



**Montenegro
The Ministry of Human
and Minority Rights**

Proposal

T H E L A W

**ON SELECTION, USE AND PUBLIC DISPLAY
OF THE NATIONAL SYMBOLS**

Podgorica, March 2016

THE LAW

ON SELECTION, USE AND PUBLIC DISPLAY OF THE NATIONAL SYMBOLS

I. GENERAL PROVISIONS

Article 1

This Law shall regulate the right of members of minority nations and other minority national communities in Montenegro to select, use and publicly display the national symbols.

Article 2

National symbols are considered to be the symbols that members of minority nations and other minority national communities use to express their national identity.

II. SELECTION AND USE OF THE NATIONAL SYMBOLS

Article 3

National symbols shall be a coat of arms, a flag and an anthem.

The etalon of the national symbols referred to in paragraph 1 of this Article shall be determined by the decision of council of minority nations or other minority national communities (hereinafter: council), as defined by the statute of council.

The decision on the etalon of the coat of arms and the etalon of the flag and the musical notation of the national anthem shall be confirmed by the organ of state administration competent for minority rights (hereinafter: the Ministry).

Original Coat of Arms, original Flag and melodic and tone record of the Anthem shall be kept by the President of Parliament of Montenegro.

Article 4

The coat of arms, the flag and the anthem shall be used in the form and the content stipulated in accordance with Article 3 of this Law.

The content of the national symbols shall not undermine the feelings of others.

Article 5

The coat of arms may be used:

- 1) on the seal of council;
- 2) on the seals of educational, scientific, cultural and religious associations and institutions established by members of a minority nation or other minority national community (hereinafter: associations and institutions);
- 3) in the premises of councils and education, cultural and religious associations and in inscriptions on buildings in which these associations are located;
- 4) on the acts used by councils, associations and institutions;
- 5) on charters, diplomas and awards given by councils, associations and institutions;
- 6) on acknowledgments, greeting cards, invitations and other acts of councils, associations and institutions;
- 7) in the occasion of political, scientific, cultural and artistic, sporting and other events in private organization or in organization of councils, political parties, non-governmental organizations, associations, institutions or individuals;
- 8) in other cases which are not in conflict with law.

Article 6

The flag may be raised:

- 1) on the buildings and premises in which councils, political parties, associations and institutions are situated;
- 2) in the occasion of political, scientific, cultural and artistic, sporting and other events in private organization or in organization of councils, political parties, non-governmental organizations, associations, institutions or individuals;
- 3) in other cases prescribed by law.

In the days of mourning, which are determined by council, on the buildings and the premises referred to in paragraph 1, item 1 of this Article, the flag shall be raised at half-mast.

Article 7

The anthem shall be performed with: playing, singing or playing and singing.

In the occasion of performance, the text and the melody of the Anthem shall not be subject to any change.

The anthem shall be performed with showing respect, in a way where attendees stand up, salute or otherwise show respect to the Anthem.

The Anthem must not be performed in the manner and in the circumstances that undermine the honour and dignity of Montenegro.

Article 8

The Anthem may be intoned:

- 1) in the premises in which councils, political parties, associations and institutions are located;
- 2) in the occasion of political, scientific, cultural and artistic, sporting and other events in private organization or in organization of councils, political parties, non-governmental organizations, associations, institutions or individuals;
- 3) in other cases prescribed by law.

Article 9

National symbols shall not be used:

- 1) on the buildings and in the premises of the Parliament of Montenegro, except in the premises of MP clubs, the President of Montenegro, the Government of Montenegro, the Constitutional Court of Montenegro, courts, the State Prosecution, the Protector of Human Rights and Freedoms, the Army of Montenegro, the University of Montenegro, the Central Bank of Montenegro and the State Audit Institution;
- 2) during international meetings, political, scientific, cultural and artistic, sporting and other events organized by the organs referred to in item 1 of this Article, as well as other meetings where Montenegro is presented;
- 3) in other cases prescribed by law.

Article 10

In the units of the local self-government or in the local communities in which members of a minority nation or other minority national community constitute majority population, according to the result of last census, in the days of the state holidays on the buildings of the organs of local self-government, alongside the state flag, shall be raised the flag of that minority nation or other minority national community.

In the units of the local self-government referred to in paragraph 1 of this Article, in the days of national holidays of a minority nation or other minority national community whose members constitute majority population, on the buildings of the organs of the local self-government shall be raised the flag of that minority nation or other minority national community.

Article 11

In the units of the local self-government in which members of a minority nation or other minority national community constitute more than 5% of the population, according to the result of last census, during the state and the national holidays of that minority nation or other minority national community, on the buildings of the organs of the local self-government, shall be raised the flag of that minority nation or other minority national community.

Notwithstanding the paragraph 1 of this Article in the local communities in which members of a minority nation or other minority national community constitute more than 15% of the population, according to the result of last census, during the state and the national holidays of that minority nation or other minority national community, on the buildings of the local communities and of the organs of the local self-government, shall be raised the flag of that minority nation or other minority national community.

Members of the minority nation or other minority national community shall not use the right referred to in paragraph 2 of this Article, if the results from two last consecutive censuses are lower than the percentage referred to in paragraph 2 of this Article.

Article 12

National holidays referred to in Article 11 paragraphs 1 and 2 of this Law shall be determined by the decision of council, in the manner and procedure established in the statute of council.

Article 13

In the units of the local self-government and the local communities referred to in Article 10 paragraph 1 and Article 11 paragraphs 1 and 2 of this Law, the use of the national symbols is permitted also in the official premises of the organs of the local self-government and in public institutions, as well as in the premises designated for weddings.

Manner of use and public display of the national symbols referred to in paragraph 1 of this Article shall be established by the act of the unit of the local self-government.

Article 14

National councils shall be required to submit the national symbols to all institutions of the local self-government, public institutions and the local communities which have an obligation to raise them in accordance with this Law.

III. PROTECTION OF THE NATIONAL SYMBOLS

Article 15

On the national symbols the Coat of Arms and the Flags shall not be permitted any correction, adding or modification.

Exceptionally, with the prior approval of council, the national symbols may be used as an integral part of emblems or signs of associations and institutions.

Article 16

The use of the exact form of the national symbols in the sign of a political party, a business company, an institution and other legal person or organization shall be prohibited.

National symbols shall not be used as a trade or service mark, sample or model, or as any other sign to mark goods or services.

Article 17

National symbols shall not be used if they are damaged or if they are unsuitable for use because of their appearance.

Damaged or unsuitable for use national symbols shall be withdrawn from the use.

Article 18

The flag shall be raised, lowered, displayed and removed or transported with the usual honours (standing up, saluting etc.).

Article 19

The flag must not be set up so to touch the ground, or as bedding, curtains and the like.

Article 20

When the national symbols are used or displayed with the state symbols, the state symbol shall occupy the place of honour.

IV. SUPERVISION

Article 21

Supervision over the implementation of this Law and regulations adopted under this Law shall be carried out by the Ministry and the competent organs of the local government.

Inspection supervision shall be carried out by competent organs of the local government, through communal inspectors.

V. PENAL PROVISIONS

Article 22

A fine of EUR 2,000 to EUR 20,000 shall be imposed on a legal person for a misdemeanour, if:

1. uses the Coat of Arms and the Flag in the form and the content which are not determined in accordance with Article 3 of this Law (Article 4);

2. makes changes in the text or the melody of the Anthem (Article 7 paragraph 2);

3. performs the Anthem in the manner and in the circumstances which undermine honour and dignity of Montenegro (Article 7 paragraph 4).

4. uses the national symbols on the buildings and in the premises of the Parliament of Montenegro, except in the premises of MP clubs, the President of Montenegro, the Government of Montenegro, the Constitutional Court of Montenegro, courts, the State Prosecution, the Protector of Human Rights and Freedoms, the Army of Montenegro, the University of Montenegro, the Central Bank of Montenegro and the State Audit Institution (Article 9 paragraph 1 item 1);

5. uses national symbols during international meetings, political, scientific, cultural and artistic, sporting and other events organized by the organs referred to in item 1 of this Article, as well as other meetings where Montenegro is presented (Article 9 paragraph 1 item 2);

6. in the units of the local self-government or in the local communities in which members of a minority nation or other minority national community constitute majority population, according to the result of last census, in the days of the state holidays on the buildings of the organs of the local self-government, alongside the state flag, does not raise the flag of that minority nation or other minority national community (Article 10 paragraph 1);

7. in the local communities in which members of a minority nation or other minority national community constitute more than 15% of the population, according to the result of last census, during the state and the national holidays of that minority nation or other minority national community, on the buildings of the local communities and of the organs of the local self-government, does not raise the flag of that minority nation or other minority national community (Article 11 paragraph 2);

8. corrects, adds or modifies anything on the national symbols (Article 15 paragraph 1);

9. uses the national symbols as part of emblems or signs of associations and institutions, without prior approval of council (Article 15 paragraph 2);

10. uses the exact form of the national symbols in the sign of a political party, a business company, an institution and other legal person or organization (Article 16 paragraph 1);

11. uses the national symbols as a trade or service mark, sample or model, or as any other sign to mark goods or services (Article 16 paragraph 2);

12. uses the national symbols if they are damaged or if they are unsuitable for use because of their appearance (Article 17 paragraph 1);

13. sets up the flag so to touch the ground, or as bedding, curtains and the like (Article 19);

14. the state symbol does not occupy the place of honour during use or display of the national symbols with the state symbols (Article 20).

For the misdemeanour referred to in paragraph 1 of this Article, a responsible person in the legal person shall be fined with EUR 300 to EUR 2,000.

For the misdemeanour referred to in paragraph 1 of this Article, an entrepreneur shall be fined with EUR 500 to EUR 6,000.

For the misdemeanour referred to in paragraph 1 of this Article, a natural person shall be fined with EUR 300 to EUR 2,000.

Article 23

To the perpetrators of the misdemeanour referred to in Article 19 paragraph 1 of this Law may, alongside the fine, be pronounced the protective measure of confiscation of the object used to commit the misdemeanour.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 24

The statutes of councils shall be harmonized with this Law no later than 60 days from the date of entry into force of this Law.

Article 25

The etalon of the national symbols shall be established within 90 days from the date of entry into force of this Law.

Article 26

The act of the unit of the local self-government referred to in Article 12 paragraph 2 of this Law shall be brought within 12 months from the date of entry into force of this Law.

Article 27

On the day of entry into force of this Law, the Law on Use of National Symbols (Official Gazette of Montenegro, No. 55/00) and Article 107 of the Law on Amendments

to the Law prescribing fines for misdemeanours (Official Gazette of Montenegro, No. 40/11) shall cease to be valid.

Article 28

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