activities and rendering decisions at the sessions of the Constitutional Court and in the working bodies s/he is a member of;
2. acts as a rapporteur and proposer of decision to be made in case where s/he is a judge rapporteur;
3. takes part in drafting the wording of the proposed decision or ruling to be submitted to the Redaction Commission for the cases in which s/he was a judge rapporteur;
4. gives proposal for the Constitutional Court to initiate a procedure of reviewing conformity of a law with the Constitution and ratified and published international treaties or other regulation or other general act with the Constitution and the law, which s/he reasons in writing;
5. gives proposal for the Constitutional Court to reconsider or re-examine a rendered decision before it is served to the parties in constitutional judicial procedure, in conformity with the Rules herein;
6. gives initiative for deliberation of a certain constitutional matter and for undertaking certain measures towards greater efficiency or efficacy of the work of the Constitutional Court;
7. gives proposal to the Constitutional Court to hire an expert from a relevant field to supply expert opinion (Article 46, paragraph 1 of the Law) in the course of proceedings, and makes sure there is no legal loophole (Article 65 of the Law);
8. engages into preserving the independence and impartiality of the Constitutional Court;
9. performs other activities stipulated by the Rules herein and other acts of the Constitutional Court.

a) Judge rapporteur

Article 17

Judge who is assigned with and responsible for legal analysis of the case is a judge rapporteur for the case thereof, in conformity with the Rules herein.

2. General Secretary and Deputy General Secretary of the Constitutional Court

Article 18

Besides other activities prescribed by the Law, the General Secretary:

1. follows the cases from their filing to their receipt by the Constitutional Court until the case is dispatched from the Constitutional Court;
2. makes sure basic operational assets for the operation of the Constitutional Court are provided;
3. informs the Constitutional Court about the application of the Law, the rule herein and other acts of the Constitutional Court;

4. prepares the proposal for annual report on the operation of the Constitutional Court and its financial report;
5. prepares a draft text of general, individual and other acts of the Constitutional Court;
6. replies with a note to all cases marked with sign "R";
7. enables parties to the proceedings and interested parties to inspect the case file, in conformity with the Law;
8. organizes meetings with the staff of the Office;
9. performs other activities in conformity with the Law and acts of the Constitutional Court as well as the activities ordered by the President and the Constitutional Court.

Article 19

(1) Deputy General Secretary of the Constitutional Court (hereinafter referred to as: the Deputy General Secretary) substitutes the General Secretary when s/he is absent or prevented from performing duties and performs activities prescribed by the Job Classification Act for the Office of the Court.

(2) When acting as a substitute in cases when the General Secretary is either absent or prevented from performing duties, rights and obligations of the General Secretary are incumbent on the Deputy General Secretary.

3. Office of the Constitutional Court

Article 20

(1) The Office has its General Secretary, Deputy General Secretary, heads of organizational units that perform specialized activities within the purview of the Constitutional Court (hereinafter referred to as: the head(s) of organizational units), constitutional court advisors, advisors (hereinafter referred to as: advisor) and other civil servants and government employees.

(2) The Office performs specialized, administrative and general matters of the Constitutional Court.

Article 21

(1) Organizational units are established within the Office in conformity with a general act of the Constitutional Court.

(2) Heads of the organizational units from paragraph 1 of this Article are appointed and dismissed by the Constitutional Court at the proposal of the President.

(3) A head of organizational unit from paragraph 2 of this Article manages, coordinates, co-signs decisions and ruling and takes responsibility for quality and timely operation of organizational unit.

(4) The head of organizational unit from paragraph 3 of this Article is entitled to get higher remuneration on the basis of the importance of the operations and inherent responsibility, as it is stipulated in an act of the Constitutional Court in conformity with the provision of Article 29, paragraph 3 of the Law.

Article 22

(1) The Constitutional Court elects its General Secretary and Deputy General Secretary in conformity with the Law.

(2) General Secretary, Deputy General Secretary, adviser and constitutional court trainee (hereinafter: trainee) are recruited to the Constitutional Court after an open competition in conformity with the Law, the Rules herein and general acts of the Constitutional Court.

1) Specific responsibilities of advisors

Article 23

- (1) Advisor makes draft decision or ruling following the instructions of a judge rapporteur and s/he is responsible for the legal and technical preparation and analysis of assigned constitutional justice case.
- (2) In analysis of the case, adviser is obliged to adhere to the case law and legal positions of the Constitutional Court in cases that are identical or similar and the same applies to the case law of the European Court for Human Rights.
- (3) Adviser signs a copy of the draft decision or ruling that s/he prepared and analyzed and s/he is responsible for its content and correctness.
- (4) Once a month adviser presents report on his/her work to the General Secretary once a month.

2) Trainee

Article 24

- (1) A graduate of faculty of law (higher education degree worth 240 ECTs, VIII-level of qualification) who meets general requirements for working in state administration may be employed as a trainee for the period of two years.
- (2) Trainee's in-service training is organized according to a special program passed by the President of the court at the proposal of the General Secretary.
- (3) If a trainee has particularly excelled in the course of training, as observed by the President, judge or head of the organizational unit, his/her contract may be extended for another year provided that the trainee passes the bar examination within three months, which is to be decided by the President.

III ORGANIZATIONAL FORMS OF WORK IN THE CONSTITUTIONAL COURT

Article 25

- (1) The Constitutional Court works in its sessions, panel sessions, judicial consultations, judicial collegium and working bodies of the Constitutional Court.
- (2) The session of Constitutional Court decides about constitutional cases and complaints if the panel has not adopted its decision unanimously.
- (3) Panel sessions decide about constitutional complaints
- (4) Judicial consultation is a modality of judges' work on constitutional cases.
- (5) Judicial collegium is a modality of work of the Constitutional Court to discuss issues important for its functioning, management and international cooperation of the Constitutional Court.
- (6) Redaction commission is a permanent working body of the Constitutional Court.
- (7) The Constitutional Court may form other permanent or temporary bodies, if deemed necessary for some operations of the court.
- (8) The Constitutional Court forms its working bodies at the proposal of its President by passing a decision stipulating its composition and terms of reference.

Article 26

- (1) The members of working bodies from provisions of Article 25, paragraph 6 and 7 of the Rules are entitled to remuneration for their work there in the amount set by the Constitutional Court.
- (2) The remuneration for the work in working body may be granted for activities carried out outside working hours and beyond regular work assignments.

1. Session of the Constitutional Court

Article 27

In compliance with the Law and other regulations, the Constitutional Court performs the following activities besides deciding the cases from Article 25, paragraph 2 of the Rules herein:

1. adopts its Rules of Procedure;
2. adopts other general acts;
3. adopts the report on the operation of the court for the preceding year;
4. proposes draft budget to the Parliament of Montenegro;
5. adopts annual financial report and considers material-financial and other issues within the remit of operation of the Constitutional Court;
6. forms permanent and temporary working bodies of the Constitutional Court;
7. appoints and dismisses General Secretary and Deputy General Secretary;
8. appoints and dismisses heads of organizational units;
9. appoints and dismisses judicial advisors;
10. passes the act on internal organization and job classification in the Office of the Court;
11. decides about termination of office or dismissal of the President or a judge;
12. decides on hiring experts from relevant field for providing expert opinion, as proposed by judge;
13. decides about having a session outside the seat of the Constitutional Court;
14. decides about working hours in the Constitutional Court;
15. decides about other issues pertaining to the operation of constitutional justice as stipulated by the Law and the Rules herein.

Article 28

- (1) Session of the Constitutional Court is scheduled by the President of the Constitutional Court at his/her initiative, at conclusion of the Constitutional Court and at the request of a working body or judge.
- (2) Session of the Constitutional Court decides with majority of votes of all judges.
- (3) At the request of the President or judge, the Constitutional Court may decide to vote in an open ballot for or against certain proposal.

Article 29

- (1) The Constitutional Court discusses the issues from Article 25, paragraph 2 and Article 27 of the Rules herein at its session, whereas voting is done at a closed session.
- (2) By rule, closed session of the Constitutional Court is held after the discussion session ends.
- (3) The Constitutional Court may, by exception, decide to have a closed session seven days from the end of the discussion thereof at latest.

Article 30

- (1) Session of the Constitutional Court is attended by the President, judges, General Secretary, heads of organizational units; and a record keeper, and advisers and other staff from Office may attend.

(2) A judge who either took part in passing a general or individual act or in activity, proposal or initiative for constitutional or legislative review of an act discussed at the session of the Constitutional Court does not take part in discussions and voting on the decision or ruling proposed by the judge rapporteur.

Article 31

Judge who is absent from a session has to inform the President about the reasons of absence in a timely manner.

2. Judicial panels for deciding on constitutional complaints

1) General provisions on Judicial panels

a) The composition of panel and the powers of the president of panel

Article 32

(1) President and members of the panels are appointed by the President for the period from 1 January to 31 December of the coming year.

(2) The decision from paragraph 1 of this Article is an integral part of the Yearly Assignment of Work Plan.

Article 33

President of a panel:

1. prepares and proposes the agenda for panel session;
2. convenes and chairs panel session;
3. signs decisions and rulings passed by panel session;
4. signs the minutes of panel session and individual excerpts from the minutes on conclusions and on voting on each decision, judgement and report rendered;
5. at judicial consultations presents and explains measures for greater harmonization of work of two or more bodies working on the same cases.

Article 34

(1) If a panel member is prevented from attending the panel session, s/he has to inform the president on his/her absence in a timely manner and the president decides about a substitute for the absent judge in conformity with the Rules herein.

(2) The substitute judge from paragraph 1 of this Article is considered a full member of the panel and s/he exercises all competencies of the absent judge, including the status of a judge rapporteur in cases assigned to the absent judge.

(3) In the case referred to in paragraph 1 of this Article, the president of the panel makes statement on the composition of a panel to be entered in the minutes. In the introductory part of the decision rendered at that panel session a statement on changed panel is quoted from the minutes thereof.

(4) The provisions from paragraphs 1 to 3 of this Article apply correspondingly on a substitute for president of panel (chairing judge) selected by the President.

Article 35

(1) If a member of a panel has to exempt him/herself from voting in a case on the agenda, s/he has to inform the president thereof in a timely manner. The president selects a judge replacing the one who has excused him/herself from voting.

(2) In case of paragraph 1 of this Article, the president of panel makes statement on the composition of the panel to the minutes at the beginning of the session, as per each item on the agenda. The item on the agenda dedicated to discussion and decision on constitutional complaint in case from which a judge has exempted him/herself by rule comes first on the agenda. In the introductory part of that decision, if adopted, a note on the altered composition of the panel is stated, as per the minutes.

(3) In other issues pertaining to the substitute judge for a member of the panel who has exempted him/herself from voting in a certain case, the provision from Article 34 of the Rules herein is applied.

(4) The provisions 1 to 3 of this Article are applied accordingly on a substitute judge who replaces the president of panel (chairing judge).

b) The work of panels

Article 36

(1) Panel sessions are held when necessary and have to be convened if the conditions from Article 40, paragraph 2 and Article 41, paragraph 2 of the Rules are met.

(2) Panel sessions are attended by judges who are members of panels and heads of organizational units, advisers and record keepers may attend.

c) Referral of a case to the session of the Constitutional Court

Article 37

(1) If a panel session has not voted unanimously for the proposal given by judge rapporteur, the decision is to be considered aborted.

(2) In the case from paragraph 1 of this Article the following is entered in the minutes: information on the manner of voting, ascertainment that the decision thereof has not been made unanimously and the conclusion to refer the case to the session of the Constitutional Court for the reason that panel was not unanimous about the decision.

(3) After the panel session is over, its president submits the case file from paragraph 1 of this Article to the President who then refers it to the session of the Constitutional Court for deciding.

Article 38

(1) Panel session may conclude that a decision proposed by a rapporteur judge should be decided by the session of the Constitutional Court for the reason of its particular importance for protection of citizens' rights and freedoms.

(2) In the case from paragraph 1 of this Article, the record reads that judges did not vote about the case and that the case thereof is referred to the session of the Constitutional Court with accompanying brief stating the reasons that deemed the case particularly important for the protection of citizens' rights and freedoms.

(3) Upon the closure of the panel session its president refers the case from paragraph 1 of this Article to the President who then refers it to the session of the Constitutional Court to pass decision.

2) Panel formation and remits

Article 39

The Constitutional Court has the following standing panels:

a) Panel for deciding on the requirements for deciding on constitutional complaints

b) Panel for deciding on the merits of constitutional complaints:

- First panel

- Second panel.

a) Panel ruling on the requirements for deciding about constitutional complaints

Article 40

(1) Panel ruling on the requirements for deciding about constitutional complaints decides about refusal of constitutional complaints and discontinuation of proceeding in case when there are no grounds for deciding about constitutional complaint.

(2) The panel session from paragraph 1 of this Article has to be arranged provided that more than 50 cases are prepared for the session thereof.

b) Panels for deciding on constitutional complaints

Article 41

(1) Panel for deciding on constitutional complaints decides if a contested individual act, action or inaction of an authority, government authority, local authority or local government, legal entity or other entity exercising public authority breached constitutional rights of a complainant as stated in his/her timely and admissible constitutional complaint prepared for constitutional adjudication.

(2) The session from paragraph 1 of this Article is to be convened when there are more than 20 cases to be decided.

Article 42

(1) If the president of panel considers it necessary for more efficient or rational operation of the Constitutional Court or any other justified reason, s/he is entitled to propose establishing of other panels for disposing of constitutional complaints in the Constitutional Court.

(2) If a new panel is established for disposal of urgent constitutional complaints or cases requiring expediency and immediate disposal, the Constitutional Court may decide to have the new panel deciding on both procedural requirements and merits of constitutional complaint and that panel session is convened even if there is only one case tabled for the session thereof.

3. Judicial consultations

Article 43

(1) Judicial consultations are convened with a view to taking prior stances on legal issues pertaining to constitutional juridical decision-making and proposed decisions and rulings submitted to the president and judges.

(2) Judicial consultations on taking judicial stances are convened when needed.

(3) Judicial consultations discussing proposed decisions or rulings are convened at least three days before the session of the Court.

(4) Judicial consultations meeting is attended by General Secretary, Deputy General Secretary and heads of organizational units; if need be advisers may attend too.

4. Judicial collegium

Article 44

(1) Judicial collegium is convened when needed.

(2) Judicial collegium is attended by the General Secretary.

5. Redaction Commission

Article 45

- (1) The Redaction Commission has its president and three members.
- (2) At the proposal of the President, the Constitutional Court elects the president and one member of the Redaction Commission from among the judges, whereas two members from among the appointed staff.
- (3) President and members of the Redaction commission are elected for two years and can be re-elected.
- (4) One member of the Redaction Commission elected from among appointed staff is also the secretary of the Commission, appointed as such by the president.
- (5) President of the Redaction Commission organizes the work of the Commission.

Article 46

The Redaction Commission:

- Makes the final text of decisions and rulings adopted at the sessions of the Constitutional Court or panel sessions;
- Proposes to the Constitutional Court the reconsideration of the acts from paragraph 1 of this Article before they are dispatched from the Constitutional Court, if it finds there are reasons for that;
- Defines methodology for drafting the acts of the Constitutional Court;
- Disposes of other activities assigned to it by the Constitutional Court.

IV PRELIMINARY PROCEEDINGS BEFORE THE CONSTITUTIONAL COURT

1. Receipt and cataloguing of filings

Article 47

- (1) Motions, initiatives, constitutional complaints and petitions initiating or instituting proceedings before the Constitutional Court in conformity with Article 30 of the Law (hereinafter referred to as: filings) are filed with the Constitutional Court in conformity with the Law and duly recorded by the Court's filing office referencing the receipt date and time.
- (2) By way of exception, for electoral cases and cases regarding referendum, filings may be submitted via facsimile and they are considered legally valid if a competent electoral commission presents to the Constitutional Court submits a special official affidavit confirming its authenticity as an enclosure to the petition and all appurtenant documents.

Article 48

- (1) Applicants submit to the Constitutional Court two copies each of the filing and appended documents.
- (2) The stamp of the Constitutional Court is put on each copy of the received filings.
- (3) The stamp of the Constitutional Court is also put on appended documents received after the receipt of the filing but related to it.

2. Case assignment

Article 49

(1) Constitutional Court's cases are assigned to judge rapporteur by order of their receipt and by type of proceedings before the Constitutional Court, type of contested acts and alphabetical order of judge's surname on the day of their receipt by the Constitutional Court.

(2) By way of exception to paragraph 1 of this Article, the President takes one third of the number of cases assigned to other judges.

(3) Filings are assigned to advisors by order of receipt and type of constitutional proceedings, type of challenged acts and alphabetical order of advisor's surname, on the day of their receipt by the Constitutional Court.

(4) The Constitutional Court's IT system automatically selects judge rapporteur and advisor in each constitutional court's case following a preset algorithm in conformity with the criteria from paragraphs 1 and 3 of this Article.

(5) By way of exception to paragraph 1 of this Article, the President has to change judge rapporteur if:

1. judge rapporteur has been absent for a long while;
2. by turn of sequence a case would be assigned to a judge rapporteur who took part in passing a general or individual act or in undertaking an action or initiative for constitutional review or legality of an act to be disposed of by the Constitutional Court in capacity of a judge.

(6) The President may change a judge rapporteur even in case there are some other justified reasons for that in line with paragraph 1 of this Article.

3. Joinder and severance of proceedings

Article 50

(1) If several applications are filed for the constitutional review of the same law or constitutional or legality review of the same regulation or other legal act or the same provisions of law, other regulation or general act, by rule, the General Secretary joins the applications so that the Constitutional Court conducts a single proceeding and decides in accordance with the provisions of paragraphs 1 and 3 of Article 49 of the Rules herein.

(2) General Secretary informs the President about the joinder from paragraph 1 of this Article.

Article 51

(1) If an application for constitutional review challenges several laws or an application for constitutional or legal review challenges several other regulations and general acts of the same or different enacting authority, the General Secretary may separate applications so that the Constitutional Court conducts separate proceedings and adjudications in accordance with the provisions of paragraphs 1 and 3 of Article 49 of the Rules herein.

(2) General Secretary informs the President about the severance from paragraph 1 of this Article.

4. Designations of the constitutional court cases

Article 52

(1) The designations for Constitutional Court cases are:

U-I - proceedings for the review of the constitutionality of laws with the Constitution and other ratified and published international agreement ;

U-II - proceedings for the review of the constitutionality and legality of other regulations and general acts with the Constitution and law;

U-III – proceedings upon a constitutional complaint;

U-IIIa - proceedings upon a constitutional complaint prior to the exhaustion of effective legal remedies;

U –IIIb – proceeding upon a constitutional complaint for protection of the right to trial in reasonable time;

U-IIIc – proceedings upon a constitutional complaint for breach of right by an act or omission of an act;

U-IV - proceedings to decide if the President of Montenegro violated the Constitution;

U-V – proceedings to decide about the conflict of jurisdiction;

U-VI – proceedings to decide on placing a ban on a political party or non-governmental organization;

U-VII – proceedings to decide about electoral disputes and disputes related to referendum;

U-VIII – proceedings to decide on conformity of measures and actions undertaken during the war or state of emergency with the Constitution;

U- IX - monitoring and reporting to the Parliament on the emergence of unconstitutionality or unlawfulness;

U-X - proceedings to suspend the execution of an individual act or action undertaken pursuant to laws or other regulations whose constitutionality or constitutionality and legality are reviewed;

SU - proceedings to decide about general and financial operation of the Constitutional Court;

R – citizen's filings regarding the issues in which the Constitutional Court does not conduct proceedings (various petitions and complaints regarding the Constitutional Court or other state authorities, various requests for assistance, citizens' opinion notes or legal advice etc.).

- (4) In case there is a higher number of applications to initiate proceedings before the Constitutional Court in the group of filings bearing the same designation or in similar cases when that is needed to unblock the operation of the Constitutional Court, the General Secretary, with the consent of the President, may designate the identical cases with their basic designation and add a special designation to each.
- (5) Offensive filings are neither recorded with the designations listed in this Article nor the Constitutional Court replies to those filings but they get a mark «disposed» i.e. a/a

5. Triage

Article 53

- (1) The Constitutional Court considers the cases by order of their receipt.
- (2) Exceptionally, the Constitutional Court gives priority to disposing of the following types of cases:
 1. cases with strictly defined statutory deadlines within which the Constitutional Court has to consider and decide the case;
 2. cases related to the issue of particular concern for the protection of citizens' rights and freedoms;
 3. cases concerning the rights of a child;
 4. cases related to the violation of right to personal dignity, deprivation of liberty, detention and respect for personality (articles 28, 29, 30, 31 of the Constitution), violation of the right to life, prohibition of torture, prohibition of slavery and forced labor, right to freedom and security (articles 2, 3, 4, and 5 of the European Convention for Human Rights);
 5. cases in which the conditions are in place to issue a preliminary order to suspend the execution of an individual act or action, and
 6. other cases, as decided by the Constitutional Court.

- (3) If a party to the proceedings files a motion for preferential disposal of the case, the Constitutional Court decides about the motion thereof once a judge rapporteur so decides.

6. Preliminary proceedings

Article 54

Each filing is examined by a judge rapporteur, and in the analysis of a case and taking of an action, s/he is assisted by an advisor.

Article 55

(1) If a filing is incomprehensible, incomplete, unsigned and does not contain data necessary for conducting the proceedings or contains flaws that hinder further disposal of the case, judge rapporteur gives proposal to request the applicant thereof to rectify the flaws within the deadline that cannot be shorter than eight (8) days and to warn him/her of the consequences of omission.

(2) In the procedure of deciding if the president of Montenegro has violated the Constitution, electoral dispute, referendum dispute and on conformity of measures and actions undertaken during the war or state of emergency with the Constitution, the deadline from paragraph 1 of this Article may be shorter.

(3) If an applicant acts in the manner described in paragraphs 1 and 2 of this Article, his/her filing is to be considered seized by the Constitutional Court on the day when it was first entered in the records.

Article 56

(1) If procedural presumptions for initiating or conducting the proceedings are met, a judge rapporteur after prior consideration of the filing sends the act or motion to initiate procedure to the authority that adopted the challenged act to give its reply or opinion and s/he determines the deadline for giving reply or opinion and submission of necessary documentation which cannot be shorter than 15 days.

(2) The act from the provisions of Article 55, paragraph 1 and paragraph 1 of this Article of the Rules thereof that is to be forwarded to the authorities and persons from the provisions of Article 150, paragraph 2 of the Constitution is signed by the President.

(3) General Secretary signs the act from the provisions of Article 55, paragraph 1 and paragraph 1 of this Article of the Rules herein that is forwarded to other persons (legal and physical).

(4) Exceptionally, in the procedure deciding if the President of Montenegro has violated the Constitution, election dispute, in dispute related to referendum and conformity of measures enacted by state authorities in the period of war or state of emergency with the Constitution, the deadline from paragraph 1 of this Article may be shorter.

(5) If a reply or opinion is not submitted by the given deadline, judge rapporteur may resume the procedure.

(6) At the request of the authority that passed a contested act, the Constitutional Court may extend the deadline for submitting the reply or opinion, provided there are justified reasons for that.

Article 57

In conformity with Article 74 of the Law, the Constitutional Court forwards constitutional complaint to other persons whose rights or obligations may be directly affected by the decision of the Constitutional Court to accept the constitutional complaint, requesting their reaction within 15 days.

Article 58

At the proposal of judge rapporteur, the Constitutional Court shall request from the court submission of judicial and other case files relevant for the subject of the constitutional complaint.

7. Proposed decision and ruling

Article 59

(1) After the examination of a filing, opinion of the authority that passed a challenged act and depositions from other persons on the filing in the sense of the provision of Article 57 of the Rules herein or after the expiry of the deadline for their submission, as well as the collection of requested data, information and documentation important for the Constitutional Court to render decision, judge rapporteur prepares preliminary decision or ruling and submits it to the President or the president of a competent pane.

(2) In the procedure of constitutional and legal review of a piece of legislation, judge rapporteur is authorized to propose to the Constitutional Court to pass a decision of stopping constitutional judicial proceedings and to determine a deadline for the legislator thereof to remove observed unconstitutional and unlawful elements in the meaning of the provision from Article 62, paragraph 1 of the Law.

Article 60

(1) The preliminary decision or ruling from the provisions of Article 59, paragraph 1 of the Rules, subject to the type of case, has by rule the following elements:

1. constitutional court's designation of the case;
2. date of drafting the preliminary decision;
3. name of the applicant;
4. content of the filing;
5. content of the reply or opinion;
6. content of a contested general act or a provision of a general act;
7. content of an individual act, measure or action;
8. statement on established facts and legal facts of the case;
9. provisions of the Constitution and the law on which constitutional legal solutions are based in the case;
10. provisions of international acts regulating specific legal matters;
11. constitutional-legal appraisal of the challenged act;
12. expert and other opinions, provided they have been obtained in the course of proceedings;
13. relevant case law of the Constitutional Court, comparative practice of constitutional courts in other countries and the case law of the European Court for Human Rights;
14. proposal for scheduling public deliberations, if judge rapporteur considers it necessary;
15. proposal for closing the session of the Constitutional Court to the public, if judge rapporteur thinks that it should be closed to public;
16. proposal to suspend the execution of an individual act or action from the provision of Article 63 of the Law, provided that the Constitutional Court initiates the procedure thereof and that the applicant from provisions in Article 54 and 56 of the Law has submitted to the Constitutional Court the individual act and other evidence and made the action concrete to the level that it puts the Constitutional Court in position to issue order to suspend the execution of the act or action thereof;
17. proposal to suspend the execution of an individual act or action until the decision about a constitutional complaint is adopted in the meaning of the provisions from Article 73, paragraph 2 of the Law, provided that the applicant who has submitted the constitutional complaint proposed so, and judge rapporteur considers that proposal justified;

18. proposal/note for determining the date of publishing the decision in the Official Gazette in conformity with the provisions of Article 65 of the Law and Article 81 of the Rules herein;
 19. proposal to the authority that would have had to execute the decision and/or proposed deadline for execution of the decision or the manner in which to execute it, if judge rapporteur thinks this should be defined;
 20. proposal to publish decision or ruling in the Official Gazette of Montenegro if it is not mandatory by law and judge rapporteur holds it should be published;
 21. other proposals that judge rapporteur considers relevant for the case;
 22. proposal of rapporteur judge on how to decide the case.
- (2) The preliminary decision or ruling form paragraph 1 of this Article has to be enclosed together with:
1. filing
 2. reply or opinion of the authority that adopted the challenged act;
 3. authentic text of contested general act or contested provision or contested individual act;
 4. other supplied documents relevant for decision making;
 5. provisions from the acts the examination is focused on.
- (3) It is not allowed to present preliminary decision or ruling to public scrutiny.

V EXAMINATION PROECEDURE AT THE CONSTITUTIONAL COURT

1. Rules for the session of the Constitutional Court and panel sessions

1) Procedural order at the session

Article 61

- (1) All present parties who are allowed to accede the session of the Constitutional Court or to panel session are obliged to observe the procedural order for the session of the Constitutional Court.
- (2) The President of the Constitutional Court or president of panel session makes sure the procedural order is kept.
- (3) The President is entitled to adjourn or postpone the session if s/he considers the smooth flow of session is jeopardized.

2) Court summons

Article 62

- (1) Court summons together with the provisional agenda, relevant preliminary decision, constitutional court's documents and other working material are served on judges in hard and electronic copy and by rule five days ahead of the session.
- (2) The court summons and the enclosures from paragraph 1 of this Article are to be submitted also to the General Secretary, Deputy General Secretary, heads of organizational units and, if need be, to advisor.
- (3) The deadline from paragraph 1 of this Article may be shorter in cases deciding if the President of Montenegro violated the Constitution, deciding on electoral dispute, referendum dispute or on conformity of measures and actions undertaken during the war or state of emergency with the Constitution, as well as deciding on constitutional complaints or cases with short deadlines that cannot be delayed.

3) Establishing and adopting agenda for the session

Article 63

- (1) The President of the Constitutional Court or president of panel opens the session and establishes if the number of attending judges is big enough for holding the session and rendering decisions.
- (2) Each judge is entitled to propose a modification of the provisional agenda given in the summons from Article 62 of the Rules herein, which s/he reasons afterwards in oral form, whereupon decision is made by majority of votes.
- (3) Judge's reasoned proposal to remove the case in which s/he was a judge rapporteur from the agenda of the session is not to be deliberated or voted on but just a statement is added to the minutes about removal of that case from the agenda, at the proposal of the judge rapporteur.
- (4) If the removal of a case from the agenda is proposed and explained orally by a judge who was not a judge rapporteur in that case, and the judge rapporteur does not accept the proposal, the decision to remove a case from the agenda is made by majority votes of judges.
- (5) The agenda is adopted once majority of all judges sitting at the session or a panel of the Constitutional Court vote for it.

4) Presentation of judge rapporteur of the proposed decision or ruling

Article 64

- (1) After the agenda is adopted, the President gives floor to the judge rapporteur in the case to make an oral reasoning of the proposed decision or ruling that is to be decided and, if necessary, give additional comments.
- (2) If the case from the paragraph 1 of this Article is a constitutional complaint, and as such discussed at a session held in presence of accredited journalists, the President makes a point of stressing that the parties of the case are to be called by their initials in the course of oral presentation of the judge rapporteur, discussion and deliberation, pursuant to the Rules herein.

5) Discussion of the proposed decision or ruling

Article 65

After the presentation of the judge rapporteur, the President opens discussion on the judge rapporteur's proposal of decision or ruling.

Article 66

- (1) After discussion, the President summarizes and ascertains the proposals presented in the course of discussion and calls upon the judge rapporteur to provide his/her observation thereon.
- (2) If judge rapporteur accepts one or more proposals presented in the course of discussion, s/he may revise or amend the proposed decision.
- (3) A proposal that judge rapporteur accepts is considered an integral part of the decision.
- (4) The proposals that judge rapporteur turns down are neither discussed nor voted upon.
- (5) After judge rapporteur presents his/her observations, the President calls for votes about judge rapporteur's proposal of decision or ruling.

6) Procedure of voting on proposed decision or ruling

Article 67

- 1) Once discussion is over, the judges at the Constitutional Court session or panel session decide about judge rapporteur's proposed decision or ruling by casting their votes.

(2) If a given proposal concerns deciding on preliminary issue, the proposal thereof is to be voted first, and proposed decision or ruling together with approved objections is called subsequently.

(3) Each proposal is to be voted with «for» or «against» by electronic voting system.

(4) In case the electronic voting system is out of operation, each proposal is to be voted by raising hand with options «for» or «against» for each of the proposals; voting may also be administered in conformity with the provisions of Article 28, paragraph 3 of the Rules.

(5) If the session of the Constitutional Court by its majority of the total number of judges votes for a proposal or ruling or judicial panel by votes of all three judges votes for a proposal of decision or ruling, they are to be considered adopted and the decisions or rulings thereof are dispatched for redaction.

7) Work on redaction of adopted decisions or rulings

Article 68

(1) Judge rapporteur and an adviser prepare the adopted text of a decision or ruling for the Redaction Commission.

(2) The Redaction Commission determines the final text (original) of decision or ruling.

(3) The original text of decision or ruling is signed by the President and the president of the Redaction Commission.

(4) The final text of decision or ruling is conjoined with the Constitutional Court case-file and it is submitted to judge rapporteur at his/her request.

8) Re-examination of decisions and rulings before they are dispatched from the Constitutional Court

Article 69

(1) At the written and reasoned request of a judge, the Redaction Commission or other standing body of the Constitutional Court, the President of the Constitutional Court or president of judicial panel puts the reexamination of adopted decision or ruling on the agenda of the Court once the Court has comes in possession of new insights or facts that are of crucial interest for the protection of constitutionality and legality or the fairness of decision.

(2) Re-examination of decision or ruling may be requested before these are dispatched from the Constitutional Court.

(3) The declaration on staying of the dispatch of decision or ruling is entered into the minutes of the session stating that the conclusion that the declaration is adopted is repealed and that the case file is returned to judge rapporteur for reexamination.

(4) After judge rapporteur re-examines the decision or ruling, the case file is dispatched to the session for deciding it again.

2. Special provisions on proceeding before the Constitutional Court and adopted Constitutional Court decision

1) Public deliberation

Article 70

(1) When a proceeding of the Constitutional Court requires a direct deliberation on a complex constitutional legal issue, the Constitutional Court summons a public deliberation.

(2) The Constitutional Court at its session decides on the need to call for public deliberation at the proposal of the President and judges.

Article 71

(1) Public deliberation is called by the President's decree.

(2) The decree on calling for public deliberation contains: the topic of public deliberation, date and place of deliberation and the name of parties in the proceedings and other invited persons.

(3) On the basis of the decree on calling for public deliberation, the General Secretary sends written invitation for public deliberation and material for parties to the proceedings and other invited persons at least eight days before the public deliberation is held.

(4) Exceptionally, the Constitutional Court may determine the final date for sending the invitation and relevant material.

Article 72

(1) Apart from the parties to the proceedings, persons who can give their expert opinion and explanation relevant for adopting decision are invited to a public deliberation if necessary.

(2) At the proposal of rapporteur judge or the President, the Constitutional Court decides about inviting the persons from paragraph 1 of this Article.

Article 73

(1) Public deliberation is chaired by the President, who also keeps order at the public deliberation.

(2) The provisions on session's procedural order as laid down in Article 61 are also applied to public deliberation, and they apply to parties to proceedings and other invited persons likewise.

Article 74

(1) General Secretary informs the Constitutional Court about parties to proceedings and other persons who took up invitation to come to public deliberation.

(2) The absence of some of the participants to the proceedings from public deliberation does not prevent the Constitutional Court from holding public deliberation and adopting decision.

(3) In justified cases or at the proposal of parties to the proceedings, the Constitutional Court may postpone the public deliberations.

Article 75

(1) The President opens the public deliberation, declares the legal matter under the deliberation and calls on judge rapporteur to speak.

(2) The judge rapporteur presents the facts and conflicting legal matters relevant for deliberation, without presenting his/her views or the views of other judges about those legal matters and without prejudging the decision is to be made thereunto.

(3) In case judge rapporteur is prevented from attending public deliberation, the President may choose some other judge rapporteur and s/he may present the matter under deliberation.

Article 76

(1) After judge rapporteur or the President's presentation of the matter, the President informs the attendees with the further course of public deliberation and afterwards gives the floor to other parties to the proceedings and other invitees.

(2) Parties to the proceedings and other invited persons present and explain their opinions and reply to the questions presented in course of the deliberation, and other invited persons give their opinions relevant for the solution of constitutional issue.

(3) In the course of public deliberation a judge may request additional explanations and put questions to parties to the proceedings and other invitees.

Article 77

In matters pertaining to constitutional complaints, applicants and/or other parties' initials are used in the course of public deliberation, in conformity with the Rules herein.

Article 78

Once the discussion part is finished, the President concludes public deliberation and orally presents the procedure the Constitutional Court applies in passing decision following the public deliberation thereof.

Article 79

(1) The Constitutional Court holds a deliberation and voting session immediately after the public deliberation ends, by rule.

(2) In the process of deliberation, judge rapporteur presents his/her opinion and Court's position on the matter.

(3) After the conclusion of judge rapporteur's presentation, judges present their opinions and positions following the order of their request to speak.

(4) Once the discussion finishes, the voting starts.

(5) Discussion and voting session each are attended by the judges who took part in the deliberations, General Secretary, Deputy General Secretary, head of organizational unit and recording clerk.

2) Proposal for judge rapporteur's decision or solution that the Constitutional Court did not accept

Article 80

(1) If judge rapporteur's proposal of the decision or solution does not get the required majority of votes, the President opens voting on other proposals presented in the course of deliberation.

(2) In case from paragraph 1 of this Article, judge rapporteur may accept the position of majority of the judges, accept the analysis of other proposal and make a new proposal of the decision or solution in conformity with the position of majority of the judges.

(3) If judge rapporteur does not accept to draft a new proposal of the decision or ruling in line with the position of majority of the judges from paragraph 2 of this Article, the President gives the task to other judge to draft the decision or ruling in conformity with the position of majority of the judges, which is stated into the records.

(4) The proposal of the decision or ruling is revised or amended in conformity with the proposal or proposals from paragraph 1 of this Article as voted by the majority of judges.

3) Setting the date for publishing a decision for revoking the law or general act in the Official Gazette of Montenegro (Article 65 of the Law)

Article 81

(1) If judge rapporteur proposes a decision stating that a law is not in conformity with the Constitution and/or a ratified and published international treaties or that some other piece of legislation or general act is not in conformity with the Constitution or law, s/he has to separately examine whether the proposed abrogation of the law or other piece of legislation or general act may create a legal gap.

(2) For the purpose of examining potential for creating a legal gap, judge rapporteur is entitled to request to be supplied with the necessary documents, data and/or information from any state authority or legal entity.

(3) Judge rapporteur is obliged to make a statement of the reasons for the proposed conclusion on the legal effect of the decision of the Constitutional Court in reference to creating a legal gap.

(4) After the Constitutional Court renders decision declaring that a law is not in conformity with the Constitution and/or ratified international treaties, or that some other piece of legislation or general act is not in conformity with the Constitution or law, the President calls for vote on the proposed conclusion from paragraph 3 of this Article, too.

(5) If the Constitutional Court concludes that due to the abrogation of the law or other piece of legislation or general act is to create a legal gap, the decision from paragraph 4 of this Article sets the date of its publishing into the Official Gazette of Montenegro. Such a decision is submitted to parties to the proceedings, whereas competent state authorities and public get that information from the website of the Constitutional Court.

Article 82

(1) After the expiry of the deadline for which the publishing of decision from Article 81, paragraph 4 of the Rules herein has been postponed, judge rapporteur examines ex officio if the law has been made compliant with the Constitution and/or ratified international treaties, or some other piece of legislation or general act with the Constitution and if the effects of their implementation have been removed and thereupon sends proposed conclusion to the President to be submitted to the session of the Constitutional Court.

(2) If the proposal of the conclusion from paragraph 1 of this Article states that the effects of the implementation of unconstitutional law or unconstitutional and unlawful piece of legislation or general act have been removed, judge rapporteur is obliged to send proposed decrees on termination of the procedure and on non-publishing the decree from Article 81, paragraph 4 of the Rules herein in the Official Gazette of Montenegro enclosed with it.

(3) If the Constitutional Court accepts the judge rapporteur's proposal i.e. adopts the decree from paragraph 2 of this Article, the decree is submitted to parties to the proceedings, whereas competent state authorities and public get that information from the website of the Constitutional Court.

(4) If the proposal of decision from paragraph 1 of this Article ascertains that the effects of the unconstitutional law or unconstitutional and unlawful other piece of legislation or general act have not been removed, judge rapporteur is obliged to submit to the President the proposed conclusion on publishing decision from Article 81, paragraph 4 of the Rules herein into the Official Gazette of Montenegro together with the proposal thereof to be forwarded to the session of the Court.

(5) If the Constitutional Court accepts the proposal of the rapporteur judge or passes the conclusion from paragraph 4 of this Article, the conclusion thereof is submitted to the parties to the proceedings, whereas competent state authorities and public get that information from the website of the constitutional Court. The decision from paragraph 81, paragraph 4 of the Rules herein is concurrently dispatched for publishing in the Official Gazette of Montenegro.

4) Procedure and manner to a just satisfaction for suffered violation of human right or freedom enshrined in the Constitution (Article 76 of the Law)

Article 83

(1) If the Constitutional Court in its proceedings on deciding constitutional complaint has the competence to determine also a just satisfaction to complainant for suffering violation of human right or freedom enshrined in the Constitution, it has first to consider if harmful effects of established violation of pledged rights and freedoms can first be remedied by issuing an order to a competent state authority, local self-government or local authority, legal entity or other entity exercising public powers to pass a new act or take an appropriate measure or activity.

(2) If the Constitutional Court concludes that harmful effects of determined violation of human right or freedom enshrined in the Constitution cannot be efficiently remedied in the way prescribed in paragraph 1 of this Article, the Court passes the decision on a just satisfaction for the complainant who has suffered violation.

(3) Just satisfaction from paragraph 2 of this Article is to be paid from the Budget of Montenegro at the request of a complainant; the request thereof is submitted to the Government within three months as of the day when the complainant is served the decision of the Constitutional Court.

(4) The benchmark for just satisfaction from paragraph 2 of this Article is taken from the jurisprudence of the European Court for Human Rights for Montenegro in cases ordering compensations to be paid by national authorities.

5) Reexamination of a previous position adopted by the session of the Constitutional Court

Article 84

- (1) If a position taken by the Constitutional Court in the proposal of decision or ruling is considered divergent from the previous position the Court took in the identical matter, the adoption of the decision is to be delayed so that the Court considers if there is a need to reexamine the earlier position.
- (2) In case from paragraph 1 of this Article, upon a reasoned written request of a judge or Constitutional Court's working body, the President schedules the request for reexamination of the previous position for the subsequent session of the Constitutional Court.
- (3) The need to reexamine the Court's previous position is discussed at the session of the Constitutional Court in a separate discussion and with presentation of the reasons for the change of position.
- (4) The discussion from paragraph 3 of this Article is governed by relevant rules pertaining to the deliberation at the session of the Constitutional Court.

Article 85

- (1) The change of the position of the Constitutional Court is stated in the records of the regular session of the Constitutional Court.
- (2) The change of the position of the Constitutional Court and the reason for changing the position are quoted in the first decision or ruling passed by the Constitutional Court made on the basis of the new position.

6) Taking measures for non-execution of a decision of the Constitutional Court

Article 86

- (1) If the Constitutional Court's decision orders the period of time, manner or the authority that has to execute the decision thereof in compliance with Article 52, paragraph 3 of the Law and its orders are not executed, the Constitutional Court passes a statement declaring that the orders from the decision of the Constitutional Court have not been executed.
- (2) The statement from the paragraph 1 of the Article is submitted to the Government of Montenegro and posted on the web page of the Constitutional Court.
- (3) If the statement citing the unexecuted orders of the Constitutional Court has not been published beforehand in the Official Gazette of Montenegro, the notice from paragraph 1 of this Article is to be published with attached decision thereof.

Article 87

Issues pertaining to the proceedings before the Constitutional Court that have not been regulated by the Rules herein are to be decided upon by the Constitutional Court in each respective case and the conclusions made thereupon are to be laid down and explained in the Court's decision or ruling passed in the case concerned.

3. Minutes

Article 88

The minutes are taken at the sessions of the Constitutional Court, public consultations and panel sessions and, if deemed necessary, at judicial consultations and other meetings in compliance with the Rules herein.

1) Minutes from the session of the Constitutional Court

Article 89

(1) Integral minutes of the session are taken on the course of session, both at its public and closed part.

(2) The minutes on the course of the session comprise:

1. date of the session,
2. names of present and absent judges,
3. names of other persons who attend the session,
4. proposed agenda,
5. proposed amendments to the agenda, if presented,
6. adopted agenda,
7. case to be decided or deliberated,
8. a brief overview of the case to be decided,
9. the disposition of the passed decision or ruling,
10. the voting score with the note on judge/s who voted against decision or who dissented his/her opinion,
11. upheld objections to the proposed decision or ruling,
12. information on attending public,
13. note on audio recording or any other recording method
14. other conclusions adopted at the deliberations of the case.

(3) At the request of the President or judge, the minutes from the session of the Constitutional Court may contain some other important information.

Article 90

(1) Recording clerk makes the draft version of minutes from the session and submits it to the General Secretary who subsequently makes proposed minutes of the session of the Constitutional Court.

(2) By rule, the minutes from the session of the Constitutional Court are adopted at the next session of the Court.

(3) The President and judges may give remarks as to the minutes from paragraph 2 of this Article and propose alteration and amendment of the minutes to be decided by the Constitutional Court.

(4) The minutes from the session of the Constitutional Court are to be signed by the President and General Secretary.

2) Minutes on public consultation

Article 91

(1) The minutes are taken on the course of public consultation.

(2) The minutes thereof are taken by the advisor who has worked on the constitutional court case.

- (3) The minutes contains the date of the consultations, the names of attendees names of present and absent judges, names of present parties to the proceedings, legal representatives and other invited persons, the legal matter for consultations and a summary of interventions presented by the parties and other invitees.
- (4) The minutes of the public consultations is submitted together with the written presentation of the judge rapporteur or the President and written interventions of the parites to the proceedings and other invitees.
- (5) The minutes from the public consultations are adopted at the session of the Constitutional Court.
- (6) The minutes thereof is signed by the President, judge rapporteur and the recording clerk.
- (7) The course of discussions may be audio recorded or recorded in any other way. The recording thereof is deemed an integral part of the minutes.

3) Minutes on panel session

Article 92

- (1) The minutes on the course of the panel session cite the general information on the attendance of the panel president and members, agenda, amendments and alterations of the agenda, decided or deliberated legal matter, a brief presentation on the discussion on decide matter, names of judges who voted against the propose decision, approved remarks about the proposed decision or ruling, statement on judges who voted against the decision, note on the presence of public, audio recording or other recording of the session and other necessary details as requested by the president of the panel or a judge.
- (2) The minutes from panel session are taken by an advisor authorized by the panel president.
- (3) By rule, the minutes on the course of panel session are adopted at the next panel session and it is signed by the pane president and recording clerk.

4) Minutes on judicial consultations

Article 93

- (1) The minutes on judicial consultations are taken when it is deemed necessary or requested by the President or judge.
- (2) The minutes on judicial consultations cite the date, agenda, general information on attendance of the President, judges and appointed persons and other employees of the Office, the matter to be decided or discussed, brief positions presented by judges in the discussion, adopted decision, ruling, conclusion and other important information.
- (3) By rule, the minutes from judicial consultations are adopted at the next judicial consultations, and they are signed by the President and the recording officer.
- (4) In case the minutes from paragraphs 1 to 3 of this Article are not taken at the judicial consultations, the General Secretary states in the minute just the date when the consultations concerned were held, its agenda and general note on the attendance of the President, judges and appointees and other employees of the Office.

VI ACTS of THE CONSTITUTIONAL COURT

Article 94

The Constitutional Court passes other general acts in conformity with the Law and the Rules herein.

Article 95

- (1) The Constitutional Court passes decisions and rulings in the cases within the remit of its competence as prescribed by the Constitution of Montenegro.

(2) In its deciding the matters stipulated in the provisions of Article 27 of the Rules herein and other issues pertaining to the operation of the Constitutional Court, the Court may pass decisions, rulings and other individual acts (conclusions etc.).

1. Types of decisions and rulings of the Constitutional Court

Article 96

- (1) The Constitutional Court passes decisions in the cases prescribed by the Law.
- (2) By its effect, decision of the Constitutional Court is either revoking, rejecting, declaratory or repealing decision.
- (3) The Constitutional Court passes a revoking decision once it finds that a law, other piece of legislation or a general act or some provisions in force are not in conformity with the Constitution and ratified and published international agreements or with the Constitution and law and in proceedings deciding constitutional complaints if it finds that a certain act violated human right or freedom guaranteed by the Constitution.
- (4) The Constitutional Court passes a rejecting decision once it finds that a law, other piece of legislation or general act or some provisions in force are in conformity with the Constitution and ratified and published international agreements or with the Constitution and law and in proceedings deciding constitutional complaints if it finds that a certain act did not violate human right or freedom guaranteed by the Constitution.
- (5) The Constitutional Court passes a declaratory decision once if finds the law, other piece of legislation, general act or some provisions contravene with the Constitution and ratified and published international agreements have become ineffective; and if an individual act is found ineffective in the proceeding on constitutional complaint.
- (6) The Constitutional Court passes a repealing decision once it finds in its proceedings deciding on electoral disputes or disputes pertaining to referendum that the irregularity that was detected in the electoral process had a significant impact on the election outcome.
- (7) The Constitutional Court passes its judicial rulings in the cases from its jurisdiction as prescribed by the Constitution of Montenegro and in the cases prescribed by the Law.

1) The contents of Constitutional Court's decisions and rulings

Article 97

- (1) The Constitutional Court's decisions and rulings have introduction, disposition and statement of the reasons.
- (2) Introduction of decision and ruling contains name and surname of the President, president of competent panel or judge who chaired the court session and then names and surnames of judges who took part in passing the decision or ruling listed in alphabetical order of initial letter or their family name, without scientific or professional titles attached thereto, date of the session for deliberation or voting, majority by which it was adopted and other information depending on the type of proceedings and subject matter of the case.
- (3) The disposition of decision and ruling contains: Constitutional Court's decision, the name/title of the contested act, reference of a contested and name of the entity that passed an act, the date of enactment or publishing of the contested act, provisional order, information on publishing of the act of the Constitutional Court as well as other necessary facts depending on the type of proceedings and subject matter of the case.
- (4) The statement of the reasons of decision or ruling contains: name of an applicant, summary of the application, reply or opinion of the authority that passed the act and disputed act, the contents of disputed provision, legislation the decision is based on, relevant case law, constitutional reasons invoked in deciding the case, as well as other facts depending of disputed matter and type of act.

2. Serving decisions and rulings of the Constitutional Court

Article 98

- (1) Parties to the proceedings are served a written copy of a decision or ruling, which is certified by adviser.
- (2) The decision of the Constitutional Court whereby a submitter of constitutional complaint was awarded just satisfaction for suffering violation of his/her rights or freedoms guaranteed by the Constitution is to be sent to a competent state authority, local self government or local authority, legal person or any other entity exercising public powers for the purpose of removing damaging effects of established violation of human right or freedom.
- (3) If a decision or ruling cannot be served to the participants to the proceedings out of some reason whatsoever, the serving is made by posting it on the notice board of the Constitutional Court.
- (4) In case of paragraph 3 of this Article, the serving is considered done on the eighth day after the decision, ruling or notice is put on the notice board of the Constitutional Court.
- (5) If decision or ruling of the Constitutional Court published in the Official Gazette of Montenegro cannot be served to parties to the proceedings out of some reason whatsoever, it is considered done on the day of its publishing.

3. Publishing of the decisions and rulings of the Constitutional Court

Article 99

- (1) The Constitutional Court's decisions and rulings are published in the Official Gazette of Montenegro in compliance with Article 51 of the Law.
- (2) The Constitutional Court's decisions and rulings published in the Official Gazette of Montenegro are also to be published on the Constitutional Court's web site.

Article 100

- (1) Decisions and rulings passed in the proceedings on constitutional complaints are by rule published on the web site of the Constitutional Court once the Court receives delivery note certifying that the recipient has received the decision or ruling thereof.
- (2) As a derogation of paragraph 1 of this Article, if there is a need to inform some state authority or other authority and public immediately after decision or ruling from paragraph 1 of this Article, the Constitutional Court issues a separate notice which quotes only the contents of their disposition.

1) Publishing of anonymized decision or ruling adopted in the proceedings on constitutional complaints

Article 101

- (1) Personal names of natural persons, names of legal persons and names of places and foreign states cited in the original texts of decisions, rulings, reports, communications, warnings and other acts of the Constitutional Court are published without abbreviation.
- (2) By derogation of paragraph 1 of this Article, in published decisions or rulings rendered in the proceeding on constitutional complaints, the personal names of addressees and/or other persons who are minors, or are fully or partially deprived of their disposing capacity, or who are victims of criminal offences, are always abbreviated in such a way that their personal names are indicated with one letter (e.g. 'X') or two letters different from their initials (e.g. 'X. Y.'). In these cases, all other data that could disclose their identity, including data on other persons mentioned in the decision or ruling, and who could be connected with them, are abbreviated likewise.
- (4) Regardless of whether a constitutional complainant in compliance with the paragraph 3 of this Article so requested, the Constitutional Court or a competent panel exercising its competence in constitutional complaints

procedure is entitled to initial the names of an addressors, and if necessary omit their names in the interest of moral , public order, security of people and property, parties' private lives and other justified reasons.

4. Corrections of decisions and rulings of the Constitutional Court

Article 102

- (1) If a published text of a decision or ruling from the Official Gazette of Montenegro is not identical to the original, the text thereof is to be corrected.
- (2) If a copy of dispatched decision or ruling has some technical mistakes and if the published text of decision or ruling is not identical to the original, the text thereof is to be corrected.
- (4) The correction is to be dispatched to the parties to the proceedings and published in the same way as the decisions or ruling they are correcting.

VII CASE FILES AND DOCUMENTATION OF THE CONSTITUTIONAL COURT

1. Court's case file

Article 103

- (1) Constitutional Court's case file comprises: Court's designation of the case, application that initiates or activates proceedings, the subject of application, applicant(s)'s name, rapporteur judge's name, judicial advisor's name and the list of case file's documents with itemized names of acts and actions of the procedure and their respective details.
- (2) Dissenting judge's opinions, original documents and certified copies of decisions or rulings, other filings and other enclosures relevant for the case thereof are stored into the case file thereof.
- (3) The documentation from the Constitutional Court's case file is there to serve the needs of the Court's judges and advisors in the procedures of analysis of the same or similar constitutional court's cases.
- (4) The documentation from the Constitutional Court's case file, with the exception of written replies or opinions of state authorities received in the course of proceedings and certified copies of the decisions or rulings, are not made available to the courts and other state authorities.

2. Confidential documentation of the Constitutional Court

Article 104

- (1) Confidential documentation of the Constitutional Court include voting results, proposed decisions or rulings and information generated from the documents provided by the courts and other state authorities and classified by level of confidentiality into: state, military, official and business secret, which have not been declassified.
- (2) Confidential documentation thereof is not considered a part of the Constitutional Court's case file and it is appropriately attached to a corresponding Court's case file. The access to the documents is not permitted to anyone beyond the Constitutional Court's circle of judges and advisors.
- (3) Other court's case files related to constitutional complaints, case files and documentation from other authorities as requested by judge rapporteur in the course of the proceedings before the Constitutional Court as well as documents and information supplied in the course of proceedings thereof are not considered an integral part of the constitutional court's case file.
- (4) Each copy of received court files from courts and other state authority's case files from paragraph 3 of this Article, is appropriately attached to a corresponding Constitutional Court's case file. The access to the documents is not permitted to anyone beyond the Constitutional Court's circle of judges and advisors.

VIII RELATIONS BETWEEN THE CONSTITUTIONAL COURT, PARTIES TO THE PROCEEDINGS AND OTHER INTERESTED PARTIES

Disposing of the applications for which the Constitutional Court is not competent

Article 105

(1) The Constitutional Court neither gives legal aid nor deems itself competent for interpreting or explaining the application of constitutional court's decisions and rulings.

(2) The Constitutional Court does not decide on applications requesting its legal advice or opinion on certain issues, aid in exercising rights or interest, complaints against the work of state and other authorities or organizations, and neither it does in applications requesting the Constitutional Court to act upon matters that are not in its competence.

(3) General Secretary informs the applicant in writing that the Constitutional Court is not competent to act upon applications from paragraph 1 of this Article.

2. Notice on the course of proceedings

Article 106

(1) Before the proceedings ends parties to the proceedings and other interested parties may request information on the course of proceedings.

(2) The information from paragraph 1 of this Article is issued by General Secretary.

3. Case file inspection and transcript

Article 107

(1) The request for inspection of case file and its transcript, contains: name of the requestor, ID number, address/seat of the requestor, case designation given by the Constitutional Court or brief descriptive indication of the case, name of the act that is to be transcribed and signature of the requestor.

(2) In the request thereof an interested person has to list and supply the evidence that indicate to his/her interest in case file inspection or its transcription.

(3) A proxies of parties to the proceeding have to submit a certified copy of the proxy statement.

Article 108

(1) General Secretary decides about the request for case file inspection and transcript and s/he informs the requestor thereupon.

(2) A requestor inspects the case file in the Office of the Constitutional Court during the working hours of the Court as per decision of the General Secretary.

(3) The transcript in form of Xerox copy is made at the Constitutional Court.

(4) Transcription costs are to be covered by the requestor as per the price list displayed on a notice board of the Constitutional Court.

4. Constitutional Court's case file after the end of proceedings

Article 109

(1) General Secretary gives permission to a party to the proceedings to inspect the constitutional case file even after the case is closed and designated as «a/a, provided that the party thereof informs the Constitutional Court in writing that s/he is preparing the application for the protection of human rights before the European Court for Human Rights and quotes the reasons for considering the inspection thereof necessary.

(2) Physical person who is not a party to the proceeding may get permission from the General Secretary to inspect the Constitutional Court's case file from the provisions of Article 107 of the Rules herein after the proceedings before the Court is closed and designated with "a/a", provided that s/he proves beyond doubt that s/he has a legitimate professional, scientific, research or similar interest in that with a signed affidavit whereby s/he pledges not to publish the names of persons, legal entities and names of places and foreign countries contained in the constitutional complaint case file.

(3) The permission itself or official note on the refusal of the permission from paragraphs 1 and 2 of this Article are made in writing and they are considered an integral part of the Constitutional Court's case file

5. Visits and visiting hour

Article 110

Parties' visits and the Constitutional Court's visiting hours are regulated by a separate act of the Constitutional Court.

IX MISCELLANEOUS PROVISIONS

1. Professional advancement

Article 111

(1) The Constitutional Court ensures professional advancement for judges, appointees, other civil servant and employees of the Constitutional Court.

(2) Judges, appointees and other employees of the Office of the Constitutional Court attend conferences, seminars, round tables and meetings in the country and abroad.

(3) The persons from paragraph 1 of this Article report to the President of the Constitutional Court on the attended gathering.

2. International legal cooperation

Article 112

(1) The Constitutional Court takes part in the conferences with the aim to exchange experience on constitutional jurisprudence and engages in other forms of cooperation between constitutional courts and other courts performing the function of constitutional courts.

(2) Besides the cooperation from paragraph 1 of this Article, the Constitutional Court cooperates with international organizations, constitutional courts from European and other countries and with the European Court for Human Rights from Strasbourg.

(3) The Constitutional Court draws up regular reports on constitutional jurisprudence to be published in the Bulletin – the official journal of the Council of Europe's Commission for Democracy through Law (Venice Commission).

Article 113

The Constitutional Court may organize conferences, seminars, round tables and meetings with the representatives of other constitutional courts to discuss the issues of common interest for exercising constitutionality and legality in the protection of human rights and freedoms.

3. Defining budget proposal for the Constitutional Court

Article 114

- (1) The Constitutional Court receives funding from the budget of Montenegro.
- (2) The General Secretary makes budget proposal for the Constitutional Court for a given fiscal and provides reasoning for proposed items.
- (3) The proposal from paragraph 2 of this Article is submitted to the session of the Constitutional Court in a timely manner.
- (4) The President submits the budget proposal for the Constitutional Court to the Parliament of Montenegro for its adoption.

4. Procedure for amending and revising the Rules

Article 115

- (1) The proposal for the amendment and revision of the Rules herein may be given by the President, judge or a standing body of the Constitutional Court.
- (2) The proposal from the provision 1 of this Article, together with the rationale thereof is presented in writing to the session of the Constitutional Court for its consideration.

X TRANSITIONAL AND FINAL PROVISIONS

Article 116

The procedures in the cases that were initiated before entering into force of the Rules herein are to proceed in conformity with the Rules herein.

Article 117

- (1) The President establishes the first panels within 30 days as of the day of entering into force of the Rules.
- (2) The election of the Redaction commission is to be completed within 30 days as of the day of entering into force of the Rules.
- (3) The provision from paragraph 2 of this Article is applied to other standing bodies of the Constitutional Court accordingly, provided these have been established.

Article 118

General acts referred to by the Rules herein are to be adopted within six (six) months of the day of entering into force of the Rules herein.

Article 119

Entering into force of the Rules abrogates the Rules of Procedure of the Constitutional Court of Montenegro ("Official Gazette of Montenegro", No. 33/09).

Article 120

The Rules herein enter into force on the eighth day after its publication in the Official Gazette of Montenegro.

PRESIDENT
Desanka Lopacic