

**L A W**  
**ON AMENDMENTS TO THE**  
**LAW ON ORGANIZATION OF COURTS**

**Article 1**

In the Law on Organization of Courts ("The Official Gazette of the Republic of Serbia" No. 116/08, 104/09, 101/10, 31/11 – other Law, 78/11 – other Law, and 101/11), Article 6 shall be changed to read as follows:

"Article 6

Use of public office and public appearance that may influence the course and outcome of judicial proceedings are prohibited in order to maintain the authority and impartiality of the courts.

Any other form of influence on the courts shall be prohibited, as well as pressure on participants in the proceedings."

**Article 2**

After Article 8, titles of Articles 8a to 8v shall be added to read as follows:

"Protection of the right to trial within a reasonable time

Article 8a

A party in court proceedings who deems that his/her right to trial within a reasonable time has been violated may submit a motion for protection of the right to trial within a reasonable time to the directly higher court.

The motion referred to in paragraph 1 herein may also be used to seek compensation for the violation of the right to trial within a reasonable time.

If the motion concerns the proceedings conducted before the Appellate Commercial Court, Appellate Misdemeanor Court or the Administrative Court, the Supreme Court of Cassation shall decide on said request.

The decision regarding the motion referred to in paragraph 1 hereof shall be urgent procedure.

Decision upon motion for protection of the right to trial within a reasonable time

Article 8b

If a directly higher court establishes that the motion of the petitioner is grounded, it may define the appropriate compensation for the violation of the right to trial within a reasonable time and define the period during which the lower court shall terminate the proceedings in which violation of the right to trial within a reasonable time was committed. The compensation referred to in paragraph 1 hereof shall be paid from the Budget of the Republic of Serbia within a period of three months from the day when the party submitted his/her request for payment.

An appeal against the decision related to the request for protection of the right to trial within a reasonable time may be lodged to the Supreme Court of Cassation within a period of 15 days.

Subsidiary application of the  
Law on Extra-Judicial Proceedings

Article 8v

Provisions of the Law which regulate extra-judicial proceedings shall be applied accordingly concerning the procedure for protection of the right to trial within a reasonable time and the compensation for the violation of the right to trial within a reasonable time.”

**Article 3**

The title of Article and Article 9 shall be changed to read as follows:

“Cooperation of the courts and other authorities

Article 9

The courts shall provide legal assistance to each other and cooperate, while other government authorities and organizations shall give the courts necessary data.

The courts may send to other government authorities files and documents, i.e., photocopies that are necessary to conduct proceedings, in accordance with special regulations, only when this does not impede judicial proceedings.”

**Article 4**

In Article 17, paragraph 2, after the word “High” a comma and the word “Commercial” shall be added.

**Article 5**

In Article 19, paragraph 3, after the word “activities” there shall be a comma and words: “in accordance with the annual work schedule of the court”.

Paragraph 4 shall be deleted.

**Article 6**

Article 21 shall be deleted.

**Article 7**

Article 23 shall be changed to read as follows:

“Article 23

In the first instance, the higher court shall:

1. Adjudicate criminal offenses punishable, as the principal sanction, by a term of imprisonment exceeding ten years;

2. Adjudicate criminal offenses against humanity and other assets protected by international law, against the Armed Forces of Serbia; disclosing of a state secret; disclosing of an official secret; criminal offense listed in the Law which regulates the

data secrecy; incitement to violent change of constitutional order; provoking of national, racial and religious hatred and intolerance; violation of territorial sovereignty; conspiracy for the purpose of anti-constitutional activity; damaging the reputation of the Republic of Serbia; damaging the reputation of a foreign state or international organization; money laundering; violation of law by a judge, public prosecutor and his/her deputy; endangerment of air traffic safety; manslaughter; rape; sexual intercourse with a helpless person; sexual intercourse through abuse of position; abduction; trafficking of minors for the purpose of adoption; violent behavior at a sports event and public gathering; taking a bribe; abuse of office by the responsible person (Article 234, paragraph 3 of the Criminal Code), ; malfeasance in public procurements (Article 234a paragraph 3 of the Criminal Code);

3. Adjudicate in criminal proceedings against minor offenders of criminal offenses;

4. Decide on the appeal to suspend a security measure or legal effects of conviction for criminal offenses under its jurisdiction;

5. Decide on motions for rehabilitation;

6. Decide on prohibition of distribution of printed media and dissemination of information through the mass media;

7. Adjudicate in civil litigations when the value of the subject of dispute provides audit statement; in disputes on copyrights and other related rights on protection and use of inventions; industrial design, models, samples, hallmarks, geographical identifications, topographies of integrated circuits i.e. topographies of semi-conductor products and rights of breeders of plants varieties unless under the jurisdiction of another court; in disputes on denying or proving of paternity and maternity; in disputes for protection from discrimination and harassment on the job; in disputes on the publishing of correction of information, and respond to information due to violation of prohibition of hate speech; protection of the right to a private life, i.e., the right to personal record, omission to publish information and compensation for damages related to publishing of information;

8. Adjudicate in disputes on strikes; collective agreements if the dispute is not resolved through arbitration; on mandatory social insurance unless under the jurisdiction of another court; on registry records; appointment and dismissal of bodies of legal entities unless under the jurisdiction of another court.

In the second instance, the higher court shall decide on appeals against decisions of the basic courts:

1. on imposing measures for securing the presence of the defendant.

2. for criminal offenses for which a fine and a prison term of up to five years and five years are stipulated;

3. on decisions in civil disputes; on judgments in small claims disputes; in extra-judicial proceedings.

A higher court shall conduct proceedings for extradition of indicted and convicted persons, provide international legal assistance in procedures for criminal offenses from its jurisdiction, enforce a criminal verdict of a foreign court, decide on recognizing and enforcing foreign courts' and arbitration decisions unless under the jurisdiction of another court, decide on conflicts of jurisdiction of the basic courts from its territory, provide and render assistance and support to witnesses and injured parties, and perform other tasks set forth under the law

The Law may provide that in certain types of legal affairs only a certain higher court may act."

### **Article 8**

In Article 24, paragraph 3 shall be added to read as follows:

“The appellate courts shall hold joint meetings and notify the Supreme Court of Cassation to discuss disputable issues relevant for the functioning of the courts in the Republic of Serbia and the standardization of the case law.”

### **Article 9**

Article 25 shall be changed to read as follows:

#### “Article 25

In the first instance, a commercial court shall adjudicate:

1. In disputes between domestic and foreign commercial companies, enterprises, cooperatives and entrepreneurs and associations thereof (commercial entities), in disputes between the commercial entities and other legal entities relating to the conduct of business activities of commercial entities, even when one of the parties in the aforementioned disputes is a natural person if there is a substantive intervener in the case;

2. In disputes on copyright and other related rights and protection and use of inventions, industrial design, models, samples, hallmarks, designation of geographic origin, integrated circuits topography, i.e., semi-conduct products topography, and products that serve to improve plant varieties, when such disputes occur between the entities from item 1 hereof, ; in disputes relating to enforcing and securing decisions from the jurisdiction of commercial courts, and in disputes relating to decisions of chosen courts only when passed in disputes referred to in item 1 hereof;

3. In disputes resulting from application of the Law on Companies or application of other regulations on the organization and status of commercial entities, as well as in disputes on the application of regulations on privatization and securities;

4. In disputes relating to foreign investment; ships and aircraft, sailing at sea and inland waters and disputes involving maritime and aeronautical law, except for disputes relating to passenger transport; protection of the company name; registration in the court register; related to reorganization, court and voluntary bankruptcy and liquidation, except in disputes for determination of existence of the beginning and ending of employment, initiated prior to the initiation of bankruptcy proceedings.

In the first instance, a commercial court shall conduct the proceedings for registration in the court register of legal entities and other entities unless under the jurisdiction of another authority; conduct bankruptcy and reorganization proceedings; order and conduct enforcement in accordance with authentic documents when related to persons referred to in item 1, paragraph 1 hereof; rule on and conduct the enforcement and securing of decisions of commercial courts, and decisions of chosen courts only when issued in lawsuits specified in item 1, paragraph 1 hereof ; decide on recognizing and enforcement of foreign courts' and arbitration decisions taken in disputes referred to in item 1, paragraph 1 hereof ; decide on enforcement and securing on ships and aircraft; conduct extra-judicial proceedings deriving from application of the Law on Companies.

In the first instance, a commercial court shall decide on commercial offenses and relative thereto on termination of a protective measure or the legal effect of conviction.

The Law may provide that in certain types of legal affairs only a certain higher court may act.”

### **Article 10**

Article 27 shall be changed to read as follows:

“Article 27

In the first instance, a misdemeanor court shall adjudicate misdemeanor proceedings unless an administrative body has competence, provide international legal assistance within its jurisdiction and perform other tasks set forth by the law.”

### **Article 11**

The title of Article and Article 28 shall be changed to read as follows:

“7. Jurisdiction of the Appellate Misdemeanor Court

Article 28

The Appellate Misdemeanor Court shall decide on appeals against the decisions of first instance misdemeanor courts, on appeals against the decisions of administrative bodies rendered in the misdemeanor proceedings on conflict and transfer of territorial jurisdiction of misdemeanor courts, and perform other tasks set forth by the law.”

### **Article 12**

In Article 29, paragraph 2 shall be changed to read, as follows:

“The Administrative Court shall provide international legal assistance within its jurisdiction and perform other tasks set forth by the law.”

### **Article 13**

In Article 31, the words: “determines general legal views in order to ensure a uniform application of law by courts” shall be replaced by the words: “secures uniform application of law by courts and equal positions of the parties in the court proceedings”.

### **Article 14**

In Article 32, the word: “three” shall be replaced by the word “five”.

### **Article 15**

In Article 33, paragraph 1, the words “and all general legal views” are deleted.

### **Article 16**

In Article 37, following paragraph 1, paragraph 2 shall be added to read as follows:

“A session of the court unit shall be convened at the request of one third of the unit judges”.

Former paragraph 2 shall become paragraph 3.

### **Article 17**

In Article 44, paragraph 1, the words: “adopts general legal views” are deleted.

### **Article 18**

Article 45 is deleted.

### **Article 19**

In Article 51, after paragraph 1, a new paragraph 2 shall be added to read as follows:

“In the court administration of the higher courts, as well as in other courts identified by the High Court Council, a Service to provide support and assistance to witnesses and injured parties may be organized.”

Former paragraph 2 shall become paragraph 3.

### **Article 20**

In Article 53, paragraph 1 shall be changed to read as follows:

“A Court President may delegate certain court administration tasks to the Deputy Court President, to the Presidents of Units and to the Court Administrator.”

### **Article 21**

Article 55 shall be changed to read as follows:

#### **“Article 55**

Once a party or another participant in a proceeding files a complaint, the Court President shall take it under consideration, submit it for explanation to the judge the complaint refers to, and notify the complainant on its admissibility and the measures that have been taken, within a period of fifteen days from the day of receipt of the complaint.

The Court President may reject a complaint, completely or a certain part of it, if he/she establishes that the applicant is misusing the right to a complaint.

It shall be deemed that the complainant is misusing the right to a complaint if the content of the complaint is predominantly of insulting nature or if he/she files a complaint similar to or the same as one that has already been decided upon.

If the complaint is not comprehensible, the Court President shall order the complainant to correct it within a period of eight days from the day of receipt of the order; should the applicant fail to do so, the Court President shall reject the complaint.

If the complaint is filed through the Ministry in charge of the judiciary, the immediately higher court or the High Judicial Council, the authority through which the complaint was filed shall be notified of the admissibility of the complaint and the measures that have been taken.

”

## **Article 22**

Following Article 55, the title of Article and Article 55a shall be added to read as follows:

“Court Manager

Article 55a

Courts of the Republic level, the Appellate Court and courts with 30 and more judges shall have a Court Manager.

If the seat of more courts that do not fulfill the conditions referred to in paragraph 1 hereof are located in one place, these courts shall have a common Court Manager who is allocated to court of general jurisdiction of the highest instance in that place.

Notwithstanding paragraph 1 herein, if several courts are located in the same building, they may have a common Court Manager who is appointed pursuant to the agreement of the presidents of these courts.

The Court President shall entrust the performance of material-financial and organizational-technical tasks to the Court Manager.

Activities of the Court Manger shall be regulated in greater detail in the Court Rules of Procedure .

The Court Manager shall be responsible for the tasks entrusted to him/her by the Court President.”

## **Article 23**

Article 56 shall be changed to read as follows:

“Article 56

The court shall have a Court Secretary.

The Court Secretary shall assist the Court President in the performance of court administration tasks, in accordance with the Court Rules of Procedure.

If a court does not have a Court Manger, the Court President may entrust the organizational-technical tasks to the Court Secretary.”

## **Article 24**

In Article 58, following paragraph 1, paragraph 2 is added and shall read as follows:

“The procedure for the admission of judicial assistants shall be regulated in greater detail in the act of the Minister in charge of the judiciary.”

## **Article 25**

In Article 60, paragraph 2 shall be changed to, as follows:

“The position of Court Advisor shall exist in the Republic level courts and appellate courts”.

### **Article 26**

In Article 65, paragraph 3 shall be deleted

Former Article 4 shall become paragraph 3.

After paragraph 3, paragraph 4 shall be added to read as follows:

“The procedure for the admission of judicial trainees shall be regulated in greater detail in the act of the Minister in charge of the judiciary.”

### **Article 27**

Article 70, paragraphs 3 and 4 shall be changed to read as follows:

“Judicial Administration tasks performed by the High Judicial Council are: issuing of instructions for the preparation of court performance reports; determination of general guidelines for the internal court organization; maintaining of personal records on judges, lay judges and court staff; proposing the part of the budget for the work of courts for current expenses, except for expenses for court staff and maintenance of equipment and facilities, as well as allocation of these funds; oversight of authorized spending of budget funds and oversight of financial and material operations of courts.

Judicial administration tasks performed by the Ministry in charge of the judiciary are: monitoring of the work of courts; collecting statistics and other data on courts' performance; approval of court rules on internal organization and job classification; supervision of actions taken in proceeding within the given time limits and actions taken in proceeding on complaints ; proposing of the part of the budget intended for court staff expenses and fore maintenance of equipment and facilities expenses, as well as allocation of these funds; proposing the part of the budget intended for investments, projects and other programs for operation of judicial authorities; taking care of spatial requirements, equipment supply and security of courts; oversight of financial and material operations of courts and the High Judicial Council; organization and development of the judicial IT system;; development and implementation of capital projects and other programs for judicial authorities; appointment and dismissal of expert witnesses and court interpreters.”

### **Article 28**

In Article 73, paragraph 2, after the word “career”, comma shall be replaced by the word “and”. Words “and other data” shall be deleted.

After paragraph 3, a new paragraph 4 shall be added to read as follows:

“A judge is entitled to access his/her personal record and file an objection to the High Judicial Council regarding its content.”

Former paragraph 4 shall become paragraph 5.

### **Article 29**

Article 74, paragraph 1 shall be changed to read as follows:

“The Court Rules of Procedure prescribe the court internal organization and operation, in particular: organization and work of units and other internal organizational court units; work of the joint session of the departments and the session of all judges; informing the public about the work of the courts; conducting proceedings and providing decisions in the languages of national minorities; providing legal aid and holding court days; providing international legal assistance; keeping records, summoning and assigning lay judges; trainee practices; the manner



in which court staff should interact with parties; keeping court registries and other official books; document management; acting on briefs and complaints ; keeping statistics and drafting reports on work; collection of fines, costs of criminal proceedings and seized property gain; activities involving court deposits; introduction of joint services in locations with several courts and other judicial bodies; the dress code for judges, court staff, parties and other participants in the court proceedings and all other persons doing business in a court, as well as other issues concerning the organization and operation of the courts that the law stipulates should be regulated by the Court Rules of Procedure.” .

### **Article 30**

In Article 11, paragraph 4, in Article 13, paragraphs 1 and 2, in Article 15, paragraphs 1 and 2, in Article 36, paragraph 2, to the title of the Section 3, above Article 39 and in Article 39, paragraph 3 the words: “Higher Misdemeanor Court” in any grammar case used, are replaced by the words: “Appellate Misdemeanor Court” in appropriate grammar case.

### **Article 31**

Higher courts shall continue to adjudicate in the first instance in cases received prior to the day the implementation hereof begins.

Should a decision in a case from paragraph 1 herein be abolished after the day the implementation here begins, the proceedings shall continue before a competent court in accordance with the provisions herein.

Appellate courts shall continue to adjudicate in the second instance in cases received prior to the day the implementation hereof begins.

Should a decision in cases referred to in paragraph 3 hereof be abolished after the day the implementation hereof begins, the proceedings shall continue before a competent court in accordance with the provisions herein.

By the date new Law on Misdemeanors (“Official Gazette of the RS”, no. 65/12) starts to be implemented, misdemeanor courts shall continue to adjudicate in proceedings upon appeals against the decisions rendered in misdemeanor proceedings by administration authorities.

On the day the implementation hereof begins, the Higher Misdemeanor Court shall continue to operate under the title Appellate Misdemeanor Court.

The Court Mangers shall be appointed within six months from the day the implementation hereof begins.

### **Article 32**

The competencies of the Ministry in charge of the judiciary referred to in Article 57, paragraph 3, Article 70, paragraphs 2, 4 and 5, Article 74, paragraph 2 and Article 75, paragraph 1, item 1, shall be assumed by the High Judicial Council as of June 1, 2016.

The competencies of the Ministry in charge of the judiciary prescribed in Articles 83 and 84 shall cease on June 1, 2016.

The High Judicial Council shall assume the rights, liabilities, cases and the archive necessary for performing the assumed activities referred to in paragraph 1 herein from the Ministry in charge of the judiciary as of June 1, 2016. The High Judicial Council shall also take over the civil servants and state employees of the Ministry in charge of the judiciary who work on the activities falling under the assumed scope of works as of June 1, 2016.

### **Article 33**

This Law shall come into force the day after its publishing in "The Official Gazette of the Republic of Serbia" and shall be implemented as of January 1, 2014, with the exception of Article 2 which shall be implemented following the expiration of the period of six months from the day this Law becomes effective.