

LAW

ON THE LEGAL STATUS OF INTERNATIONAL SPORTS FEDERATIONS WITH HEADQUARTERS IN THE REPUBLIC OF SERBIA

I. GENERAL PROVISIONS

Article 1

This Law regulates the conditions and procedure for recognizing the legal status of international sports federations in the Republic of Serbia, matters related to establishing the headquarters of international sports federations in the Republic of Serbia, registration of international sports federations in the Republic of Serbia, legal continuity, legal status and exercise of rights and obligations, functional privileges and exemptions, status of international staff, financial support, oversight and cessation of status, as well as other matters of importance for the operations of international sports federations with headquarters in the Republic of Serbia.

Article 2

An international sports federation, within the meaning of this Law, is a non-profit international sports non-governmental organization which:

- 1) brings together national sports federations, including the competent national sports federation of the Republic of Serbia;
- 2) in accordance with its statutes and other general acts, carries out activities of common interest in a particular sport or field of sport at the regional, European or global level;
- 3) organizes or manages international sports competitions;
- 4) is a member of, or is directly or indirectly recognized by, the International Olympic Committee or the International Paralympic Committee where it concerns sports for persons with disabilities, or is competent at the global, European or regional level for a particular sport or field of sport;
- 5) submits an application for relocation of its headquarters to the Republic of Serbia to the ministry responsible for sport.

Exceptionally, the Government may, upon the proposal of the ministry responsible for sport, recognize the status of an international sports federation, within the meaning of this Law, also to an international sports federation established with its headquarters in the territory of the Republic of Serbia that fulfils the conditions set out in paragraph 1, items 1) to 3) of this Article, if this is of special importance for the Republic of Serbia.

The ministry responsible for sport, upon receiving the application referred to in paragraph 1, item 5) of this Article, or upon receiving the application of the international sports federation referred to in paragraph 2 of this Article, shall verify whether the conditions for

acquiring the status of an international sports federation within the meaning of this Law are fulfilled.

The provisions of laws regulating sport in the Republic of Serbia shall apply *mutatis mutandis* to international sports federations, except where otherwise provided by this Law.

II. LEGAL STATUS, REGISTRATION AND HEADQUARTERS

Article 3

The Government shall adopt the decision on recognizing the status of an international sports federation within the meaning of this Law, having assessed that the relocation of the headquarters of the international sports federation, or the recognition of status to an international sports federation referred to in Article 2, paragraph 2 of this Law, would contribute to the improvement of the position and reputation of the Republic of Serbia in the international arena, upon the proposal of the ministry responsible for sport for the international sports federation for which it has been established, in accordance with Article 2, paragraph 3 of this Law, that it fulfils the conditions prescribed by this Law.

The decision on recognizing legal status referred to in paragraph 1 of this Article shall regulate in more detail matters of importance for the operations of the international sports federation in the Republic of Serbia, in particular matters related to: financial support, security arrangements and conditions for the use of premises, issuance of visas, as well as the approval of temporary residence and work, through expedited procedures for international staff, and other matters.

Article 4

The mutual rights and obligations of the international sports federation and the Republic of Serbia shall be regulated in more detail by the Headquarters Agreement.

The Headquarters Agreement with the international sports federation for which the decision referred to in Article 3, paragraph 1 of this Law has been adopted shall be concluded by the Government in the name of the Republic of Serbia, upon the proposal of the ministry responsible for sport.

Article 5

An international sports federation, in accordance with this Law, shall be recognized as having the capacity of a legal entity in the Republic of Serbia.

An international sports federation shall acquire the capacity of a legal entity in the Republic of Serbia on the date of entry into the competent register of the Business Registers Agency (hereinafter: the Agency), in accordance with this Law, and by *mutatis mutandis* application of the law regulating the registration procedure at the Agency and the law

regulating the entry of organizations in the field of sport into the Register of associations, companies and federations in the field of sport (hereinafter: the Registry).

An international sports federation shall be entered into the Registry as an organizational form: international sports federation.

An international sports federation shall have a name which may be in a foreign language.

An international sports federation may have an abbreviated name in a foreign language, which shall be determined by its statutes and entered into the Registry.

An international sports federation shall be entered into the Unified Register of associations, organizations and entrepreneurs in the field of sport maintained by the ministry responsible for sport pursuant to the law regulating sport and bylaws adopted on the basis of that law.

The following data shall be entered into the Registry: the organizational form of the international sports federation; the name, headquarters and address of the international sports federation; the sport/sports, sports discipline/disciplines or field/fields of sport; the date of entry into the Registry; data on the representative (name and surname, place of residence or domicile and address and JMBG of citizens, or passport number and country of issuance); registration number and tax identification number (PIB); bank account number; amendments to and supplements of the statutes; the business activity directly performed by the international sports federation; the predetermined duration for which the international sports federation is established; membership in the competent international sports federation or other federation or association in the country and abroad; note on initiation of prohibition proceedings; prohibition note; data on status changes; data on liquidation; data on bankruptcy; contact information (telephone number, fax and internet address); the number and date of the decision on entry into the Registry.

The Registry shall also contain the following data, where such data exist: the abbreviated name; the name, headquarters and address of branches; and data on the representative of the branch (name and surname, place of residence or domicile and address and JMBG of citizens, or passport number and country of issuance); notes of data of importance for legal transactions; date of establishment; registration number from the previous registry.

The minister responsible for sport shall regulate in more detail: the subject of registration; the content and form of the application for entry into the Registry and registration of other data; the documentation to be attached to the application; as well as other matters of importance for entry into, amendment of and deregistration of the international sports federation from the Registry.

III. LEGAL CONTINUITY

Article 6

By establishing its headquarters in the Republic of Serbia, the international sports federation shall retain full legal continuity.

The Republic of Serbia shall recognize the rights and obligations of the international sports federation arising prior to the establishment of its headquarters in the Republic of Serbia, in accordance with the general rules of the law of obligations, international law in the field of sport and international sports rules.

Legal continuity referred to in paragraph 1 of this Article shall include, without limitation: 1) all contractual rights and obligations; 2) memberships in other international sports organizations; 3) intellectual property rights, trademarks and domain names; 4) sports rules and other general acts, decisions and sporting powers of the international sports federation; 5) all pending proceedings, including proceedings before the Court of Arbitration for Sport; 6) all assets and liabilities regardless of where they are located.

IV. LEGAL STATUS AND EXERCISE OF RIGHTS AND OBLIGATIONS

Article 7

An international sports federation with recognized capacity of a legal entity may acquire rights and obligations, dispose of property, open accounts with commercial banks in the Republic of Serbia and enter into contracts in connection with the performance of its activities and operations, in accordance with this Law.

To income received by athletes and sports professionals from an international sports federation which has been recognized as having the capacity of a legal entity in the Republic of Serbia in accordance with Articles 3 and 5 of this Law, pursuant to Article 2, paragraph 4 of this Law, the provisions of the laws regulating sport in the Republic of Serbia shall apply *mutatis mutandis*.

V. FUNCTIONAL PRIVILEGES AND EXEMPTIONS

Article 8

An international sports federation in the Republic of Serbia shall carry out its activities and operations independently and autonomously, in accordance with the statutes of the international sports federation and its general acts, within the scope of its exclusive sports regulatory competence.

The functional exemption referred to in paragraph 1 of this Article shall be exclusively of an internal-legal nature and shall relate solely to compliance with the legal order of the Republic of Serbia.

The functional exemption referred to in paragraph 1 of this Article shall relate, in particular, to: the adoption and application of general and individual acts of the international sports federation (including election, appointment, suspension and dismissal of officials, members of bodies and other persons performing functions in the international sports federation), decisions related to the organization and conduct of sports competitions, internal organizational structure and allocation of competences among the bodies of the international sports federation, licensing procedures, registration and ranking, disciplinary, ethical and other internal proceedings, the work of arbitration and independent bodies of the international sports federation.

Acts and decisions referred to in paragraph 3 of this Article shall not be subject to review by state authorities of the Republic of Serbia, unless their application would be contrary to the public policy of the Republic of Serbia.

The functional exemption referred to in paragraph 1 of this Article shall not apply to acts and actions that are not directly related to the performance of activities within the exclusive sports regulatory competence of the international sports federation, obligations arising from legal transactions concluded outside the core activities of the international sports federation, and liability for damage caused by intentional conduct.

Functional privileges and exemptions shall not extend to citizens of the Republic of Serbia, nor to persons with permanent residence in the Republic of Serbia who are engaged by the international sports federation.

The international sports federation, its bodies, employees, officials and other persons acting in the name of and on behalf of the international sports federation shall not have diplomatic, consular, nor the status of an international mission, nor shall they enjoy privileges and immunities deriving from diplomatic or consular law, nor shall they be recognized as having privileges and immunities prescribed by the Vienna Convention on Diplomatic Relations, done at Vienna on 18 April 1961, ratified by the Decree on Ratification of the Vienna Convention on Diplomatic Relations ("Official Gazette of the SFRY — International Treaties and Other Agreements", No. 2/64) and the Vienna Convention on Consular Relations, done at Vienna on 24 April 1963, ratified by the Decree on Ratification of the Vienna Convention on Consular Relations ("Official Gazette of the SFRY — International Treaties and Other Agreements", No. 5/66).

The privileges and exemptions under this Article shall not constitute diplomatic or consular status, nor general immunity from the application of the Constitution and laws of the Republic of Serbia.

Article 9

In matters falling within the exclusive sports regulatory competence of the international sports federation, the competent authorities of the Republic of Serbia shall not review sports

rules and decisions adopted in accordance therewith, except in the case of a violation of the public policy of the Republic of Serbia.

VI. INTERNATIONAL STAFF

Article 10

International staff of the international sports federation shall be enabled to obtain visas, as well as approval of temporary residence and work, in accordance with the laws regulating the movement, work and stay of foreigners.

VII. FINANCIAL SUPPORT

Article 11

The Republic of Serbia may provide financial support to the international sports federation in accordance with the law governing the budgetary system and available budgetary funds.

VIII. OVERSIGHT AND CESSATION OF STATUS

Article 12

Oversight of the implementation of this Law shall be performed by the ministry responsible for sport.

The ministry responsible for sport, in cooperation with other competent authorities, shall coordinate the implementation of this Law within the scope of its statutory powers.

Article 13

The status recognized under this Law shall cease if:

- 1) the international sports federation ceases to fulfil the conditions set out in Article 2 of this Law;
- 2) it violates the Headquarters Agreement referred to in Article 4 of this Law;
- 3) it damages the reputation or violates the public policy of the Republic of Serbia;
- 4) it ceases to have an international character.

The international sports federation shall cease upon deregistration from the Registry.

The competent state authorities shall be obliged to issue a written warning to the international sports federation if grounds for cessation of status referred to in paragraph 1 of this Article arise, with the ultimate sanction of deregistration from the Registry.

The international sports federation shall be obliged, within 60 days from the date of receipt of the warning referred to in paragraph 3 of this Article, to remedy the established

breaches and submit evidence thereof to the competent state authority that issued the warning. The procedure for cessation of status shall not be initiated if the competent state authority establishes that the international sports federation has remedied the breach for which the warning was issued.

The Government shall adopt the decision on cessation of status of the international sports federation in the event that the grounds referred to in paragraph 1 of this Article arise, upon the proposal of the ministry responsible for sport.

The decision referred to in paragraph 5 of this Article shall serve as the basis for initiating forced liquidation and deregistration from the Registry.

The procedure of forced liquidation and deregistration from the Registry referred to in paragraph 6 of this Article shall be conducted by mutatis mutandis application of the law regulating the operations of companies.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 14

Headquarters Agreements referred to in Article 4 of this Law concluded prior to the entry into force of this Law between an international sports federation and the Republic of Serbia shall remain in force, or shall enter into force in accordance with the conditions set out in such agreements, until the expiry of the term for which they were concluded.

The provisions of Articles 5–13 of this Law shall apply to the international sports federation referred to in paragraph 1 of this Article.

Article 15

This Law shall enter into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia".