

# **LAW ON SPORTS**

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# I INTRODUCTORY PROVISIONS

## ARTICLE 1

This Law regulates rights and obligations of athletes and other natural persons in the sports system, issues related to legal position, organisation and registration of entrepreneurs and juridical persons in the sports system (hereinafter referred to as: the organisations in the area of sports), general interest and needs of citizens in the area of sports, the national strategy on sports development in the Republic of Serbia, school and university sports and physical education of preschool children, sports facilities, organisation of sports events, national acknowledgments and awards for special contribution to development and affirmation of sports, keeping of records and monitoring of work of organisations in the area of sports.

## ARTICLE 2

Sports are activities of special importance for the Republic of Serbia.

Sports make part of physical culture that includes every form of organised and unorganised sports activities practiced by natural and juridical persons in the area of sports, with a view to satisfying human need for creation, affirmation, physical exercises and competition with others.

## ARTICLE 3

Certain expressions used herein have the following meaning:

- 1) Sports activities are all forms of physical and mental activities that, through unorganised or organised participation, aim to expressing or improving physical preparedness and spiritual well-being, establishing social relationships or achieving results at competitions of all levels;
- 2) Sports activities are activities that provide conditions for practicing sports activities, or enable their practice, and especially: organisation of participation and running of sports activities, including international competitions, training for practicing sports activities and running sports activities; sports refereeing; organisation of sports preparations and sports events; securing and managing sports equipment and facilities; professional education, qualifying, improvement and informing in the area of sports; scientific-research and research-development work in sports; advertising and marketing in sports; consulting and professional services in sports; sports intermediation, organising of business operations in the area of sports;
- 3) Recreational activities (recreational sports, sports for all, mass sports) are the area of sports that includes voluntary practice of physical exercise, or practice of sports activities with the objective to rest, refresh, have fun, improve health or improve one's results and to fulfil one's need for movement, play or socialising, in all segments of the population;

- 4) Top sports are the area of sports that includes sports activities the objective of which is extraordinary (top) results and sports qualities;
- 5) Children's sports are an organised form of physical activity, or sports activities, brought into line with the anthropological characteristics of the children's age;
- 6) A sports organisation is an organisation founded for practicing sports activities, in accordance herewith;
- 7) An athlete is a person engaged in sports activities;
- 8) *An amateur athlete* is an athlete whose objective of practicing sports activities is not to earn money and he/she does not practice these activities professionally;
- 9) A professional athlete is an athlete engaged in sports activities as his/her only or basic profession or another athlete who has a status of professional athlete in accordance with the sports rules of a competent official international sports association;
- 10) A competing athlete is an amateur or professional athlete who participates in a sports competition, as a member of sports organisation or independently, in accordance with this Law and the sports rules;
- 11) A top athlete is an athlete who is classified under the category of top athletes, in accordance with the National Categorisation of Athletes, based on the achieved top sports results at sports competitions and on other ways of their achieving in accordance with the sports rules of a competent official international sports association;
- 12) A promising athlete is a juvenile athlete who is classified under the category of promising athletes based on the achieved sports results, in accordance with the National Categorisation of Athletes;
- 13) A talented athlete is an adult athlete classified under the category of talented athletes based on the achieved sports results, in accordance with the National Categorisation of Athletes;
- 14) A categorised athlete is an athlete classified based on the sports results, in accordance with the National Categorisation of Athletes;
- 15) An organisation in the area of sports is every juridical person and entrepreneur dealing with organising sports activities in accordance with the law;
- 16) A professional sports club is a sports organisation (club) that has such status in accordance with sports rules or that has at least 50% registered senior athletes with a status of professional athlete comparing to the number of the senior athletes registered with a competent national branch sports association for the season of competition;

- 17) A sports team is an organisational unit of a sports organisation that gathers athletes and sports professionals from a certain sports branch, who participate in a certain rank of a competition organised by a competent national branch sports association;
- 18) A national sports association is a sports association (branch, for the area of sports or by territory) the objectives, assignments, and action in the area of sports of which are focused on the territory of the Republic of Serbia and which is open for enrolment of persons from the territory of the Republic of Serbia;
- 19) A competent national branch sports association is the national branch sports association that regulates, by means of sports rules, practicing of sports activities in a certain sports branch, in accordance herewith;
- 20) A competent international sports association is an international sports association which is a member of, or is acknowledged by, the International Olympic Committee and the International Paralympic Committee when it comes to sports of people with disabilities, or an international sports association competent for a certain branch or area of sports at an international level and which the competent national sports association is a member of;
- 21) A sports event is a specific, purposefully prepared and executed, time limited sports event, instigating public interest and participated by a number of athletes;
- 22) A sports competition is a sports event happening according to the pre-determined and known sports rules, that can be generally applicable to a specific sports branch or only to a specific sports event, and the objective of which, aspired to by every participant, is to beat the opponent or to achieve a certain pre-determined sports result;
- 23) A national sports competition is a sports competition organised at the territory of the Republic of Serbia by a competent national branch sports association, in accordance with this Law and the sports rules;
- 24) An amateur sports competition is a sports competition having such status in accordance with the sports rules of a competent national branch sports association, at which a maximum of 20% of professional athletes may compete;
- 25) A professional sports competition is a sports competition having such status in accordance with the sports rules of a competent national branch sports association, and at which, in accordance with this Law and the sports rules of the competent national branch sports association, at least 75% of professional athletes compete, unless it has been determined otherwise by the regulations of a competent international sports association;
- 26) A professional sports league is the highest national professional sports competition (whether open or closed type) of sports organisations, or sports teams of the sports organisations, organised as companies, competing against each other by the pre-determined schedule and the sports rules;

- 27) An organiser of the sports event is a person who, on his/her/its own responsibility, decides on organising and execution of a certain sports event, manages it and hosts it, in accordance with the Law and the sports rules;
- 28) Sports rules are rules determined by general acts of competent national sports associations, that regulate practicing of sports activities and realising set sports objectives;
- 29) A professional sports supervisor is a person who provides supervision over professional work in the area of sports, follows and recommends measures undertaken by an organisation in the area of sports, or by a sports expert for elimination of shortcomings, and informs the minister in charge of sports (hereinafter referred to as: the Minister) of the noticed shortcomings.

The terms herein indicating positions, professions or vocations, expressed in grammatical masculine gender, imply the natural masculine and feminine gender of the persons regarded.

Organisations in the area of sports mean positions, professions and vocations in the area of sports determined in accordance herewith, in masculine or feminine grammatical gender, depending on the gender of the holder of position, profession or vocation.

The opinion whether a certain activity is a sports activity, and which sports discipline and sports branch or area it belongs to, as well as which international sports association has a status of competent international sports association in accordance herewith, if needed, is given by the ministry in charge of sports (hereinafter referred to as: the Ministry), based on the previously obtained professional opinion of the Serbian Sports Association, the Serbian Olympic Committee, and the Serbian Paralympic Committee.

#### **ARTICLE 4**

Everyone has the right to practice sports.

Practicing sports has to be humane, free and voluntary, healthy and safe, in accordance with the natural and social environment, fair, tolerant, ethically acceptable, responsible, independent from misuse and objectives contrary to sports spirit and available to all citizens under equal conditions, regardless of age, level of physical ability, degree of possible disability, sex and other personal attributes.

All types of direct or indirect discrimination, including hate speech, on any grounds, of athletes, sports professionals, sports organisations, and other persons participating in the sports system, in an open or hidden manner, based on some actual or supposed personal attribute, are prohibited.

The prohibition of discrimination under paragraph 3 hereof also includes the prohibition of discrimination of professional athletes and athletes who want to become professional athletes regarding employment, earnings or work conditions, except when making difference,



or putting one athlete in less favourable position comparing to other athletes in the same or similar situation is based on the very nature or actual and determining conditions for practicing a certain sports activity, and the objectives the realisation of which is desired are justified.

The provisions of a contract between an athlete, or a sports professional and an organisation in the area of sports constituting discrimination of the athlete, or the sports professional – are null and void, and the provisions of sports rules and general acts of organisations in the area of sports constituting discrimination of participants in the sports system – are not applied.

All types of malpractice, abuse, discrimination and violence towards children are prohibited in the area of sports.

Organisations in the field of sports and persons executing professional-educational work with children in such organisations, as well as all members of the organisations in the area of sports, will particularly promote equality among children and will actively oppose to all types of misuse, abuse, discrimination and violence.

More detailed conditions of manners of recognising the forms of misuse, abuse, discrimination and violence against children under paragraph 6 hereof are signed jointly by the Minister, the minister in charge of internal affairs, the minister in charge of justice and the minister in charge of health.

An athlete or other person has the right to indemnification of the damage suffered due to acts of discrimination, misuse, abuse and violence but the organisation or person in the area of sports under paragraphs 3 and 6 hereof.

The provisions of the law regulating the prohibition of discrimination will be applied to the prohibition of discrimination under paragraphs 3 and 6 hereof, unless determined otherwise hereby.

The Republic of Serbia, the autonomous province, the local self-government unit, and the organisations in the area of sports, will particularly take actions to increase the participation of children, young, women, and disabled persons in sports activities, to popularise women sports organisations and give equal significance to women and disabled persons in sports.

## **ARTICLE 5**

At keeping the records and other databases and at issuance or submission of the documents by the participants in the sports system in accordance herewith, the protection of personal data and privacy is exercised in accordance with the provisions hereof and with the law regulating the protection of personal data.

The competent national sports association, in accordance herewith, gathers, stores and performs other actions of processing of personal data of an athlete, a sports professional and an expert in sports, depending on the type of the records kept by the competent national sports

association in accordance herewith (name and surname; gender; date of birth; citizenship; number of the identification document serving as means of identification at sports events; residence and domicile address; contact data; sports branch and sports discipline; name of the sports organisation where sports activities are performed and for which an athlete, or a sports professional, is registered; photograph; number of the sports registration document; achieved sports results; disciplinary measures; engaged sports agent; grounds for engaging in the sports organisation or association; concluded contracts with a sports organisation or association; degree of education, or professional qualification of a sports professional; sports title of a sports professional; number and date of issuance of the professional licence of a sports professional and its expiry date; realised transfer, lending or other form of moving of an athlete or a sports professional to another sports organisation; compensation for development of an athlete at concluding the first professional contract; other data determined by the sports rules of the competent international sports association), including the processing of particularly sensitive data (an athlete's health condition, used medical devices and other), and it shares with other organisations in the area of sports personal data of an athlete, a sports professional and an expert in sports, necessary for exercising rights, obligations and responsibilities of these persons in such organisations, in accordance herewith.

The competent national sports association may, in accordance with the law, make available the data under paragraph 2 hereof to the competent international sports association if it is necessary for:

- 1) Regulating the status at moving to a foreign sports organisation;
- 2) Regulating the contractual relations with the foreign sports organisation;
- 3) Regulating the questions of the right to compete at international sports competitions;
- 4) Determining the responsibility for violation of sports rules.

The competent national sports association is obligated in the cases under paragraphs 2 and 3 hereof to ensure that the personal data is not delivered to an unauthorised person, as well as to withhold the delivery of such data if the organisation to which the data is delivered fails to guarantee an adequate data protection.

The processing of the data determined hereby by the competent national sports association or another organisation in the area of sports regarding health conditions of an athlete and a sports professional and regarding the used medical devices and other particularly sensitive personal data, as well as of the data processed based on the sports rules of the competent international sports associations, is conditioned with the consent of the persons whose data is processed, in accordance with the law.

The data under paragraph 2 hereof are gathered from athletes and sports professionals regarded as well as from the sports organisations, sports associations and professional associations, members of the competent national sports association.

The competent national sports association may publish the identity of an athlete or another person against whom the proceedings for violation of the sports rules have been launched only upon informing the athlete or another person of the violation he/she is charged of.

The data under paragraph 2 hereof are kept for ten years.

The competent national sports association makes available the data under paragraph 2 hereof to the Ministry at its request, without delay, for exercising the competence of the Ministry determined hereby.

The following personal data is entered into the documents, the issuance of which or other actions with which are envisaged by the provisions hereof, depending from the type and scope of the document: name, names and surnames of parents; date and place of birth; professional/academic title; sports title; denomination and level of professional licence; date of passed professional/final exam and result achieved at the exam, or total average grade; photograph; mark of health ability for practicing sports activities and professional work in sports; sports ranking according to the corresponding national categorisation; age sports category; function performed in the organisation in the area of sports; contact data; social security number of a representative of the organisation in the area of sports; number of the document (identity card or travel document) serving for identification of the person; date of issuance and expiry date of the document; signature.

For the needs of the scientific-research work and at drafting sports-political and statistical analyses, personal data of the participants in the sports system are used and published in the manner that provides the protection of participants in the sports system, in accordance with the law.

## **ARTICLE 6**

Organisations in the area of sports realise their objectives and practice sports activities in accordance with the law, sports rules, acknowledged conventions in the area of sports and principles determined in the documents of the international organisations a member of which is the Republic of Serbia.

Sports rules directly apply to all persons who, directly or indirectly, are included in the competences of the competent national sports association.

The competent national sports associations harmonise their sports rules with the sports rules of the competent international sports association, and in case they are not harmonised or the competent national sports association has not passed adequate sports rules, the sports rules of the competent international sports association apply directly, unless they are in conflict herewith.

## **ARTICLE 7**

The rights and obligations determined hereby apply to all organisations in the area of sports with the registered seat at the territory of the Republic of Serbia and to all practices of sports activities at the territory of the Republic of Serbia.

## **II SPORTS SYSTEM AND PARTICIPANTS IN SPORTS SYSTEM**

### **ARTICLE 8**

A sports system is made of natural and juridical persons practicing sports activities, as well as participants in the sports system, in accordance herewith.

### **1. NATURAL PERSONS IN SPORTS SYSTEM**

#### **RIGHTS AND OBLIGATIONS OF ATHLETES**

### **ARTICLE 9**

An athlete may practice sports activities independently or within an organisation in the area of sports.

An athlete may practice sports activities in an amateur or professional manner.

### **ARTICLE 10**

The rights, obligations and responsibilities of amateur athletes are regulated by the law, the sports rules of the competent national sports association and the general acts of a sports organisation, and the rights, obligations and responsibilities of competing amateur athletes provided with a pecuniary compensation for practicing sports are also regulated by a contract between the athlete and the sports organisation (contract on scholarship of a juvenile athlete for sports improvement or contract of practicing sports).

The rights, obligations and responsibilities of professional athletes are regulated by the law, the sports rules of the competent national sports association, the collective agreement, the labour code (when no collective agreement has been concluded with the employer) and the labour contract between the athlete and the sports organisation.

A separate collective agreement is concluded between a representative union and an adequate representative association in sports, in accordance with the law.

At concluding and execution of the labour contract with a sports organisation, a juvenile athlete enjoys a special protection prescribed by the law regulating the conditions for establishing labour relation and work of the persons under 18 years of age.

The sports organisation and the athlete are obligated to abide by the rights and obligations determined by the acts under paragraphs 1 and 2 hereof.

A contract with an athlete without full legal capacity may legally be concluded only with the written consent of both parents, or tutors, authenticated in accordance with the law, based on the previously determined health ability of the athlete without full legal capacity by a competent healthcare service or an institute competent for sports and sports medicine.

The sports organisation is obligated to inform the athlete of the rights, obligations and responsibilities under paragraphs 1 and 2 hereof in writing prior to concluding the contract.

The practicing of sports activities in accordance with the contract of practicing sports under paragraph 1 hereof is deemed work outside of labour relation, in accordance with the law.

The athlete and the sports organisation may conclude only one contract for practicing sports activities in the sports organisation by the athlete, in accordance herewith.

The contract between the sports organisation and the athlete concluded differently from the provisions hereof is null and void.

## **ARTICLE 11**

The athlete without a legally concluded contract with a certain sports organisation may not be denied the right to concluding the contract with another sports organisation, or transfer to another sports organisation and the registration and competing for it at sports competitions in quality of athlete, by the sports rules, unless determined otherwise hereby.

In the case under paragraph 1 hereof, as well as in the case of cancellation or annulment of the contract between the athlete and the sports organisation, the dispute between the sports organisation he/she leaves and the sports organisation he/she moves to regarding the amount and the payment of the contracted transfer fee, or the compensation for development, or training of the athlete determined by the sports rules, may not influence the sports activities of the athlete and the right to competing for the sports organisation he/she moved to.

The athlete is entitled to indemnification for the damage suffered due to acts of discrimination of an organisation in the area of sports under paragraphs 1 and 2 hereof.

The compensation for development or training of the athlete under paragraph 2 hereof is calculated at concluding the first professional contract in accordance with the sports rules of the competent national branch and international sports associations, based on investments or actual expenses of the sports organisation/organisations that have contributed to the athlete's development, with the condition that the year in which the athlete turned 21 may be calculated as the last year of training.

The sports organisation left by the athlete may not claim the compensation for development or training of the athlete under paragraph 4 hereof if the athlete or his/her parent or tutor paid the membership or the compensation for practicing sports activities, for sports equipment and sports preparations, to that sports organisation, meaning that the compensation has to be reduced accordingly.

The compensation under paragraph 4 hereof may not be claimed if the contract of the athlete with the sports organisation has been cancelled by fault of the sports organisation, as well as upon cessation of the athlete's development or training.

## **ARTICLE 12**

The contract and all amendments and modifications of the contract, including the written cancellation of the contract between the athlete and the sports organisation, are concluded in writing and authenticated in accordance with the law, and is otherwise null and void.

The contract between the athlete and the sports organisation is signed by the athlete and the person authorised for representing the sports organisation, and in case the athlete is a persons without full legal capacity the contract is signed in accordance with Article 10 paragraph 6 hereof.

In case of concluding the contract and determining the nullity, annulment, consensual termination of the contract or termination of the contract between the sports organisation and the athlete due to unfulfilment of the contractual obligations, the sports organisation is obligated to inform the competent national branch sports association thereof without delay.

The unfulfilment of the contractual obligations between the athlete and the sports organisation is deemed in accordance with Article 10(5), Article 13(1, 3 and 4) and Article 17(2–4) hereof.

## **ARTICLE 13**

A professional athlete establishes a labour relation with a sports organisation by concluding the labour contract, for a definite period of time, for up to a maximum of five years. Upon expiration of that period, the professional athlete may again conclude the contract with the same or another sports organisation.

The interruptions in work shorter than 30 days do not influence the duration of the labour relation.

The professional athlete has all the rights, obligations and responsibilities from the labour relation in accordance with the law regulating labour, unless determined otherwise by this law or by the sports rules of the competent international sports association.

The professional athlete and the sports organisation determine the salary and other earnings by the labour contract in accordance with this law and the law regulating labour.

Other earnings of the professional athlete determined in accordance herewith are not deemed salary.

Corresponding taxes and contributions to salary, or on the profit of natural persons, are paid on the salary and other earnings of the professional athlete under paragraph 4 hereof, in accordance with the law.

Other earnings of the professional athlete under paragraph 4 hereof are pecuniary and other award for the achieved sports results, reimbursement of accommodation, meal and travel expenses during the sports preparations and sports competitions, pecuniary and other compensation for concluding the contract, compensation for use of the athlete's figure and other similar earnings.

If the athlete is professionally engaged in the sports organisation outside of its place of residence or domicile, the sports organisation may provide the athlete with the free accommodation at the territory of the local self-government unit where the registered seat of the sports organisation is located, in which case it is not deemed other earning of the athlete under paragraph 4 hereof.

The earnings under paragraph 7 hereof may also be determined by the general acts of the sports organisation.

The working hours, vacations, leaves and other rights and obligations of the professional athlete towards the sports organisation are adjusted to the regime of the sports preparations, or competitions.

The professional athlete may be temporarily directed to another sports organisation based on a written agreement of the sports organisation to which he/she is directed and the sports organisation with which he/she has a labour relation, with the consent of the professional athlete, in accordance herewith.

#### **ARTICLE 14**

A top athlete may practice sports activities individually and professionally in individual sports and as individual professional athlete or entrepreneur.

No special space, equipment or personnel are required for practicing the activities under paragraph 1 hereof.

#### **ARTICLE 15**

The amateur athletes that are not obligatorily insured in terms of the law regulating pension and disability insurance may be included in the obligatory insurance under the conditions, in the volume and in the manner envisaged by that law.

The funds for pension and disability insurance of the athlete under paragraph 1 hereof may also be provided by sports organisations and other juridical persons, partially or in whole.

#### **ARTICLE 16**

The amateur athlete may be included in the obligatory health insurance, in accordance with the law regulating the obligatory health insurance.

The obligations based on the insurance under paragraph 1 hereof may be assumed by sports organisations or other juridical persons.

#### **ARTICLE 17**

The amateur athlete practicing sports activities as a member of a sports association, without a contract, has the rights determined by the sports rules and the general act of the sports organisation.

By the contract of practicing sports, the competing athlete and the sports organisation determine, in accordance with the sports rules, particularly: pecuniary compensation for practicing sports activities, pecuniary and other compensations for the achieved sports results, reimbursements of accommodation and meal expenses during sports preparations and sports competitions, compensation for concluding the contract and compensation for use of the athlete's figure.

The contract of scholarship of the juvenile athlete for sports improvement determines, in accordance with the sports rules, particularly: pecuniary scholarship and reimbursement of accommodation and meal expenses during sports preparations and sports competitions.

The contract of scholarship under paragraph 3 hereof may be concluded until the juvenile athlete's becoming of age at the latest.

The general acts of the sports organisation may determine a special compensation as pecuniary aid to the top athletes with special merits.

A promising athlete is entitled to scholarship for sports improvement, in accordance with the sports rules of the competent national branch sports association.

The national sports associations determine special programmes of care of promising athletes.

#### **ARTICLE 18**

The contract of transfer, written and authenticated in accordance with the law, is a contract between the sports organisation with which the athlete has a legally concluded contract in accordance herewith and the sports organisation which the athlete moves to, based on which the sports organisation with which the athlete has a legally concluded contract agrees to prematurely cancel the contract with the athlete, in order for him/her to move to the sports organisation with which the contract of transfer is concluded, with a certain compensation.

The contract of lending, written and authenticated in accordance with the law, is a contract between the sports organisation with which the athlete has a legally concluded contract in accordance herewith and the sports organisation which the athlete temporarily moves to, based on which the sports organisation with which the athlete has a legally concluded contract agrees



on that the athlete temporarily moves to the sports organisation with which the contract of lending is concluded.

The contract under paragraphs 1 and 2 hereof may be legally concluded only with the written and authenticated, in accordance with the law, consent of the athlete.

An international transfer, or moving of a juvenile athlete to the foreign sports organisation, is not allowed, except in special cases determined by the sports rules of the competent international sports association.

A national transfer, or moving of a juvenile athlete to the local sports organisation outside of the place of residence of the juvenile athlete, is not allowed, unless the moving is approved by the competent national branch sports association in accordance with the criteria and the sports rules determined in the procedure.

The criteria under paragraph 5 hereof should be in accordance with this law and the sports rules of the competent international sports association for a corresponding sports branch and they may not limit the right of the juvenile athlete to moving to another sports organisation not related with practicing sports activities (education, connection with the family and other).

The Ministry gives its consent to the sports rules under paragraph 5 hereof.

The competent national branch sports association keeps the records of transfers, or moving of the juvenile athletes under paragraphs 4 and 5 hereof and informs the Ministry thereof within 15 days from each performed transfer, or registered moving of the juvenile athlete.

The records of transfers, or moving of the juvenile athletes to another sports organisation, contain the corresponding personal data under Article 5(2) hereof.

The contracts based on which third parties acquire exclusive rights over the future economic rights of the sports organisation in the occasion of future transfers, are null and void.

## **ARTICLE 19**

A part in a sports competition may be taken by the athlete, or a sports professional, who has been determined a general health ability for practicing sports activities within a six-month period prior to holding sports competitions.

Special health ability is determined, besides the general health ability, for certain sports branches within a six-month period prior to holding a sports competition, and within a shorter period for certain sports branches, in accordance with the code jointly passed by the minister in charge of health affairs and the Minister.

The manner, types, volume and terms within which medical check-ups of the athletes and the sports professionals under paragraphs 1, 2 and 5 hereof are performed, are jointly prescribed by the minister in charge of health affairs and the Minister.

The general and the special health ability of the athlete and the sports professional are determined, in accordance herewith, by a competent healthcare service, or an institute in charge of sports and sports medicine, which is obligated to inform the competent healthcare institution thereof.

The obligation of determining the general health ability under paragraph 1 hereof exists for the athletes included in organised sports activities in the organisation in the area of sports, and the obligation of determining of the special health ability under paragraph 2 hereof also exists, at least once a year, for the sports professionals that work with athletes.

The expenses of determining the health ability under paragraphs 1, 2 and 5 hereof are assumed by the sports organisation or another organisation in the area of sports, by the athlete or the sports professional, with the condition that the expenses of determining health ability under paragraphs 1, 2 and 5 hereof for the juvenile athletes from six to 14 years of age are included in the obligatory health insurance in accordance with the law, when the health ability is determined at the healthcare institution from the plan of the network of healthcare institutions or at the institute in charge of sports and sports medicine.

The healthcare service, or the institution under paragraph 4 hereof submits to the Ministry and the ministry in charge of health affairs an annual report on evaluation of the health condition of the examined athletes and sports professionals.

## **ARTICLE 20**

The records of the determined health ability of the athlete and the sports professional are kept by entering the data into the medical documentation, from the day of the first registration for a specific sports organisation.

The contents, form and manner of keeping the medical documentation under paragraph 1 hereof are determined in accordance with the law regulating the records in the area of healthcare.

## **ARTICLE 21**

A sports organisation is obligated to conclude the insurance agreements for its top athletes and top sports professionals insuring them against the consequences of accidents during practicing sports activities, or professional work in sports, based on the determined categorisation of athletes and sports professionals.

The insured sum on which the obligatory insurance per athlete, or sports professional, under paragraph 1 hereof should be contracted, cannot amount to less than: EUR 10.000 in RSD counter-value in case of death of the athlete, or sports professional; EUR 20.000 in RSD counter-value in case of permanent loss of general working ability of the athlete, or sports professional, or an ability to practice sports activities; EUR 5.000 in RSD counter-value in case of temporary disability to practice sports activities, as a compensation for loss of profit and actual medical expenses of the athlete, or sports professional.

The competent national branch sports association is obligated to insure the athlete, or sports professional, competing for the national sports team against the consequences of accident during competition for the national sports team, if the athlete, or sports professional, is not included in the insurance under paragraph 1 hereof.

If the sports organisation or the competent national branch sports association fails to conclude the agreement under paragraphs 1 and 3 hereof, they are obligated to indemnify the damage suffered by the uninsured athlete, or sports professional.

The competent national branch sports association may determine the obligation for the sports organisations from the competence of the association to carry out the insurance of athletes and sports professionals under paragraph 1 hereof through that association, bearing the expenses of insurance policy.

## **ARTICLE 22**

It is prohibited to expose the athlete to the sports activities that may jeopardise or aggravate his/her health condition.

Doping of the athlete is prohibited, in accordance with the law.

It is prohibited to expose the children to the sports activities and physical exercise that might jeopardise or aggravate their health condition or influence negatively on their psychosocial and motor development or education.

## **ARTICLE 23**

The general rules of responsibility for damage apply to the responsibility for the damage suffered by the athlete and the sports professional at practicing sports activities, or at performing a professional work in sports, or for the damage caused to another person.

The right to indemnification for damage under paragraph 1 hereof does not include the damage that is, in accordance with the sports rules, a result of usual dangers and risks of practicing a specific sports activity, or performing a specific professional work in sports.

## **ARTICLE 24**

Sports organisations are obligated to enable the athlete to participate in the national sports team, in accordance with the sports rules, when invited to the national team.

## **OTHER NATURAL PERSONS IN SPORTS SYSTEM**

### **ARTICLE 25**

Other natural persons in the sports system are sports professionals performing a professional work under Article 27(1) hereof and experts in sports performing other professional tasks in sports, in accordance with the law.

The sports professionals are persons with an adequate college or university education in the area of sports, or physical education, or that are qualified, in accordance with Article 26(2) and Article 29(1–4) hereof, for performing certain professional tasks in sports, unless determined otherwise by the law.

Foreign sports professionals, or persons with foreign citizenship that have an adequate education or professional qualification in the area of sports, in accordance with the law of their country of citizenship, are deemed sports professionals in terms hereof.

Experts in sports are persons of other professions with an adequate education for this type of jobs and contribute to realisation of sports activities, in accordance herewith.

### **ARTICLE 26**

Sports professionals are classified according to sports professions and titles within the professions.

The Minister determines the nomenclature of sports professions and titles and typical jobs for the determined sports professions and titles and conditions with a view to education, or professional qualification and professional experience for acquiring titles.

The highest sports titles under paragraph 2 hereof may be acquired only by the sports professionals with the prescribed education.

By acquiring a higher sports title in accordance with the nomenclature under paragraph 2 hereof, within a sports profession, a sports professional also acquires the right to doing jobs characteristic for lower sports titles from the same sports profession, or for the same or lower sports titles from the related sports profession.

The competent national branch sports associations may use the sports rules under Article 100(2)(14) hereof to determine that, along with the names of the sports professions determined by the nomenclature under paragraph 2 hereof, the corresponding names for the same professions determined by the rules of the competent international branch sports associations are used, within the competences of these associations.

## ARTICLE 27

The professional work in sports, in terms hereof, particularly includes: planning and execution of sports activities of children and youth, recreation of citizens, trainings of athletes, sports education, training and sports improvement, kinesitherapeutic exercise; leading of athletes at competitions; checks of psycho-physical and functional abilities of the participants in sports activities; research-development and scientific-research work in sports; professional-advising and professional-informative work; planning of sports programmes and projects; documenting of sports scientific literature, preparation and editing of secondary sources of information in sports; creation, planning and organising advertising campaigns and actions, public relations and contacts with media in sports; reporting from sports events, writing of informative and analytical newspaper articles in the area of sports; planning and execution of sports events; intermediation in sports transfers; sports management and organising of sports operations; sports refereeing; taking care of safety, order and security at sports events and inside the sports facilities and of prevention of doping in sports; taking care of health condition of athletes.

A professional work in sports may be performed by the sports professionals that meet the conditions envisaged by the law and possess the professional licence envisaged by the sports rules of the competent national sports association or the rules of the competent international sports association, in accordance herewith.

A sports professional's professional licence may be issued or renewed if the conditions regarding the required degree of education or professional qualification, or sports title, membership in the national sports association, health ability, professional practice (practical professional work), professional sports experience, professional improvement, achieved sports results, costs of issuance of the professional licence, have been met.

Professional-educational work with children may be performed only by the sports professionals having an adequate college or university education in the area of physical education and sports or, besides the basic professional qualification, having a professional qualification for professional work with children in accordance with Article 26(2) and Article 29(1–4) hereof.

The persons under 16 years of age are deemed children in terms of paragraph 4 hereof.

A competent national sports association issues to the persons that have finished an adequate accredited study programme at a university institution and acquired a corresponding professional title in the area of sports, in accordance with the law, the professional licence under paragraph 2 hereof in the sports branch which the study programme is related to, corresponding to the professional name or sports title under Article 26(2) hereof acquired by them, if they meet the conditions under paragraph 3 hereof and Article 30(1) hereof.

The professional licence contains the corresponding data under Article 5(10) hereof.

The sports rules regulate the manner and more detailed conditions for issuance, renewal and removal of the professional licence of a sports professional, in accordance with this law, or with the act of the Minister under Article 30(1) hereof.

The Ministry gives its consent to the sports rules under paragraph 8 hereof.

## **ARTICLE 28**

Sports professionals are obligated to plan and register professional work they perform in the organisations in the area of sports, in accordance with the rules of the competent national sports associations obligatorily regulating the contents of professional plans and records of realisation of professional work.

Organisations in the area of sports determine the plan of professional education, qualification and improvement of sports professionals and experts in sports and provide the conditions for realisation of such plan, in accordance with the sports rules of the competent national sports association.

The professional improvement, in terms hereof, implies acquiring of knowledge and skills by sports professionals and experts in sports, including a continuous education during working years, as well as participation in professional and scientific conventions, seminars and courses, in accordance with this law and the sports rules of the competent national branch sports association.

A competent national sports association, in cooperation with an adequate accredited university institution, issues, renews and removes the professional licence to the sports professionals in accordance with this law, the rules of that association and the rules of the competent international sports association and keeps the records of the issued, renewed and removed professional licences.

A competent national sports association determines the costs of issuance and renewal of the professional licence, with the previous consent of the Ministry, paid by the applicant for issuance or renewal of the professional licence.

A competent national sports association issues the professional licence for a three-year period, unless determined otherwise by the sports rules of the competent international sports association.

A professional licence may be renewed to a sports professional only if he/she has completed a professional improvement in accordance with the act under Article 30(1) hereof and paragraph 3 hereof and if he/she has acquired an adequate professional sports experience within the period of validity of the professional licence.

An international professional licence issued to a sports professional by a competent international sports association or a competent national sports association in accordance with the rules of a competent international sports association or a foreign national professional licence issued to a foreign sports professional in accordance with the law and the sports rules of a foreign country is deemed valid professional licence, in terms hereof, for the period it has been issued for.

The sports rules define a minimum of two and a maximum of four levels of professional licence under paragraph 2 hereof within each sports branch, unless the sports rules of a competent international sports association determine otherwise.

A professional licence of a certain level gives the right to perform all the jobs included in the professional licence of lower levels from the same sports branch or area.

A competent national sports association removes the professional licence from the sports professional if he/she ceases to meet the prescribed conditions for issuance of the professional licence, if he/she performs a professional work for which no professional licence has been issued, if he/she severely violates the obligations related to professional work determined with this law and the sports rules and if he/she is, permanently or temporarily, prohibited to perform professional work in sports in accordance with the law.

The costs of professional education, qualifying and improvement are paid by the organisations in the area of sports or the interested individuals.

If the costs of professional education, qualifying and improvement of the employed sports professionals and experts in sports are provided for from the funds of an organisation in the area of sports, in accordance with its general acts, the mutual rights and obligations are regulated by the contract that separately regulate the conditions for financing and obligations of that person to work in that organisation within a specific period of time, upon completing professional education, qualifying and improvement.

In the case that the person under paragraph 13 hereof ceases the professional education, qualifying or improvement, he/she is obligated to reimburse the costs thereof to the organisation in the area of sports, unless he/she has done it for the justified reasons.

## **ARTICLE 29**

The university institutions may deal with the tasks of professional qualifying for performing of specific professional jobs in sports, in accordance with the law regulating the activity of university education and with this law, as well as the institutions in charge of sports and medicine of sports, in accordance herewith.

The organisations in the area of sports that meet the requirements regarding the space, equipment and personnel may also deal with the tasks of professional qualifying for performing of specific professional jobs in sports for which the adequate professional titles cannot be acquired at the university institutions or for which there is no interest of these institutions to

perform them, or to perform them to the sufficient extent, in cooperation with an adequate accredited university institution.

The competent national sports associations and the national professional sports association may also deal with the tasks of professional qualifying for performing of specific professional jobs, if it has been envisaged by the sports rules of the competent international sports association, in cooperation with an adequate accredited university institution.

The Minister prescribes the more detailed conditions and manner for performing the tasks under paragraphs 1–3 hereof.

The procedure for issuance of the approval for performing of tasks of professional qualifying is initiated with the request submitted to the Ministry by the organisations under paragraphs 1–3 hereof.

The Ministry decides on the request for issuance of the approvals, based on fulfilment of conditions determined by the sports inspectors, by a decision, within two months from the day of submitting the request.

The approvals is issued for a five-year period and is removed by the decision of the Ministry if the organisation ceases to fulfil the conditions for issuance of the approval or if it performs the activities of professional qualifying in sports contrary hereto or if during performing the activities of professional qualifying it commits an offence related to the activities of professional qualifying in sports, based on the minutes of the sports inspectors.

Administrative proceedings may be launched against the decision of the Ministry under paragraphs 6 and 7 hereof, in accordance with the law.

The data from the certificate of professional qualification for performing of specific professional jobs in sports, or of acquiring a certain sports title, are entered in the labour booklet.

A sports inspector shall temporarily prohibit further work on professional qualifying to the organisation under paragraphs 1–3 hereof, if he/she determines that it does not fulfil the prescribed conditions, or does not perform professional qualifying by the determined plan and programme and the prescribed manner of professional qualifying, until fulfilment of these conditions or obligations.

The organisation under paragraph 1–3 hereof may perform professional qualifying as a unified programme for acquiring of a specific sports title and the corresponding professional licence, if envisaged by the rules of the competent international sports association.

### **ARTICLE 30**

The Minister prescribes the framework plan and programme and the manner of professional qualifying and improvement and, in accordance with the law, more detailed conditions, manner and procedure of issuance, renewal and removal of professional licences



from the sports professionals and organisations under Article 28 and Article 29(1–3) hereof, number of attendants of professional qualifying that can be enrolled within one group, and form and contents, besides personal data, of the certificate of completed professional qualifying.

The organisations under Article 29(1–3) hereof are obligated to submit to the Ministry the report on completed professional qualifying in the previous year and the plan of activities on organising the professional qualifying for the current year each January, and to submit to the Ministry the report on beginning of performing of professional qualifying, seven days prior to the beginning of enrolment of the attendants of professional qualifying at the latest.

The institutions under Article 29(1) hereof realise cooperation with the competent national branch sports associations in the process of professional qualifying.

An accredited university institution in the area of sports, as well as other organisation dealing with the tasks of professional qualifying in accordance herewith, keeps: records of attendants of professional qualifying, records of certificates issued and minutes of sitting exams.

The records under paragraph 4 hereof should contain the following data on the attendants of professional qualifying: surname, parent's name, and name; enrolment number; year of enrolment; social security number; date, place, municipality of birth and country; residence; citizenship; contact data; name and registered seat of the previously completed school; year of completion of the previous educational level; professional or academic title of the attendant based on the previous education; sports title; title of programme of professional qualifying; time of duration of programme of professional qualifying in hours; subject or programme mastered by the attendant; status of the mastered subject; date of sitting and grade at the exam and final paper; surname and name of lecturer; average grade; title of finished paper; sports title acquired; number of certificate of completed professional qualifying; date of issuance of certificate.

The Minister regulates in more details the contents, except for personal data, and manner of keeping the records under paragraph 4 hereof.

The certificate of completed professional qualifying under paragraph 1 hereof and the report to the Ministry on completed professional qualifying under paragraph 2 hereof should contain the corresponding data under Article 5(10) hereof.

### **ARTICLE 31**

A sports professional may establish a labour relation with an organisation in the area of sports by concluding a labour contract, in accordance with the law, or by concluding a contract of professional engagement.

A sports professional established a labour relation with an organisation in the area of sports by concluding a labour contract, for an indefinite period of time or for a definite period of time up to a maximum of five years.

The provisions hereof regarding concluding the contracts between athletes and sports organisations apply accordingly to concluding of the contract between sports professionals and organisations in the area of sports.

The contract under paragraph 1 hereof concluded with the persons that do not fulfil the conditions under Article 25(2), Article 26(2) and Article 27(2) hereof is null and void.

Performing professional work in accordance with the contract of professional engagement is deemed work outside the labour relation, in accordance with the law.

In the case that a sports professional deals with professional work in a sports organisation as a member of the sports association without a contract, the sports organisation decides on an appointment of the sports professional for performing a specific sports profession in the sports organisation, in accordance with the law and the sports rules.

A sports professional, or an expert in sports that performs professional work as member of a sports association without a contract and free of charge has the rights determined by the sports rules and the general acts of the sports association.

A foreign citizen performing professional work in sports in the Republic of Serbia, besides the conditions prescribed hereby, should fulfil other conditions determined by the regulations governing the area of employment of foreign citizens in the Republic of Serbia.

The labour contracts between sports professionals and organisations in the area of sports determine the salary and other earnings in accordance with this law and the law regulating labour, and the contract of professional engagement regulates the compensation for performing professional work in organisations in the area of sports and other earnings of sports professionals in accordance herewith.

Other earnings of a sports professional under paragraph 9 hereof are pecuniary and other reward for achieved sports results, reimbursement of accommodation, meal and travel expenses during sports preparations and sports competitions, pecuniary and other compensation for concluding the contract, compensation for use of a sports professional's figure and other similar earnings.

The compensation for performing a professional work and other earnings of a sports professional determined in accordance herewith are not deemed salary.

The corresponding taxes and contributions to the salary, or on profit of natural persons, are paid on the salary and other earnings of the sports professional under paragraph 9 hereof, in accordance with the law.

The earnings under paragraph 10 hereof may be also determined by the general acts of the organisation in the area of sports.

A sports professional has all the rights, obligations and responsibilities from the labour relation in accordance with the law regulating labour, unless determined otherwise hereby or by the sports rules of the competent international sports association.

The working hours, vacations, leaves and other rights and obligations of a sports professional towards the organisation in the area of sports are adjusted to the regime of the sports preparations or competitions.

## **ARTICLE 32**

A professional supervision is performed over professional work in the area of sports.

A professional supervision is performed by the Institute for Sports and Sports Medicine of the Republic of Serbia (hereinafter referred to as: the Serbian Institute), and when it comes to the territory of an autonomous province – the Provincial Institute for Sports and Sports Medicine (hereinafter referred to as: the Provincial Institute), through professional sports supervisors, as an entrusted task.

Juridical and natural persons in the area of sports are obligated to enable performing of professional supervision, in accordance herewith.

To the person under paragraph 3 hereof that renders impossible performing of professional supervision, the sports inspector may temporarily prohibit performing of sports activities, until he/she/it enables performing of professional supervision.

The tasks of professional sports supervisor may be performed by the persons with an adequate sports title, at least five years of executing adequate professional work in sports and significant results in professional work in sports.

In order to perform the supervision over professional work of a sports professional, a professional sports supervisor is appointed from the list of professional sports supervisors with the sports title at least equal to the one of the sports professional over whose professional work the supervision is performed, depending from the planned type and object of supervision.

The list of professional sports supervisors is determined by the Serbian Institute, or by the Provincial Institute, according to the type of professional work, sports titles and professions and according to sports branches and areas determined in accordance herewith.

Within the professional supervision, a professional sports supervisor takes an insight and estimates whether the measures, methods, means, activities and procedures applied in performing of professional work by the supervised person are in accordance with modern achievements of sports and other corresponding sciences and with applicable, or professionally determined, sports doctrines and instructions, determined plans of professional work, prescribed conditions and prescribed manner of performing of professional work in sports and contemporary professional standards determined by the sports rules of the competent national and international sports associations.

In order to eliminate the spotted shortcomings in professional work, the professional sports supervisor may suggest to the sports professional and the organisation in the area of sports to undertake certain measures for promotion of professional work and elimination of the spotted shortcomings, as well as submit a request to the competent sports inspector for undertaking of inspection supervision and pronouncing of measures in accordance herewith.

The sports inspector may temporarily prohibit performing of a certain sports activity, if, based on the report of the professional sports supervisor on the performed professional supervision, he/she determines that the shortcomings in work are such that they may cause consequences to health and safety of athletes as well as other participants in sports or that they severely violate the obligations determined hereby for performing of professional work in sports, and they haven't been eliminated within the allowed term.

The Minister regulates in more details the manner and procedure of performing of professional supervision, measures for elimination of the spotted shortcomings, conditions for appointing a professional sports supervisor, form and manner of issuance of a identification document to the professional sports supervisor and other questions, important for performing of professional supervision in the area of sports.

The identification document of the professional sports supervisor should contain the following data under Article 5(10) hereof.

One may appeal the report on performed professional supervision, with the suggested measures, to the Minister, within seven days as of the day of delivery of the findings.

## **2. ORGANISATION IN THE AREA OF SPORTS**

### **2.1. SPORTS ORGANISATION**

#### **ARTICLE 33**

In order to perform sports activities, a sports organisation may be founded as association (hereinafter referred to as: the Sports Association) or as company (hereinafter referred to as: the Sports Company), in accordance herewith, and the general acts on associations or companies apply to the questions not regulated hereby.

The following persons cannot be members of administration of a sports organisation, including representative and liquidator of a sports organisation:

- 1) Founders, owners of stocks or shares, liquidators, employees or members of the sports organisation competing in the same rank of competitions;
- 2) Members of administration and officials of the competent sports association, or officials of the organisation in the area of sports that manages a sports league;

- 3) A person performing a public function, or a person performing a function within an organ of a political party;
- 4) Owners and members of organs of sports betting shops, or employees at a sports betting shop;
- 5) Sports intermediaries in a corresponding sports branch;
- 6) Convicted of crimes against economy, property and official duty, as well as of the following crimes: aggravated murder, grand larceny, larceny by force, robbery, embezzlement, fraud, unauthorised use of loan and other benefits, extortion, blackmail and usury, soliciting of use of doping agents, unauthorised production and marketing of doping agents, violent behaviour at a sports event or public gathering and match fixing, in the period of duration of legal consequences of a conviction;
- 7) That cannot be members of organs of companies or associations in accordance with the law regulating the conflict of interest in performing public functions.

A person employed in the sports betting shop or that is an owner or member of organs of a sports betting shop may not be employed in a sports organisation.

#### **ARTICLE 34**

In the case of incongruence of the provisions of the general act of a sports organisation with the provisions of the law or the sports rules of the competent national sports association, the provisions of the law or the sports rules apply directly.

#### **ARTICLE 35**

A sports organisation may perform sports activities if, in accordance with this law and the sports rules, it has:

- 1) Registered athletes or athletes engaged by the contract;
- 2) Hired sports professionals depending from the type of activity;
- 3) Provided adequate premises or sports facilities and sports gear;
- 4) Adequate internal organisation and financial means, if it participates in sports competitions;
- 5) Ensured safety of athletes and other participants at performing sports activities;
- 6) Adequate number of animals in the sports in which animals take part.

The Minister determines more detailed conditions paragraph 1 hereof.

A sports organisation may not use a word "club" at its founding. A sports organisation may insert the word "club" in its name if it continuously participates in the competitions within the competent national branch sports association, based on the certificate obtained from that association.

Fulfilment of the conditions under paragraphs 1 and 3 hereof is determined by the decision of the sports inspector in the procedure of inspection supervision.

One may appeal the decision under paragraph 4 hereof to the Ministry within 15 days as of the day of delivery of the decision.

A sports organisation participating in sports competitions obligatorily has a sports branch or discipline in which it competes before the word "club" in its name, and if it participates in sports competitions in several sports branches or disciplines, it obligatorily has the words "sports club" in its name.

A sports organisation may participate in sports competitions if it is a member, or if it is registered with the competent national branch sports association and if it fulfils the conditions in accordance herewith.

### **2.1.1. SPORTS ASSOCIATION**

#### **ARTICLE 36**

A sports association, in terms hereof, is a voluntary non-profit organisation based on freedom of association of several natural and/or juridical persons, organised based on the statute and founded for achieving a common goal in the area of sports.

The regulations or legal rules on partnership apply accordingly to spontaneous and temporary associations of several persons for achieving certain sports goals, unless determined otherwise hereby.

#### **ARTICLE 37**

A sports association may form one or more branches (sections, subsidiaries and other) registered with the Registry of Associations and Societies in the area of sports (hereinafter referred to as: the Registry).

A branch is an organised part of the sports association without a quality of juridical person. The branch has a place of performing of activities and a representative, and it carries out affairs with third parties on behalf and for account of the sports association.

### **FOUNDATION**

#### **ARTICLE 38**

A sports association may be founded by at least three founders.

A founder of the sports association may be fully operatively capable natural person or juridical person.

At the ministries in charge of defence and internal affairs, military or police sports associations may be founded by military persons or police officials with the consent of the minister in charge of defence affairs or internal affairs.

The minister in charge of defence affairs, or the minister in charge of internal affairs, regulate in more details work and activity of the sports association under paragraph 3 hereof, in accordance herewith.

Besides military or police officials, the persons outside the military or police may also be members of the sports association under paragraph 3 hereof, in accordance with the act under paragraph 4 hereof.

### **ARTICLE 39**

A sports association is founded at the founding assembly, by adopting and signing the foundation act and the statute, and by election or appointment of the person authorised for representation.

The foundation act of the sports association is drafted in writing and it contains: business name, legal form, registered seat and registration number of the founder and signature of the founder's representative if the founder is a juridical person, or name, surname, address, social security number and signature of the founder if the founder is a natural person; name, surname, address and number and country of issuance of the passport if the founder is a foreign natural person; basic objectives of the sports association; name and registered seat of the sports association; name, surname, address, social security number, or number and country of issuance of the passport of the person authorised for representing the sports association; date of passing of the foundation act.

The foundation act under paragraph 2 hereof should be authenticated in accordance with the law.

## **GENERAL ACTS**

### **ARTICLE 40**

The general acts of the sports association are: statute, rulebook and decision regulating specific questions in a general manner.

The statute is a basic general act of the sports association.

The statute mandatorily regulates:

- 1) Name and registered seat of the sports association;
- 2) Objectives, contents of activities and determining of the sports branch and sports discipline, or area of sports in which the sports goals are achieved;

- 3) Organs, their authorities, manner of election and discharging, duration of function and manner of deciding;
- 4) Procedure of adoption or amendments and modifications of the statute and other general acts of the sports association;
- 5) Representation of the sports association;
- 6) Realisation of transparency of work;
- 7) Conditions and manner of registration and cessation of membership, determining of membership fee, rights, obligations and responsibility of members, especially minors;
- 8) Manner of acquiring funds for achieving sports goals and disposal of funds;
- 9) Manner of deciding on status changes;
- 10) Acting with the assets of the sports association in case of cessation of the association;
- 11) Procedure of adopting financial and other reports;
- 12) Shape and contents of stamp;
- 13) Economic and other activities directly performed by the sports association;
- 14) Other questions important for the sports association, as well as other questions determined by the law.

Every member of the sports association has the right to receive a copy of the statute of the sports association.

The statute and other general acts of the sports association should be compliant with the sports rules and with this law.

Individual acts passed by the organs and the authorised persons in the sports association should be in accordance with the general acts of the sports association, sports rules and the law.

The amount of the monthly membership fee under paragraph 3(7) hereof for juvenile athletes should not exceed one tenth of an average salary at the level of the Republic of Serbia determined by the organ of the Republic competent for the statistical affairs for the previous budget year.

The statute of the sports association is registered and published on the website of the Business Registers Agency (hereinafter referred to as: the Agency), in accordance with the law regulating the procedure of registration in the Agency.

#### **ARTICLE 41**

The provisions of the general act of the sports association are subject to the evaluation of constitutionality and legality in accordance with the Constitution and the law.

The sports association is obligated, within 30 days as of the day of delivery of a legally binding decision on annulment, to pass a new general act or decision on adequate modifications of the general act and to submit the application for registration with the Registry within a legal term. If the statute of the sports association, or some provisions of the statute, have been annulled, and the sports association fails to pass a new statute, or a decision on adequate modifications of the statute – the sports association ceases to exist and is erased from the Registry.



The provision under paragraph 2 hereof applies accordingly even in the case when, in accordance with the Constitution and the law, a non-constitutionality or illegality of the provision of the general act of the sports association, has been determined.

Every member of the sports association may launch proceedings before the court of local jurisdiction for determining nullity of the general act of the sports association passed against the statute of the sports association or the sports rules, in accordance with the law regulating work of the association.

#### **ARTICLE 42**

The founders of the sports association are jointly and severally liable, with all their assets, for the obligations assumed in relation to foundation of the sports association, unless determined otherwise by the contract with third parties with claims on that ground.

The sports association is jointly and severally liable together with the founders for the obligations under paragraph 1 hereof from the moment of registration with the Registry.

#### **NAME, REGISTERED SEAT AND SYMBOLS**

#### **ARTICLE 43**

A sports association has its name and registered seat.

The name of the sports association should be in Serbian and written in Cyrillic letters, or in Serbian language and written in Cyrillic letters and languages and letters in official use at the territory of its registered seat.

The name of the sports association may be in foreign language as well, or it may contain some foreign words, if they constitute the name or denomination of the founder, or if they are common in Serbian language or if there is no adequate word in Serbian for them, or if they are words in an extinct language.

The name is determined by the statute of the sports association and is registered with the Registry.

The sports association may also have an abbreviated name, determined by the statute. The abbreviated name is registered with the Registry.

A sports association for hiking sports may use in its name a word "society" if the word "hiking" is used before the word "society".

#### **ARTICLE 44**

The name and abbreviated name of the sports association are used in legal transactions in the form in which they have been recorded in the Registry.

The branch of the sports association in legal transactions acts under the name of the sports association and its own name.

The name of the sports association may be transferred to other person only within the status change.

#### **ARTICLE 45**

The name of the newly-founded sports association should clearly differ from the names of other sports associations registered or duly reported for registration with the Registry.

It should be clearly deducible from the name of the sports association that it is a sports organisation.

The name of the sports association should not be misleading in respect of the sports branch or area which the sports association belongs to, or of the type of juridical person, or of which particular juridical person it is about.

As an exception from paragraph 1 hereof, the newly-founded sports association may use the name or a part of the name of the sports association already registered with the Registry under the condition that the name of the newly-founded sports association contains the registered seat of the newly-founded sports association which is not identical to the registered seat of the sports association already registered with the Registry or duly reported for registration with the Registry.

#### **ARTICLE 46**

The name of the sports association may contain the name of the Republic of Serbia, of an autonomous province or of a local self-government unit, with the previous consent of the competent authority of the Republic of Serbia, the autonomous province or the local self-government unit.

The name of the sports association may contain the name or a part of the name of a natural person, with his/her consent, and if such person is dead, with the consent of all the successor of the first line of succession.

If the activities of the sports association compromise the reputation and other justified interests of the persons under paragraphs 1 and 2 hereof, the given consent may be withdrawn.

The name of the sports association may not contain the name of a foreign country or an international organisation.

The provisions of paragraphs 1 and 4 hereof do not regard the adjective use of the name of a home or foreign country, a territorial unit and an international organisation, or indication of the territorial unit as a registered seat of the sports association.

#### **ARTICLE 47**

The registered seat of the sports association should be at the territory of the Republic of Serbia, with the condition that the place from which the activities of the association are managed is determined as a registered seat.

The sports association indicates its registered seat along with its name in the business correspondence and in public actions.

#### **ARTICLE 48**

A sports association may have its sign, logotype and other symbols, in accordance with the statute.

The visual identity symbols of the sports association should clearly differ from the symbols of other sports organisations and should not be misleading in respect of the goals of the sports association and its identity.

The visual identity symbols of the sports association may not contain the symbols of a foreign country or an international organisation.

The visual identity symbols of the sports association may contain the symbols of the Republic of Serbia, of an autonomous province or of a local self-government unit, with the previous consent of the competent authority of the Republic of Serbia, the autonomous province or the local self-government unit.

The visual identity symbols of the sports association may not be subject of pledge.

### **MEMBERSHIP**

#### **ARTICLE 49**

Members of a sports association are the founders and persons that subsequently accede to the sports association in accordance with its statute.

A natural person may be member of a sports association independently from age, in accordance with the law and the statute.

The sports association, in accordance with the statute, may have various categories of members, with different rights and obligations, with the condition that the members of the

same category should have the same rights and obligations and that the right to vote of the member of the sports association may not be cancelled by the statute.

The statement of accession or registration with the sports association for a minor under 14 years of age is given by the minor with the previous written consent of the parent or the tutor.

The sports association keeps the book of members, including the data on their right to manage the association.

The book of members of the sports association should contain the following data: name, father's name and surname; date of birth; citizenship; number of the personal document that serves for identification; residence and domicile address; contact data; date of accession; date of cessation of membership; membership category in accordance with the statute of the association; election in the organs of the sports association; pronounced disciplinary penalties.

The Minister regulates in more details the content, except for personal data, form and manner of keeping the book of members under paragraph 5 hereof.

#### **ARTICLE 50**

Every person may become a member of the sports association on equal conditions determined by the statute.

The athletes that are members of the sports association are entitled to leave the association at any time, but the sports rules of the competent national branch sports association may prescribe that the leaving is allowed only upon expiration of certain term of notice, with the condition that the term of notice in the sports branches where the rules envisage the transitory term may last until the beginning of the first following transitory term at the longest, and in other sports branches, a maximum of six months.

The athlete may not leave the sports association unilaterally in the case when he/she is obligated by the contract to remain a member until the expiration of a certain term, unless the contract is cancelled, annulled or its nullity is determined, in accordance with the law.

The membership in the sports association may not be transferred or inherited.

#### **ARTICLE 51**

The member of the sports association may be excluded from the sports association for the reasons and by the procedure determined by the statute.

The general acts of the sports association should provide a right to appealing the decision of the organs of the association which decided on the rights and obligations of the members of the association, except if the sports arbitration is competent for decision-making in accordance herewith.

A member of the sports association may be pronounced disciplinary sanctions in accordance with the law, the sports rules and the general acts of the sports association, with the condition that he/she may not be pronounced a penalty for the disciplinary offence of which he/she is not guilty and which has not been determined a disciplinary offence by the general act of the sports association prior to being committed, and for which no penalty has been prescribed, unless determined otherwise by the law.

In the disciplinary proceedings, a member of the sports association has the right to: conducting the proceedings without procrastination and with as little expenses as possible; independence, professionalism and impartiality of the organ deciding on responsibility; defender at his/her own expense; pleading and presentation of evidence; written and explained decision and appeal.

A member of the sports association may not be punished by a disciplinary measure for exercising his/her rights in accordance with the law, the sports rules and the general acts of the association.

## **ARTICLE 52**

The sports association is managed by its members in the manner determined by the statute.

The members manage the sports association directly or through their elected representatives in the organs of the association.

The sports association in the sports recreation is directly managed by all members with an equal right to vote.

## **SPORTS ARBITRATION**

### **ARTICLE 53**

Members of sports associations may agree to entrust solving the disputes on the rights at their free disposal - except for the disputes for which an exclusive competence of a court has been determined – to an ad hoc sports arbitration court or to the permanent sports arbitration court with the Serbian Olympic Committee – for Olympic sports, to the permanent sports arbitration court with the Serbian Sports Association – for non-Olympic sports and to the permanent sports arbitration court with the Serbian Paralympic Committee – for Paralympic sports, and when it comes to the disputes related to cancellation, annulment or determining of nullity or realisation of the contract between the athlete or the sports professional and the sports organisation – to the permanent sports arbitration court with the competent national branch sports association as well.

The contract of sports arbitration is deemed concluded if the plaintiff files the lawsuit or lodges an appeal to the sports arbitration, and the defendant does not object to the competence of the arbitration until discussing the subject of the dispute.

The provisions of the arbitration law regulating the proceedings before the arbitration apply accordingly to the arbitration under paragraph 1 hereof, unless determined otherwise hereby.

The dispute under paragraph 1 hereof may also be a subject of the international sports arbitration in the cases determined by the sports rules of the competent international sports association.

The permanent sports arbitration court under paragraph 1 hereof may also be competent for solving of the disputes occurred between the members of the sports associations related to exercising the members' rights and obligations determined by the general acts of the sports association and the sports rules, on the condition that the competence of the permanent sports court for such disputes is determined in the statute of the sports association or the statute of the competent national sports association, unless determined otherwise hereby.

The general act of the sports association may not prescribe the obligation of arbitration, unless prescribed otherwise by the sports rules of the competent international sports association.

The Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association may jointly form a unified permanent sports arbitration court for arbitration solving of the disputes in sports.

#### **ARTICLE 54**

A dispute before the sports arbitration is urgent.

The statute of the sports association may also envisage an attempt of amicable solving of the disputes within the sports association by means of intermediation.

Only a bachelor of laws may be appointed arbiter.

A person who is an owner, a member of the organs or an employee with the sports organisation in the same sports branch, a person who has participated in decision-making in the same case in the previous procedure, a person that is a member of the organ, an official or an employee with the competent sports association, as well as a person in relation to whom there are other reasons that compromise his/her impartiality, may not be appointed arbiter.

Competencies, composition and organisation of the permanent sports arbitration, conditions and manner of election and discharging of arbiters, arbitration costs and a procedure in the cases from its competence, are regulated by the general acts of the Serbian

Olympic Committee, the Serbian Paralympic Committee, the Serbian Sports Association and the competent national branch sports association.

The acts under paragraph 5 hereof and the number of arbiters on the list of arbiters should ensure independence, impartiality, autonomy and competence of the sports arbitration in decision-making, and protected rights of the participant in the procedure, including the right of the party in the dispute to have a legal representative.

The Ministry gives its consent to the acts under paragraph 5 hereof.

## **ORGANS AND PERSON AUTHORISED FOR REPRESENTATION**

### **ARTICLE 55**

The assembly is the highest organ of a sports association. Unless determined otherwise by the statute, the assembly consists of all members of the sports association, with an equal right to vote.

The assembly of the sports association is convoked at least once a year.

The assembly of the sports association decides on:

- 1) Adoption or amendments and modifications of the statute of the sports association;
- 2) Adoption of financial and acceptance of audit reports;
- 3) Adoption of reports on realisation of the programmes financed from public funds;
- 4) Election or appointment and discharging of the person authorised for representation and the members of the organs of the sports association, unless regulated otherwise by the statute;
- 5) Forming associations;
- 6) Status changes;
- 7) Cessation of the sports association;
- 8) Other questions regulated by the law and the statute of the sports association.

The decision of the assembly on adoption and amendments and modifications of the statute, status changes and cessation of the sports association is made by the majority of votes out of the total number of the members of the assembly, unless it is determined by the statute that more votes are required for decision-making.

The convocation of the assembly of the sports association may be requested by one-third of the members of the assembly with proposing of the agenda, and if the competent organ of the sports association fails to convoke the assembly meeting, it may be convoked by those members of the sports association who asked for its convocation. The assembly should be convoked within 15 days from the day of submission of duly request for holding the assembly of the sports association at the latest, with the condition that no more than 30 days

may pass between submitting a duly request for holding the assembly and holding of the assembly of the sports association, and only in exceptional cases, for the reasons determined by the status, the terms for convocation and holding of the assembly may be twice as long.

#### **ARTICLE 56**

A sports association with more than 20 members has a management elected by the assembly of the association, in the manner determined by the statute.

The managing organ of the sports association (management board, presidency, executive board and other) has at least three members.

A member of the management of the sports association may be a representative of the sports association.

The decisions of the management of the sports association are made by majority of votes out of total number of members of the management, unless different majority is determined by the statute of the sports association.

#### **ARTICLE 57**

The sports association has the person authorised for representing the sports association (hereinafter referred to as: the Representative), elected or appointed in the manner determined by the statute.

Only a fully operatively capable natural person may be appointed representative.

The representative takes care of and answers for legality of work of the sports association, organises and manages activities and operations of the sports association, takes care of duly keeping of the prescribed records and ledgers, enforces the decisions of the organs of the sports association and has a position or powers of a director in the juridical person in respect of the employees and engaged persons in the sports association, in accordance with the law regulating labour, unless determined otherwise by this law or the statute.

The provisions of the statute of the sports association, limiting the powers of the representative, do not produce legal effects towards third parties.

The legal affairs concluded by the representative on behalf and for account of the sports association oblige the sports association even if they are not within the objectives of the sports association, unless the sports association proves that third party has known that such affair has been outside of the goals of the sports association or that it could have known it according to the circumstances of the case.

The function of the representative ceases with the expiration of the period for which he/she has been appointed, unless determined otherwise by the statute of the sports association.



If the representative, in the period of duration of his/her function, ceases to fulfil the conditions for being representative in accordance herewith, his function is deemed ceased with the day of cessation of fulfilment of these conditions.

The organ appointing the representative may discharge him/her from the function he/she has been appointed to, without indicating the reasons.

The representative may resign to the sports association in writing at any moment.

The representative's resignation produces effect in respect of the sports association with the day of submission, unless a later date has been indicated in it.

The representative's resignation is registered in accordance with the law regulating the procedure of registration with the Agency.

If the only representative of the sports association has resigned, he/she is obligated to continue to perform the tasks that cannot be delayed until the appointment of the new representative, but not longer than 30 days from the day of registration of that resignation in accordance with the law regulating the procedure of registration with the Agency.

If the sports association loses the only representative, and the new representative is not registered with the Registry within a further term of 60 days, every member of the sports association may ask that the court appoints the temporary representative of the sports association in an extrajudicial procedure.

The procedure under paragraph 13 hereof is urgent and the court is obligated to make the decision upon request within eight days as of the day of receiving the request.

If the sports association loses the only representative, and the new representative is not registered with the Registry within a further term of six months, the sports association ceases to exist.

#### **ARTICLE 58**

The representative is obligated to inform the organs of the sports association regarding the activities of the sports association and its financial operations.

If the organ of the sports association, or the number of members of the sports association determined by the statute, requires obtaining of the data under paragraph 1 hereof, the representative is obligated to give such information within 15 days from the day of submitting the request at the latest.

#### **ARTICLE 59**

The members of the organs of the sports association have special duties towards the sports association in respect of the duty of diligence, duty of reporting the affairs and actions

in which they have personal interest, duty of avoiding conflict of interest, duty of keeping trade secret and duty of respecting of prohibition of competition.

The contract between the member of the organ of the sports association, or the representative and the sports association, may be concluded upon approval of the organ of the sports association determined by the statute.

The provisions regarding special duties towards the company of the law regulating work of companies and the law regulating legal protection of trade secrets apply accordingly to special duties towards the sports association under paragraph 1 hereof and the consequences of violation of these duties, unless prescribed otherwise hereby.

#### **ARTICLE 60**

A sports association with more than 20 members has a supervisory board for control of legality of work and financial operations of the sports association and the regular annual financial statement.

A sports association may have an auditor with supervisory powers determined in accordance with the audit regulations.

The members of the supervisory board may not be members of the management and the assembly of the sports association.

#### **ARTICLE 61**

The statute may envisage other organs of the sports association.

The assembly of the sports association appoints other organs of the association, unless determined otherwise by the statute.

Only the member of the association may be a member of the organ of the sports association.

The decisions of the organs of the sports association are registered in the book of decisions.

#### **ARTICLE 62**

The members of the organs of the sports association are jointly and severally liable for the damage caused to the sports association, if such decision is made deliberately or with an utmost negligence.

The members that have been against making the harmful decision or have abstained themselves from voting are not liable for the damage under paragraph 1 hereof, if they have explained their attitude regarding the harmfulness of the proposal of the decision put for voting in the procedure that has preceded it.

The request for indemnification for the damage under paragraph 1 hereof becomes limited within ten years from the day of passing a decision that has caused damage to the sports association.

The lawsuit for indemnification of damage may be filed on behalf and for account of the sports association by the assembly of the sports association, the organ of the management of the sports association, the representative, the supervisory board or the members making 5% of the total number of the members of the sports association, the sports society and the competent national branch sports association, and if the sports association uses the funds in public ownership, by the competent public defender as well. The decision of the sports association may appoint a special representative of the sports association for the procedure of indemnification for damage.

The realised indemnification of damage belongs to the sports association, and the person that filed a lawsuit is entitled to reimbursement of costs for conducting a litigation.

The general acts or decisions of the organs of the sports association may not condition or prohibit the possibility of filing a lawsuit for indemnification of damage.

The provisions of paragraphs 1–6 hereof apply accordingly to the actions of the representative, the representative of the branch of the sports association, the liquidator and the trustee in bankruptcy which caused the damage to the sports association.

#### **ARTICLE 63**

The member of the organs of the sports association or the representative does not have a right to vote at the meeting of the organs of the sports association when deciding on:

- 1) Launching a proceeding or waiving the proceeding against him/her;
- 2) Approval of the affairs between him/her and the sports association in the case of conflict of interest, or existence of a personal interest at deciding;
- 3) His/her responsibility or discharging.

#### **ARTICLE 64**

The decisions as individual acts of the organs or the representative are null and void if they are made against the law, the sports rules or the general act of the sports association.

The nullity of the decision under paragraph 1 hereof is determined by the local competent first-instance court, by the lawsuit of any member of the sports association or another person that has a legal for filing a lawsuit, as well as of the public defender, the defender of the autonomous province and the defender of the local self-government units at the territory of which the registered seat of the sports association is located, unless the competence of the permanent sports arbitration court with the Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association under Article 53(1) hereof, or the permanent sports arbitration court under Article 53(7) hereof, is determined for solving of the disputes occurred in the sports association.

The lawsuit for determining of nullity under paragraph 1 hereof is submitted within 60 days from the day when the person filing the lawsuit has found out the reasons for nullity of the decision, with the condition that it may not be filed upon expiration of a three-year term from the day of passing the decision.

The procedure for determining of nullity of the act under paragraph 1 hereof is conducted by the competent court according to the provisions of the law regulating civil proceedings.

## **REGISTRATION**

### **ARTICLE 65**

Sports associations are registered with the Registry kept by the Agency, as an entrusted task. Connecting of several persons under Article 36(2) hereof is not recorded in the Registry.

The Agency keeps the Registry through the Registrar competent for keeping the Registry (hereinafter referred to as: the Registrar).

The provisions of the law regulating work of the Agency apply accordingly to the conditions and procedure of appointing the Registrar, as well as to his/her powers and obligations, and the provisions regulating the procedure of registration with the Agency apply to the procedure of registration and the amount of the fee for registration with the Registry.

A sports association acquires a quality of juridical person with the day of registration with the Registry.

The Ministry keeps Unified Records of Associations, Organisations and Entrepreneurs in the area of sports (hereinafter referred to as: the Unified Records).

The registration authority that keeps the Registry of Entities submits to the Ministry a copy of the decision on registration of an entity in the area of sports with that registry within three days from the day of passing the decision on recording the data with the Unified Records.

The Ministry regulates in more details: content, except for personal data, and manner of keeping the Registry; subject of registration; content and form of the application for registration with the Registry and registration of other data, documentation enclosed to the application, as well as other services offered by the Agency in keeping the Registry; content, except for personal data, and manner of keeping the Unified Records.

Only the personal data kept in the corresponding registry with the Agency, or with the registration organ that keeps the registry of entities in the area of sports, are kept in the Unified Records.

The application for registration with the Registry and the documentation enclosed to the application should contain the corresponding data under Article 5(10) hereof.

The Ministry informs a sports association, an organisation and an entrepreneur in the area of sports, of the number under which the sports association has been registered in the Unified Records (a Unified Records number).

The Ministry provides a public availability of the data from the Unified Records – via Internet.

#### **ARTICLE 66**

The Agency submits to the Ministry, without delay, all the registered data on legal entities and entrepreneurs in the area of sports via web services for their entering into the Unified Records.

#### **ARTICLE 67**

The following is entered into the Registry: form of organising of a sports association (association, society, branch association, territorial association, professional association, other association and associations in the area of sports); name, registered seat and address of the sports association; sports branch/branches, sports discipline/disciplines or sports area/areas; date of registration with the Registry; data on representative (name and surname, residence or domicile and address and SSN, or number of passport and country of issuance); company number and taxpayer identification number (TIN); bank account number; amendments and modification of statute; economic activity directly performed by the sports association; envisaged period of time for which the sports association is founded; membership in the competent national sports association or another association in the country and abroad; annotation of launching the proceedings for prohibition of work; annotation of prohibition of work; data on status change; data on liquidation; data on bankruptcy; contact data (telephone number, fax and Internet address); number and date of passing the decision on registration with the Registry.

The Registry also contains the following data, if such data exist, namely: abbreviated name; name in the language and letters of a minority; name translated into foreign language; name, registered seat and address of the branch and data on representative of the branch (name and surname, residence or domicile and address and SSN, or number of passport and country of issuance); annotations of the data of significance for legal transactions.

#### **ARTICLE 68**

The registration of founding of the sports association is null and void, or the registration of a certain data on the sports association is annulled:

- 1) If false data is indicated in the application for registration;
- 2) If the registration has been performed based on a false document (false general or individual act), a document issued in the illegally conducted procedure or a document with false or illegal data;
- 3) If there are other reasons envisaged by the law.

The member of the sports association, sports society and the association which the sports association is a member of, another person with a legal interest to determine a nullity of registration, as well as public defender, a defender of the autonomous province and a defender of the local self-government unit at the territory of which is a registered seat of the sports association, may request the registration of founding of the sports association to be determined null and void by a lawsuit for determination, or the registered data on the sports association to be annulled by a lawsuit for annulment.

The lawsuit under paragraph 2 hereof is filed to the local competent first-instance court within 30 days from the day of founding out the reasons for nullity by the plaintiff, within one year from the day of registration at the latest.

Upon the report of the plaintiff, with the enclosed evidence on launching the proceedings for determining nullity or annulment of the registration, the Registrar will register in the Registry the annotation of existence of the litigation for determining nullity or annulment of the registration within three days.

Upon annulling registration of a certain data on the sports association by a legally-binding verdict, the court is obligated to deliver the verdict to the Agency within 15 days from the day of validity. Based on that verdict, the Registrar erases the null registration from the Registry.

In the case under paragraph 5 hereof, the sports association is obligated, within three days from erasing the null registration from the Registry, to submit the application for registration of the data replacing the null registration, otherwise the sports association ceases to exist, unless determined otherwise hereby.

If the legally-binding verdict determines nullity of the registration of founding of the sports association, The Registrar enters into the Registry the annotation of nullity of registration of founding and informs the sports association, the Ministry and the competent sports inspector thereof for launching the procedure for erasing the sports association from the Registry in accordance with Article 86(5) hereof.

## **ARTICLE 69**

Nullity of registration does not produce legal effects on the legal affairs of the sports association with diligent third parties.

By determining nullity of registration of founding of the sports association, the founders of the sports association become jointly and severally liable for settling the claims of the association's creditors.

## **ASSETS**

### **ARTICLE 70**

A sports association may acquire funds and realise profits from contributions, membership fee, donations and gifts, subsidies, inheritance, interests on deposits, rent, dividends, services, sponsorships and other commercial, marketing, business and economic activities, in accordance with the law.

The funds under paragraph 1 hereof are property of the sports association.

The disposal of the assets of the sports association contrary to the provisions hereof is null and void.

### **ARTICLE 71**

A sports association may found a company or another juridical person, in accordance with the law, for acquiring the funds necessary for realisation of its sports objectives. The sports association – founder uses the entire realised net profit of the founded juridical person for realisation of its sports objectives determined by the statute.

If the sports association under paragraph 1 hereof founds a sports company and transfers to it the rights and obligations in respect of participation in a certain rank of competitions, and the rights and obligations towards certain sports and other engaged persons, in accordance with the law and the sports rules of the competent national branch sports association, the newly founded sports company answers for the obligations of the sports association – its founder assumed prior to its own foundation.

A sports association may change the legal form into a sports company by passing the decision on organising as limited liability company, and by transferring foundation rights to the local self-government unit at the territory of which it has a registered seat, with the previous consent of that unit of the local self-government.

The company under paragraph 3 hereof is a legal successor of the sports association by the change of the legal form of which it has been generated, and it takes over the assets and all the rights and obligations of the sports association from which it has originated, including the employees.

The company generated by the change of the legal form of the sports association is obligated to perform the same sports activities as the sports association.

The decision under paragraph 3 hereof is passed by the assembly of the sports association by the two-third majority of the total number of members of the assembly of the sports association.

Prior to passing of the decision under paragraph 3 hereof, the sports association determines by assessment the value of the assets and the entire capital.

The decision under paragraph 3 hereof also contains the decision on foundation act of a company and of letting the local self-government unit electing the first organs of the company.

By registering the company under paragraph 3 hereof in the registry of economic entities, the representative of the sports association submits the application for erasing the sports association from the Registry. The application is submitted within seven days from the day of registering the company in the registry of economic entities kept by the Agency, and the Agency erases the sports association from the Registry with the day of registration of the company in the registry of economic entities.

## **ARTICLE 72**

The sports association may directly perform the economic or other activity by which the profit is acquired in accordance with the law regulating the classification of activities. The sports association registers only one economic activity on the following conditions:

- 1) That the economic activity is related to the statutory objectives of that sports association;
- 2) That the economic activity is envisaged by the statute;
- 3) That the economic activity is of a smaller volume, or that it is performed in the volume required for realisation of the objectives of the sports association;
- 4) That the economic activity is registered in the Registry.

The sports association may start with direct performing of the economic activity under paragraph 1 hereof only upon the registration in the Registry.

The deals concluded by the sports association contrary to paragraphs 1 and 2 hereof are legally valid, except if third party has known, or should have known, about the violation.

The sports association is not entitled to distribute the realised profit from the economic or other activity to its founders, members, members of the organs of the sports association, directors, employees or persons connected to them.

Connected persons, in terms hereof, are considered to be the persons regulated as such by the law regulating companies.

## **ARTICLE 73**

A sports association keeps ledgers and submits financial statements in accordance with the accounting regulations.

The annual financial report of the sports association is published on the website of the Agency, in accordance with the law.



#### **ARTICLE 74**

A sports association competing at the national or professional sports competition keeps the ledgers and submits the financial statements in accordance with the accounting regulations related to companies.

The audit of the financial statements of the sports association under paragraph 1 hereof is performed in accordance with the audit regulations related to companies.

The audit report under paragraph 2 hereof is published on the website of the Agency.

#### **ARTICLE 75**

The sports association answers for its obligations with all its assets.

The members of the sports association and the organs of the sports association are jointly and severally liable with the sports association for the obligations of the sports association if they treat the assets of the sports association as if they were theirs or misuse the sports association as a form for illegal or fraudulent scopes.

A creditor of the sports association may file a lawsuit against the person under paragraph 2 hereof to the court competent by the registered seat of the sports association within six months from the day of founding out about the misuse, and within five years from the day of misuse at the latest.

In the case that the creditor's claim under paragraph 3 hereof has not matured at the moment of founding out about the misuse, the six-month term under paragraph 3 hereof starts to pass from the day of maturity of the claim.

#### **ARTICLE 76**

The assets of the sports association may be used only for realisation of the objectives determined by the statute.

The assets of the sports association may not be distributed to its members.

The profit realised by performing the activities of the sports association is used exclusively for meeting statutory objectives of the sports association.

The provisions of the paragraphs 1–3 hereof do not regard presenting the members with suitable rewards and reimbursements of the justified costs occurred by meeting statutory objectives of the sports association (travel expenses, per diem, accommodation costs and similar), fulfilment of the liabilities towards the members contracted in accordance herewith and disbursement of salaries to the employees.

## **ARTICLE 77**

In case of cessation of the sports association, only a national non-profit organisation in the area of sports may be appointed receiver of its assets.

If, at the moment of cessation of the sports association, one cannot act in the manner determined by the law and the statute for distribution of the assets, or if the sports association ceased to exist based on the decision on prohibition of work, the assets become a property of the unit of the local-self-government at the territory of the registered seat of the sports association and it should be used for the purposes mostly corresponding to the objectives of the sports association or for other sports purposes.

If the local self-government unit is not able to provide fulfilment of the conditions under paragraph 2 hereof, then the assets become a property of the Republic of Serbia.

## **STATUS CHANGES**

### **ARTICLE 78**

The status changes of the sports association are: acquisition, merger, split-up and split-off.

By the status change, the sports association transfers all its assets or a part of it to one or more existing or new sports associations, that are its general legal successors.

The acquisition, merger, split-up and split-off may be combined in the same status change.

In case of cessation of the sports association due to a status change, no liquidation is performed.

Sports associations participating in the league sports competitions may carry out status changes if the status change does not influence regularity of the competitions and with the previous consent of the competent national branch sports association.

The agreement on change of the name between the sports associations is not deemed status change, in accordance herewith.

The status change carried out against the law is null and void.

### **ARTICLE 79**

Every sports association participating in the status change drafts a financial and audit report according to the balance on the day of passing the decision on acquisition, merger, split-up and split-off, in accordance with the accounting and audit regulations.

## **ARTICLE 80**

Through an acquisition, all the assets of a sports association (acquisitee) are transferred to another sports association (acquisitor), based on the contract of acquisition.

Through an acquisition, a new sports association is founded, to which all the assets of two or more acquired sports associations are transferred (acquired sports associations).

## **ARTICLE 81**

An acquisition of one or more sports associations with another is registered in the Registry.

By registering the acquisition in the Registry, the assets of the acquisitee is transferred to the sports association acquisitor.

The provisions hereof regarding the registration of founding of the sports association apply accordingly to the registration of the acquisition.

The acquired sports association ceases to exist with the registration of acquisition in the Registry, and the association acquisitor continues with its work under the name under which it has been registered in the Registry.

By registering the acquisition, the employees and the members of the acquisitee become the employees and the members of the acquisitor.

The decisions of the assemblies of the sports associations participating in the acquisition are submitted along with the application for registration of the acquisition – on accepting the conclusion of the contract of acquisition (in an identical text), contract of acquisition, decision on registration in the Registry of the acquired sports associations, announcement of the intention of acquisition published in the media specialised for sports, issued for the territory of the entire Republic of Serbia, and the consent of the competent national branch sports association if the sports associations participate in the league sports competition.

## **ARTICLE 82**

The contract of acquisition contains the names and registered seats of the sports associations, provisions related to the transfer of the assets of the acquired sports association (correct description of the transferred parts of the assets, where referring to separate documents is allowed) and the provisions on the rights of the members of the acquired sports association.

The creditors of the sports associations that participate in the acquisition may, within 30 days from the day of publishing of the announcement on launching the acquisition procedure, request securing of their claims or their disbursement. A statement of the representatives of the sports associations participating in the acquisition, that the assets of these sports associations shall be managed separately until settling of the creditors of each sports association separately,

is deemed a sufficient security of the creditors. Otherwise, the competent court may annul the acquisition at the request of the creditors.

The draft contract of acquisition is subject to the audit of one or more auditors jointly appointed by the sports associations participating in the acquisition.

The auditor drafts, in accordance with the law, a written report on the audit of the draft contract of acquisition submitted to the sports associations participating in the acquisition within the term determined by the act of appointment, containing particularly: explained presentation of all important parts of the assets and obligations of the sports associations that participate in the acquisition; data on the applied method of assessment of the value of all sports associations participating in the acquisition, reasons for which such method has been applied; data on particular difficulties in assessment of the value of the sports associations participating in the acquisition, if any.

The assemblies of the sports associations may not pass the decision on accepting the conclusion of the contract of acquisition prior to considering the report of the auditor under paragraph 4 hereof.

### **ARTICLE 83**

The provisions hereof regarding acquisition apply accordingly to mergers of the sports associations, and the provisions on founding sports associations apply to the newly-founded sports association.

With the registration of the new sports association in the Registry, the merged sports associations cease to exist.

With the registration of the new sports association in the Registry, the assets of the merged sports associations are transferred to the new sports association.

The employees and members of the merged sports associations become the employees and members of the new sports association.

### **ARTICLE 84**

A split-up of a sports association is a status change by which the sports association is split into several sports associations, thereby ceasing to exist.

The decision on splitting up of a sports association produces a legal effect of the foundation act.

By splitting up, a sports association splits its assets into several parts transferred to several sports associations. In the split-up, the parts of the assets of the sports association split up may be: acquired by the existing sports association; merged with the existing sports association

with founding of the new sports association; founded as new sports associations; some of them acquired by one or more existing sports associations, and the other founded as one or more new sports associations, with or without merging with the existing associations.

A split-off is a status change by which a part of a sports association is separated from it, and the sports association continues to exist as juridical person. By splitting off, a sports association transfers one or more parts of its assets to one or more new (split-off by foundation) or existing sports associations (split-off by acquisition).

The provisions hereof on foundation, merger and acquisitions of sports associations apply accordingly to a split-up and a split-off.

In case of a split-up or a split-off, each participating sports association existing upon registration of the split-up or the split-off is jointly and severally liable for the obligations of the sports association existing prior to the registration of the split-up or the split-off in the Registry.

The sports association to which a part of the assets has been transferred by the split-up or the split-off, as general legal successor, enters all legal relations of the split sports association, or the sports association from which a part has been separated, with third parties, in relation to the transferred part of the assets.

## **ARTICLE 85**

The sports associations generated by the split-up or the split-off are registered in the Registry upon concluding the contract of separation of funds, rights and obligations (separation balance sheet). The separation balance sheet also regulates the questions related to the status of the members of the sports associations and the employees.

The representatives of the sports associations participating or generated in the split-up or the split-off apply for registration of the split-up or the split-off in the Registry.

The sports association ceases to exist with the registration of the split-up in the Registry, without executing a liquidation. The sports association does not cease to exist by a separation of one of its parts, but it changes the statute for harmonising with the changes related to the split-off.

## **CESSATION**

### **ARTICLE 86**

A sports association ceases to exist:

- 1) If the number of members falls under the number necessary for foundation, and the competent organ of the association does not pass a decision on acceptance of the new members within 30 days;
- 2) If the competent organ of a sports association passes the decision on cessation of the association;

- 3) By the status change and change of a legal form that leads to cessation of the association;
- 4) If it has been pronounced a measure of prohibition of performing sports activities because it does not fulfil the conditions for their performing, and fails to fulfil these conditions within the term specified in the pronounced measure;
- 5) If it has been determined by a legally-binding decision of the competent court that the registration of founding of the sports association was null and void;
- 6) If it has been prohibited to work;
- 7) If it is determined that it stopped working;
- 8) In other cases determined by the law, the foundation act or the statute of the sports association indicated as grounds for cessation of the association;
- 9) By bankruptcy.

The sports association ceases to exist by its erasing from the Registry.

The circumstances under paragraph 1(1, 4, 5, 6, 7 and 8) hereof are determined by the decision of the sports inspector.

In the case under paragraph 1(2) hereof, erasing from the Registry is performed upon the executed procedure of liquidation or bankruptcy of the sports association.

In the case of cessation of the sports association based on paragraph 1(1, 4, 5, 6, 7 and 8) hereof, the sports inspector, submits, within 15 days from the day of validity of the decision under paragraph 3 hereof, the application for erasing the sports association from the Registry to the Agency.

In the case under paragraph 5 hereof, the Registrar that keeps the Registry registers in accordance herewith the fulfilment of the conditions for cessation of the sports association and, at the same time, publishes the announcement of it on the website of the Registry in continuous duration of 30 days.

If the Registry does not receive the decision of the competent court on opening bankruptcy over the sports association that ceases to exist within 60 days from the day of publishing of the announcement under paragraph 6 hereof, the Registrar that keeps the Registry erases ex officio the sports association from the Registry.

From the moment of occurrence of the circumstances under paragraph 1(1, 2, 4, 5, 6, 7, 8 and 9) hereof, the sports association may not perform sports activities.

## **ARTICLE 87**

A liquidation of a sports association is carried out when the sports association has sufficient funds to cover all its liabilities.

The provisions of the law regulating liquidation of companies apply accordingly to carrying out of the liquidation of the sports association, unless determined otherwise hereby.

The sports association may cease by an abbreviated liquidation procedure on the conditions and in the manner determined by the law regulating liquidation of associations.

From the moment of fulfilment of the conditions for launching liquidation, the sports association may take only the activities necessary for conducting a liquidation procedure.

By passing the decision on cessation of the sports association by liquidation and by appointing the liquidator, the powers of the representative and the proxy of the sports association cease.

In the cases under Article 86(1)(1, 2 and 7) hereof, the assembly of the sports association is obligated to pass the decision on cessation of the sports association by liquidation, on appointment of the liquidator and on the address for reporting the claims, within 15 days from the day of occurrence of the reasons for cessation of the sports association.

The indication "in liquidation" is put in the name of the sports association.

The effect of opening of the liquidation procedure starts with the registration of liquidation, of the data on liquidator and by publishing the announcement of launching the liquidation in accordance with the law.

#### **ARTICLE 88**

The liquidator acts with the assets of the sports association remained after settling the creditors in the manner envisaged by the law and the statute of the sports association.

The financial statement drafted with the day of termination of the liquidation and the report on conducting the liquidation are approved by the assembly of the sports association, and if the assembly of the association is not convened or held due to a lack of quorum, the liquidator finishes the liquidation procedure without the approval.

Upon finishing the liquidation of the sports association, the liquidator applies without delay for erasing of the sports association from the Registry and encloses the report on the course of the liquidation and the statement that all the assets of the sports association has been distributed in accordance with the law and the statute of the sports association.

#### **ARTICLE 89**

The person who received the assets of the sports association from the liquidation surplus answers for possible unsettled liabilities of the sports association in the liquidation procedure up to the amount received.

The assets of the erased sports association in accordance with Article 86(5–7) hereof become property of the receiver under Article 77 hereof who answers up to the value of the received assets for possible unsettled liabilities of the sports association that ceases to exist.

Upon erasing the sports association from the Registry in the case under paragraph 2 hereof, the persons under Article 75(2) hereof are jointly and severally with the receiver of the assets liable for the liabilities of the sports association without limitation, and the persons under Article 62(1) hereof are jointly and severally liable with the receiver of the assets up to the amount of the damage inflicted to the sports association by their decisions.

The claims of the creditors under paragraphs 1–3 hereof become limited within three years from the day of erasing of the association from the Registry.

#### **ARTICLE 90**

A bankruptcy is conducted over the sports association incapable of payment, in accordance with the law.

The provisions of the law regulating the bankruptcy proceedings apply accordingly to the registration in the Registry of the data related to the bankruptcy of the sports association, above all the provisions on the registration in the competent registry of decisions from the bankruptcy proceedings.

If the bankruptcy proceedings have been conducted over the sports association, the organ that has conducted such proceedings submits to the Agency the evidence thereof within 15 days from the day of termination of the proceedings, after which the erasing of the association from the Registry is performed ex officio.

The Registrar erases the sports association from the Registry based on the legally-binding decision on termination of the bankruptcy proceedings.

A competent commercial court submits the application for registration of the data related to the bankruptcy of the sports association in the Registry, in accordance with the law.

#### **ARTICLE 91**

The actions of the sports association directed to the violent overthrow of the constitutional order and violation of the territorial integrity of the Republic of Serbia, violation of the guaranteed human or minority rights or provoking and inciting of inequality, hatred and intolerance based on racial, national, religious or other belonging or preference, as well as on sex, gender, physical, mental or other characteristics and abilities, shall be prohibited.

The decision on prohibition of work of the sports association the acting of which is contrary to the provision of paragraph 1 hereof is passed by the Constitutional Court.

The prohibition of work to the sports association regards all parts of the association.

The visual identity symbols or other signs of the sports association which is prohibited to work may not be publicly used.



The provisions of the paragraphs 1–4 hereof apply accordingly to the prohibition of work of connecting several persons under Article 36(2) hereof.

## **2.1.2. SPORTS COMPANY**

### **ARTICLE 92**

A sports company may be founded by natural and/or juridical persons, in accordance with the law.

A sports company may be founded as limited liability company or joint stock company, in accordance with the law.

A sports company may perform a sports activity if it fulfils the conditions under Article 35 hereof and if this activity is performed as core activity of the sports company.

At least 70% of the net profit realised in the current year by the company under paragraph 1 hereof should be re-invested in the sports activity of that company.

The prescriptions regulating the protection of competition apply accordingly to the violation of competition at performing sports activities, unless it is contrary to the very nature of the sports activities.

The provisions hereof regarding the sports arbitration apply accordingly to solving of the disputes occurred in relation to performing of the sports activities of the sports company with other participants in the sports system.

The sports company may engage or register athletes and sports professionals based on the concluded contract, in accordance with articles 10 and 31 hereof.

The name of the sports company may not be misleading in respect of the sports branch or area to which the sports company belongs or of the type of juridical person.

The fulfilment of the conditions under paragraph 3 hereof is determined by the decision of the sports inspector within the inspection supervision.

The decision of the sports inspector under paragraph 9 hereof may be appealed to the Ministry within 15 days from the day of submitting the decision.

The same person may not, directly, indirectly or via the connected persons, in terms of the law regulating companies, be an owner or have shares or stocks in more than one sports company in the same degree of competitions, and within the same sports branch it may have shares or stocks, covering a maximum of 5% of fixed assets of the sports company, only in one more sports company.

The shares or stocks of the sports company may not, directly, indirectly or via the connected persons, belong to the persons whose jobs and activities may directly influence the competition in the corresponding sports branch or degree of competitions (sports referees, sports intermediators, athletes, coaches and other), as well as to the owners of sports betting shops and the employees in the sports betting shops.

If a person acquires shares or stocks contrary to the provisions of paragraphs 11 and 12 hereof, he/she is obligated to alienate his/her share or stocks he/she acquired although he/she has not had any right to do so, without delay, and until he/she does it, he/she may not exercise the rights from the acquires shares or stocks in any other sports organisation. Until the alienation of shares or stocks, the rights from the shares or stocks are exercised by the trustee appointed by the competent national branch sports association.

A person who has shares or stocks in the sports company, elected or appointed to a public function or a function within an organ of a political party, is obligated to transfer the administrative rights, based on shares or stocks, to a juridical or natural person not connected with him/her within 30 days from the day of election or appointment, for it/him/her to exercise them, on his/her/its behalf, for account of the official, until the cessation of the public function, or the function in the organ of the political party, and to inform the sports company thereof.

The acquisition of shares or stocks contrary hereto is null and void.

The provisions of the law regulating the takeover of the joint stock companies via publishing the takeover bids does not apply to the sports company founded in the form of joint stock company.

## **2.2. ENTREPRENEUR**

### **ARTICLE 93**

An entrepreneur dealing with professional work in the area of sports should have an adequate sports title in accordance herewith.

An entrepreneur may perform a sports activity if he/she has a provided adequate facility, adequate gear, engaged adequate sports professionals and if he/she fulfils the conditions in respect of safety in performing the activity, including the necessary acts (rules of order and similar), unless determined otherwise hereby.

The regulations regulating entrepreneurship apply to the independent performing of the sports activity, unless determined otherwise hereby.

The Minister prescribes more detailed conditions under paragraph 2 hereof.

The fulfilment of the conditions under paragraph 2 hereof is determined by the decision of the inspector within the inspection supervision.

The decision of the sports inspector under paragraph 5 hereof may be appealed to the Ministry within 15 days as of the day of delivery of the decision.

#### **ARTICLE 94**

The company or the entrepreneur in the area of sports, as well as other persons in accordance with the rules of the competent international sports association (hereinafter referred to as: the organisation for sports intermediation) may deal with the tasks of intermediation on the occasion of the transfer of an athlete or a sports professional from one sports organisation to another and on the occasion of concluding the contract between an athlete or a sports professional and a sports organisation, if it has a professional licence issued by the competent national branch sports association.

An organisation for sports intermediation may perform the activity of intermediation on the condition that it has hired a sports professional with adequate sports knowledge and an adequate professional licence issued by the competent national branch sports associations.

The competent national branch sports association determines the conditions and procedure of acquiring the professional licence under paragraph 1 hereof.

The Ministry gives its consent to the act under paragraph 3 hereof.

The competent national branch sports association issues the professional licence to the organisation for sports intermediation and informs the Ministry of every issuance of the licence, within 15 days from the day of issuance.

The competent national branch sports association is obligated to make a public announcement on the official website of the association regarding the issued professional licence under paragraph 5 hereof.

The professional licence of the organisation for sports intermediation should contain the corresponding personal data under Article 5(2) hereof.

The professional licence issued to the organisation for sports intermediation by the competent international sports associations is deemed a valid professional licence under paragraph 1 hereof for the period for which it has been issued.

The contract of intermediation with the athlete without a full legal capacity may be legally concluded only with the previous written and authenticated, in accordance with the law, consent of both parents or tutors.

The contract of intermediation in sports, as well as all amendments and modifications of that contract, is concluded in writing and authenticated in accordance with the law and it obligatorily contains the amount of compensation to the organisation for sports intermediation, a period for which it is concluded and the scope of powers of the organisation for sports intermediation, including the power of representation, and is otherwise null and void.

The contract of intermediation in sports is concluded for a two-year period at most, with the condition that the contract of intermediation can be concluded again between the same contracting parties upon expiration of that period.

The contract between an athlete or a sports professional and a sports organisation, concluded with the intermediation or representation of an organisation for sports intermediation, should contain the indication of the organisation for sports intermediation, and is otherwise null and void.

The organisation for sports intermediation may protect the interests of only one party from the contract of intermediation, otherwise it owes the indemnification for damage to the person with whom it has concluded the contract of intermediation.

The provisions hereof that regard the organisation for sports intermediation also regard all natural and juridical persons with the concluded contracts of investment in athletes or sports professionals based on which they are entitled to a part of the profit arising out of performing of their sports activities.

## **ARTICLE 95**

Juridical and natural persons that do not participate in the sports competitions within the competent national branch sports association organising the sports competitions, the core activity of which is rendering the services of professional work in sports under Article 27(1) hereof (soccer schools, tennis schools, camps, fitness centres, other sports centres and similar), may perform sports activities only in the form of company, or in an adequate form of entrepreneurship and may not have in the name of that company or a corresponding form of entrepreneurship, the word "club" or the word "association" or the words "sports club".

Performing of activities under paragraph 1 hereof by the sports association contrary to the conditions under paragraph 1 hereof represents a ground for cessation of the sports association.

The existence of the circumstances under paragraph 1 hereof is determined by the decision of the sports inspector.

The decision of the sports inspector under paragraph 3 hereof may be appealed to the Ministry within 15 days from the day of delivery of the decision.

## **2.3. SPORTS SOCIETIES**

### **ARTICLE 96**

Sports organisations may, for regulating and realising common goals and interests, as well as for joint acting in the area of sports, associate in sports societies.

A sports society is a holder of rights to common name and common symbols, unless determined otherwise by the statute of the sports society.

The provisions hereof regarding sports associations apply accordingly to the foundation, registration in the Registry, performing of sports activities, acquiring of funds and realisation of profit, solving of disputes, responsibility, and other questions related to work of sports societies, unless determined otherwise hereby.

## **2.4. BRANCH SPORTS ASSOCIATIONS**

### **ARTICLE 97**

Sports organisations, territorial branch sports associations, independent professional athletes, associations and professional and other associations in a specific sports branch that fulfil the conditions for performing of sports activities prescribed hereby, with a view to regulation of the questions of common interest, common representation, regulation of the questions of organisation of competitions and the status of athletes in a specific sports branch, may associate in branch sports associations for one or more branches, in accordance with the law and the sports rules of the competent national branch sports associations.

The organisations under paragraph 1 hereof should be registered in the Registry.

The competent national branch sports association, or the branch sports association that is member of the competent national branch sports association is obligated to accept as members the subjects under paragraph 1 hereof within 60 days from the day of submitting a duly request for acceptance as member, if their statute is in accordance with the statute of that association.

Sports organisations of the disabled persons may associate by sports branches or by another criterion, in accordance with the sports rules of the competent international sports associations.

### **ARTICLE 98**

Branch sports associations are founded primarily with the objective of: development of a sports branch, or sports activities in its area of operations; harmonisation of activities of its members; representation of the national sports in its area of operations; creation of conditions for achieving top sports results; organisation and hosting of sports competitions; participation in promotion of professional work of sports professionals; stimulation for practicing of sports, especially in children and youth, in its area of operations.

Branch sports associations are registered in the Registry.

The provisions hereof related to sports associations apply accordingly to foundation, registration in the Registry, performing of sports activities, acquiring of funds and realisation of profit, solving of disputes, responsibility, prohibition of discrimination, name, engaging of

athletes and sports professionals, general and individual acts, as well as to other questions related to work of branch sports associations.

A branch sports association may be founded if there are at least three registered sports organisations in the sports branch and at the territory for which it is founded.

## **ARTICLE 99**

A competent national branch sports association is the highest form of association in the Republic of Serbia in an adequate sports branch.

A competent national branch sports association has an exclusive role in a certain sports branch for representation of the national sports at international competitions and in international sports associations, organisation and hosting of national sports competitions and regulation of performing of sports activities by means of sports rules.

Only one sports association may acquire a status of competent national branch sports association in one sports branch, except in the case of sports in disabled persons.

The competent national branch sports association uses the name of the Republic of Serbia in its name, in accordance with the law.

The president of the management or the representative of the national branch sports association or other national sports association may not be a member of the management, a president or representative of another organisation in the area of sports, except for the management of the Serbian Olympic Committee, the Serbian Paralympic Committee, the Serbian Sports Association, the Serbian Institute and the Provincial Institute.

Competent national branch sports associations and other national sports associations, territorial sports associations, professional sports clubs and sports organisations competing in the national sports leagues should have an employed or hired sports professional or expert in sports with the passed sports professional exam.

The professional sports exam under paragraph 6 hereof is sat before the committee formed by the Minister from distinguished experts in the area of sports.

The Minister signs the programme, contents, manner and costs of sitting the professional sports exam, form of the certificate of passed professional sports exam, and regulates other questions related to the professional sports exam under paragraph 6 hereof.

The certificate of passed professional exam should contain adequate personal data under Article 5(10) hereof.

The competent national branch sports association is obligated to publish on the website of the Agency the annual financial statement and the audit report.

## ARTICLE 100

The competent national branch sports association determines the sports rules in the corresponding sports branch, in accordance with the law and the sports rules of the competent international sports association.

The sports rules under paragraph 1 hereof determine:

- 1) System, propositions, rules and calendar competitions, including determining of amateur and professional sports competitions and leagues;
- 2) Rules for organising sports competitions;
- 3) Conditions and criteria for participation in sports competitions and procedure of determining of their fulfilment, including the conditions for competing of foreign athletes and athletes competing for foreign national teams;
- 4) Conditions and criteria for participation in the national league sports competition, or professional sports competition and procedure of determining their fulfilment (seasonal permit);
- 5) Manner and procedure of registration of the contract between an athlete or sports professional and a sports organisation and general (minimum) conditions for concluding the contract between an athlete or sports professional and a sports organisation;
- 6) Conditions for organising and participation of sports organisations in competitions for the territory of several countries or several regions of different countries;
- 7) Conditions and manner of registration of athletes and sports professionals for sports organisations, including registration of foreign athletes and sports professionals;
- 8) Measures for prevention of negative phenomena in sports (doping, violence and inappropriate behaviour, faking of sports results, racism and chauvinism, illegal betting and other);
- 9) Medical protection of athletes;
- 10) Disciplinary procedure and disciplinary penalties;
- 11) Status of athletes and sports professionals and transfers of athletes and sports professionals to national and international sports organisations, including transfers and lending of athletes among sports organisations;
- 12) Conditions for performing of intermediation in transfers of athletes and sports professionals from one to another sports organisation;
- 13) Status of sports referees, refereeing at competitions, supervision over refereeing and status and competencies of other officials at sports competitions;
- 14) Performing of professional work in sports organisations;
- 15) Other questions determined by the law and the sports rules of the competent international sports association.

The competent national branch sports association is obligated, within 15 days from the day of entering into force of the sports rules under paragraph 1 hereof, to submit the copy of these rules to the Ministry, including subsequent amendments and modifications of the rules, counting the term separately for each general act determining the sports rules under paragraph 2 hereof.

The competent national branch sports association is obligated to publish the sports rules and the statute under paragraph 1 hereof on the official web presentation of that association.

The competent national branch sports association gives the opinion to the Ministry regarding the existence of interest for admission into citizenship of the Republic of Serbia of an athlete or a sports professional who is a foreign citizen.

The competent national branch sports association is obligated to pass the programme of development of the sports branch for which it has been founded, for at least four years, and to submit it to the Ministry within 15 days from the day of its passing.

The competent national branch sports association is obligated to submit to the Ministry the authenticated translation of the statute of the competent international sports association, including subsequent amendments and modifications of that statute.

#### **ARTICLE 101**

The provisions hereof regarding national branch sports associations apply accordingly to the international branch sports associations with the registered seat at the territory of the Republic of Serbia.

The name of the international branch sports association under paragraph 1 hereof may be in foreign language and written in Latin letters.

### **2.5. THE SERBIAN SPORTS ASSOCIATION AND OTHER TERRITORIAL SPORTS ASSOCIATIONS**

#### **ARTICLE 102**

Organisations in the area of sports from a certain territory found, for regulation and realisation of the questions of common interest, territorial sports associations (for the Republic of Serbia, autonomous province, unit of the local self-government, city municipality).

The Serbian Sports Association is a territorial sports association for the Republic of Serbia which gathers together competent national branch sports associations, competent national sports associations for sports areas, national professional and other sports associations, as well as territorial sports associations for the autonomous province, the local self-government unit and the city municipality.

The Serbian Sports Association performs the tasks to provide the conditions for monitoring, development and promotion sports recreation, children's sports, including physical education of preschool children and school sports, university sports, sports in a Diaspora and top sports in non-Olympic sports, as well as other tasks in accordance herewith and the National Strategy on Sports Development (hereinafter referred to as: the Strategy), and particularly:



- 1) Determines, as entrusted task, a quality of a person that practices sports independently as the only and basic profession based on the criteria for determining that quality, determined with the consent of the Ministry;
- 2) Solves arbitration disputes for non-Olympic sports, sports areas and territorial sports associations;
- 3) Participates in work of the Management Board of the Serbian Institute;
- 4) Proposes on its own behalf annual and special programmes for realisation of interest to the general public in the area of sports and gathers from the competent national branch sports associations through which the general interest in non-Olympic sports is realised, from the competent national sports associations through which the general interest in certain sports area is realised and from the territorial sports associations, and proposes on their behalf, annual and special programmes for realisation of interest to the general public in the area of sports;
- 5) Participates in the work of professional committees performing evaluation of the programmes financed in accordance herewith;
- 6) Gives an opinion to the act of the Minister determining the competent national sports association for sports branch or area, sports branches and sports disciplines in the Republic of Serbia and sports branches of special importance for the Republic of Serbia;
- 7) Participates in work of the commission for preparation of categorisation of sports, athletes and sports professionals and carries out ranking;
- 8) Gives an opinion related to the candidature for organisation of large international sports competitions at the territory of the Republic of Serbia;
- 9) Temporarily exercises the competences and the rights and obligations under articles 99, 100 and 106 hereof if no competent national branch sports association has been founded in a certain sports branch or sports area, or if the competent national sports association for a sports area or the national sports association loses the status of the competent national branch sports association, or the competent national sports association for a sports area or the competent national branch sports association, or if the competent national sports association for a sports area does not function in accordance herewith, unless determined otherwise hereby;
- 10) Temporarily exercises the competences of the territorial sports association of the local self-government unit in the local self-government unit in which no territorial sports association has been formed or does not function in accordance herewith;
- 11) Takes care of promotion of health protection of the athletes and sports professionals from non-Olympic sports and of prevention of negative phenomena in sports;
- 12) Monitors exercising of the functions of territorial sports associations in the local self-government units and approval and realisation of the programmes or projects financed from public revenues in local self-government units and twice a year submits a report to the Ministry and local self-government units thereon.

The provisions regarding the branch sports associations apply accordingly to foundation, registration in the Registry and performing of sports activities, acquiring of funds and realisation of profit, as well as to other questions related to work of territorial sports associations, unless determined otherwise hereby.

The Ministry determines by a decision a fulfilment of the conditions for the Serbian Sports Association to temporarily exercise the competences and the rights and obligations of the national sports associations under paragraph 3(9) hereof, or to temporarily exercise the competences of the territorial sports associations under paragraph 3(10) hereof.

The Serbian Sports Association is obligated to pass the framework programme of development of the sports branches and areas under paragraph 3 hereof, in the limits of its competences determined hereby, for at least four years, and to submit it to the Ministry within 15 days from the day of its passing.

The Serbian Sports Association has a status of a competent national sports association in respect of exercising its competences determined hereby.

Administrative proceedings may be launched against the decision of the Ministry under paragraph 5 hereof, in accordance with the law.

## **2.6. THE SERBIAN OLYMPIC COMMITTEE AND THE SERBIAN PARALYMPIC COMMITTEE**

### **ARTICLE 103**

The Serbian Olympic Committee is an organisation in the area of sports, formed in accordance with the Olympic charter and acknowledged by the International Olympic Committee.

The Serbian Olympic Committee performs the tasks to provide the conditions for: monitoring, development and promotion of top sports and top sports system in Olympic sports, organisation and holding of the international sports competitions in the competence of the International Olympic Committee, realisation of interstate and international cooperation and realisation of the programmes and projects in this area of interest to the general public for the Republic of Serbia, as well as other tasks in accordance herewith, and particularly:

- 1) Solves the arbitration disputes for Olympic sports;
- 2) Participates in the work of the Management Board of the Serbian Institute;
- 3) Proposes on its own behalf the annual and special programmes of interest to the general public in the area of sports and gathers from its permanent members (competent national branch sports associations for Olympic sports) and proposes on their behalf, the annual and special programmes of interest to the general public in the area of sports;
- 4) Participates in the work of the expert committees performing evaluation of the programmes financed in accordance herewith;
- 5) Gives an opinion to the act of the Minister determining the national sports associations the programmes of which are financed from the budget of the Republic of Serbia, and sports branches and sports facilities of significance for the Republic of Serbia;

- 6) Participates in the work of the commission for preparation of categorisation of sports, athletes and sports professionals and carries out ranking;
- 7) Gives an opinion related to the candidature for organisation of large international sports competitions at the territory of the Republic of Serbia for Olympic sports;
- 8) Takes care of promotion of health protection of the athletes and sports professionals from Olympic sports and of prevention of negative phenomena in sports;
- 9) Temporarily exercises the function of holder of the programme of the competent national branch sports association for Olympic sports under Article 99(1) hereof in respect of satisfying a general interest in the area of sports under Article 112(1)(1) hereof, if no competent national branch sports association or has been formed in a certain sports branch, or if the competent national branch sports association or the competent national sports association loses the status of a competent national branch sports association, or if the competent national sports association does not function in accordance herewith.

The Serbian Olympic Committee performs its activities in accordance with the principles of the Olympic movement and the Olympic of the International Olympic Committee.

The provisions hereof regarding the national branch sports associations apply accordingly to foundation, registration in the Registry and performing of sports activities, as well as to other questions related to the work and programmes of the Serbian Olympic Committee.

The words "Olympic" and "Olympic Games", independently or in a mutual connection, as well as the corresponding words or word groups in foreign language, may be used in the name or business name of an organisation or for designation of a certain sports event.

The Serbian Olympic Committee may use the Olympic symbols within its visual identity, in accordance with the law.

The Serbian Paralympic Committee is an organisation in the area of sports formed in accordance with the Paralympic Charter and acknowledged by the International Paralympic Committee.

The Serbian Paralympic Committee performs the tasks to provide the conditions for: monitoring, development and promotion of sports in disabled persons, organisation and holding of the international sports competitions in the competence of the International Paralympic Committee, realisation of interstate and international cooperation and realisation of the programmes and projects from the area of sports in disabled persons of interest to the general public for the Republic of Serbia, as well as other tasks in accordance herewith.

The provisions of paragraphs 2–6 hereof apply accordingly to the Serbian Paralympic Committee.

The Ministry determines by a decision a fulfilment of the conditions for the Serbian Olympic Committee, or the Serbian Paralympic Committee, to temporarily exercise the functions of the national branch sports associations under paragraph 2(9) hereof.

Administrative proceedings may be launched against the decision of the Ministry under paragraph 10 hereof, in accordance with the law.

The Serbian Olympic Committee and the Serbian Paralympic Committee are obligated to pass the framework programmes of development of Olympic or Paralympic sports under paragraph 2 hereof, in the limits of their competences determined hereby, for at least four years, and to submit them to the Ministry within 15 days from the day of their passing.

The Serbian Olympic Committee and the Serbian Paralympic Committee have the status of competent national sports associations in respect of exercising their competences determined hereby.

#### **ARTICLE 104**

The Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association jointly determine the code of professional ethics for performing of professional work in sports.

### **2.7. PROFESSIONAL AND OTHER ASSOCIATIONS AND ASSOCIATIONS IN THE AREA OF SPORTS**

#### **ARTICLE 105**

Sports professionals and experts in sports may associate in professional sports associations (associations of coaches, sports referees and other) for regulation and exercising professional sports questions of common interest.

Sports organisation, sports societies, sports associations and other juridical and natural persons may also found other associations (organisational boards, association of fans and other) and associations in the area of sports for exercising common goals and interests in the area of sports.

The provisions hereof regarding sports associations apply accordingly to foundation, registration in the Registry and performing of sports activities, as well as to other questions related to the work of the associations under paragraphs 1 and 2 hereof.

The association for which the basic statutory reason for foundation is not realisation of the objectives in the area of sports, but realisation of some other permitted goal, in accordance with the law regulating the work of associations, is not deemed association in the area of sports under paragraph 2 hereof.

## **ARTICLE 106**

Sports organisations and professional and other associations in a certain sports area may associate in adequate sports associations for sports areas, in accordance with the law and the sports rules of the competent national sports association for a certain sports area.

The provisions hereof related to branch sports associations apply accordingly to foundation, registration in the Registry and performing of sports activities, acquiring of funds and realisation of profit, as well as to other questions related to the work of the sports associations for a sports area, unless determined otherwise hereby.

The competent national sports association for a sports area is obligated to pass the programme of development of the sports are for which it has been founded, for at least four years, and to submit it to the Ministry within 15 days from the day of its passing.

## **2.8. THE INSTITUTE FOR SPORTS AND SPORTS MEDICINE OF THE REPUBLIC OF SERBIA**

### **ARTICLE 107**

The Serbian Institute is an institution performing the activity for development of professional work and satisfying of professional needs in the area of sports.

The activity of the Serbian Institute includes:

- 1) Periodical tests or monitoring of anthropological abilities and characteristics of children, youth and adults;
- 2) Control of training of promising and top athletes and professional-advisory assistance to these athletes and sports professionals;
- 3) Organisation and realisation of continuous trainings and final preparations of promising and top athletes;
- 4) Keeping of the national records in the area of sports (gathering and processing of data) and periodical publishing of the collective data from the national records;
- 5) Professional qualifying and improvement of sports professionals and experts in the area of sports and sports medicine in cooperation with the corresponding accredited university institution, in accordance with the law;
- 6) Performing of supervision over the professional work in the area of sports through professional sports supervisors;
- 7) Evaluation of health condition of participants in physical activities;
- 8) Promotion of health condition and functional abilities of promising and top athletes;
- 9) Organisational and professional assistance to the organisations realising the programmes for exercising a general interest in the area of sports and organisers of large international sports competitions;

- 10) Advising at planning, construction and reconstruction of sports facilities in public ownership and monitoring of their utilisation;
- 11) Advertising, publishing, scientific, research-development and library activity in the area of sports and sports medicine, in accordance with the law;
- 12) Participation in drafting the Strategy;
- 13) Giving opinions and professional assistance to participants in the sports system in the questions of importance for sports development;
- 14) International cooperation in the area of sports and sports medicine;
- 15) Promotion of sports development in children and youth;
- 16) Monitoring of planning of construction and utilisation of sports facilities;
- 17) Identification and development of sports talents, in cooperation with the competent national branch sports associations.

The Serbian Institute may also perform healthcare activity, or certain tasks of healthcare activity, in accordance with the law regulating healthcare protection.

The Serbian Institute may perform other tasks as well, in accordance with the Statute.

The Government gives its consent to the statute of the Serbian Institute, and the Ministry gives its consent to the general act regulating organisation and classification of job positions in the Serbian Institute, the financial plan and the annual programme of work of the Serbian Institute.

The tasks under paragraph 2(4 and 6) hereof are performed as entrusted tasks.

The Serbian Institute has a status of national training centre and has the exclusive right to perform the activity under paragraph 2(3) hereof, unless, for objective reasons, the organisation and realisation of continuous trainings and preparations if promising and top athletes is not possible at the Serbian Institute.

## **ARTICLE 108**

The organs of the Serbian Institute are: director and management board.

The management board of the Serbian Institute has seven members, out of which two representatives of the Ministry, one representative of distinguished experts in the area of sports proposed by the Ministry, one representative of the Serbian Olympic Committee, one representative of the Serbian Sports Association and two representatives of the Serbian Institute.

A person with a university education may be appointed member of the management board and the director of the Serbian Institute.

The management board of the Serbian Institute decides by majority of votes out of a total number of members of the management board.

The Government appoints and discharges the director, the president and members of the management board of the Serbian Institute.

The Ministry performs the supervision over legality of work of the Serbian Institute.

#### **ARTICLE 109**

The regulations of public services apply to the organisation and work of the Serbian Institute, unless determined otherwise hereby.

The funds for the work of the Serbian Institute are provided in the budget of the Republic of Serbia and from other sources, in accordance with the law.

### **2.9. INSTITUTIONS AND COMPANIES FOR PERFORMING OF SPORTS ACTIVITIES**

#### **ARTICLE 110**

Institutions in the area of sports may be founded, in accordance with the law regulating public services, by the Republic of Serbia, the autonomous province and the local self-government unit (hereinafter referred to as: the founder) and the funds for their work are provided in the budget of the founder, in accordance with the law.

The annual programme of work of the institutions under paragraph 1 hereof is approved by the founder.

Institutions in the area of sports may also be founded by other juridical and natural persons, on the conditions prescribed by the law.

The companies for performing sports activities may be founded by natural or juridical persons in accordance with the law.

The institutions and companies under paragraphs 1, 3 and 4 hereof may perform sports activity if they have provided an adequate space or facility, an adequate gear, adequate sports professionals depending from the type of activity, if they fulfil the conditions in respect of safety for performing of activity, and if they have an adequate internal organisation or services.

The Minister prescribes more detailed conditions under paragraph 5 hereof.

The fulfilment of the conditions under paragraph 5 hereof is determined by the decision of the sports inspector within the inspection supervision.

The decision of the sports inspector under paragraph 7 hereof may be appealed to the Ministry within 15 days from the day of submitting the decision.

The institution and the company for performing sports activities may not have the words "club" or "association" in its name.

## **2.10. SPORTS ENDOWMENTS, FOUNDATIONS AND FUNDS**

### **ARTICLE 111**

Sports endowments and foundations may be founded for achieving objectives of public service in the area of sports.

The regulations of endowments and foundations apply to founding and work of endowments and foundations.

The Republic of Serbia founds a National Fund for Sports Development with a view to supporting the promotion of sports recreation, promotion and stimulation of practicing sports in all the citizens of the Republic of Serbia, and especially in children, women, youth and disabled persons.

The autonomous province and the local self-government unit may found the fund for sports development for achieving of the goals under paragraph 3 hereof.

The fund under paragraphs 3 and 4 hereof is founded as budgetary fund in accordance with the law regulating the budgetary system and for achieving of its goals it is primarily financed from the donations of organisations in the area of sports and other juridical persons, as well as from other funds in accordance with the law.



### **III GENERAL INTEREST**

#### **ARTICLE 112**

A general interest in the area of sports is:

- 1) Providing the conditions for preparation, participation and achieving of top sports results at the Olympic Games, the Paralympic Games and other large international sports competitions;
- 2) Promotion of the sports system and increasing capacities of the Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association and other competent national sports associations for sports branches and areas through which the general interest in the area of sports is realised;
- 3) Construction, equipping and maintenance of the sports facilities important for sports development at the entire territory of the Republic of Serbia, taking into account the regional coverage and degree of development of the sports infrastructure in the local self-government units;
- 4) Scholarships for sports improvement of amateur top athletes and pecuniary aid to the top athletes with special merits;
- 5) National recognitions and rewards for special contribution to development and affirmation of sports;
- 6) Activities of sports camps for promising athletes, of special importance for the Republic of Serbia;
- 7) Organisation of international and national sports competitions of importance for the Republic of Serbia;
- 8) Providing of conditions for organisation and maintenance of school and university sports competitions at the level of the Republic of Serbia;
- 9) Promotion of sports recreation, promotion and stimulation of practicing sports in all the citizens of the Republic of Serbia, and especially in children, youth and disabled persons;
- 10) Prevention of negative phenomena in sports (doping, violence and inappropriate behaviour, fixing of sports results and similar);
- 11) Promotion of health protection of athletes, promotion of professional work and professional qualifying in sports;
- 12) Interstate and international sports cooperation and sports development and cooperation with the Diaspora organisations;
- 13) Scientific gatherings, research-development and scientific-research projects in sports and publishing of sports publications of national importance;
- 14) Activity and programmes of organisations in the area of sports the founder of which is the Republic of Serbia.

For realisation of interest to the general public in the area of sports under paragraph 1 hereof the funds are provided in the budget of the Republic of Serbia.

The funds realised in the budget of the Republic of Serbia by organising games of chance, in accordance with the law, are used for realisation of interest to the general public under paragraph 1 hereof.

### **ARTICLE 113**

The general interest in the area of sports under Article 112 hereof is realised through financing or co-financing of programmes and projects, unless prescribed otherwise by the law, namely:

- 1) for point 1-8 at the annual level (hereinafter referred to as: the annual programme);
- 2) for point 9–13 upon public invitation (hereinafter referred to as: the special programme).

Financing of the activities of the organisation under Article 112(1)(14) hereof is performed in accordance with the law.

### **ARTICLE 114**

The annual and special programmes are submitted by the holders or proposers of the programmes and projects in terms hereof according to the dynamics determined by the Programme calendar under Article 117 hereof.

The competent national sports associations realising the general interest in the area of sports under Article 112(1)(2) hereof, along with the proposal of the annual programme submit the proposal of the programme, or activities of interest to the general public for which the special programme is submitted according hereto and they may not participate in the public invitations.

The Ministry may also exceptionally approve a certain programme for realisation of interest to the general public in the area of sports under Article 112(1) hereof based on the submitted proposal of the programme during the year, without a public invitation, in the case when it is about the programme of a special interest for realisation of interest to the general public in sports, and it is also submitted by the holders of the programme under Article 116 hereof when it comes to the programme which for objective reasons could not have been submitted in accordance with the Programme Calendar, and the subject and content of the programme is such that it can be successfully realised only by a certain holder of the programme.

The proposal of the annual and special programme and project contain the corresponding personal data under Article 5(10) hereof of the person participating in realisation of the programme or project.

### **ARTICLE 115**

The proposal of the programme or project may exceptionally regard the activities realised within a longer period of time, of up to four years, on the condition that it is necessary considering

the nature and objectives of the activities, that the proposal of the programme or project for each year envisages the necessary funds and that the annual results of the programme realisations are measurable.

The continuation of realisation of the programme or project under paragraph 1 hereof is approved every year.

The realisation or continuation of the programme or project under paragraphs 1 and 2 hereof may be approved only if the annual report for the previous budget year has been submitted in accordance with the contract of realisation of the programme or project and if the expected results have been realised.

## **SUBMISSION OF PROGRAMMES**

### **ARTICLE 116**

The proposal of the annual programmes under Article 112(1)(1, 2, 7 and 8) hereof is submitted by the Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association, in accordance herewith.

The national branch sports associations of Olympic sports submit the proposals of their annual programmes under paragraph 1 hereof jointly via the Serbian Olympic Committee, the national branch sports associations of Paralympic sports submit the proposals of their annual programmes under paragraph 1 hereof jointly via the Serbian Paralympic Committee, and all other national sports associations submit the proposals of the annual programmes jointly via the Serbian Sports Association.

The proposal of the annual programme of scholarships for sports improvement of amateur top athletes, of the national recognitions for special contribution to development and affirmation of sports, of granting rewards and pecuniary aid to top athletes and of organisation of the camps for promising athletes, is submitted by the competent national branch sports association via which a general interest in a specific sports branch is realised.

The proposals of special programmes are submitted by the Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association on their behalf and on behalf of their members, in accordance herewith, as well as other organisations in the area of sports.

The proposal of the project of construction, equipping and maintenance of the sports facilities is submitted by the owner or the user of the land or the sports facility with the consent of the owner of the land or the sports facility.

The proposal of the programme of organisation of the international sports event of significance for the Republic of Serbia is submitted by the participant in the sports system with the consent for candidature and organisation of such event, provided in accordance herewith.

The proposals of the annual and special programmes under paragraphs 1 and 3 hereof may contain the activities of the participants in the sports system, members of the programme holders.

The proposals of the annual and special programmes consist of one or more programme units, and are submitted separately for each of the areas under Article 112(1) hereof.

The accredited university and scientific-research institutions have the status of organisations in the area of sports when it comes to submission and realisation of the programmes under Article 112(1)(11 and 13) hereof and performing of the tasks of professional qualifying in the area of sports.

## **PROGRAMME CALENDAR**

### **ARTICLE 117**

The annual programme is executed according to the following dynamics:

1 June – proposers or holders of programmes submit their proposals of annual programmes to the Ministry;

1 July – the Minister forms the expert committee for selection of programmes and projects, which analyses and evaluates the submitted proposals of annual programmes;

15 July – the Ministry passes a preliminary decision, at the proposal of the expert committee in granting the funds for the following budget year for realisation of the annual programmes for achieving a general interest in the area of sports;

15 December – the Ministry revises the proposals of annual programmes and harmonises them with the funds allocated in the budget of the Republic of Serbia for the following year;

30 December – the Ministry passes the decision and informs the programme holders on the amount of the funds approved per programmes and projects.

A special programme is executed upon a public invitation.

The terms under paragraph 1 hereof represent deadlines in the Programme Calendar.

## **CONDITIONS AND CRITERIA**

### **ARTICLE 118**

The approval of the annual and special programmes under Article 113(1) hereof is performed in accordance herewith and the Strategy, and in the annual programmes, in respect

of the categorisations in terms hereof and the programmes of development of the competent national sports associations as well.

The programme under paragraph 1 hereof is financed partially or in whole on the conditions providing that the intended results are achieved with the smallest expense of the funds from the budget of the Republic of Serbia.

The sports branch within which the programme is realised should be of special importance for the Republic of Serbia.

A holder of a programme or a project should be registered in accordance with the law, entered into the national records in accordance herewith, should operate exclusively or prevalently on a non-profit ground, unless determined otherwise by the law, should have the registered seat in the Republic of Serbia, should be directly responsible for preparation and execution of a programme or a project, should have previously performed the activity for at least one year, should fulfil, in accordance herewith, the prescribed conditions for performing sports activities and should have successfully realised the approved programme or project, if it was a programme holder in the previous years.

A holder of a programme or a project may not: be in the procedure of liquidation, bankruptcy and under the temporary prohibition of performing the activity; have the blockade of the business account at the moment of concluding the contract of realisation of the programme and transfer of the budget funds to the business account, fiscal debts or debts towards the social security organisations; be punished by a legally-binding decision in the last two years for an offence or an economic offence related to its financial operations, use of assets, work with children and prevention of negative phenomena in sports.

A holder of the programme under Article 116(6) hereof may be an organisation in the area of sports founded purposefully and temporarily for the technical organising of the international sports competition by an organisation in the area of sports with the approval for organising international sports competitions.

The financial plan for realisation of the programme or a project consists of direct costs of realisation of the programme or project related to salaries and fees of the persons engaged on direct realisation of the programme or project, material costs and administrative costs of realisation of the programme or project (justified direct costs) and additional justified costs of the holder of the programme or project (justified indirect costs) that may not exceed 15% of the justified direct costs.

At approving the programme or project through which a general interest in the area of sports is realised, the programmes of structural and developmental nature have the priority, and among the programmes of organisation or participation at the sports events, the programmes related to the sports events of a higher rank have the priority.

The programmes and projects are financed one-time or in instalments, depending from the period of time for realisation of the programme.

The Minister regulates in more details: criteria and manner of approving the programme or project and awarding the funds; appearance and content of the proposal of the programme or project and documentation enclosed to the proposal; content and appearance of the report of realisation of the programme, manner and procedure of control of realisation of the approved programme or project.

In the public invitation for submitting the proposals of special programmes the Ministry may determine project or programme tasks for submitting the programmes.

The costs of programmes through which a general interest is realised in the area of sports under Article 116(1) hereof should regard, by the rule, at least 15% of the activities connected to children's sports.

One competent national branch sports association, or one competent national sports association for the area of sports, may not be approved more than 20% of the funds of the total amount of the budget funds of the Republic of Serbia envisaged for financing the programmes of the competent national sports associations.

#### **ARTICLE 119**

Organisations in the area of sports may submit the programmes or projects in accordance herewith individually or jointly with other organisations in the area of sports.

In the case of partner programmes or projects under paragraph 1 hereof, only one organisation is directly responsible for management of funds of all partner organisations in the programme or project.

#### **ARTICLE 120**

If in one sports branch or area there are several registered national branch sports associations, or several national sports associations for sports area, only the programmes of the competent national branch sports association, or of the competent national sports association for a sports area by which a general interest is realised, are financed.

The Minister passes the act determining:

- 1) Competent national sports associations for sports branches and areas in the Republic of Serbia;
- 2) Sports branches and sports areas in the Republic of Serbia and sports disciplines within the sports branches and sports areas;
- 3) Sports branches of special importance for the Republic of Serbia.

The Minister passes the act under paragraph 2 hereof particularly based on: organisation of associations, number of registered organisations and athletes, economic power, media and social influence, development of sports branch, national and international organisation and tradition, membership in competent international sports associations, competition system,

fulfilment of the prescribed conditions for performing of sports activities, as well as sports results.

Prior to passing the act under paragraph 2 hereof, the Ministry obtains the opinion from the Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association.

As an exception from the paragraph 1 hereof, in the area of sports recreation, several national sports associations may have a status of a competent national sports association through which a general interest is realised in the area of sports recreation.

## **PROGRAMME APPROVAL**

### **ARTICLE 121**

For evaluation of annual and special programmes or projects, the minister forms an expert committee in which, besides the representatives of the Ministry, also participate the representatives of the Serbian Olympic Committee, the Serbian Paralympic Committee, the Serbian Sports Association and the Serbian Institute.

The committee performs an expert review and gives its estimate of the submitted proposals, based on this law and on the conditions and criteria indicated in the public invitation and submits to the Minister the proposal for approval of the programme.

The Ministry decides on approval of the annual and special programme or project by an individual decision.

The decisions of the Ministry under paragraph 3 hereof are final and no administrative proceedings may be conducted against them.

A subject of the administrative proceedings under paragraph 4 hereof may not be the amount of the funds received based on the annual and special programmes or projects.

If the holder of the programme or project for realisation of the approved programme has been awarded smaller funds than the funds indicated in the programme's financial plan, the programme holder is obligated to harmonise the plan of realisation of the programme with the amount of the funds awarded prior to concluding the contract of realisation of programme and to submit to the Ministry the amendment or modification of the proposed programme, or the evidence of providing the additional funds for realisation of the programme, otherwise it shall be deemed waiving of concluding the contract.

## **CONTRACTING**

### **ARTICLE 122**

The Ministry concludes with the holder of the approved programme or project the contract of realisation of the programme or project that obligatorily regulates: name and registered seat of the holder of the programme or project; type and content of the programme or project; time of realisation of the programme or project, or of performing activities; objectives and expected results; amount of the awarded funds; term plan of use of the funds; manner of supervision over the course of realisation of the programme or project; obligation of the programme holder in respect of submitting the report on realisation of the programme or project; proving of realisation of the programme or project, purposeful use of the funds, media presentation of the programme or project and participation of the Republic of Serbia in its financing.

If the holder of the programme or project does not respond to the invitation for concluding the contract within eight days from the day of receiving the invitation, it shall be deemed waiving of the proposal of the programme.

The contract of realisation of the programme or project by which a general interest in the area of sports is realised, concluded contrary to the provisions hereof, is null and void.

The holder of the approved programme or project to which the funds have been transferred is obligated to use purposefully the funds obtained from the budget of the Republic of Serbia.

The contract of approval of the programme or project by which a general interest is satisfied in the area of sports in the Republic of Serbia, concluded contrary hereto, is null and void.

## **NATIONAL RECOGNITIONS, AWARDS AND SCHOLARSHIPS**

### **ARTICLE 123**

The athletes, citizens of the Republic of Serbia, who, as members of the national team of the Republic of Serbia, win a medal at the Olympic Games, Paralympic Games, Chess Olympic Games, world and European championships in Olympic and Paralympic sports disciplines, or who were or become holders of a world record in Olympic and Paralympic sports disciplines, or become finalists of DAVIS Cup or FED Cup of the International Tennis Federation, are awarded a life-time sports recognition in the form of a life-time monthly pecuniary earning upon turning 40 years of age.

The athletes and coaches, citizens of the Republic of Serbia, who, as members of the national team of the Republic of Serbia at the Olympic Games, Paralympic Games, Chess Olympic Games, world and European championships in Olympic and Paralympic sports disciplines win



one of the medals or become finalists of DAVIS Cup or FED Cup of the International Tennis Federation, are awarded a pecuniary reward.

A sports organisation at the territory of the Republic of Serbia that wins a European club championship of the highest level according to the criteria of the competent international sports association, in the sports of the first category according to the National Categorisation of Sports, are awarded a pecuniary reward.

#### **ARTICLE 124**

The right to the national sports recognition under Article 123(1) hereof is exercised from the day of passing the act on awarding such recognition.

The Government regulates more detailed conditions, manner of disbursement and amount of the national sports recognitions and pecuniary rewards.

The Government decides by the decision on awarding the national sports recognitions and pecuniary rewards, at the proposal of the Ministry, upon the submitted request of the person fulfilling the conditions under Article 123 hereof.

If the holder of the national sports recognitions damages the sports reputation by his/her behaviour or participation in the activities that are not in accordance with the law, the sports rules or other general acts of organisations in the area of sports, and thus damages the reputation of the Republic of Serbia, the Government may, at the proposal of the Ministry, decide not to award, or cancel the national sports recognition.

Administrative proceedings may be conducted against the Government's decision under paragraphs 3 and 4 hereof.

Based on the Government's decision on awarding the national sports recognitions or pecuniary rewards under paragraph 3 hereof, the Ministry concludes with the athlete, the coach and the sports organisation under Article 123(1, 2 and 3) hereof the contract of disbursement of the pecuniary earning.

#### **ARTICLE 125**

The rewards to the athletes and the coaches, citizens of the Republic of Serbia, for special contribution to development and affirmation of non-Olympic sports and criteria for their awarding, are regulated by a separate Government's act, where the amount of rewards may not exceed the amounts determined for Olympic sports.

The Ministry concludes the contract of approving the pecuniary earning based on the awarded pecuniary reward with the athlete and the coach under paragraph 1 hereof.

## **ARTICLE 126**

Amateur top athletes are granted a scholarship for sports improvement, and top athletes with special merits for sports development in the Republic of Serbia may be awarded a pecuniary aid.

With the top athlete under paragraph 1 hereof the Ministry concludes the contract of approval of scholarship, or pecuniary aid, based on which the athlete is disbursed a scholarship or a pecuniary aid on monthly basis.

The contract under paragraph 2 hereof should obligatorily contain: pecuniary amount of scholarship or pecuniary aid to the athlete, disbursement terms, the contract validity term and the athlete's obligations.

## **ARTICLE 127**

The number of scholarships for amateur top athletes of the same competent national branch sports association is determined by the rank of sports and the rank of the competent national branch sports association to which the athlete belongs, determined by categorisation of sports and the national branch sports associations, in accordance herewith.

The monthly amount of the scholarship for sports improvement of top athletes is determined depending from the rank of the athletes in accordance with the national categorisation of athletes.

A top athlete may receive a scholarship for sports improvement, or pecuniary aid, if he/she is included in the proposal of the annual programme of the competent national branch sports association under Article 116(3) hereof and if he/she fulfils the obligations towards the national sports team.

## **ARTICLE 128**

A pecuniary aid may be awarded to a top athlete with special merits for sports development, ranked as meritorious athlete by the categorisation of athletes in accordance herewith.

The pecuniary aid under paragraph 1 hereof may be used for covering the personal expenses of the athlete for preparations or participation at the competitions or for a treatment caused by the injury occurred at the competition, or for covering of other separately justified expenses, on the condition that these expenses have not been already covered by the donations of the organisation in the area of sports, sponsors or donors, or that these medical expenses are not covered by a medical insurance, in accordance with the law.

## **ARTICLE 129**

An amateur top athlete that has received a scholarship for sports improvement and a top athlete with special merits that received a pecuniary aid in accordance herewith may not use the

funds received on these grounds contrary to the purpose for which they have been received, nor transfer a part or the entire amount of these funds to other participants in the sports system.

In the case the amateur top athlete who receives the scholarship for sports improvement and the top athlete with special merits who has received a pecuniary aid in accordance herewith use the funds received on these grounds contrary to the purpose for which they have been received, or transfer a part or the entire amount of these funds to other participants in the sports system, they are obligated to return a part or the entire amount of the funds received on these grounds.

The Minister determines more detailed conditions and criteria, manner and procedure for approval of scholarship for amateur top athletes for sports improvement and for awarding a pecuniary aid to top athletes with special merits, as well as the criteria for determining the monthly amount of scholarships and the amount of the pecuniary aid.

The right to scholarship for sports improvement of an athlete ceases by acquiring the national recognition for a special contribution to development and affirmation of sports in accordance herewith or by cessation of fulfilment of the conditions under paragraph 3 hereof.

## **REPORTING**

### **ARTICLE 130**

The holders of the approved programmes or projects are obligated to submit to the Ministry, at its request and within the term envisaged by the contract of realisation of the programme or project, at least once a year, a report with the necessary documentation on realisation of the programme or project or of parts of the programme or project and on use of the funds from the budget of the Republic of Serbia.

The holders of the approved programme or project also perform the evaluation of the achieved results from the point of view of the set goals in the final report on realisation of the programme or project.

The Ministry may suspend further financing of the programme or project or cancel unilaterally the contract of realisation of the programme or project if the holder of the approved programme or project fails to submit the report within the term envisaged by the contract.

The holder of the approved programme or project may not be approved the funds for realisation of the new programme or project prior to submitting the report in accordance with paragraphs 1 and 2 hereof.

The holders of the approved programme or project within 15 days from the day of adoption of the final report on realisation of the programme make available for public the report on their work and on the volume and manner of acquiring of funds and submit that report to the Ministry.

It should be clearly indicated on all the documents and media promotions related to realisation of the programme or project that the programme or project is financed by the funds from the budget of the Republic of Serbia.

The holder of the approved programme or project is obligated to keep the records or documents regarding realisation of that programme or project for ten years from the day when such programme or project finished, unless determined otherwise by the law.

The Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association as proposers of the programmes under 116(1) hereof are obligated to monitor realisation of the approved programmes and to submit the report on achieving the goals and effects of the programme to the Ministry in the end of realisation of the programme, or before that if serious problems and faults are spotted in realisation of the programme.

The competent national sports associations are obligated to provide the Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association all the necessary information and the insight in all the documents and all activities related to realisation of the programme, as well as to submit to them a copy of the report on realisation of the programme, simultaneously with submitting it to the Ministry.

The autonomous province and the local self-government unit, as well as the organisation in the area of sports the programmes and projects of which in the area of sports are financed from the public revenues of the Republic of Serbia, of the autonomous province, of the local self-government unit, and by the public companies, submit to the Ministry the report on the approved and realised programmes and projects by which the needs and interests of the citizens in the area of sports are satisfied.

The Minister regulates more detailed content, terms and manner of submitting the report under paragraph 9 hereof.

The data from the report under paragraph 9 hereof are processed and used as a unified information system.

The report under paragraph 1 hereof should contain the corresponding personal data under Article 5(10) hereof of the persons that participated in realisation of the programme.

## **CONTROL OF REALISATION**

### **ARTICLE 131**

The Ministry performs supervision over realisation of the programmes or projects and purposeful use of the approved funds and once a year informs the Government of use of the funds from the budget of the Republic of Serbia for realisation of interest to the general public in the area of sports, determined hereby.

## **ARTICLE 132**

The Ministry makes publicly available: report on the submitted proposals of the programmes or projects with the requested amount of funds, report on the approved programmes or projects with the amount of the approved funds, annual report on realisation of all approved programmes or projects for realisation of interest to the general public in sports.

## **ARTICLE 133**

The funds obtained from the budget of the Republic of Serbia for realisation of the programmes or projects by which a general interest in the area of sports is realised, should be returned to the budget of the Republic of Serbia, along with the interest on arrears from the moment of receiving, if the applicant or the holder of the programme:

- 1) Informs incorrectly or incompletely the grantor of the funds of the important circumstances related to approval and realisation of the programme or project;
- 2) Fails to realise the programme or project in whole, or realises it in an insignificant part or realises it with significant delay due to its own omission;
- 3) Uses the funds for other purpose, partially or in whole;
- 4) Fails to abide by the prescribed or contracted measures determined for realisation of the programme or project;
- 5) Fails to submit the necessary reports and evidence within the envisaged terms, although the grantor of the funds has warned it previously of irregularities and consequences;
- 6) Ceases to fulfil the conditions necessary for obtaining the funds based hereon;
- 7) Prevents or renders impossible the implementation of the prescribed or contracted control measures.

The Ministry will demand a return of a part of the granted funds in the case under paragraph 1(4 and 6) hereof or in the case when the programme has been realised with delay, if the realised activities lead to achieving of the important effects of the programme or project.

The Ministry will demand a return of a part of the granted funds in the case under paragraph 1(3) hereof if only a part of the funds has been spent for other purpose, without a significant effect on achieving important results of the programme.

The Ministry performs, upon termination of the approved programme, the analysis of realisation of the programme and of achieving of the planned effects and, in case it opines that the planned effects have not been achieved in a significant part due to omission of the programme holder, it will ask the programme holder to hold the assembly within 60 days in order for it to determine a responsibility of the persons who realised the programme and the persons who participated in making decisions that led to non-achieving of the planned effects of the programme.

The holder of the programme under paragraphs 1 and 4 hereof may not receive the funds from public revenues for realisation of its programmes within two years from the day of

determining that it has used the approved funds for realisation of the programme fully for other purpose or has failed to achieve the planned effects of the programme in a significant part by its omission.

## **NEEDS AND INTERESTS OF CITIZENS IN THE AREA OF SPORTS IN THE AUTONOMOUS PROVINCE**

### **ARTICLE 134**

The needs and interests of the citizens in the area of sports for the realisation of which the funds are provided in the budget of the autonomous province, in accordance herewith, are:

- 1) Construction, equipping and maintenance of the sports facilities contributing to the development of sport at the territory of the autonomous province, or providing the conditions for development of top sports at the territory of the autonomous province (sports facilities of significance for the autonomous province);
- 2) Promotion and stimulation of practicing sports in citizens, especially in children, youth, women and disabled persons, at the territory of the autonomous province;
- 3) Organisation of the sports competitions of importance for the autonomous province;
- 4) Creation of conditions for development of top sports creativity and promotion of the qualities of work with promising and talented athletes at the territory of the autonomous province;
- 5) School sports competitions at the level of the autonomous province;
- 6) Activity of the Provincial Institute and other organisations in the area of sports a founder of which is the autonomous province;
- 7) Activities of the provincial sports associations of significance for the autonomous province;
- 8) Development of sports branches of special importance for the autonomous province;
- 9) Prevention of negative phenomena in sports (doping violence and inappropriate behaviour, fixing of sports results and other) at the level of the autonomous province and promotion of health protection of athletes;
- 10) Professional-sports gatherings, research-development and scientific-research projects and publishing of sports publications of significance for the autonomous province;
- 11) Promotion of professional work in the organisations in the area of sports from the territory of the autonomous province;
- 12) Rewards and recognitions for the achieved sports results and contribution to sports development in the autonomous province;
- 13) Scholarships for sports improvement of the categorised athletes, especially of promising athletes;
- 14) Gathering and distribution of data in the area of sports, important for the autonomous province, including periodical tests and monitoring, in anonymous form, of condition of physical abilities of children, youth and adults at the territory of the autonomous province;

- 15) Other needs and interests of the citizens in the area of sports, significant for the autonomous province, determined by the autonomous province via its authorities.

The holder of the programme ensuring satisfying of the needs and interests of the citizens in the autonomous province may not apply for financing of the same activities by the funds of another level of authorities in the Republic of Serbia.

#### Article 135

The autonomous province, via its authorities, in accordance with the law:

- 1) Provides satisfying of the needs and interests of the citizens in the area of sports at the territory of the autonomous province under Article 134 hereof;
- 2) Edits and keeps the records in the area of sports of significance for the autonomous province;
- 3) Determines sports facilities of significance for the autonomous province;
- 4) Provides the conditions for work, or performing of activities of the Provincial Institute and of other organisations in the area of sports a founder of which is the autonomous province;
- 5) Determines through which provincial sports associations the needs and interests of the citizens at the territory of the autonomous province are satisfied when there are several provincial branch sports associations registered in one sports branch and determines which sports branches are of special importance for the autonomous province;
- 6) Regulates more detailed conditions for use of public sports fields at the territory of the autonomous province;
- 7) Performs the inspection supervision over implementation hereof at the territory of the autonomous province, in accordance with the law.

The tasks under paragraph 1(6 and 7) hereof are performed as entrusted ones.

The records under paragraph 1(2) hereof may contain only the corresponding personal data under Article 168(4–6) hereof, with the condition that the provisions of Article 168(15-19) hereof apply accordingly to keeping of the records and use of the data from the records.

#### **ARTICLE 136**

The provisions of this law and of the by-laws passed based hereon, regarding conditions, criteria and a manner of approval of the programmes, or financing of the activities by which a general interest in the area of sports is realised, concluding of the contracts, submitting of the reports, control of realisation and obligation of returning the received funds, apply accordingly the programmes or activities by which the needs and interests of the citizens in the area of sports are satisfied in the autonomous province.

The autonomous province via its authorities regulates more detailed conditions, criteria and the manner and procedure of awarding the funds from the budget of the autonomous

province, or the approval of the programmes for satisfying the needs and interests of the citizens in the area of sports at the territory of the autonomous province and the manner of publishing the data on the programmes proposed for financing, on the approved programmes and on realisation of the approved programmes.

One organisation in the area of sports may not be approved more than 20% of funds of the total amount of funds from the budget of the autonomous province, envisaged for financing of the programmes in the area of sports, with the condition that the costs of the programmes satisfying the needs and interests of the citizens at the territory of the autonomous province should regard, by the rule, at least 15% of the activities related to children's sports.

The proposal of its annual programme and the annual programmes of the organisations in the area of sports with the registered seat at the territory of the autonomous province under Article 134(1)(2, 4, 5, 7, 8, 11, 12, 13 and 14) hereof, is submitted by the competent territorial sports association of the autonomous province, and the proposal of the special programmes under Article 134(1)(1, 3, 9, 10, 12 and 15) hereof – by the territorial sports association of the autonomous province and other organisations in the area of sports with the registered seat at the territory of the autonomous province, in accordance with the dynamics determined under Article 117(1) hereof.

The contract of approval of the programme or project that satisfies the needs and interests of the citizens in the autonomous province, concluded contrary hereto or without the existing act under paragraph 2 hereof, is null and void.

## **NEEDS AND INTERESTS OF CITIZENS IN THE AREA OF SPORTS IN LOCAL SELF-GOVERNMENT UNITS**

### **ARTICLE 137**

The needs and interests of the citizens for realisation of which the funds are provided from the budget of the local self-government units, in accordance with the law, are:

- 1) Stimulation and creation of conditions for promotion of sports recreation, or practicing of sports in citizens, especially in children, youth, women and disabled persons;
- 2) Construction, maintenance and equipping of the sports facilities at the territory of the local self-government unit, especially public sports fields in housing projects or near them, and school sports facilities, and procurement of sports equipment and gear;
- 3) Organisation of the sports competitions of special importance for the local self-government unit;
- 4) Providing of conditions and organisation of sports camps for sports development of talented athletes and promotion of quality of professional work with them;
- 5) Participation of sports organisations from the territory of the local self-government unit in national and European club competitions;



- 6) Physical education of the preschool children and school sports (promotion of physical education, work of school sports sections and societies, municipal, city and intermunicipal school sports competitions and other);
- 7) Activity of the organisations in the area of sports a founder of which is the local self-government unit;
- 8) Activity of the organisations in the area of sports with the registered seat at the territory of the local self-government unit of special importance for the local self-government unit;
- 9) Promotion of health protection of athletes and providing of adequate sports-health education of athletes, especially youth, including the anti-doping education;
- 10) Scholarships for sports improvement of categorised athletes, especially of promising athletes;
- 11) Prevention of negative phenomena in sports (doping, violence and inappropriate behaviour, fixing of sports results and other);
- 12) Education, informing and advising of the citizens, athletes and other participants in the sports system regarding the questions important for adequate practicing of sports activities;
- 13) Periodical tests, gathering analysis and distribution of the relevant information for adequate satisfying of the needs of the citizens in the area of sports at the territory of the local self-government unit, research-development projects and publishing of sports publications;
- 14) Promotion of professional work of the participants in the sports system from the territory of the local self-government unit and stimulation of employment of highly qualified sports professionals and top athletes;
- 15) Rational and purposeful use of sports gyms and sports facilities in state ownership the user of which is the local self-government unit and of the sports facilities owned by the local self-government unit through approval of their use for sports activities and granting the sessions for training to the participants in the sports system;
- 16) Rewards and recognitions for the achieved sports results and contribution to sports development.

For satisfying the needs and interests of the citizens under paragraph 1 hereof, the local self-government units earmark adequate funds in their budget, respecting the priorities determined hereby.

The holder of the programme providing the realisation of the needs and interests of the citizens under paragraph 1 hereof may not support the programmes for financing of the same activities by the funds of another level of authorities in the Republic of Serbia.

The sports organisation that is a holder of the annual programme should be a member of the corresponding competent national branch sports association through which a general interest in the area of sports is realised.

The local self-government unit determines which organisations in the area of sports under paragraph 1(8) hereof are of special importance for the local self-government unit, accordingly applying the criteria prescribed by Article 120(3) hereof and based on the categorisation of

organisations in the area of sports in the local self-government unit and on the Programme of Sports Development in the local self-government unit.

### **ARTICLE 138**

The provisions of this law and of the by-laws passed based hereon, regarding conditions, criteria and a manner of approval of the programmes, or financing of the activities by which a general interest in the area of sports is realised, concluding of the contracts, submitting of the reports, control of realisation and obligation of returning the received funds, apply accordingly the programmes or activities by which the needs and interests of the citizens in the area of sports are satisfied in the local self-government units.

The local self-government unit via its competent authorities regulates more detailed conditions, criteria and the manner and procedure of awarding the funds from the budget of the local self-government unit, or the approval of the programmes for satisfying the needs and interests of the citizens in the area of sports at the territory of the local self-government unit and the manner of publishing the data on the programmes proposed for financing, on the approved programmes and on realisation of the approved programmes.

The cities in which the municipalities have been formed regulate and provide satisfying of the needs and interests of the citizens in the area of sports in these municipalities accordingly applying the provisions hereof regarding the needs and interests of the citizens in the local self-government units.

One organisation in the area of sports may not be approved more than 20% of funds of the total amount of funds from the budget of the local self-government unit, envisaged for financing of the programmes in the area of sports, with the condition that the costs of the programmes satisfying the needs and interests of the citizens at the territory of the local self-government unit should regard, by the rule, at least 15% of the activities related to children's sports.

The proposal of its annual programme and the annual programmes of the organisations in the area of sports with the registered seat at the territory of the local self-government unit under Article 137(1)(1, 2, 3, 5, 6, 8, 10, 12, 13, 14 and 16) hereof, is submitted by the competent territorial sports association of the local self-government unit, and the proposal of the special programmes under Article 137(1)(4, 9, 11 and 15) hereof – by the territorial sports association of the local self-government unit and other organisations in the area of sports with the registered seat at the territory of the local self-government unit, in accordance with the dynamics determined under Article 117(1) hereof.

The territorial sports association registered with the Serbian Sport Association is deemed a territorial sports association under paragraph 5 hereof.

The needs of the citizens under Article 137(1)(1, 2 and 6) hereof have the priority at selecting the programme for satisfying the needs and interests of the citizens in the area of sports in the local self-government unit, meaning that other programmes may be approved only upon satisfying the needs of the citizens under Article 137(1)(1, 2 and 6) hereof.

The approving of the annual and special programmes under paragraph 4 hereof in the branches and areas under Article 120(2)(2) hereof is executed in accordance with this law, the Strategy, the national categorisations and the Programme of Sports Development in the local self-government unit, and in the annual programmes, also in respect of the categorisations of the organisations in the area of sports in the local self-government unit.

The contract of approval of the programme or project that satisfies the needs and interests of the citizens in the local self-government unit, concluded contrary hereto or without the existing act under paragraph 2 hereof, is null and void.

## **IV CATEGORISATION IN THE AREA OF SPORTS**

### **ARTICLE 139**

The national categorisation of sports determine the criteria for ranking and determines the rank of the sports branches based on the sports results achieved by the athletes, the sports organisations and the national sports teams at the international sports competitions, on the number of the registered sports organisations, athletes and sports professionals, on national and international tradition, national and international media presence and popularity, health, social and other influence on participants, on financial importance and financial independence, advertising appeal, accessibility of some sports branches and other significant factors.

The national categorisation of the national branch sports associations determine the criteria for ranking and determines the rank of the competent national branch sports associations based on the rank of the sports branch, the sports results achieved by the athletes, the sports organisations and the national sports teams at the international sports competitions, on the number of the registered sports organisations, athletes and sports professionals, on national tradition and number and type of the organised competitions.

The national categorisation of athletes determines the criteria and benchmarks for ranking the athletes based on results, age, sex and the national categorisation of sports, and regulates the manner of awarding a certain rank – sports status (status of top athlete, status of promising athlete, status of talented athlete and other). The national categorisation of athletes also contains the categorisation of disabled athletes. A sports status may be acquired by the person with the citizenship of the Republic of Serbia.

The national categorisation of sports professionals determines the criteria and benchmarks for ranking sports professionals based on the quality of work, achieved results, degree of expertise and the national categorisation of sports and it regulates the manner of awarding the corresponding rank – sports status.

The national categorisation of sports facilities determine the criteria and benchmarks for categorisation of sports facilities based on type of sports activities, technical characteristics of sports facilities and a level of competitions for which they fulfil the conditions.

The categorisation under paragraphs 1–5 hereof is prepared by the expert committees formed by the Minister.

The committee for preparation of the national categorisations of sports, athletes and sports professionals consists of the representatives of the Serbian Olympic Committee, the Serbian Sports Association, the Serbian Institute and the Ministry, and the committee for preparation of the national categorisation of sports facilities consists of the representatives of the Ministry and the Serbian Institute.

The spatial and technical conditions for work of the committees under paragraph 6 hereof are provided through the Serbian Sports Association and the Serbian Institute.

The national categorisation of sports, national branch sports associations, athletes, sports professionals and sports facilities and the procedure of ranking or categorising of athletes, sports professionals and sports facilities is prescribed by the Minister.

#### **ARTICLE 140**

The national categorisations of sports, competent national branch sports associations, athletes and sports professionals are determined for a two-year period, and the national categorisations of sports facilities for a five-year period.

Based on the categorisation under paragraph 1 hereof, a ranking or categorisation is performed once a year by:

- 1) Serbian Olympic Committee – for Olympic athletes and sports professionals;
- 2) Serbian Sports Association – for non-Olympic athletes and sports professionals;
- 3) Serbian Institute – for sports facilities;
- 4) Serbian Paralympic Committee – for Paralympic athletes and sports professionals.

The performed ranking or categorisation of athletes, sports professionals and sports facilities may be appealed to the Ministry within 15 days from the day of submitting the decision on performed ranking or categorisation.

Administrative proceedings may be conducted against the final decision of the Ministry deciding on the appeal under paragraph 3 hereof.

The tasks under paragraph 2 hereof are performed as entrusted tasks.

The rankings under paragraph 2(1, 2 and 4) hereof are performed by the end of January of the current year for the previous year at the latest.

#### **ARTICLE 141**

The autonomous province and the local self-government unit may determine the categorisation of the organisations in the area of sports from their territories, considering the national categorisations of sports and national branch sports associations and the specific needs and interests of the autonomous province, or the local self-government unit.

## **V NATIONAL STRATEGY ON SPORTS DEVELOPMENT**

### **ARTICLE 142**

The Strategy is passed by the Government, at the proposal of the Ministry, for a ten-year period.

The Strategy determines:

- 1) Situation in the area of sports existing at the moment of passing the Strategy;
- 2) Basic principles on which the sports development is based in the Republic of Serbia;
- 3) Short-term, periodical and long-term sports-development objectives within a period for which it is passed and the holders of realisation of these objectives;
- 4) Content, volume and estimated value of activities on realisation of the set sports-development objectives;
- 5) Obligations and tasks of the holders of public power of all levels and of the holders of the sports programmes on realisation of the set sports-development objectives.

The funds for realisation of the Strategy are provided in the budget of the Republic of Serbia, as well as in the budget of an autonomous province and a local self-government unit.

The autonomous province and the local self-government unit, within one year from adoption of the Strategy, determine the programme of sports development at their territory, in accordance with the Strategy, and they submit it to the Ministry within 15 days from the day of adoption.

## **VI SCHOOL AND UNIVERSITY SPORTS AND PHYSICAL EDUCATION OF PRESCHOOL CHILDREN**

### **ARTICLE 143**

School sports, in terms hereof, includes all organised curricular and extracurricular sports activities in the field of school physical education, including school sports competitions carried out within the school system in accordance with the curriculum determined in accordance with the law.

University sports, in terms hereof, include students' sports activities and students' sports competitions.

The organised extracurricular practicing of sports activities of pupils and students is performed through school or university sports sections, organised by schools and university institutions.

As an exception from paragraph 3 hereof, if a school or a university institution does not have any conditions for organising an independent sports section, the organisation of the sports section may be realised through cooperation of the school or the university institution with an organisation in the area of sports.

No fee may be charged for practicing of the sports activities under paragraphs 3 and 4 hereof by children or students.

The organised curricular and extracurricular sports activities under paragraphs 1 and 2 hereof have a priority in respect of use of school gyms and sports fields comparing to the activities of the persons outside of the school.

Schools, university institutions, teachers, pupils and students may found adequate school or university sports associations.

More detailed conditions and rules for organising school and university sports are prescribed by the minister in charge of education, upon the obtained opinion of the Ministry.

Pupils and students may not be involved in extracurricular sports activities and sports competitions if their health ability for practicing school sports has not been previously determined.

The determining of the health ability of the pupils from six to 14 years of age under paragraph 9 hereof is performed by an appointed paediatrician of the competent healthcare institution during the obligatory general check-up in accordance with the law, or by a specialist in sports medicine or paediatrics of the competent healthcare institutions when the health ability is determined outside of the general check-up.

The determining of the health ability under paragraph 9 hereof is performed in accordance with the law regulating the general check-ups of school children and with Article 19 hereof.

The costs of determining the health ability of pupils under paragraph 9 hereof are included by the obligatory medical insurance, in accordance with the law, when determining of the health is performed at the healthcare institution.

The professional supervision over performing of professional work in school and university sports is executed in accordance with the law.

Given the organised extracurricular sports activities of pupils and students through school or university sports sections, associations and teams, the organised physical education of preschool children through playing and sports activities, as well as given the performing of professional work in sports, the preschool institutions, schools and universities have a status of organisations in the area of sports, in accordance herewith.

Schools and universities with the organised school or university sports sections or sports teams may found, or be members of, the competent sports associations for school or university sports.

The physical education of preschool children includes organised motor activities in various forms and modalities, through play, as well as sports with a view to stimulating a bio-psycho-social development of children.

#### **ARTICLE 144**

Top athletes are entitled to special conditions at enrolling in the university studies and to special conditions of studying (organising of exams and theoretical and practical lessons through consultative and mentoring work at the times adjusted to the needs of top athletes).

University institutions provide and regulate the conditions under paragraph 1 hereof and the conditions for practicing sports activities by students, in accordance with the law and the general acts of a university institution.



## **VII SPORTS FACILITIES**

### **ARTICLE 145**

Sports facilities are arranged and equipped areas and facilities intended for practicing sports activities.

A sports facility, besides the space intended for sports activities, may also have an ancillary premises (sanitary, cloakroom, storage, spectators' and other) and the installed equipment (construction and sports).

Sports facilities should be accessible for disabled persons, children and the elderly.

### **ARTICLE 146**

According to the type of space where the sports activities are performed, the facilities may be:

- 1) Indoor sports facilities;
- 2) Outdoor sports fields.

A sports facility which includes both indoor and outdoor spaces where sports activities are performed is classified according to the prevalent area of the type of space (indoor and outdoor part of space).

The indoor sports facilities are facilities representing a physical, functional and technical-technological complex with all the installations, systems and equipment, intended for performing of certain sports activities (halls, swimming pools, balloon sports halls and similar).

The outdoor sports fields are specially arranged areas intended for performing of certain sports activities (obstacle course tracks, ski slopes, hiking tracks and foot trails, cycling tracks, beaches and similar).

As an exception, for the needs of performing trainings and realisation of competitions, public roads, rivers and lakes are also deemed outdoor sports fields, in accordance herewith.

### **ARTICLE 147**

The sports facilities of national importance are facilities with national and representative role in sports development and in preservation of sports values.

A status of a sports facility of national importance is acquired by the act of the Government, at the proposal of the Ministry, upon the obtained opinion of the Serbian Olympic Committee, the Serbian Sports Association and the Serbian Institute.

## **ARTICLE 148**

Sports facilities of national importance determined by the Government's act may not be repurposed.

The sports facility under paragraph 1 hereof may be stripped of a status of facility of national importance if it is not used for practicing of sports activities and realisation of sports objectives, it is not maintained in a condition that ensures an adequate level of practicing of these activities and it does not ensure a safe use, in accordance herewith.

The Government regulates more detailed conditions, criteria and manner of acquiring or removing of the status of sports facility of national importance.

## **ARTICLE 149**

Public sports facilities are sports facilities of public purpose, in accordance with the law.

Public sports facilities may be used for practicing of sports activities on the condition that they are arranged, marked, equipped and maintained in the condition that ensures an adequate level of practicing sports activities and ensures a safe use.

Public sports facilities should be available to all citizens on equal conditions.

The manner and conditions for use by the users of public sports facilities and the conditions for practicing sports activities in public sports facilities are prescribed by the Minister.

The fulfilment of the conditions under paragraphs 2 and 4 hereof is determined by the sports inspector in the procedure of inspection supervision.

Public sports facilities re designed and built in accordance with the law, taking care of that they can be used for several sports branches, for various levels of use by citizens, with a maximum time availability and with the previous consent of the Minister given based on the obtained opinion from the Serbian Institute and the consent of the competent provincial authority when it comes to a public sports facility at the territory of the autonomous province.

## **ARTICLE 150**

A part of a school or a university intended for realisation of the curriculum of physical education of pupils or students (school gym, school sport field and similar) has a function of sports facility, in terms hereof.

School sports facilities may, in accordance herewith, be given to use to other persons only when the needs of curricular and extracurricular sports school activities have been satisfied, in accordance with the annual programme of the school's work and with the consent of the competent authority of the local self-government unit.

## **ARTICLE 151**

The facilities and arranged surfaces which provide a basic condition for practicing sports activities at a certain territory (hiking cabins, competition boat houses and other) are deemed sports facilities, in terms hereof.

## **ARTICLE 152**

The owner or the user of a sports facility (hereinafter referred to as: the owner) is obligated:

- 1) To use it in accordance with the regulations and the purpose of the facility, including providing of the use permit;
- 2) To keep it in technically correct condition and to provide adequate sanitary-hygienic conditions;
- 3) To undertake the measures ensuring prevention or reduction of risks of occurrence of damage to users and third parties, which might affect the increased risks.

At the constructing, reconstructing and maintaining sports facilities, one must ensure that they correspond to the rules of the competent international sports associations and the sports rules of the competent national branch sports associations.

## **ARTICLE 153**

At drafting spatial and urban plans, it is necessary to take a special care of a purpose of the space for sports and recreation of children, youth, persons with special needs and citizens.

## **ARTICLE 154**

A change of purpose of a sports facility is performed by the procedure prescribed by the law regulating the area of planning and construction.

A change of purpose of a sports facility or its part intended for practicing sports activities may be approved if the following conditions have been fulfilled:

- 1) That adequate practicing of sports activities for which the repurposed sports facility has been built is fully ensured in an adequate manner in another sports facility that will be built instead of the existing facility at the territory of the same local self-government unit which is, by the rule, by one category higher than the existing facility;
- 2) That there is no need for a specific sports facility;
- 3) That the repurposing is of a much bigger public interest than the maintaining of purpose of the facility.

The previous consent regarding the fulfilment of the conditions under paragraph 2 hereof is obtained from the Ministry.

The provisions of paragraphs 1 and 2 hereof also regard the cases of full or partial demolition of a sports facility or closing of a facility for use for sports purposes (unless it is about the measures of reconstruction or maintenance that do not last longer than one year), as well as the changes and possibilities for use of the sports facility such that the facility may be used by significantly less person than before.

A permanent or temporary repurposing of a part of the ancillary premises of the sports facility, including the land belonging to the sports facility, on the conditions that it is not about a cloakroom, sanitary, spectators', parking and similar space, that the changes do not endanger the execution and watching of sports activities and that they do not reduce the functionality of the facility.

The competent authority of the local self-government unit gives a consent to the repurposing under paragraph 5 hereof by a decision.

The competent authority of the local self-government unit performs the authorisation under paragraph 6 hereof as entrusted task.

The decision of the competent authority of the local self-government unit under paragraph 6 hereof may be appealed to the Ministry, within 15 days from the day of submitting the decision.

The acts and contracts for repurposing of the sports facility or of its part contrary to the provisions hereof, are null and void.

## **ARTICLE 155**

In case of alienation of a sports facility in private ownership, the pre-emption right belongs to the local self-government unit at the territory of which the sports facility is located, and the subsidiary right belongs to the autonomous province and the Republic of Serbia.

The provisions of the law regulating the real estate transactions apply to exercising of the pre-emption right over the sports facility under paragraph 1 hereof.

The general rules of objective responsibility apply to the damage inflicted to athletes, spectators, other participants and third parties due to shortcomings of a sports facility (faulty construction, bad structure, lousy maintenance and similar).

## **VIII SPORTS EVENTS**

### **ARTICLE 156**

The sports events are organised in the form of sports shows (festivals, meetings, parades, games and similar) and sports competitions.

Sports organisations, associations and other persons may deal with organisation of the sports events on the conditions determined by the law and the sports rules.

### **ARTICLE 157**

The organiser of a sports event is obligated to:

- 1) Ensure the undisturbed and safe holding of a sports event;
- 2) Undertake the measures that ensure prevention of the risks of occurrence of the damage to athletes, spectators and other participants of a sports event and third parties (warnings, placing prohibitions, giving information and instructions and similar), as well as the measures influencing the increased risks (safety of the sports facility, correctness and adequacy of the installed and other equipment, ensuring of urgent medical assistance, holding of the event in accordance with the rules and other);
- 3) Undertake the necessary safety measures for prevention of violence and inappropriate behaviour at sports events and measures for prevention of other negative phenomena in sports, in accordance with the law and the sports rules;
- 4) Undertake the necessary measures for prevention of doping at the sports event, in accordance with the law and the sports rules;
- 5) Undertake the necessary measures of protection of nature and environment, or measures which prevent, reduce and eliminate possible unfavourable influences on natural treasures and environment;
- 6) Report the holding of a sports event in accordance with the regulations governing public gathering of citizens.

The organiser of the sports event answers for the damage inflicted to the athletes, spectators and other participants of the sports event and third parties due to non-compliance with the obligations under paragraph 1 hereof, in accordance with the general rules of responsibility for the damage caused.

The competent national branch sports association that has given its consent or permit or ordered that a certain sports event is held although the prescribed conditions have not been fulfilled in whole, is jointly and severally liable with the organiser for the damage suffered at the sports event by some participant in the sports event or third party due to omissions in the organisation.

The sports event organised at the territory of the Republic of Serbia under the management of an international sports association is organised and conducted in accordance with this law and with the sports rules of that association.

The competent national branch sports association is obligated to launch disciplinary proceedings and implement the disciplinary measures determined by the sports rules against its members (direct and indirect) that, as organisers, fail to undertake the measures under paragraph 1 hereof.

The organiser of a sports event, or the official of the competent national sports association, is obligated, in accordance with the law, not to allow the beginning of the sports event, or to interrupt it permanently or temporarily or to order holding of the sports event without a presence of spectators, partially or in whole, if the conditions under paragraph 1(1, 2, 3 and 6) hereof are not fulfilled.

The disciplinary measures under paragraph 5 hereof obligatorily include: fines, removal of points and demotion to the lower rank of competitions.

In case of the repeated violation of the obligations under paragraph 1 hereof during the same competition season, a disciplinary measure of removal of points is obligatorily pronounced, and in case of continuous and severe violation of the obligations under paragraph 1 hereof during the same competition season, a disciplinary measure of demotion to the lower rank of the competitions is obligatorily pronounced.

## **ARTICLE 158**

Only the sports organisations or sports teams of the sports organisations that have received a seasonal permit may participate in the national league sports competitions and in the professional sports competitions in a given sports season.

The permit under paragraph 1 hereof may be received by the sports organisation that fulfils the prescribed conditions for practicing sports activities and the special conditions for issuance of the permit for that season determined by the competent national branch sports associations.

The competent national branch sports association determines at least three groups of criteria or conditions for giving the permit, in accordance with the law:

- 1) Sports;
- 2) Infrastructural;
- 3) Personal and administrative or organisational;
- 4) Legal;
- 5) Financial.

A sports organisation – organiser of the competition under paragraph 1 hereof is obligated to have an employee or an engaged person with an adequate sports title that coordinates performing of the tasks related to safety of the participants of the sports competition organised by it, as well as a person with an adequate sports title within the profession manager in sports for operational or executive tasks.

The financial conditions under paragraph 3(5) hereof also include the audit of financial statements of the sports organisation and the conditions related to financial fair-play.

The provision of paragraph 4 hereof applies accordingly to the competent national branch sports association.

The competent national branch sports association determines the fulfilment of the conditions under paragraphs 1–5 hereof prior to the beginning of the competition season and issues the permit under paragraph 1 hereof.

The sports season under paragraph 1 hereof lasts one competitions season, unless determined otherwise by the sports rules of the competent international sports association.

#### **ARTICLE 159**

A sports event may be organised if the organiser has provided an adequate facility or space, equipment, professional and other workers and if it fulfils other conditions in accordance with the law and the sports rules.

Athletes, sports organisations, sports teams, sports coaches, sports referees, sports delegates, or other professionals and officials, may participate in the sports event if they fulfil the conditions determined by this contract and by the sports rules, and during their participation they must comply with the obligations determined by the law and by the sports rules.

Sports referees, sports delegates and other officials may exercise a right to reimbursement of costs and compensation for performing their duties, in accordance with the rules of the competent national branch sports association, with the condition that the reimbursement of costs and the compensation for performing of duty should be disbursed exclusively in a cashless manner.

The organisation of any sports event based on the so-called free fight of two or more persons, as well as participation in such event, is prohibited.

#### **ARTICLE 160**

The competent national branch sports association manages the system of competitions in the sports branch for which it has been founded.

In the realisation of its objectives related to managing the system of sports competitions, the competent national branch sports association may entrust managing of certain competitions, including the issuance of seasonal permits, to the association or the organisation founded by

the sports organisations participating in the competition or by the competent national branch association itself.

The changes of the system of competitions in the competence of the national branch sports association may apply upon expiration of one competition season after establishing these changes at the earliest.

The rules of the competitions in the competence of the national branch sports association under Article 100(2)(1) hereof are determined 40 days prior to the beginning of the competitions at the latest and may not be changed during the competition season they relate to.

In the sports branches where there is no competition season especially determined in advance, the competent national branch sports association determines the rules of the competitions under Article 100(2)(1) hereof 40 days prior to the beginning of each individual sports competition at the latest.

#### **ARTICLE 161**

The competent national branch sports association makes a decision on establishing professional sports leagues, based on the analysis of justifiability of such system of competitions.

One sports organisation may not have more than one team in the same degree of the sports competitions.

#### **ARTICLE 162**

An organisation in the area of sports may candidate for organising a large international sports competition at the territory of the Republic of Serbia on the condition that, prior to submitting the candidature:

- 1) It forms an initiative board for preparation of the candidature;
- 2) It prepares a project or a study on organising and financing of competitions, obligatorily containing material-technical, financial, organisational and professional-personnel elements for organisation;
- 3) It obtains the opinion from the Serbian Olympic Committee, or from the Serbian Paralympic Committee, when it comes to the Olympic or Paralympic sports, and from the competent national branch sports association in Olympic sports or Paralympic sports;
- 4) It obtains the opinion from the Serbian Sports Association and the competent national branch sports association in non-Olympic sports;
- 5) It obtains the opinion from the competent authority of the local self-government unit at the territory of which the competition is organised and from the territorial sports associations of the local self-government unit;
- 6) It obtains the approval from the Government for the large international sports competitions under Article 163(1, 2, 3, 4 and 6) hereof, or the approval of the Ministry for other large international sports competitions.



The Minister prescribes more detailed conditions under paragraph 1 hereof.

Giving the approval under paragraph 1(6) hereof does not create the obligation of financing of the approved sports competition.

#### **ARTICLE 163**

Large international sports competitions, in terms hereof, are:

- 1) Olympic and Paralympic Games;
- 2) world and European championships;
- 3) Mediterranean Games;
- 4) University Games;
- 5) World Cups and final tournaments of the World League;
- 6) winter and summer European Youth Olympic Festival;
- 7) Balkan and other regional championships;
- 8) Finals and final tournaments of the European club sports competitions, except for the finals of the European club competitions which are a result of the sports success of home sports organisations;
- 9) Criteria and qualifying international sports tournaments of the national sports teams.

#### **ARTICLE 164**

At deciding on the approval for submitting the candidature for organising a large international sports competition in the Republic of Serbia, the following criteria are especially taken into account:

- 1) Organising of competitions should have a positive influence on development and expansion of the sports branch in which the competition is to be held;
- 2) A competition should be justified from the market point of view;
- 3) A competition should be interesting for television and radio transmissions, other media and spectators;
- 4) A competition should influence the affirmation of the values of the national sports;
- 5) A competition should be organised in the sports branch that has the organisational and competition tradition in the Republic of Serbia.

#### **ARTICLE 165**

Sports organisations, sports teams and athletes may take part in the international sports events only with the previous consent of the competent national branch sports association.

The competent national branch sports association may refuse to grant the consent under paragraph 1 hereof if the participation of a sports organisation, or a sports team or an athlete in the international sports events would damage the interest and reputation of the Republic of Serbia.

Sports organisations or sports teams may take part in regional leagues only with the previous consent of the competent national branch sports association.

The flag and the coat-of-arms of the Republic of Serbia may be used only on the sports gear of the national sports teams, sports organisations and athletes of the competent national sports associations, the Serbian Olympic Committee, the Serbian Paralympic Committee and the Serbian Sports Association.

The national sports team of the competent national sports association, at participating in the international sports competition, uses the coat-of-arms, flag and anthem of the Republic of Serbia in accordance with the law regulating the use of the flag, coat-of-arms and anthem of the Republic of Serbia.

The Minister prescribes a unique visual identity of the national sports teams at the international sports competitions.

#### **ARTICLE 166**

An animal may take part in sports competitions only if the conditions in accordance with the law regulating veterinary medicine or welfare of animals and with the sports rules of the competent national and international branch sports associations are fulfilled.

### **NATIONAL COUNCIL FOR PREVENTION OF NEGATIVE PHENOMENA IN SPORTS AND COUNCIL FOR SPORTS**

#### **ARTICLE 167**

In order to harmonise the activities on prevention of violence and inappropriate behaviour at sports events, doping in sports, fixing the matches and other negative phenomena in sports, as well as fulfilment of international obligations in these areas, the Government forms a National Council for Prevention of Negative Phenomena in Sports (hereinafter referred to as: the National Council) and determines its composition, tasks and other questions of significance for its work.

The National Council obligatorily consists of the representatives of the ministry in charge of internal affairs, the ministry in charge of justice, the ministry in charge of education and the Ministry.

For more professional realisation of the objectives and activities determined by the Strategy and the promotion of total activities of the Ministry, the Minister founds the Sports Council, composed of distinguished expert in the area of sports, whose engagement in this council is honorary.

## **IX RECORDS**

### **ARTICLE 168**

For organised and systematic monitoring of the situation in sports and a long-term planning of its development in the Republic of Serbia, the following national records are kept:

- 1) Of categorised and other competing athletes;
- 2) Of entrepreneurs in sports;
- 3) Of organisations in the area of sports;
- 4) Of sports professionals and experts in sports;
- 5) Of programmes and projects for realisation of interest to the general public in the area of sports and satisfying the needs and interest of the citizens in the autonomous province and the local self-government unit;
- 6) Of sports facilities;
- 7) Of large international sports events in the Republic of Serbia;
- 8) Of the results of the athletes and the national sports teams of the Republic of Serbia at large international sports competitions and national sports competitions;
- 9) Of physical sports injuries and manners of their treating in top athletes and athletes of national sports teams.

The national records under paragraph 1 hereof are kept permanently.

The national records under paragraph 1 hereof are kept as a national sports information-documentation system by applying electronic means for processing and storing of the data.

The national records of entrepreneurs contains the identification data of an entrepreneur (name and surname, or name, registered seat, social security number, registration statistical number, giro account number and where it is kept, TIN, contact data, professional or academic title and sports title), its status (professional athlete, entrepreneur dealing with performing of a sports activity, number of registration in the competent registry of entrepreneurs, number of work permit, number and date of the decision on cancellation from the competent registry of entrepreneurs) and sports activities performed by it (activity and its code, activity scope, type of professional work in sports, competitions in which it participates).

The national records of categorised and other competing athletes contains the following data on an athlete: name, surname, sex, date and place of birth, social security number, address, sports age (cadet, junior, youth, senior, veteran), rank according to the national categorisation of athletes, membership status in the organisations in the area of sports, three most important achieved sports results, sports branch and sports discipline, first sports organisation for which the athlete has been registered, degree of education, labour relation, competition rank, national sports recognition and other sports recognitions and rewards, penalties for violation of anti-doping rules, registration number of competition booklet and sports association that has issued it, number of participations in competitions for the national sports team.

The national records of sports professionals and experts in sports contains the following data on a sports professional or expert in sports: name, surname, sex, date and place of birth, social security number, address, degree of education and organisation in which it has been acquired, completed professional qualification for performing professional work in sports, organisation in the area of sports in which he/she is engaged and manner of engagement, jobs on which he/she has been engaged in the organisation in the area of sports, sports title, professional licence, knowledge of foreign languages, three best achieved sports results in professional work in sports, sports rewards and recognitions, penalties for violation of anti-doping rules.

The national records of physical sports injuries and manner of their treating in top athletes and athletes of the national sports teams contains the following data: name and surname of an athlete, number of registration in the national records of categorised and other competing athletes, type of sports injury, time and place of occurrence of injury, designation of injury according to medical documentation in accordance with the law, healthcare service where the injury has been treated, medical devices used for treating, duration of treatment.

The organisation and the individuals in the area of sports are obligated to submit the application for registration in the national records under paragraph 1 hereof by the end of February of the current year for the previous year at the latest.

Each change of the data kept in the national records should be reported within 30 days from the day of occurrence of the change.

Organisations in the area of sports keep basic records of the data entered into the national records under paragraph 1 hereof and other records, in accordance with the law.

The Minister regulates a more detailed content, except for personal data, and a manner of keeping the records under paragraph 1 hereof and a manner and conditions of use of the data from the records under paragraph 1 hereof.

The Serbian Institute passes the decision on registration in the national records.

The decision under paragraph 12 hereof may be appealed to the Ministry within 15 days from the day of submitting the decision.

Administrative proceedings may be launched against the final decision of the Ministry under paragraph 13 hereof.

The Serbian Institute is obligated to ensure that the personal data is not submitted to an unauthorised person, as well as to withhold the submission of this data unless the organisation, or the authority to which the data is submitted, guarantees an adequate data protection.

The data from the national records in the area of sports under paragraph 1(1–8) hereof is used by the Ministry, the competent authority of the autonomous province in the area of sports, the competent authority of the local self-government unit in the area of sports, the Serbian Institute, the Anti-doping agency of the Republic of Serbia, the competent sports inspector, the

professional sports supervisor, the competent national sports association and the accredited scientific-research institution, and the data from the national records under paragraph 1(9) hereof is used by the Ministry, the ministry in charge of healthcare affairs and the Serbian Institute.

The data processing by the Serbian Institute in the records under paragraph 1 hereof of athletes' injuries and a manner of their treating and other particularly sensitive personal data, in accordance with the law, is conditioned by the consent of the person whose data is processed.

The data under paragraph 1 hereof is gathered from organisations in the area of sports, entrepreneurs y sports, owners or users of sports facilities, independent professional athletes, with the condition that the organisations in the area of sports submit the application for entering the data into the corresponding national records, for itself and for the athletes, sports professionals and experts in sports that perform the sports activities in the organisation.

For the needs of scientific-research work and at drafting sports-political and statistical analyses, the personal data of the physical persons, participants in the sports system, is used and published in the manner providing a protection of their identity, in accordance with the law.

## **X SUPERVISION**

### **ARTICLE 169**

The supervision of application of this law and of the regulations passed based hereon and the inspection supervision are performed by the Ministry, via the sports inspectors in the Republic.

At the territory of the autonomous province, the inspection supervision of the work of provincial and territorial sports associations is performed by the competent authority of the autonomous province, via the provincial sports inspectors, as entrusted work.

At the territory of the local self-government unit, the inspection supervision, except for national sports associations, territorial sports associations, organisations dealing with professional qualifying in the area of sports and sports organisations competing in professional sports leagues, is performed by the competent authority of the local self-government unit, via the city or the municipal sports inspector, as entrusted work.

At the territory of the city of Belgrade, the inspection supervision, except for national sports associations, organisations dealing with professional qualifying in the area of sports and sports organisations competing in professional sports leagues, is performed by the competent authority of the city of Belgrade, via the city sports inspector, as entrusted work.

The supervision of the purposeful and legal use of the budget funds which, in accordance herewith, finance the programmes for satisfying the interest of the general public and the needs and interests of the citizens in the Republic of Serbia, the autonomous province and the local self-government unit, is performed by the competent budget inspection in accordance with the law.

A sports inspector may be a person with a university education in the scientific field of the legal science, or in the field of sports and physical culture at the postgraduate studies (master academic studies, specialist academic studies, specialist vocational studies), or at the undergraduate studies in duration of at least four years, with at least five years of vocational work experience, a passed state professional exam, who fulfils other conditions in accordance with the law.

A sports inspector may not perform the economic or other activities and jobs for him/herself or for another employer in the area of sports, he/she participates in the work of the organs and bodies of the organisations subject to inspection supervision in accordance herewith, nor perform other services, jobs and procedures contrary to the position and work of sports inspectors and damage to its impartiality and objectivity in performing of work.

The juridical and natural persons that perform sports activities are obligated to enable the sports inspector to perform the inspection supervision, to provide him/her in timely manner with complete and correct data at his/her request, to give him/her an oral or written explanation

of the facts and evidence presented to him/her or determined in the procedure of inspection supervision at his/her request, and to act at other requests of the sports inspector.

The provisions of this law and of the law regulating the inspection supervision apply to the content, limitations of powers, rights and obligations at performing the inspection supervision by the sports inspector.

A sports inspector carries out the procedure of inspection supervision and in the procedure of performing of the inspection supervision he/she has the powers and obligations in accordance with this law and the law regulating the inspection supervision.

The Ministry is obligated to plan in a systematic and continuous manner and to carry out the training and other forms of professional improvement of the sports inspectors.

### **ARTICLE 170**

The supervision of the work of provincial sports inspectors and sports inspectors of the local self-government unit, in performing the entrusted tasks of inspection supervision, determined hereby, is performed by the Ministry.

When the inspection supervision is performed by the provincial sports inspector or the sports inspector of the local self-government unit, in order to provide and control legality in performing the tasks of inspection supervision, the Ministry has the right and duty to:

- 1) Issue the instructions for enforcement of the law and the other regulations and for performing the tasks, as well as to supervise their execution;
- 2) Realise a direct supervision of the work of provincial sports inspectors, or inspectors of the local self-government unit;
- 3) Perform a direct inspection supervision with all the powers if the provincial sports inspectors or the sports inspectors of the local self-government unit fail to perform certain tasks of inspection supervision for which they are competent, despite the written warning;
- 4) Propose to the competent authority of the autonomous province, or of the local self-government unit, to determine the responsibility of a certain sports inspector who does not perform the inspection tasks in timely, professional, legal and conscientious manner;
- 5) Organise joint actions of the sports inspection with the provincial sports inspectors and the sports inspectors of the local self-government unit whenever the needs should require it;
- 6) Asks for submission of reports, data and information regarding the execution of the entrusted tasks of supervision;
- 7) Exercises other rights and duties in accordance with the law.

## **ARTICLE 171**

Every sports inspector keeps the records of inspection supervision in accordance with the law.

## **ARTICLE 172**

If an illegality punishable by the law or by another regulation is discovered in the supervised subject, the sports inspector presses to the competent judicial authority a criminal charge, a charge for commercial offence or submits a request for launching infringement proceedings or issues the infringement warrant, in accordance with the law.

## **ARTICLE 173**

The decision ordering the measures and determining the term for their elimination may, depending from the subject of supervision and the nature of the determined illegality, irregularities or defaults in work:

- 1) Order the implementation of certain measure and actions related to performing of sports activities;
- 2) Order passing, declaring null and void or postponing of execution of an adequate individual act and undertaking of other corresponding measures and actions necessary for elimination of the determined illegality, irregularities and defaults in the work of the organisations in the area of sports, in accordance herewith;
- 3) Temporarily prohibit performing of sports activities and undertaking of other actions contrary to the law or another regulation, until the elimination of defaults;
- 4) Temporarily prohibit performing of professional work in sports to the person that does not fulfil the prescribed conditions for performing of professional work in sports or does not possess an adequate professional licence, until the fulfilment of the conditions;
- 5) Propose to the competent organ of the organisation in the area of sports to launch the procedure for violation of labour duties, disciplinary procedure or another procedure for elimination of the determined illegality, irregularities and defaults in work of organisations and natural persons in the area of sports;
- 6) Order to the competent national sports association to pass the sports rules it is obligated to pass in accordance herewith;
- 7) Order to the sports association to admit into membership, in accordance herewith, the organisation in the area of sports fulfilling the determined conditions for membership;
- 8) Temporarily prohibit the execution of the individual act of the organisation in the area of sports which obviously violates the right of a member of that organisation or of the employee which is in accordance with this law and the sports rules, at the request of that member or the employee in the organisation in the area of sports if that member of the organisation or the employee launches the proceedings before the competent court or the sports arbitration – until passing of a legally-binding decision of the court or the sports arbitration;



- 9) Order establishing of the condition of a sports facility corresponding to the purpose of that sports facility, at the expense of the owner or the user of the sports facility, if the purpose of the sports facility has been changed contrary to Article 154 hereof;
- 10) Temporarily prohibit using of the sports facility due to unfulfilment of the conditions for its use – until the fulfilment of the conditions;
- 11) Temporarily prohibit the work of the sports association if it has not executed the status change in accordance herewith;
- 12) Prohibit organising of a sports event if its organising is not in accordance with the law or the conditions for its organising have not been met;
- 13) Prohibit the participation in the sports event to the person that does not fulfil the conditions determined by the law or by the sports rules;
- 14) Temporarily prohibit the execution of an individual act of approving the programme for satisfying the general needs in the area of sports, or the needs and interests of the citizens in the area of sports in the autonomous province, or the local self-government unit, if the programme has been approved contrary hereto;
- 15) Temporarily prohibit the work of a participant in the sports system until it enables performing of the inspection supervision;
- 16) Submit the initiative to the Ministry for removal of the authorisation for performing of the tasks of professional qualifying in sports due to performing of these tasks contrary hereto;
- 17) Temporarily prohibit performing of the work of the sports association, society or association that does not regulate the questions determined hereby in the statute and the sports rules;
- 18) Order other measures and actions he/she is authorised for by the law.

The appeal to the decision of the sports inspector under paragraph 1 hereof is declared to the Ministry within 15 days from the day of submitting the decision.

The Ministry decides on the appeal within 15 days from the day of receiving the appeal.

#### **ARTICLE 174**

The Ministry performs the supervision of the work of the holders of public authorisations in performing the tasks of the public administration entrusted hereby, in accordance with the law regulating the public administration.

## **XI PENALTY PROVISIONS**

### **ARTICLE 175**

The sports organisation or another juridical person shall be punished for the offence by the fine amounting from RSD 500.000 to RSD 2.000.000, if it:

- 1) Violates the prohibition of discrimination of athletes, sports professionals, sports organisations and other persons participating in the sports system (Article 4(3));
- 2) Violates the prohibition of misuse, abuse, discrimination and violence against children (Article 4(6));
- 3) Concludes a contract with a competing amateur athlete contrary to the provision of Article 10(1 and Article 17(2) hereof;
- 4) Concludes a contract with a juvenile athlete contrary to the provision of Article 10(1 and 4) and Article 17(3 and 4) hereof;
- 5) Concludes a contract with the athlete without a full legal capacity contrary to the provision of Article 10(6) hereof;
- 6) Concludes with an athlete more than one contract for practicing sports activities in the sports organisation (Article 10(9));
- 7) Does not conclude a contract with an athlete in writing and does not authenticate it in accordance with the law (Article 12(1));
- 8) Does not conclude the labour contract with a professional athlete (Article 13(1));
- 9) Concludes with an athlete a contract of giving pecuniary and other compensations for concluding the contract and other similar earnings contrary to the provisions of Article 13(4 and 5) hereof;
- 10) Approves the international or national transfer or moving of a juvenile athlete to another sports organisation contrary to the provisions of Article 18(4–6) hereof;
- 11) Allows the participation in the competition to a competing athlete or a sports professional who has not been determined health ability (Article 19(1 and 2));
- 12) Determines health ability of an athlete or a sports professional contrary to the provision of Article 19(4 and 5) hereof;
- 13) Does not conclude an insurance agreement for top athletes or athletes and top sports professionals or experts against the consequences of accidents during practicing sports activities (Article 21(1 and 3));
- 14) Engages for performing of professional work a person who is not a sports professional (Article 25(2));
- 15) Performs a professional qualifying contrary to the determined plan and programme and the manner of professional qualifying (Article 30(1));
- 16) Concludes a contract with a sports professional contrary to the provisions of the Article 31(1 to 3) hereof;
- 17) Engages a foreign citizen for performing of professional work in sports contrary to the provision of Article 31(8) hereof;
- 18) Elects in the organs or appoints as representative or liquidator a person contrary to the prohibition under Article 33(2) hereof;
- 19) Performs sports activities even if it does not fulfil the determined conditions (Article 35(1) and Article 110(5));

- 20) Use the word "club" in the name contrary to the provisions of Article 35(3) hereof;
- 21) Does not have the word "sports club" or "club" in its name in accordance with the provision of Article 35(6) hereof;
- 22) Charges the membership fee contrary to the provisions of Article 40(7) hereof;
- 23) Its branch in the legal transactions acts contrary to the provision of Article 44(2) hereof;
- 24) Does not convoke the assembly at least once a year (Article 55(2) hereof);
- 25) Does not have a management elected in accordance with Article 56(1 and 2) hereof;
- 26) Does not have a supervisory board elected in accordance with Article 60(1) hereof;
- 27) Does not use the entire realised net profit of the founded juridical person for realisation of its sports objectives determined by the statute (Article 71(1));
- 28) Performs economic and other activities contrary to the conditions determined by Article 72(1) hereof;
- 29) Uses the assets contrary to the provisions of Article 76 hereof;
- 30) Performs sports activities even if it does not fulfil the conditions under Article 92(3) hereof;
- 31) Distributes the net profit contrary to the provision of Article 92(4) hereof;
- 32) Performs the tasks of intermediation at transfers of athletes from one to another sports organisation contrary to the provisions of Article 94 hereof;
- 33) Performs the activity of rendering of services of professional work in sports contrary to the provision of Article 95(1) hereof;
- 34) Does not determine the sports rules in an adequate sports branch (Article 100(1 and 2));
- 35) Submits the programme containing the incorrect data on the holder and the participants of the programme (Article 118, Article 136(1) and Article 138(1));
- 36) Does not use purposefully the funds obtained from the budget of the Republic of Serbia (Article 122(4));
- 37) Approves the programme satisfying the needs and interests of the citizens in the autonomous province, or the local self-government unit, contrary to the provisions of Article 136(1, 3 and 5) and Article 138(1, 3 and 4) hereof;
- 38) Does not regulate more detailed conditions, criteria and a manner and procedure of granting the funds from the budget of the autonomous province and a manner of publishing the data on the proposed programmes for financing, the approved programmes and realisation of the approved programmes (Article 136(2));
- 39) Does not regulate more detailed conditions, criteria and a manner and procedure of granting the funds from the budget of the local self-government unit and a manner of publishing the data on the proposed programmes for financing, the approved programmes and realisation of the approved programmes (Article 138(2));
- 40) Does not ensure a priority for the organised extracurricular sports activities in respect of use of school gyms and sports fields comparing to the activities of the persons outside the school (Article 143(6));
- 41) Does not arrange, mark, equip or maintain the public sports field in the condition that ensures a safe use or does not interrupt the use of the field or a part of the field if there are circumstances occurred that endanger the safety in the field or uses the public sports field even if it does not fulfil the prescribed conditions (Article 149(2));
- 42) Uses and maintains the sports facility contrary to the provision of Article 152(1) hereof;

- 43) Changes the purpose of the sports facility without an adequate consent contrary to the provisions of Article 154(1–4) hereof;
- 44) Changes the purpose of a part of the ancillary premises of the sports facility contrary to the provisions of Article 154(5 and 6) hereof;
- 45) Organises a sports event contrary to the provision of Article 157(1) hereof;
- 46) Give a consent or an authorisation for organising a sports event even though not all the prescribed conditions have been fulfilled (Article 157(3));
- 47) Does not apply the disciplinary measures against its members that fail to undertake the prescribed measures for organising a sports event (Article 157(5));
- 48) Allows the beginning of a sports event or does not interrupt it or does not order holding of the sports event without the presence of spectators contrary to the provision of Article 157(6) hereof;
- 49) Participates in the sports competition even if it has not obtained a seasonal permit (Article 158(1));
- 50) Organises a sports event even if it does not fulfil the prescribed conditions (Article 159(1));
- 51) Participates in a sports event even if it does not fulfil the prescribed conditions (Article 159(2));
- 52) Does not comply with the obligations determined by the law and the sports rules at participating in the sports event (Article 159(2));
- 53) Organises a sports event based on the so-called free fight of two or more persons (Article 159(4));
- 54) Applies the changes in the system of competitions prior to expiration of one competition season after establishing these changes (Article 160(3));
- 55) Changes the competition rules during the competition season (Article 160(4));
- 56) Changes the competition rules contrary to the provision of Article 160(5) hereof;
- 57) Runs for organising of a large international sports competition at the territory of the Republic of Serbia even if it does not fulfil the prescribed conditions (Article 162);
- 58) Participates in international sports events without a consent of the competent national branch sports association (Article 165);
- 59) Engages a person that does not fulfil the conditions under Article 180(2) hereof for performing of professional work with children.

For the offence under paragraph 1 hereof a responsible person in the organisation in the area of sports or in another juridical person shall be punished with the fine amounting from RSD 50.000 to RSD 150.000.

For the offence under paragraph 1(1, 14, 32, 33, 35, 41, 42, 43, 44, 48, 49, 50, 52 and 59) hereof, an entrepreneur shall be punished with the fine amounting from RSD 100.000 to RSD 500.000.

## **ARTICLE 176**

An organisation in the area of sports or another juridical person shall be punished with the fine amounting from RSD 100.000 to RSD 1.000.000 for an offence, if it:

- 1) Fails to inform an athlete of the determined rights, obligations and responsibilities prior to concluding the contract (Article 10(7));
- 2) Fails to inform without delay the competent national branch sports association of determining nullity, annulment or cancellation of a contract with an athlete (Article 12(3));
- 3) Fails to submit to the competent ministry the annual report on evaluation of the health condition of the checked athletes and sports professionals (Article 19(7));
- 4) Does not keep the records of determining health ability of athletes and sports professionals in accordance with Article 20 hereof;
- 5) Exposes an athlete to the sports activities that may endanger or impair his/her health condition (Article 22);
- 6) Exposes a child to the sports activities and physical exercise that may endanger or impair their health condition or influence negatively the psychosocial and motor development or education (Article 22(3));
- 7) Engages a person without a professional licence issued by the competent national sports association for performing of professional work in sports (Article 27(2));
- 8) Does not establish a plan of professional education, qualifying and improvement of sports professionals (Article 28(2));
- 9) Deals with the tasks of professional qualifying although it does not fulfil the prescribed conditions (Article 29(1–3));
- 10) Does not use the name and the abbreviated name in the form entered into the registry in legal transactions (Article 44(1));
- 11) Does not indicate its registered seat along with its name in business correspondence and public appearing (Article 47(2));
- 12) Does not provide its members with the rights in accordance with the statute (Article 49(3));
- 13) Admits into membership a minor contrary to the provisions of Article 49(4) hereof;
- 14) Excludes a person from membership contrary to the provision of Article 51(1) hereof;
- 15) Does not enable a member of the sports association in sports recreation to directly manage the sports association with an equal right to vote with other members (Article 52(3));
- 16) Appoints a person as arbiter contrary to the provisions of Article 54(3 and 4) hereof;
- 17) Does not convoke and hold the assembly in accordance with the provisions of Article 55(5) hereof;
- 18) Does not admit into membership an organisation fulfilling the conditions determined by the statute of the association for admission into membership (Article 97(3));
- 19) Does not have an employed or engaged sports professional or expert in sports with passed professional sports exam (Article 99(6));
- 20) Does not pass a programme, or a framework programme, of development and does not submit it to the Ministry within 15 days from the day of its passing (Article 100(6), Article 102(6), Article 103(12) and Article 106(3));
- 21) Does not keep the record on realised programmes or projects in accordance with Article 130(7) hereof;
- 22) Does not convoke the assembly for discussing responsibility of the persons that have realised the programme and of the persons that have participated in making decisions

- that have led to the failure to achieve the planned effects of the programme (Article 133(4));
- 23) Does not pass a general act regulating the special conditions for top athletes at enrolment in the studies at the university institutions and during studies (Article 144(1));
  - 24) Does not pass a general act regulating the conditions for practicing sports activities by the students (Article 144(2));
  - 25) Does not ensure accessibility of a sports facility to the persons with special needs (Article 145(3));
  - 26) Determines the fulfilment of the conditions for issuance of a seasonal permit although the conditions prescribed by Article 158(2–4) hereof are not fulfilled;
  - 27) Does not determine the criteria or conditions for issuance of a seasonal permit in accordance with Article 158(3) hereof;
  - 28) Does not determine a fulfilment of the conditions for issuance of a permit for participation in a sports competition prior to the beginning of the competition season (Article 158(7));
  - 29) Uses the flag and the coat-of-arms of the Republic of Serbia on the sports gear contrary to the provision of Article 165(4) hereof;
  - 30) Allows participation in a competition to an animal contrary to the provision of Article 166;
  - 31) Does not submit an application for registration in the national records or submits the incorrect data (Article 168(4 and 5));
  - 32) Performs the tasks of professional qualifying in the area of sports without submitting the request for obtaining of the licence for performing of professional qualifying contrary to the provisions of Article 181(5) hereof.

For the offence under paragraph 1 hereof, a responsible person in a sports organisation or another juridical person will also be punished with the fine amounting from RSD 30.000 to RSD 150.000.

For the offence under paragraph 1(7, 8 and 31) hereof an entrepreneur will be punished with the fine amounting from RSD 50.000 to RSD 250.000.

#### Article 177

An organisation in the area of sports and another juridical person will be punished with the fine amounting to RSD 100.000 for an offence, if it:

- 1) Does not keep the records of transfers or moving of juvenile athletes or does not inform the Ministry within 15 days from each executed transfer or registered moving of a juvenile (Article 18(8));
- 2) Does not enable an athlete to participate in the national sports team (Article 24);
- 3) Does not submit to the Ministry a report on performed professional qualifying in the previous year and a plan of activities of organising professional qualifying for the current year or does not report the beginning of performing of professional qualifying (Article 30(2));

- 4) Does not keep the records under Article 30(4) hereof;
- 5) Does not enable performing of professional supervision (Article 32(3));
- 6) Does not keep a book of members (Article 49(5));
- 7) Does not inform the Ministry of issuance of the permit within the prescribed term (Article 94(5));
- 8) Does not submit the sports rules to the Ministry (Article 100(3));
- 9) Does not publish the sports rules and the statute on the official web presentation of the association (Article 100(4));
- 10) Does not submit to the Ministry a report on realisation of a programme or a project or of parts of a programme or a project and on use of the budget funds (Article 130(1));
- 11) Does not make the report on work and on volume and manner of acquiring and use of funds available to the public and submit that report to the Ministry (Article 130(5));
- 12) Does not enable a sports inspector to perform the inspection supervision or to act by its request contrary to Article 169(8));
- 13) Does not act by the order of the sports inspector given in performing the inspection supervision (Article 173(1));
- 14) Does not harmonise its organisation, work and general acts within a term determined by Article 181(1) hereof.

For the offence under paragraph 1 hereof, a responsible person in an organisation in the area of sports or in another juridical person will also be punished with the fine amounting to RSD 10.000.

#### Article 178

A physical person will be punished with the fine amounting from RSD 50.000 to RSD 150.000, if he/she:

- 1) Violates the prohibition of discrimination of athletes, sports professionals, sports organisations and other persons participating in the sports system (Article 4(3));
- 2) Violates the prohibition of misuse, abuse, discrimination and violence against children (Article 4(6));
- 3) Participates in a competition although his/her health ability has not been determined (Article 19(1));
- 4) Exposes an athlete to the activities that may endanger his/her health (Article 22(1));
- 5) Performs professional work although he/she does not fulfil the prescribed conditions (Article 25(2 and 3));
- 6) Performs professional work with children although he/she does not fulfil the prescribed conditions (Article 27(4));
- 7) Does not plan and does not record the professional work (Article 28(1));
- 8) Does not enable performing of professional supervision (Article 32(3));
- 9) As a representative, does not give the requested information in accordance with Article 58(2) hereof;
- 10) Violates the duties under Article 59 hereof;
- 11) Performs the tasks of intermediation contrary to Article 94 hereof;

- 12) Performs the activity of rendering the services of professional work in sports contrary to Article 95(1) hereof;
- 13) Performed the sports activities in the public sports field contrary to the provision of Article 149(2) hereof;
- 14) Uses a sports facility contrary to the provision of Article 152(1) hereof;
- 15) Repurpose a sports facility without an adequate consent, contrary to the provisions of Article 154(1–3) hereof;
- 16) Repurposes the part of the ancillary premises of a sports facility contrary to the provisions of Article 154(5 and 6) hereof;
- 17) Does not undertake the measures providing prevention of risk of occurrence of damage for athletes, spectators and other participants and third party at a sports event, as well as the measures affecting the increased risks (Article 157(1)(2));
- 18) Organises a sports event although he/she does not fulfil the prescribed conditions (Article 159(1));
- 19) Participates in a sports event although he/she does not fulfil the prescribed conditions (Article 159(2));
- 20) Does not comply with the obligations determined by the law and the sports rules at participating in a sports event (Article 159(2));
- 21) Participates in a sports event based on the so-called free fight of two or more persons (Article 159(4));
- 22) Participates in international sports events without a previous consent of the competent national branch sports association (Article 165);
- 23) Does not enable a sports inspector to perform the inspection supervision or does not act by his/her request contrary to the provisions of Article 169(8) hereof;
- 24) Does not act by the order of a sports inspector given in performing the inspection supervision (Article 173(1)).



## **XII TRANSITORY AND FINAL PROVISIONS**

### **ARTICLE 179**

The privatisation of the assets and capital in public ownership in the organisations in the area of sports shall be regulated by a separate law.

Until passing of the law under paragraph 1 hereof, the organisations in the area of sports use the assets and capital in public ownership in accordance with the law.

The organisations in the area of sports with public assets and capital may not perform status changes, changes of legal form, except for change of legal form in accordance with Article 71(3) hereof, and change of the ownership structure of the capital by means of conversion of claims into permanent deposit until passing the law under paragraph 1 hereof.

The organisations in the area of sports under paragraph 3 hereof may dispose the real estates in public ownership on which they have the right of use, or pass the decisions on reduction or increase of the capital, reorganisation or restructuring, investments, sale of a part of the assets, pledging of objects or establishing of mortgage, long-term lease, disposal of claims, taking or approval of loans or issuance of guarantees, in significant volume or outside of the course of regular performing of the sports activities, only with the previous consent of the Government, at the proposal of the Ministry, until passing of the law under paragraph 1 hereof.

The act and contract of the organisations in the area of sports, passed or concluded contrary to the provisions of paragraphs 3 и 4 hereof, is null and void.

Sports associations may also participate in the professional sports league under Article 3(1)(26) for a maximum of two competition seasons upon entering into force of the law under paragraph 1 hereof.

The sports facilities in public ownership for which, on the day of entering into force hereof, there is no adequate urban and other documentation, necessary for issuance of the construction permit, may not be repurposed until determining of such documentation, or until passing of the final act of refusal of the request for legalisation, in accordance herewith.

### **ARTICLE 180**

The existing organisations in the area of sports continue with their work, in accordance herewith.

The sports professionals that perform a professional-educational work with children, and that did not fulfil the prescribed conditions in respect of degree and type of education, or professional qualification, may continue to perform their work, if they have performed educational work for at least 25 years prior to entering into force hereof, out of which at least 15 years in work with children, based on the certificate of the competent national branch sports association.

The athletes and coaches that have acquired the rights to the national recognition until the day of entering into force hereof, continue to exercise that right in accordance with the regulation by which they have acquired it.

The sports professionals that do not fulfil the conditions under Article 27(3) hereof on the day of entering into force hereof may perform professional-educational work with children within two years from the day of entering into force of the by-law regulating the nomenclature of the sports titles and professions and professional qualification in sports at the latest, except in the case under paragraph 2 hereof.

The national sports associations may use the existing or provided sports gear within one year from the day of entering into force of the by-law determining a unique visual identity of the national sports teams at the international sports competitions at the latest.

Members of the management of a sports organisation, including the representative, that do not fulfil the conditions under Article 33(2)(2) hereof, may perform their function by 1 March 2017 at the latest.

The existing contracts concluded between the sports organisations and athletes or sports professionals in accordance with the law on sports ("Official Journal of the RS", No. 24/11 and 99/11 – an. law) remain effective until the expiration of the period for which they have been concluded.

The competent national branch sports association, the territorial sports associations, the professional sports clubs and sports organisations competing in the national sports leagues, members of the competent national branch sports association, hire or engage a sports professional or an expert in sports with the passed sports professional exam within one year from the day of passing of the by-law under Article 99(8) hereof.

## **ARTICLE 181**

The existing organisation in the area of sports are obligated to harmonise their organisation, work and general acts with the provisions hereof within one year from the day of entering into force hereof.

The procedure of registration in the Registry initiated prior to entering into force hereof will be terminated by the provisions of the regulations by which it has been initiated.

The existing organisations in the area of sports that should harmonise their organisation, work and general acts with the provisions hereof, are obligated to harmonise their general acts, and submit to the Agency the application and documentation for registration of change of the data and documents, within a term under paragraph 1 hereof, free of charge.

The existing organisations in the area of sports that submit to the Agency the application and documentation for registration of change of the data and documents upon expiration of the term under paragraph 1 hereof shall pay the fee in accordance with the Decision on Fees for

Affairs of Registration and Other Services Rendered by the Business Registers Agency ("Official Journal of the RS", No. 119/13 and 138/14).

The university institutions and organisations in the area of sports under Article 29(1–3) hereof performing the tasks of professional qualifying for specific sports titles that have obtained the decision on fulfilment of the conditions for performing the tasks of professional qualifying in the area of sports by the day of entering into force hereof, are obligated to submit to the Ministry the request for obtaining the approval for performing professional qualifying within one year from the day of entering into force of the act under Article 30(1) hereof, and until then they continue to perform professional qualification for acquiring those sports titles for which the conditions determined by this law and the accompanying by-laws have been fulfilled.

#### **ARTICLE 182**

The by-laws envisaged hereby shall be passed within two years from the day of entering into force hereof.

As an exception from paragraph 1 hereof, the by-laws under Article 65(7) and Article 120(2) hereof, as well as the acts under Article 136(2) and Article 138(2) hereof shall be passed within 90 days as of the day of entering into force hereof.

The National Strategy on Sports Development will be passed in accordance herewith by the end of 2018 at the latest.

#### **ARTICLE 183**

The Law on Sports ceases to apply with the day of entering into force hereof ("Official Journal of the RS", No. 24/11 and 99/11 – an. law).

The acts passed based on the law under paragraph 1 hereof shall apply until passing the acts based hereon, unless they are contrary hereto.

The provision of Article 61(1)(17) of the Law on Health ("Official Journal of the RS", No. 107/05, 109/05 – corrigendum, 57/11, 110/12 – CC, 119/12, 99/14, 123/14 and 126/14 – CC) ceases to apply with the day of entering into force hereof, in the part of determining health ability of juvenile athletes under Article 19(6) hereof.

#### **ARTICLE 184**

This law enters into force on the eighth day from the day of its publishing in the "Official Journal of the Republic of Serbia".

