

Charter of the Association/Community, and any of its amendments, may be aimed at ensuring that these documents are in compliance with the Constitution, the fact that a considerable number of the provisions of General Principles are incompatible with the Constitution suggests that this preventative control of the constitutionality may have been envisaged because the General Principles – in fact – require amendments to a number of provisions of the Constitution.

- 3.24 The aforementioned conclusion is based on the fact that, according to Article 113, paragraph 9 of the Constitution, the only instance when an act is submitted to the Court for preventative assessment for compliance with the Constitution is when such an act amounts to an amendment to the Constitution. Therefore, it can be concluded that either the preventative constitutional control of the Charter of the Association, and any of its amendments – envisaged by Sections 2 and 21 of the General Principles – is not compatible with the Constitution or that such a constitutional assessment is envisaged to be performed by the Court in accordance with Article 113, paragraph 9, of the Constitution.

Other concerns with the General Principles

- 3.25 Last but not least, while this *Amicus Curiae* Brief has been prepared solely based on the English version of the General Principles, it should be noted that the Serbian translation of the term “constituent assembly,” in Section 3 of the General Principles, is inaccurate and misleading. Namely, in the Serbian version of the General Principles the term “constituent assembly” has been translated as “constitutional assembly” or in literate translation “constitution-making assembly.” Since the governing instrument that is expected to be adopted at the founding assembly of the Association/Community is a charter and not a constitution, the use of the term “constitutional assembly” or “constitution-making assembly” in Section 3 of the Serbian version of the General Principles is inaccurate and misleading. In the opinion of this *Amicus Curiae*, the term “constitutional assembly” or “constitution-making assembly” in Section 3 of the General Principles in Serbian language should be replaced with the term “**osnivačka skupština**,” which in English translates as the “founding assembly.” This correction is required as the use of the term “constitutional assembly” or “constitution-making assembly” in Section 3 of the General Principles in Serbian language is not compatible with the Articles 1 and 2 of the Constitution.

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I remain at the disposal of the Court for any questions it may have regarding this *Amicus Curiae* Brief.

Respectfully,

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