

ITECO Engineering Ltd. Tel./fax: +381(36)319-840 306-137;306-138 E-mail: msp@msp.org.yu 104594562 PIB:

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USTAVNI POLOŽAJ LOKALNE SAMOUPRAVE

Švajcarsko-srpska Radionica Hotel "M-Best Western", Bulevar oslobođenja (Bulevar JNA) 56a, Beograd www.hotel-m.com

> Četvrtak 14. Jun 2007.

Radna tema 1 LOKALNA SAMOUPRAVA I USTAV

> Registracija učesnika 10:30 Uvodno izlaganje 10:45-11:15

Prof. dr Stevan Lilić

Ustavni koncept lokalne samouprave u Srbiji Prof. dr Predrag Dimitrijević

Pauza (osveženje)

Ustavni položaj švajcarskih opština 12:00-12:45 Mr Mirjam Strecker

Annina Schneider

Diskusija 12:45-13:00 Moderator

Polazak autobusa za Medija Centar (Sava Centar)

KONFERENCIJA ZA MEDIJE Medija Centar, Milentija Popovića 9 (Sava

Centar), Beograd 14:00-15:00 www.mediacenter.org.yu

Prezentacija publikacija i brošura (Učešće građana na lokalnom nivou

Ombudsman, Pristup informacijama) Prof. Lilić, Prof. Kälin, M.Strecker, Đ.Stojčić, D.Vujčić, A.Grunauer, M.Stojanović, A.Schneider

Polazak autobusa za hotel M

Ručak 15:30-16:30

Položaj lokalne samouprave 16:30-17:15 Constitutional Position of Local

u Evropskim zemljama Prof. dr Walter Kälin

- Rad po grupama: analiza tema (1) 17:15-17:45 Group work: topic analysis (1) Pauza (osveženje) 17:45-18:00 Break (refreshments)
- Rad po grupama: analiza tema (2) 18:00-18:30 Group work: topic analysis (2)
 - Evaluacija 18:30-19:00 Evaluation

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Municipal Support Programme Program podrške opštinama Trg Jovana Sarića 1, 36000 Kraljevo, Srbija www.msp.org.yu

CONSTITUTIONAL POSITION **OF LOCAL GOVERNMENTS**

Swiss-Serbian Workshop Hotel "M-Best Western", Bulevar oslobođenja (Bulevar JNA) 56a, Belgrade www.hotel-m.com

> Thursday June 14th 2007

Work topic 1 LOCAL SELF-GOVERNMENT AND THE CONSTITUTION

Registration of participants

General Introduction Prof. Dr. Stevan Lilić

Constitutional Concepts of Local Self-Government in Serbia Prof. Dr. Predrag Dimitrijević

11:45-12:00 Break (refreshments)

> **Constitutional Position of Swiss** Municipalities Mirjam Strecker, LL.M. Annina Schneider

Discussion Moderator

Departure by bus to Media Center (Sava Centar)

PRESS CONFERENCE

Medija Centar, Milentija Popovića 9 (Sava Centar), Belgrade www.mediacenter.org.yu

Presentations of publications

(Citizen Participation at the Local Level, Ombudsperson, Access to Information) Prof. Lilić, Prof. Kälin, M.Strecker, Đ.Stojčić, D.Vujčić, T.Madigan, M.Stojanović, A.Schneider

Governments in European Countries

Departure by bus to Hotel M

Prof. Dr. Walter Kälin,

Lunch

15:00

Večera 20:00-22:00 Dinner

MSP is funded by the Government of Switzerland through the Swiss Agency for Development and Cooperation (SDC). Executing Agency: Joint Venture ITECO-INTERCOOPERATION, in Serbia represented by the ITECO Engineering Ltd. Representative Office

PROGRAM

PROGRAM

11:15-11:45

13:00

Trg Jovana Sarića 1, 36000 Kraljevo, SCG Phone / Fax: +381 (36) 319-840; 306-137; 306-138 E-mail: msp@msp.org.yu Web page: http://www.msp.org.yu



DEBRIEFING NOTES (FINAL) WS CONSTITUTIONAL POSITION OF LOCAL GOVERNMENTS

Swiss-Serbian Workshop 14.-15.06.2007

Meeting with Swiss Legal Team, Serbian Legal Team, MSP/PSU

Date: 15.06.2007 Venue: Hotel "M-Best Western", Bulevar oslobođenja (B. JNA) 56a, Belgrade

Participants

Serbian Legal Team: Stevan Lilic (Head Serbian Team), Predrag Dimitrijevic, Dragan Vujcic, Maya Stojanovic

Swiss Legal Team: Walter Kaelin (Head Swiss Team), Mirjam Strecker, Annina Schneider

MSP/PSU: Alexander Grunauer, Aleksandar Protic, Katarina Kajganic

Objectives and expected Outcomes of the Debriefing

1. To evaluate aspects of the LI WS on Constitutional Positioning of Local Governments, June 14th – 15th 2007

- 2. To have agreed next steps regarding further activities within the project.
- 3. General

- 1. Evaluation of aspects of the LI WS on Constitutional Positioning of Local Governments, June 14th 15th 2007
- The organization of the workshop was good
- Venue appropriate for the specific event
- The topics selected for the WS where very necessary re policy formulation at local level and local democracy
- The work planned so fare is completed; if the topic Ombudsman stays on the agenda the drafting of a model decision on the Local Ombudsman should be taken into consideration
- Participants were interested and but not too much active in the plenary
- o In the working groups the participation was very engaged
- The topics "city status, local property and territorial organization" where very interesting for the participants
- Selection of topics to work on has to be more participatory already in the WS preparation and more concrete and related to the needs and demands of local officials
- To invite topic related institutions and central level organizations was a positive experience
- The media conference within the WS at the media centre was a success and resulted e.g. in three broadcasts of the official national television "RTS", the popular private TV station "Pink" and a smaller TV channel "Kosava".
- Framework programme contributed significantly to the spirit and teambuilding within the Ws and IMWS Legal Issues
- Organization adjustments in the setup for co-operation between the two legal teams and MSP-PSU showed results
- LL re publications: To print the publications in Serbian and add a CD-ROM with English version plus additional related documents was a good pilot. The structuring of the CD-ROM should be improved. To have up to two publications per year could be a target.

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- 2. Next steps on further activities within the project, Swiss-Serbian LI Cooperation
- The for ca. November planned second Swiss-Serbian LI WS within 2007 is confirmed and will be planned
- MSP-PSU will organize a meeting/pool with the IMWG LI members to discuss topics of interest for the municipal representatives for the next Swiss-Serbian LI WS. The inputs from the participants will be shared in August with the two legal teams re preparation of the November event
- Potential topics for the November event by Swiss-Serbian Legal Team:
 - Legal aspects of planning
 - E-Government
 - Ombudsman model decision
 - Land property
 - Territorial Organization
 - Model of elections on local level
 - Participation in practice, citizens participation
- It was agreed between the legal teams and MSP-PSU that a study tour to Switzerland on "Local Democracy" including selected above mentioned topics would be a good idea.
 - MSP-PSU will lobby and confirm the study tours financial possibility by end of June 2007
 - On the potential study tour 3 participants per MSP partner municipality could participate: one senior executive (mayor, deputy mayor, HoA, secretary of the parliament) would be set by the municipality. For the two other tickets per mun. a contest will take place in which all IMWG LI participants ever have the right to participate. The two legal teams will draft the exercise for the candidates by September 2007

3. General:

- The handling of the topic "conflict of interest" will not be further elaborated
- Potential idea for a next publication:
 - "Three years of municipal reforms on legal issues MSPs' benefit for Serbian municipalities
 - New municipal statute
 - Ev. new topic after the study tour to Switzerland
- Potential outlook MSP Phase III (first vague ideas): Technical assistance and involvement of central level and MSP municipalities a pilot municipalities
- Financial and Urban Planning Law as topics

Place/Date: Kraljevo, 27.06.2007 Alexander Grunauer



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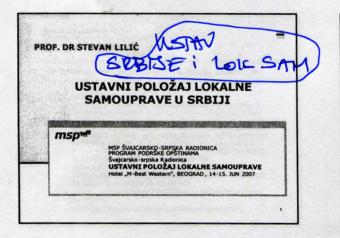
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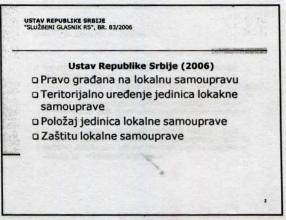
Spisak učesnika koji su učestvovali na radionici "Ustavni položaj lokalne samouprave" 14-15. jun 2007. hotel M Best-Western, Beograd

R. broj	Organizacija	Mesto	Ime i prezime	Funkcija	Br. telefona
1.		Switzerland	Walter Kalin	Professor of Law	
2.		Switzerland	Mirjam Strecker		
3.		*******	Annina Schneider		
4.	Pravni fakultet	Beograd	Stevan Lilic	Profesor prava	
5.	SKGO	Beograd	Dragan Vujcic	Clan pravnog tima	
6.	Pravni fakultet	Nis	Predrag Dimitrijevic	Clan pravnog tima	
7.	Pravni fakultet	Beograd	Maja Stojanovic		
8.	MSP	Kraljevo	Timothy Madigan	RTL	
9.	MSP	Kraljevo	Aleksander Grunauer	Deputy RTL	
10.	MSP	Kraljevo	Aleksandar Protic	HoA	
11.	Odbor za rešavanje o sukobu interesa	······································	Aleksandar Kovačević	Savetnik	063/447-327
12.	Opštinska uprava	Kraljevo	Verica Milanović	Zamenik predsednika opštine	064/891-20-01
13.	SO	Kraljevo	Danijela Grahovac	Sekretar SO	064/891-21-02
14.	Opštinska uprava	Kraljevo	Miloš Petrović	Načelnik odeljenja	064/891-2203
15.	Opštinska uprava	Kraljevo	Vanja Vuković	Poslovi SO	036/306-017
16.	Opštinska uprava	Kraljevo	Jelena Bekčić-Luković	Pristup inf. od javnog znač.	036/306-075
17.	CESID	Kraljevo	Vuk Konjikušić		062/434-825
18.	Opštinska uprava	Čačak	Rada Bojović Novaković		
19.	Opštinska uprava	Čačak	Slavica Nišavac		
20.	Opštinska uprava	Čačak	Milena Braović		
21.	Opštinska uprava	Užice	Petar Vujadinović	Načelnik OU	031/590-140
22.	Opštinska uprava	Užice	Branka Blažević	Sekretar privr. organa	
23.	Opštinska uprava	Užice	Gordana Urošević	Ruk. Odeljenja sk. poslova	031/590-181
24.	Opštinska uprava	Požega	Biljana Milovanović	Načelnik OU	031/811-181
25.	Opštinska uprava	Požega	Neoričić Borivoje		031/811-732
26.	Opštinska uprava	Požega	Radojka Košanin	Sekretar SO	

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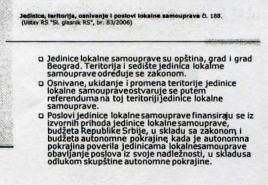


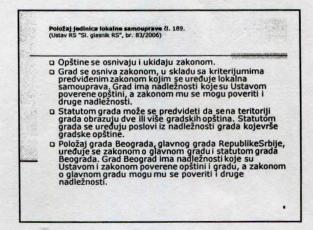


Pokrajinska autonomija i lokalna samouprava čl.12. (Ustav RS "Si, glasnik RS", br. 83/2006)

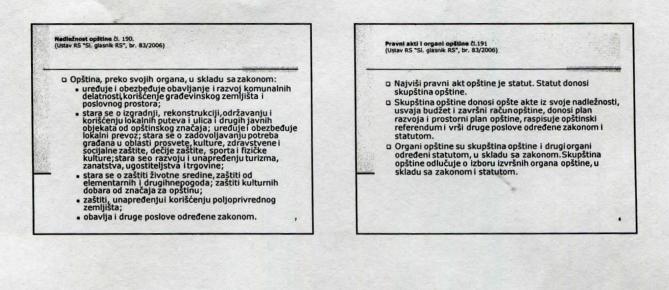
- Državna vlast ograničena je pravom građana na autonomnu pokrajunu i lokalnu samoupravu.
- Pravo građana na autonomnu pokrajinu i lokalnu samoupravu podleže samo ustavnosti i zakonitosti.

Pravo gradana na lokalnu samoupravu čl. 176. (Ustav RS *SL glasnik RS*, br. 83/2006) Građani imaju pravo na pokrajinsku autonomiju i lokalnu samoupravu, koje ostvaruju neposredno ili preko svojih izabranih predstavnika. D Jedinice lokalne samouprave imaju status pravnog lica.





Prof. S. Lilić USTAVNI POLOŽAJ LOKALNE SAMOUPRVE



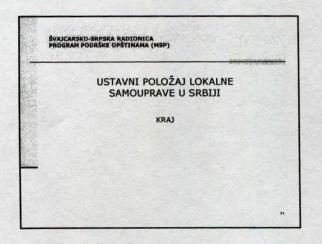
Nadzor nad radom opštine či.192. (Ustav RS "SI. glasnik RS", br. 83/2006)

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- Vlada je dužna da obustavi od izvršenja opšti akt opštine za koji smatra da nije saglasan Ustavu ili zakonu i da u roku od pet dana pokrenepostupak za ocenjivanje njegove ustavnosti ili zakonitosti.
 Vlada može, pod uslovima određenim zakonom, raspustiti skupštinu opštine.
- l istovremeno sa raspuštanjem skupštine opštine, Vlada imenuje privremeni organkoji obavlja poslove iz nadležnosti skupštine, vodeći računa o političkom i nacionalnom sastavu raspuštene skupštine opštine.

Zaštita lokalne samouprave (1.193, (Ustav RS *SI. glasnik RS*, br. 83/2006)

- D Organ određen statutom opštine ima pravo žalbe Ustavnom sudu ako se pojedinačnim aktom ili radnjom državnog organa ili organa jedinice lokalne samouprave onemogućava vršenje nadležnosti opštine.
- Organ određen statutom opštine može da pokrene postupak za ocenu ustavnosti ili zakonitosti zakona i drugog opšteg akta Republike Srbije ili autonomne pokrajine kojim se povređuje pravo na lokalnu samoupravu.



Prof. S. Lilić USTAVNI POLOŽAJ LOKALNE SAMOUPRVE

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27.	Opštinska uprava	Požega	Miladin Filipović	O.j. pravobranilac	New St. St. Markey
28.	Opštinska uprava	Požega	Zdenka Kovačević	NVO Sretenje	031/814-490
29.	YUCOM	Beograd	Dejan Milenković		
30.		Beograd	Ivana Bogdanovic	Svrseni student prava u Svajcarskoj	
31.	Palgo centar	Beograd	Dušan Damjanović	Predsednik Palgo centra	011/30 25 813
32.	MSP		Katarina Kajganić	Podrška	
33.	MSP		Draga Mršović	Prevodilac	
34.	MSP		Sandra Milojević	Prevodilac	aliter representation

Media Conference, 14 June at 14:00, Media Center

- 1. H.E. Ambassador of Switzerland, Mr. Wilhelm Meier
- 2. EU Movement

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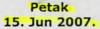
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Radna tema 2 ZAKONODAVSTVO O LOKALNOJ SAMOUPRAVI U KONTEKSTU NOVOG USTAVA

Zakonodavstvo o lokalnoj samoupravi i Predlog Zakona o 10:00-10:30 teritorijalnoj organizaciji Republike Srbije (koncepti i kriterijumi) Dragan Vujčić, SKGO Pregled zakonskih akata Maja Stojanović, LawDem msp⁻

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Friday June 15th 2007

Work topic 2 RELEVANT LAWS ON LOCAL SELF-GOVERNMENT IN LIGHT OF THE NEW CONSTITUTION

Relevant Laws on Local Self-Government and Proposition Law on Territorial Organization of the Republic Serbia (Concepts and Standars) Dragan Vujčić, Standing Conference Overview of Legislation Maja Stojanović, LawDem

Diskusija Moderator	10:30-11:00	Discussion Moderator
Pauza (osveženje)	11:00-11:15	Break (refreshments)
Rad po grupama: analiza tema	11:15-12:45	Group work: topic analysis
Evaluacija	12:45-13:00	Evaluation
. Pauza (osveženje)	13:00-13:15	Break (refreshments)
Radna tema 3 PRISTUP INFORMACIJAMA, OMBUDSMAN I KONFLIKT INTERESA U SVETLU NOVOG USTAVA SRBIJE Prof. dr Stevan Lilić Prof. dr Predrag Dimitrijević Dragan Vujčić, SKGO	13:30-13:45	Work topic 3 ACCESS TO INFORMATION, OMBUDSPERSON AND CONFLICT OF INTEREST IN LIGHT OF THE NEW CONSTITUTION OF SERBIA Prof. Dr. Stevan Lilić Prof. Dr. Predrag Dimitrijević Dragan Vujčić, Standing Conference
Diskusija i zaključci	13:45-14:15	Discussion and Conclusion
Ručak	15:00-16:00	Lunch