

THE BELGRADE PHILHARMONIC ORCHESTRA

STATUTE

The Belgrade Philharmonic Orchestra
Red. No: 513/1
Date: 16 May 2016

Pursuant to Article 21, point 1) of the Law on Public Services (*Official Gazette of the Republic of Serbia*, No. 42/91, 71/94, 79/05-another law and 83/14-another law), Article 44, paragraph 1, point 1) of the Law on Culture (*Official Gazette of the Republic of Serbia*, No. 72/09, 13/16 and 30/16 - corrigendum) and Article 19, point 1) of the Statute of the Belgrade Philharmonic Orchestra No. 1634/1 of 25 November 2011, the Belgrade Philharmonic Orchestra Management Board adopted, at its session on 25 March 2016, the following

STATUTE

of the

BELGRADE PHILHARMONIC ORCHESTRA

I GENERAL PROVISIONS

Article 1

The present Statute of the Belgrade Philharmonic Orchestra (hereinafter: the Statute) shall regulate in specific: the legal status, name and seat; representation and acting on its behalf; liability in legal transactions; field of activity; internal organisation; bodies, appointment procedure and competences; responsibility for conducting the governing and managing functions; planning of work and development; assets and financing; occupational safety and health and environmental protection and improvement; exercise and protection of employees' rights; provision of information to the public and the employees; trade secret, general legal instruments, as well as other matters of relevance to the work of the Belgrade Philharmonic Orchestra, in conformity with the law.

Article 2

The provisions of the Statute shall be binding upon all employees and bodies of the Belgrade Philharmonic Orchestra.

Certain matters, which have been regulated in general by this Statute, shall be specified in more detail by the Belgrade Philharmonic Orchestra's general and specific legal instruments, which, in turn, shall conform to the Law, the specific collective agreement and this Statute.

Article 3

The Belgrade Philharmonic Orchestra is a cultural institution that performs legally specified activities in the field of culture, whereby citizens exercise their rights and/or satisfy their needs, and through which other legally defined cultural interest is pursued.

The Belgrade Philharmonic Orchestra shall organise, prepare and perform the music activities, develop and foster artistic and educational activities and pursue goals of unfading importance for the culture of the Republic of Serbia.

Through its work, the Belgrade Philharmonic Orchestra shall contribute to preserving, exploring, researching, presenting, gathering and encouraging the national cultural and artistic heritage, as well as the national contemporary cultural and artistic authorship.

The Belgrade Philharmonic Orchestra is the founder of the Belgrade Philharmonic Foundation.

The Belgrade Philharmonic Orchestra shall also conduct other activities as specified by the law, other regulations, its founder's legal instruments, the present Statute and its general legal instruments.

II LEGAL STATUS, NAME AND SEAT

Article 4

The first symphony concert, staged by the members of the opera orchestra accompanied by the Music School teachers, took place on 28 April 1923, while the first Belgrade Philharmonic Orchestra administration and original membership were officially constituted on 13 June 1924.

The Belgrade Philharmonic Orchestra was definitively established as a public institution by the People's Republic of Serbia Regulation No 536, dated 18 December 1950 (*Official Gazette of the People's Republic of Serbia*, No 35/50), whereby the Symphony Orchestra of the PR of Serbia was founded by the Belgrade City Council, only to be renamed the Belgrade Philharmonic Orchestra pursuant to the PR of Serbia's Education, Science and Culture Council Resolution No 129, dated 4 January 1952, under which name it has existed ever since with legal continuity.

According to the Regulation referred to in paragraph 2 hereof, the founder of the Belgrade Philharmonic Orchestra is the Belgrade City Council, whereas the Republic of Serbia has exercised the founder's rights since 1992, pursuant to the Law on the Activities of Common Interest in the Field of Culture (*Official Gazette of the Republic of Serbia*, No 49/92).

On behalf of the Republic of Serbia, the founder's rights regarding the appointment of the Belgrade Philharmonic Orchestra Director (hereinafter: the Director), the Belgrade Philharmonic Orchestra Management Board (hereinafter: the Management Board) and the Belgrade Philharmonic Orchestra Supervisory Board (hereinafter: the Supervisory Board) shall be exercised by the Government, in conformity with the law.

Transparency of the Belgrade Philharmonic Orchestra's activities shall be ensured in compliance with the law and the provisions of the present Statute.

The Day of the Belgrade Philharmonic Orchestra shall be on 13 June.

Article 5

The Belgrade Philharmonic Orchestra shall conduct its activities under its full legal name: Beogradska filharmonija (Belgrade Philharmonic Orchestra).

The seat of the Belgrade Philharmonic Orchestra shall be in Belgrade, at the street address of Studentski trg 11.


The building of the Belgrade Philharmonic Orchestra is located on the cadastre lot No 1836/2, registered in the Land Registry under entry No 1480, cadastre municipality of Stari grad.

The decision to change of the name and seat shall be made by the Management Board, subject to approval of the founder.

The Belgrade Philharmonic Orchestra has been registered in the Belgrade Commercial Court's registry of institutions, in the registration file No 5-03-00.

Article 6

The Belgrade Philharmonic Orchestra shall have a seal, a stamp and a trademark.

The seal of the Belgrade Philharmonic Orchestra shall be circular in shape, featuring the symbol  in the centre.

The Belgrade Philharmonic shall have a small, a medium-sized and a large circular seal, their sizes being 20, 25 and 32 mm respectively.

The symbol in the centre of the seal shall also be used as the trademark of the Belgrade Philharmonic Orchestra.

The decision to change of the symbol shall be made by the Management Board.

The seal of the Belgrade Philharmonic Orchestra shall contain the following text: “Beogradska filharmonija – Beograd” (Belgrade Philharmonic Orchestra – Belgrade). The text shall be laid out in concentric circles in the Serbian language, Cyrillic script, as follows:

- The outer circle shall contain the text – “Beogradska filharmonija – Beograd” (Belgrade Philharmonic Orchestra – Belgrade)
- The bottom of the seal shall specify the seat of the institution – “Beograd” (Belgrade).

The stamp shall be rectangular in shape, 35 by 30 mm, and shall contain the text “Beogradska filharmonija – Beograd, Studentski trg broj 11” (Belgrade Philharmonic Orchestra – Belgrade, Studentski trg 11), blank fields for entering the date on which the submission was received, the reference number under which the submission will be filed and the number of attachments to the submission.

Article 7

The seal and stamp of the Belgrade Philharmonic Orchestra shall be used in legal transactions, correspondence and other cases wherein the Belgrade Philharmonic Orchestra is involved as a legal entity.

The usage, keeping and disposal of the seal and stamp shall be subject to a decision by the Belgrade Philharmonic Orchestra Director.

Article 8

For written correspondence with natural and legal persons, the Belgrade Philharmonic Orchestra shall use its letterhead.

The top left corner of the letterhead shall include the trademark – logo of the Belgrade Philharmonic Orchestra, while the name of the institution and contact information shall be written on the right side of the trademark.

The text in the letterhead shall be in the Serbian language, Cyrillic script, as well as in the English language.

III REPRESENTATION AND ACTING ON BEHALF OF THE BPO

Article 9

The Director shall represent and act on behalf of the Belgrade Philharmonic Orchestra without limitation, within his/her competences as stipulated by the law and this Statute.

The Director shall be authorised to sign documents in the name and on behalf of the Belgrade Philharmonic Orchestra.

The Director shall be authorised to conclude contracts and conduct other legal transactions on behalf of the Belgrade Philharmonic Orchestra, within its registered field of activity and within his/her legally defined competence, as well as to represent the Belgrade Philharmonic Orchestra before courts and other authorities.

The Director may not conclude long-term commercial cooperation agreements, or contracts on the purchase/sale of high-value fixed assets without obtaining prior approval from the Management Board.

In case of larger investments, the Director shall notify the Management Board, in compliance with the regulations governing the field of public procurement.

Article 10

The director may, within his/her competence, empower another person to represent the Belgrade Philharmonic Orchestra and act on its behalf.

The power of attorney may be granted for the purpose of conducting affairs on behalf of the Belgrade Philharmonic Orchestra (general power of attorney), or only for the completion of a specific task (limited power of attorney), in conformity with the law and this Statute.

The power of attorney shall be granted in writing and shall specify the type of affair for which it is granted, the scope of work and the timeframe through which the power of attorney is valid; the power of attorney may be revoked at any time.

IV LIABILITY IN LEGAL TRANSACTIONS

Article 11

The Belgrade Philharmonic Orchestra, as a cultural institution, shall have the status of a legal person, with all rights and obligations reserved for the institutions founded by the Republic of Serbia, as stipulated by law, the regulations adopted on the basis of the law and this Statute.

The Belgrade Philharmonic Orchestra shall be the holder of all rights and bearer of all liabilities and responsibilities in legal transactions with respect to the assets at its disposal, in conformity with the law, and shall have its account at the Treasury.

Article 12

In legal transactions with third parties, the Belgrade Philharmonic Orchestra shall act in its own name and on its own behalf, and shall be liable to the full extent of its assets.

The liabilities referred to in paragraph 1 of this Article shall not apply to cultural assets or any other property owned by the Republic of Serbia.

V FIELD OF ACTIVITY

Article 13

According to the uniform classification of activities, the Belgrade Philharmonic Orchestra's field of activity falls in the group: Creative, Arts and Entertainment Activities.

The activities of the Belgrade Philharmonic Orchestra shall be registered in the court registry. The Belgrade Philharmonic Orchestra may change the registered activities, with the exception of the core activity, in accordance with its business interests and development programmes. The decision to change the registered activities shall be made by the Management Board. The Belgrade Philharmonic Orchestra may also engage in other activities, without registering them in the court registry, when they support the registered activities or commonly accompany them.

Article 14

The core activity of the Belgrade Philharmonic Orchestra shall be: 90.04 Operation of art facilities.

Other activities of the Belgrade Philharmonic Orchestra shall include:

- 90.01 Performing arts
- 90.02 Other art activities in the sphere of performing arts
- 85.52 Cultural education
- 59.20 Sound recording and music publishing activities
- 18.20 Reproduction of recorded media
- 47.63 Retail sale of music and video recordings in specialised stores
- 47.61 Retail sale of books in specialised stores
- 47.78 Other retail sale of new goods in specialised stores
- 58.11 Book publishing
- 58.14 Publishing of journals and periodicals
- 58.19 Other publishing activities
- 68.20 Rental and operating of owned or leased real estate
- 70.21 Public relations and communication activities
- 72.20 Research and development in social sciences and humanities
- 73.12 Media representation
- 77.22 Rental of video tapes and compact disks
- 63.12 Web portals.

The Belgrade Philharmonic Orchestra shall be allowed to engage in foreign trade operations for its own purposes.

Article 15

With a view to pursuing its goals and creating permanent cultural values, the Belgrade Philharmonic Orchestra may, in conducting its activities, establish direct cooperation with the founder, cities and local governments, other music institutions and institutions in the field of culture, education and other fields of activity, as well as with funds, foundations, associations, non-governmental organisations, freelance artists and their associations, corporations and businesses, banks and other entities.

VI INTERNAL ORGANISATION

Article 16

Work organisation, management and other internal organisation matters shall be regulated in detail by the Rulebook on the Belgrade Philharmonic Orchestra Internal Organisation and Job Classification, adopted by the Director and approved by the Republic of Serbia ministry

competent for culture (hereinafter: the Ministry), in conformity with the law, so as to ensure functional coherence in the organisation of activities and tasks based on unified planning, development and operation and on control of activity and task performance.

Article 17

The Belgrade Philharmonic Orchestra is a cultural institution in which work shall be organised in departments as the basic organisational units performing the Belgrade Philharmonic Orchestra's activities.

The Belgrade Philharmonic Orchestra departments shall be:

- Programme Management;
- Secretariat.

Article 18

Programme Management shall comprise:

- The Orchestra;
- Programming activities.

The orchestra shall conduct the core activity of the Belgrade Philharmonic Orchestra through performance of musical programmes.

The programming activities shall include professional operational tasks related to the organisation of activity schedule and the provision of artistic and technical preconditions for performance of the core activity.

The Secretariat shall be responsible for activities of universal interest for the institution, i.e. tasks aimed at ensuring smooth, efficient and coordinated performance of the core activity.

Article 19

Programme Management shall be steered by the Director and/or the Secretary of the Belgrade Philharmonic Orchestra.

The orchestra shall be steered by the Concertmaster, or the Chief Conductor if one is appointed.

The programming activities shall be managed by the person responsible for organisation, coordination and steering of the Programme Management staff;

The Secretariat shall be managed by the Secretary of the Belgrade Philharmonic Orchestra.

All managers shall be accountable to the Director and/or their immediate supervisor.

VII BODIES OF THE BELGRADE PHILHARMONIC ORCHESTRA, COMPOSITION, APPOINTMENT PROCEDURES AND COMPETENCES

Article 20

The Belgrade Philharmonic Orchestra's bodies shall be: the Director, the Management Board and the Supervisory Board.

1. Director:

Article 21

The Director shall manage the operations of the Belgrade Philharmonic Orchestra.

The Director shall be appointed and relieved of duty by the Government.

The Director shall be appointed following a public competition, in conformity with the law, for a term of four years, and the same person may be reappointed.

Article 22

The public competition for selecting the Belgrade Philharmonic Orchestra Director shall be announced and conducted by the Management Board 60 days prior to the expiry of the incumbent's term.

The competition for selecting the Belgrade Philharmonic Orchestra Director shall be advertised in at least one daily paper that circulates in the entire territory of the Republic of Serbia, as well as on the official websites of the Belgrade Philharmonic Orchestra and the National Employment Service.

The time limit for applications shall be 15 days of the announcement of the competition.

Any belated, unacceptable, incomprehensible or incomplete applications and applications that fail to include all required evidence shall be rejected by the Management Board by issuing a decision to that effect, which may be appealed against in the Ministry within three days of receiving the decision.

Appeal against the decision shall not suspend its execution.

Article 23

The Management Board shall conduct interviews with the candidates and shall, within 30 days of the completion of the public competition, submit its proposed list of candidates to the Ministry, including its opinion on the professional and organisational capabilities of each candidate and the record of conducted interviews.

The Ministry shall propose to the Government a candidate for the position of the Director from the list of candidates, or shall notify the Government of the reasons for rejecting the list.

Article 24

If the Management Board concludes that none of the applicants meets the requirements for entering the appointment process, or if the Government does not appoint the Director from the list of candidates, the public competition shall be deemed unsuccessful.

Article 25

Candidates for the position of the Belgrade Philharmonic Orchestra Director shall meet the following requirements:

- 1) higher education qualification (relevant higher education attained through second-cycle studies – graduate academic studies – master, specialist vocational studies or specialist academic studies, or higher education attained through four-year undergraduate studies);
- 2) a minimum of eight years' work experience in the sphere of culture;
- 3) that he/she is not under investigation or indicted for crimes prosecutable ex officio, and that he/she has not been convicted for crimes that render him/her undeserving of the position of the Director;
- 4) active knowledge of one global language;
- 5) citizenship of the Republic of Serbia;
- 6) general health capacity for work.

Article 26

In compiling the list of candidates, the Management Board shall also evaluate the fulfillment of the following conditions:

- 1) knowledge of the operation of music or cultural institutions;
- 2) experience in management positions in the sphere of culture;
- 3) the quality of the proposed work and development programme for the Belgrade Philharmonic Orchestra, accompanying the application.

Article 27

All applicants shall be notified of the Government's decision appointing the Belgrade Philharmonic Orchestra Director.

Article 28

The Government may appoint an acting director without a public competition in the event that the incumbent is relieved of duty before the expiry of the term or that a public competition is unsuccessful.

The acting director shall have the rights and duties of a director and may discharge the office for a maximum of one year of the day of appointment.

The acting director shall fulfil the legal requirements that apply to the candidates for the position of the director, i.e. shall have higher education qualification and a minimum of eight years' work experience in the relevant fields.

The acting director shall have all the rights, obligations and competences of the director.

Article 29

The director shall have the following competences:

- 1) to organise and manage the work of the Belgrade Philharmonic Orchestra;
- 2) to represent and act on behalf of the Belgrade Philharmonic Orchestra in conformity with the law and this Statute;
- 3) to propose the work programme and development plan for the Belgrade Philharmonic Orchestra and is responsible for their implementation;
- 4) to issue a legal instrument regulating the organisation and job classification and other general legal instruments in conformity with the law and this Statute;
- 5) to be accountable for asset management and financial operations of the Belgrade Philharmonic Orchestra;
- 6) to ensure legal compliance of the work of the Belgrade Philharmonic Orchestra;
- 7) to submit a draft report on financial operations to the Management Board;
- 8) to decide on the recruitment and assignment of employees to specific jobs;
- 9) to decide on employees' individual rights, duties and responsibilities in conformity with the law and collective agreement;
- 10) to execute the Management Board's decisions;
- 11) to attend Management Board sessions, without decision-making rights;
- 12) to propose the financial plan;
- 13) to adopt the public procurement plan;
- 14) to ensure the transparency of the Belgrade Philharmonic Orchestra's operations;
- 15) if necessary, to manage the work of the Artistic Council;

- 16) to submit the draft annual work report to the Management Board;
- 17) to be obliged to organise the work in the way that prevents workplace bullying;
- 18) to approve employees' business trips in the country and abroad;
- 19) to issue instructions and distribute assignments, give orders and guidelines for performance of tasks and duties;
- 20) to discharge other affairs stipulated by the law, this Statute, general legal instruments and Management Board decisions.

Article 30

The director's duty shall terminate when his/her term expires, or when the Government relieves him/her of duty before the expiry of the term, in the following situations:

- 1) at director's personal request;
- 2) if he/she discharges the duty contrary to legal provisions;
- 3) if his/her unprofessional, improper and unethical work causes significant damages to the institution, or if he/she neglects or unethically performs his/her duties in a way that leads, or could lead, to major hindrances in the work of the institution;
- 4) if legal proceedings have been initiated against the director for crimes that render him/her undeserving of this duty, or if he/she has been convicted by final judgment for crimes that render him/her undeserving of the position of the institution's director;
- 5) for other reasons as provided for by the law or this Statute.

A handover of duty shall take place between the director who has been relieved of duty and the new director or acting director.

The handover of duty referred to in paragraph 2 hereof shall take place in the presence of a committee of three members, established by the Management Board, within three days of the appointment of the new director, or acting director.

When establishing the committee, the Management Board shall specify the time limit within which the handover shall be completed, which may not exceed six days of the appointment of the new director, or acting director.

The director whose term has expired is obliged to acquaint the new director or acting director with the financial status, operation and tasks at hand to be completed within specific time limits. The formal record of the handover shall be submitted to the Management Board and the Ministry.

2. Management Board

Article 31

The Management Board shall be the governing body of the Belgrade Philharmonic Orchestra.

The Management Board shall consist of five members.

The Government shall appoint the Management Board chair and members from the community of esteemed professionals and experts in the field of cultural activities, for a term of four years; the members may be appointed for a maximum two terms.

The Management Board member coming from the ranks of the Belgrade Philharmonic Orchestra employees, who represents the institution's core activity, shall be appointed at the proposal of the Belgrade Philharmonic Orchestra's representative trade union or, if such a trade union does not exist, at the proposal of the majority of employees.

The composition of the Management Board should ensure the participation of at least 30% of the under-represented sex.

Article 32

Until appointment of the Management Board chair and members, the Government may appoint the acting chair and members of the Management Board, including in the case when the chair or a member of the Management Board ceases to hold his/her office before the expiry of the term, in conformity with the law.

The acting chair and/or member of the Management Board may hold that office for a maximum of one year.

Article 33

The Management Board shall have the following competences:

- 1) to adopt the Statute and other general legal instruments stipulated by the law and the present Statute;
- 2) to take decisions about operations and define the business and development policies;
- 3) to adopt the work programmes of the Belgrade Philharmonic Orchestra, proposed by the director;
- 4) to adopt the annual financial plan, proposed by the director;
- 5) to provide guidelines to the director with regard to running the operations;
- 6) to adopt annual accounts;
- 7) to adopt the annual work and operation report;
- 8) to announce and administer the public competition for appointment of the director and to propose the list of candidates for the director to the founder, in conformity with the law;
- 9) to conclude a fixed-term employment contract with the director, valid until the expiry of the term for which he/she is appointed, or until he/she is relieved from office, in conformity with the law, or with an addendum to the employment contract, if the director was employed with the Belgrade Philharmonic Orchestra prior to being appointed director;
- 10) to give proposals regarding status changes, in conformity with the law;
- 11) to decide on procuring or leasing real property, or registering a mortgage in conformity with the law;
- 12) to decide on long-term business cooperation and networking with other companies, institutions and other legal entities, subject to consent of the Ministry;
- 13) to adopt the annual report on the conducted inventory of property and assets and to decide on the write-off of assets;
- 14) to adopt its rules of procedure, which regulates in detail its work and decision-making procedures;
- 15) to decide on other matters foreseen by the law, this Statute and other general legal instruments.

Approval for the documents referred to in paragraph 1, points 3) and 4) hereof shall be issued by the Ministry.

Article 34

In certain situations, the director may independently take decisions on certain issues within the competence of the Management Board, which require urgent actions to be undertaken in order to avoid possible detrimental effects caused by failure to act, with the obligation to report the matter to the Management Board at its next session.

Article 35

The Management Board shall conduct its activities and make decisions at its sessions.

The sessions of the Management Board shall be convened and moderated by the chair of the Management Board or, exceptionally, if the chair is unable to attend, by the oldest member of the Management Board.

The Management Board decisions shall be valid only if more than one half of the total number of members are present at the session; the decisions shall be taken by a majority vote of the present members.

The decisions regarding the adoption of the Statute, its amendments and the decisions proposing the list of candidates for director shall be taken by a majority vote of the total number of the Management Board members.

Any member of the Management Board who disagrees with the decision taken may state a dissenting opinion.

Article 36

Members of the Management Board may elect from among themselves a deputy chair of the Management Board, who shall conduct the affairs of the chair in cases when the chair is unable to attend.

Voting at the Management Board sessions shall be by open ballot, unless the Management Board decides that a particular matter shall be voted on by secret ballot.

Exceptionally, in urgent situations, at the proposal of the chair of the Management Board, the Management Board may also decide by majority of votes of the total number of its members, cast by each member in the form of a written statement or through technical means of communication.

The votes cast by the Management Board members through technical means of communication shall be verified at the next session of the Management Board, which shall take place within 30 days of the decision taken through technical means of communication, and a formal record shall be made of this verification.

Article 37

During their terms in office, the chair and members of the Management Board may exercise the right to remuneration, under the conditions and criteria specified in the Government's legal instrument.

Article 38

The duty of the Management Board members shall cease upon expiry of term or upon being relieved of duty.

The Government shall relieve a Management Board member of duty before the expiry of his/her term:

- 1) at personal request;

- 2) if he/she discharges the duty contrary to legal provisions;
- 3) if legal proceedings have been initiated against the Management Board member for crimes that render him/her undeserving of this duty, or if he/she has been convicted by final judgment for crimes that render him/her undeserving of the duty of the Management Board member;
- 4) for other reasons as provided for by the law or this Statute.

3. Supervisory Board

Article 39

The Supervisory Board shall supervise the activities of the Belgrade Philharmonic Orchestra.

The Supervisory Board shall consist of three members.

The chair and members of the Supervisory Board shall be appointed by the Government for a term of four years and may hold office for a maximum of two terms.

The Supervisory Board member coming from the ranks of the Belgrade Philharmonic Orchestra employees shall be appointed at the proposal of the Belgrade Philharmonic Orchestra's representative trade union or, if such a trade union does not exist, at the proposal of the majority of employees.

The composition of the Supervisory Board should ensure the participation of at least 30% of the under-represented sex.

The Government shall appoint the chair of the Supervisory Board from among the members of the Supervisory Board, who are not employed with the Belgrade Philharmonic Orchestra.

A person who is a member of the Management Board may not be appointed as a member of the Supervisory Board.

Article 40

Until appointment of the Supervisory Board chair and members, the Government may appoint the acting chair and members of the Supervisory Board, including in the case when the chair or a member of the Supervisory Board ceases to hold his/her office before the expiry of the term.

The acting chair and/or member of the Supervisory Board may hold that office for a maximum of one year.

Article 41

The Supervisory Board decisions shall be valid only if more than one half of the total number of members are present at the session; the decisions shall be taken by a majority vote of the present members.

Any member of the Supervisory Board who disagrees with the decision taken may state a dissenting opinion.

Article 42

The Management Board shall conduct its activities and make decisions at its sessions.

The sessions of the Supervisory Board shall be convened and moderated by the chair of the Supervisory Board or, exceptionally, if the chair is unable to attend, by the oldest member of the Supervisory Board.

Voting at the Supervisory Board sessions shall be by open ballot, unless the Supervisory Board decides that a particular matter shall be voted on by secret ballot.

Article 43

The Supervisory Board shall, in conformity with the law, supervise the activities of the Belgrade Philharmonic Orchestra, in particular:

1) review the periodical and annual reports, verify whether they were prepared as prescribed by the law and give opinions to the Management Board with regard to the said reports;

2) report in writing on the findings of supervisory activities to the Management Board and the Ministry, indicating any irregularities in the work of the Managing Board, the director and other persons;

3) verify whether the business records and other documents of the Belgrade Philharmonic Orchestra are kept properly and in conformity with the relevant regulations;

4) review auditor's reports;

5) report on its work, at least once a year, to the Ministry;

6) adopt its rules of procedure, which regulates in detail its work and decision-making procedures;

7) conduct other affairs as stipulated by the law, the present Statute and other general legal instruments of the Belgrade Philharmonic Orchestra.

Article 44

Employees of the Belgrade Philharmonic Orchestra and its bodies shall provide the required data and information at the request of the Supervisory Board.

The chair of the Supervisory Board shall send a written request to the director, with a three-day notice, to enable him to inspect specific business records and documentation.

The aforesaid documentation and business records shall be reviewed in the premises of the Belgrade Philharmonic Orchestra, in the presence of an employee delegated by the director.

Article 45

During their terms in office, the chair and members of the Supervisory Board may exercise the right to remuneration, under the conditions and criteria specified in the Government's legal instrument.

Article 46

The duty of the Supervisory Board members shall cease upon expiry of term or upon being relieved of duty.

The Government shall relieve a Supervisory Board member of duty before the expiry of his/her term:

1) at personal request;

2) if he/she discharges the duty contrary to legal provisions;

3) if legal proceedings have been initiated against the Supervisory Board member for crimes that render him/her undeserving of this duty, or if he/she has been convicted by final judgment for crimes that render him/her undeserving of the duty of the Supervisory Board member;

4) for other reasons as provided for by the law or this Statute.

Artistic Council

Article 47

The Artistic Council of the Belgrade Philharmonic Orchestra (hereinafter: the Artistic Council) shall be a professional and artistic advisory body, reviewing relevant matters and giving opinions and proposals regarding the artistic, programming and professional aspects of the Belgrade Philharmonic Orchestra's work.

The composition of the Artistic Council, appointed by the director, shall include: the orchestra group/section principals, tutti strings, the second, third and fourth winds, according to their proportionate share in the orchestra.

Exceptionally, persons who are not employees of the orchestra may also be appointed as members of the Artistic Council if their expertise, experience or connection with the orchestra are likely to contribute to the work of the Artistic Council.

The Artistic Council shall have up to 25 members, appointed for indefinite term and replaceable by director's decision.

Article 48

The Artistic Council shall conduct its activities at its sessions, convened on a needs basis by the director, the secretary, the chief conductor or the chair of the Artistic Council, who shall also preside over the session.

Attendance at the sessions of the Artistic Council shall be mandatory for the Artistic Council members who are employed with the Belgrade Philharmonic Orchestra.

Article 49

The Artistic Council shall be competent to give opinions regarding the artistic quality of the orchestra, the discipline in the orchestra, the progress made by musicians, the musicians' probationary period, the musicians who fail to meet the criteria for work in the orchestra, purchase and repair of instruments and other matters of relevance to the orchestra, as well as to propose actions with respect to those matters.

The opinions and proposals of the Artistic Council shall not be binding.

The Artistic Council shall adopt its rules of procedure, which shall regulate in detail its work and decision-making procedures.

VIII RESPONSIBILITY FOR CONDUCTING THE GOVERNING AND MANAGING FUNCTIONS

Article 50

The chair and members of the Management Board shall be accountable for their work to the Government.

A member of the Management Board who, in a vote, states a dissenting opinion which is recorded in the minutes shall not bear any responsibility.

Members of the Management Board and the director shall be liable for the damage caused to the Belgrade Philharmonic Orchestra by taking and executing the decisions within their competence, on account of personal responsibility and in line with the damage compensation rules, in conformity with the law.

Members of the Supervisory Board shall be accountable for their work to the Government.

Article 51

The director shall be accountable for the results of management and operation and for legal compliance of the work of the Belgrade Philharmonic Orchestra, shall be independent in his/her work and shall be accountable for his/her work to the Government, by which he is appointed.

IX PLANNING OF WORK AND DEVELOPMENT

Article 52

Plans and programmes shall be adopted in line with the tasks and aims in pursuit of which the Belgrade Philharmonic Orchestra was founded, in conformity with the law, regulations and this Statute.

Plans and programmes shall specify the goals for the development and advancement of overall activities, as well as the scale and schedule of the affairs to be conducted in the planning period.

Article 53

The advancement of the work and development of the Belgrade Philharmonic Orchestra shall be based on the annual, mid-term and long-term work and development plans.

For each calendar year, the Belgrade Philharmonic Orchestra shall adopt an annual work programme, containing a separate specification of the funds required for programme activities.

A draft annual work programme for the following year shall be submitted to the Ministry within the time limit stipulated by the law.

Article 54

Draft plans and programmes shall be approved by the director.

The Belgrade Philharmonic Orchestras's plans and programmes whose adoption is within the competence of the Management Board shall be adopted by the Management Board upon the director's proposal.

Article 55

The director shall be responsible for the implementation of plans and programmes.

The Management Board shall review the implementation of the adopted plans and programmes at least once per year.

X ASSETS AND FINANCING

1. Assets

Article 56

The assets for the Belgrade Philharmonic Orchestra's operation comprise a building structure, with appertaining equipment, the orchestra's musical instruments, monetary assets, copyrights and intangible rights.

Article 57

The assets of the Belgrade Philharmonic Orchestra shall be state-owned.

In conducting its activities, the Belgrade Philharmonic Orchestra shall have the rights and responsibilities stipulated by law with respect to the use, management and disposal of these assets.

Article 58

The Belgrade Philharmonic Orchestra shall have the right and obligation to safeguard the state-owned assets from any damage and to use them solely for their designated purpose.

Article 59

The assets of the Belgrade Philharmonic Orchestra shall be used for the purposes foreseen by the work programme and financial plan, in conformity with the law and this Statute.

Article 60

The assets for conducting the Belgrade Philharmonic Orchestra's activities and for the implementation of programmes and projects shall be provided in conformity with the law, in particular:

- 1) from the budget of the Republic of Serbia;
- 2) from revenues generated through the conduct of activity;
- 3) from the provision of services to legal and natural persons;
- 4) from the sale of products – publications, recordings, etc.;
- 5) from donations, sponsorships, gifts, endowments;
- 6) from assignment of copyrights and related rights;
- 7) from other sources, in conformity with the law.

Article 61

The financial performance and assets position of the Belgrade Philharmonic Orchestra shall be ascertained by the annual accounts every year.

The Belgrade Philharmonic Orchestra shall submit its annual work report and financial operations report for the previous year within the timeframe stipulated by the Law on Culture.

2. Funding and Financial Operations

Article 62

The funding of the Belgrade Philharmonic Orchestra's core activity is regulated by the Law on Culture, the Law on the Budget of the Republic of Serbia and this Statute.

The funds (revenues and expenditures) shall be reported and recorded in line with the uniform budget classification, in conformity with the law and the applicable regulations adopted pursuant to the law.

Article 63

The Belgrade Philharmonic Orchestra shall use the funds transferred to its account for designated purposes and shall submit a report on the implementation of cultural programmes and projects, including the evidence that the funds were used for designated purposes, within the timeframe stipulated by the Law on Culture.

XI OCCUPATIONAL SAFETY AND HEALTH AND ENVIRONMENTAL PROTECTION AND IMPROVEMENT

Article 64

Employees and bodies of the Belgrade Philharmonic Orchestra shall organise the performance of activities in a manner that ensures occupational safety and health and shall implement the necessary measures for occupational safety and workplace protection, in conformity with the provisions of the Labour Act and the Law on Workplace Safety and Health.

Article 65

In conducting its activities, the Belgrade Philharmonic Orchestra shall ensure the necessary conditions for environmental protection and improvement, prevent the causes and redress the harmful consequences jeopardising the natural and man-made values of the environment.

XII EXERCISE AND PROTECTION OF EMPLOYEES' RIGHTS

Article 66

Unless otherwise stipulated in the law, the rights, obligations and responsibilities of the Belgrade Philharmonic Orchestra's employees shall be regulated by general labour regulations.

The employment status of the Belgrade Philharmonic Orchestra's employees shall be regulated by the law, the collective agreement, the present Statute and internal general legal instruments.

Article 67

Any legal instrument concerning the exercise of rights, obligations and responsibilities shall be delivered to employees in writing, including a statement of reasons and information on legal remedy.

Article 68

Employees of the Belgrade Philharmonic Orchestra shall be guaranteed the freedom of forming trade unions and union activity without prior approval, subject to formal registration of the trade union.

Trade unions shall have the right and obligation to participate in the regulation of the rights and obligations of the Belgrade Philharmonic Orchestra's employees in conformity with the law, the collective agreement, this Statute and internal general legal instruments.

Article 69

The Belgrade Philharmonic Orchestra shall provide trade union organisations with technical and spatial conditions in accordance with the available spatial and financial capacities, and shall enable access to information necessary for trade union activities, in conformity with the law and collective agreements.

XIII PROVISION OF INFORMATION TO THE PUBLIC AND THE EMPLOYEES

Article 70

In its operations, the Belgrade Philharmonic Orchestra shall adhere to the principle of transparency and shall publish its annual work report and the financial operations report on its official website. It may also publish the conclusions of the Management Board sessions, as well as other information of relevance to its employees or the general public.

The Belgrade Philharmonic Orchestra shall provide information to the public regarding its programme activities through the media, by giving press conferences, through its official website and other means as appropriate.

Article 71

The management of the Belgrade Philharmonic Orchestra shall provide information to the employees regarding its work and operations, occupational safety and health and measures towards the improvement of working conditions, as well as about other matters of importance to the employees.

The information referred to in paragraph 1 hereof shall be provided on the notice board and by other appropriate means.

XIV TRADE SECRET

Article 72

Trade secrets shall refer to the documents and data designated as such by a legal instrument adopted by the Management Board at the proposal of the director, the disclosure of which, owing to their nature and importance, would be contrary to the interests and professional reputation of the Belgrade Philharmonic Orchestra, in conformity with the law.

The Management Board may prescribe the procedure for designating and safekeeping trade secrets in a separate decision, in conformity with the law.

The disclosure of these data at sessions of the Belgrade Philharmonic Orchestra bodies shall not be regarded as a violation of the duty to safeguard trade secrets only if such disclosure is required for the purposes of conducting affairs or notifying the bodies.

The person who discloses these data shall forewarn the attending members and all other participants at sessions of the Belgrade Philharmonic Orchestra bodies that these data or documents are considered as trade secrets and that they are obliged to safeguard everything that comes to their knowledge as a trade secret.

Article 73

All employees of the Belgrade Philharmonic Orchestra who come into possession, in any way whatsoever, of any document or data designated as a trade secret shall safeguard its confidentiality.

The obligation to safeguard trade secrets shall continue after the termination of the employment relationship with the Belgrade Philharmonic Orchestra.

XV GENERAL LEGAL INSTRUMENTS

Article 74

The Statute shall be the principal general legal instrument of the Belgrade Philharmonic Orchestra.

The Belgrade Philharmonic Orchestra shall also adopt other general legal instruments, governing specific matters in detail, in the manner stipulated by the Law and this Statute.

Other general legal instruments of the Belgrade Philharmonic Orchestra shall be in conformity with the Law and this Statute.

Specific legal instruments shall be in conformity with the laws, bylaws and general legal instruments.

Article 75

The following general legal instruments shall be adopted by the Belgrade Philharmonic Orchestra:

- Rules on Organisation and Job Classification;
- Single-employer Collective Agreement or Labour Rulebook, as appropriate;
- Rules on Occupational Safety and Health;
- Rules on Fire Protection;
- Rules on the Organisation of Accounting;
- Rules on Auditions;
- Rules on the Use of Instruments;
- Rules on Office and Archiving Operations;
- Rules on the Whistleblowing Procedure;
- other general legal instruments the adoption of which is stipulated by laws, bylaws, the Statute and business requirements.

Article 76

The Statute shall be the principal general legal instrument governing the most important matters and relations in the Belgrade Philharmonic Orchestra.

The Statute shall be adopted by the Management Board.

Upon adoption, the Statute shall be submitted to the Ministry for approval.

A proposal for amendments to the Statute may be submitted by the Management Board and the director.

A proposal for amendments to the Statute shall be considered at the first session of the Management Board held following its submission.

Amendments to the Statute shall be made in the manner and according to the procedure for its adoption.

Article 77

The Rules on Organisation and Job Classification shall be adopted by the director and submitted to the Ministry for approval.

The Labour Rulebook shall be adopted by the director if the Single-employer Collective Agreement is not concluded, in accordance with the provisions of the Labour Act.

Article 78

General legal instruments of the Belgrade Philharmonic Orchestra shall be amended in the manner and according to the procedure for their adoption.

Following the entry into force of each amendment to the general legal instrument of the Belgrade Philharmonic Orchestra, the Secretary, or another employee authorised by the Secretary, shall make a consolidated version of the text, which shall then be signed by the adopting body/person. Interpretation of the provisions of general legal instruments shall be provided by the adopting body.

As a rule, general legal instruments of the Belgrade Philharmonic Orchestra shall enter into force on the eighth day following their publication on the notice board, unless otherwise provided for by the instrument in question.

V TRANSITIONAL AND FINAL PROVISIONS

Article 79

The existing general legal instruments adopted before the entry of this Statute into force shall remain in force and shall be applied unless they are contrary to the Law and this Statute.

Article 80

On the day of entry of this Statute into force, the Statute of the Belgrade Philharmonic Orchestra No 1634/1 dated 10 June 2011 shall cease to have effect.

Article 81

Following the approval of the Ministry, this Statute shall enter into force and its application shall commence on the eighth day following its publication on the notice board of the Belgrade Philharmonic Orchestra.

Chair of the Management Board

Prof. Ana Trbović, PhD

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