



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Serbia

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants (if possible on 1 January 2013)

7 199 077

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	14 345 000 000
Regional / federal entity level (total for all regions / federal entities)	2 475 000 000

##### 3) Per capita GDP (in €)

4 158

##### 4) Average gross annual salary (in €)

6 096

##### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

113,1277

##### A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Question 1, 3 and 4 - Statistical Office of The Republic of Serbia

Question 2 - Report of the Ministry of Finance

Question 5 - Report of the Ministry of Finance in accordance with report of the National bank of Serbia

Questions 1-5 – These data do not include data concerning Province of Kosovo and Metohija

#### 1. 1. 2. Budgetary data concerning judicial system

##### 6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	177 981 291
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	137 208 931
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)		NA
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.		NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	15 538 160
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education		NAP
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	25 234 200

##### 7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from

**the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

We do not have data about the budget for legal aid, because that part of budget is not specifically accounted according to the Regulation on standard classified framework and plan of accounts for budgeting system. It is not regulated by the Budget Law, what is the total budget for work of the public prosecutors.

[E-mail from the NC sent on 25 April 2014: The category "other" relates to reimbursement for the unelected judges according to the decision of the Constitutional court of Serbia, services on the base of the contract, travelling costs, taxes, fees and fines and staff expenses as: transportations reimbursements (separate life, pension of judges, visit to the family), social benefits and jubilee awards).]

**8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

for criminal cases?

for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

The Law on Court Taxes prescribes that the state and state institutions are exempted of court taxes. An individual can be exempted from court fees on the grounds of his/her indigence.

**8.1) Please briefly present the methodology of calculation of courts fees?**

Court fees are calculated in accordance with the Law on court fees.

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

According to the Law on court fees, the lawsuit and a countersuit filed before the court of general jurisdiction, the fee is paid according to the value of the dispute, and to over EUR 1,000.00 to EUR 5,000.00 value - 100.00 eur + 2% of the value of the dispute.

**9) Annual income of court taxes or fees received by the State (in €)**

107 047 455

**12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	NA
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .**

.  Amount 15 498 237

Comment :

The total sum is 1.768,348,837.00 dinars. Total committed funds for salaries of public prosecutors, contributions to solidarity support, jubilee awards and material costs of the appeal, the higher and basic public prosecutors. The above budget does not include pays for prosecutorial staff and equipment and investment because this is in the jurisdiction of the Ministry of Justice and Public Administration.

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	No	No	No	No
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
High Judicial Council	Yes	No	Yes	Yes
Courts	Yes	No	No	No
Inspection body	NAP	NAP	NAP	NAP
Other	No	No	No	No

**14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

The Ministry of Finance

**A.2 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

[Q6 : E-mail from the NC sent on 14 April 2014: The total annual approved budget allocated to the functioning of all courts, the annual public budget allocated to (gross) salaries, the annual public budget allocated to court buildings and the annual public budget allocated to the category "other" have considerably increased compared to data provided for 2010. These changes are justified by the inflation in Serbia, as well as by the increase of the number of judges and employees.]

**Please indicate the sources for answering questions 6, 9, 12 and 13.**

The source for answering to questions is Law on Amendments and Additions to the Budget Law.

1. 1. 3. Budgetary data concerning the whole justice system

**15) The following data would be useful for information**

**15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

NA

258 883 193

**15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

Court (see question 6)	Yes
Legal aid (see question 12)	NAP
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Constitutional court	No
Judicial management body	NAP
State advocacy	NAP
Enforcement services	Yes

Notariat	NAP
Forensic services	NAP
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

## Comment :

[E-mail from the NC sent on 14 April 2014: The free legal aid is a broader term and it does not refer only to judicial system. Consequently, the "legal aid" could not be considered as a component of the budget allocated to the whole justice system.]

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

#### 17) Does legal aid include the coverage of or the exemption from court fees?

- Yes  
 No

If yes, please specify:

The court shall exempt a party from the liability of paying the costs of the proceedings where that party's material situation does not allow them to bear such costs. Exemption from the payment of the costs of proceedings includes exemption from the payment of fees and the deposit for the costs of witnesses, expert witnesses, on-site inspections and court notices. The court may also release a party from the liability of paying fees only, in accordance with a special law. Prior to the decision on exemption on cost of proceeding, the court shall carefully consider all the circumstances, in particular the value of the subject of litigation, the number of persons supported by a party as well as the earnings and property owned by the party and party's family members. The party does not need to pay courts fees. If, the motion is approved, the party will be exempted from payment of costs, in accordance with special laws.

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes  
 No

If yes, please specify:

Free legal aid is provided also in enforcement of judicial decisions in all proceedings.

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

Exemption from the payment of the costs of proceedings includes exemption from the payment of fees and the deposit for the costs of witnesses, expert witnesses, on-site inspections and court notices in accordance with the Law on Contentious Proceedings.

The Criminal Procedure Code stipulates that in the decision in which it decides on costs, the court may relieve a defendant of the duty to indemnify in full or in part the costs of criminal proceedings referred to in Article 261 paragraph 2 items 1) to 6) and item 9) of the Code, as well as the fees of an expert witness and appointed professional consultant, if their payment would bring into question the support of the defendant or a person he is required to support. If these circumstances are established after the issuance of a decision on costs, the president of the panel or individual judge may issue a separate ruling relieving the defendant of the duty to indemnify the costs of criminal proceedings.

#### 20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

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Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those

referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

**20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Number of cases
NAP

Comment :

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

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**Please specify in the "comment" box below.**

Accused individuals	Yes
Victims	Yes

Comment :

The Criteria which currently exist are regulated by the Criminal process Code (CPC). According to CPC, the defence of the indigent persons is regulated by the article 77. A defence counsel shall be appointed for a defendant who because of his financial status cannot afford to pay the fees and costs of the defence counsel at the defendant's request although the reasons for mandatory defence do not exist if the criminal proceedings are being conducted in connection with a criminal offence punishable by a term of imprisonment of over three years, or where reasons of fairness so demand. In this case, the costs of defence shall be borne by the budget of the court. The judge for preliminary proceedings, president of a trial panel or individual judge decides on the request referred to indigent person's defence. The defence counsel is appointed by a ruling issued by the president of the court before which the proceedings are being conducted, according to the order on the roster of attorneys provided by the competent bar. The appointed defence counsel as previously referred has the standing of a court appointed defence counsel. When criminal proceedings are being conducted in connection with a criminal offence punishable by law by a term of imprisonment of over five years, at the request of the subsidiary prosecutor a proxy may be appointed for him, if this is in the best interest of the proceedings and if the financial standing of the subsidiary prosecutor makes it impossible for him to bear the costs of representation. If the minor is injured party with a specified criminal offence a proxy will be appointed for him. If in the cases referred to mandatory defence no defence counsel is chosen, or the defendant is left without a defence counsel during the criminal proceedings, or in the case referred to the situation when the defence counsel of co-defendant charged in the same case with the same criminal offence, unless the authority conducting proceedings concludes that it would not be detrimental to the interests of the defence, or in case of mandatory defence, he fails to agree with co-defendants on a defence counsel or does not select another defence counsel, the public prosecutor or the president of the court before which the proceedings are being conducted shall issue a ruling appointing a court appointed defence counsel for the remaining part of the proceedings, according to the order on the roster of attorneys provided by the competent bar association. When criminal proceedings are being conducted in connection with a criminal offence punishable by law by a term of imprisonment of over five years, at the request of the subsidiary prosecutor a proxy may be appointed for him, if this is in the best interest of the proceedings and if the financial standing of the subsidiary prosecutor makes it impossible for him to bear the costs of representation.

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

Yes

No



**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

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Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	NAP	NAP

Comment :

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

If yes, please explain the exact criteria for denying legal aid:

**25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

the court?

an authority external to the court?

a mixed authority (court and external bodies)?

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

**B.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

It will be decided in every judgment or ruling corresponding to a judgment who will bear the costs of the proceedings and what their amount is.

**Please indicate the sources for answering questions 20 and 23:**

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

**28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.uzzpro.gov.rs www.mpravde.gov.rs www.parlament.gov.rs www.vss.sud.rs
case-law of the higher court/s? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.bg.vi.sud.rs
other documents (e.g. downloadable forms, online registration)? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.prvisud.rs

Comment :

Different types of certificates.

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- Yes  
 No  
 Yes only in some specific situations

If yes only in some specific situations, please specify:

The Court is obliged to conduct the proceedings without delay, in accordance with previously established time frame for undertaking litigious actions, and at the lowest possible cost in accordance with the Civil Procedure Code.

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

- Yes  
 No

If yes, please specify:

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	No	No	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	No	No	No
Ethnic minorities	No	No	No
Disabled persons	No	No	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	No	No

Comment :

Witnesses in the War crimes Proceedings. Courts are required to conduct criminal proceedings to juveniles urgent, The Law on Juvenile Crime Offenders and Criminal Protection of Juveniles regulates legal matter of the Juveniles during the proceedings. A juvenile shall have defence counsel during the first questioning and throughout the proceedings with the presence of psychologist, bodies involved in juvenile proceedings and any other body or institution requested to supply information, reports or opinions shall do so without delay in order to conclude the proceeding speedily, a proxy will be appointed, with expelled of the publicity.

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

Courts are required to conduct criminal proceedings to juveniles urgent, The Law on Juvenile Crime Offenders and Criminal Protection of Juveniles regulates legal matter of the Juveniles during the proceedings. A juvenile shall have defence counsel during the first questioning and throughout the proceedings with the presence of psychologist, bodies involved in juvenile proceedings and any other body or institution requested to supply information, reports or opinions shall do so without delay in order to conclude the proceeding speedily, a proxy will be appointed, with expelled of the publicity. In accordance with Civil Procedure Code the court may exclude the public from the whole trial or its part if it is required by reasons of national security, public security, moral, in the interest of public order, privacy of the parties involved or when directed by law. The court may also exclude the public in case when measures for maintaining of order provided under this law would not secure undisturbed proceedings at the trial. Proceedings regarding family relations shall be urgent especially if they concern a child or parent exercising parental right, the violence in the family and the rights of the child. The Court has to inform the minor about his rights, and to provide the presence of experts during the whole proceedings for example psychologist, pedagogue, social worker, as to protect the security and privacy of the minor. The public is excluded in this type of proceedings.

**32) Does your country allocate compensation for victims of crime?**

- Yes  
 No

If yes, for which kind of offences

A claim for restitution which arose as a result of commission of a criminal offence or of a

wrongful act designated by law as a criminal offence will be considered on a motion by authorised persons in criminal proceedings if those proceedings would not be substantially prolonged thereby.

A claim for restitution may relate to the compensation of damage, return of objects or annulment of a certain legal transaction.

A claim for restitution in proceedings may be submitted by a person authorised to pursue such a claim in civil litigation.

The person is required to designate his claim in a certain manner and to submit evidence.

If due to the criminal offence or wrongful act designated by law as criminal offence damage was inflicted to public property, the authority authorised by a law or other regulation to

look after the protection of this property may participate in proceedings in accordance with the

authorisation it possesses pursuant to that law or other regulation. A claim for restitution is submitted to the authority conducting proceedings.

A claim for restitution may be submitted no later than the conclusion of the main hearing

before the court of first instance.

If an authorised person has not submitted a claim for restitution until the charges are filed, he will be notified that he can submit it by the end of the trial. If due to a criminal offence

or wrongful act designated by law as a criminal offence damage was inflicted to public property,

and no claim for restitution was submitted, the court will notify thereof the authority.

**33) If yes, does this compensation consist in:**

- a public fund?  
 damages to be paid by the responsible person (decided by a court decision)?  
 a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

- Yes  
 No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

Bureaus of expertise continuously monitor, examine the amount of damages that courts award to victims.

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

- Yes  
 No

If yes, please specify:

The authority conducting proceedings is required to protect an injured party or witness from an insult, threat and any other attack. Upon receiving notification from the police or the court or upon learning about the existence of violence or a serious threat directed at an injured party or a witness, the public prosecutor will undertake criminal prosecution or notify the competent public prosecutor thereof.

A public prosecutor or the court may request that the police undertake measures to protect an injured party or a witness in accordance with the law. The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances. The ruling determining a status of an especially vulnerable witness is issued by the public

prosecutor, president of the panel or individual judge. The status of a protected witness may be granted by the court ex officio, or at the request of the public prosecutor or the witness himself. The relevant public prosecutor, investigative judge or president of the court panel may, ex officio or at the motion of a party in the criminal proceedings, submit a request to the Commission to include a party in criminal proceedings and close persons into the Protection Program.

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

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**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

- Yes  
 No  
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

If it means the right of injured party in connection with a criminal offence prosecutable ex officio the public prosecutor to submit an objection to the immediately higher public prosecutor, after the public prosecutor dismisses a criminal complaint, discontinues the investigation or abandons criminal prosecution until the indictment is confirmed,

## 2. 2. 2. Confidence of citizens in their justice system

**37) Is there a system for compensating users in the following circumstances:**

- excessive length of proceedings?  
 non execution of court decisions?  
 wrongful arrest?  
 wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation

(e.g. the amount per day for unjustified detentions or convictions):

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:  
Currently there is a survey conducted by the World Bank on the confidence in the justice system. The judges, prosecutors, lawyers and parties should give answers to these questions. The survey results will be available in the first half of 2014.

**39) If possible, please specify:**

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	Yes

**40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?**

- Yes
- No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complainant, etc.)	Time limit for dealing with the complaint
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	Yes	Yes
Other external bodies (e.g. Ombudsman)	No	No

Comment :

When a party or other participant in a proceeding submits a complaint, the court president is required to take it under consideration and notify the complainant and the president of an immediately higher instance court on its admissibility and any measures undertaken, within fifteen days from the receipt of the complaint.

If a complaint is submitted through the Ministry responsible for the judiciary, a high court or through the High Judicial Council, the Minister, the president of an immediately higher instance court and the High Judicial Council shall be notified of the admissibility of such complaint and the measures undertaken.

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

NA

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	60
42.2 First instance specialised Courts (legal entities)	62
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	129

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.**

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**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	62
Commercial courts (excluded insolvency courts)	16
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	1
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	45

Comment :

Courts of special jurisdiction at 1st instance are minor offences courts and their number is 45.

**44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

If yes, please specify:

THE NEW LAW ON THE SEATS AND TERRITORIAL JURISDICTIONS OF COURTS AND PUBLIC PROSECUTOR'S OFFICES HAS ENTERED INTO FORCE ON 01.01.2014

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
a debt collection for small claims	50
a dismissal	34
a robbery	34

**Please give the definition for small claims and indicate the monetary value of a small claim:**

Small claims, in terms of the provisions of the Civil Procedure Code, shall mean

monetary claims not exceeding the amount of 3.000 euros in dinar counter-value according to the middle exchange rate of the National Bank of Serbia on the day the lawsuit was submitted.

In commercial disputes, small claims shall be claims not exceeding the amount of 30,000 Euros dinar counter-value according to the median exchange rate of the National Bank of Serbia on the day the lawsuit was submitted.

**Please indicate the sources for answering questions 42, 43 and 45:**

LAW ON THE SEATS AND TERRITORIAL JURISDICTIONS OF COURTS AND PUBLIC PROSECUTOR'S OFFICES AND LAW ON ORGANISATION OF COURTS

3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	2916	896	2020	
1. Number of first instance professional judges	2228	652	1576	
2. Number of second instance (court of appeal) professional judges	654	230	424	
3. Number of supreme court professional judges	34	14	20	

Comment :

Data were provided on 15.10.2013:

Number of the Judges at 1st Instance courts includes judges of the basic courts (1499), of the offences courts (523), commercial courts (169) and the Administrative Court (37).

Number of the Judges at 2st Instance courts includes judges of the higher courts (206), of the appellate courts (206), the High Minor Offences Court (60) and the the Commercial Appellate Court (31).

Number of the Judges of the Supreme Court of Cassation (34).

[E-mail from the NC sent on 14 April 2014: The increase of the number of Supreme Court professional judges compared to data for 2010 is justified by the fact that following Constitutional court rulings, previously non –appointed judges and prosecutors were reappointed.]

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	129	58	71	
1. Number of first instance court presidents	96	34	62	
2. Number of second instance (court of appeal) court presidents	32	23	9	
3. Number of supreme court presidents	1	1	0	

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).**

-----

**Please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**  
-----

**If such non-professional judges exists in your country, please specify it in the "comment" box below:**

Gross figure

NA

Comment :

**50) Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

If yes, for which type of case(s)?

In certain criminal and civil proceedings trial is carried by a professional judge and jury which consists of 2-3 citizens who are not professionals.

**51) Number of citizens who were involved in such juries for the year of reference:**

NA

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)  Yes (among which women) 10 345

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars  Yes (among which women) 4 558

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)  Yes (among which women) 3 533

4. Technical staff  Yes (among which women) 2 254

5. Other non-judge staff NAP

Comment :

[E-mail from the NC sent on 14 April 2014: According to the data submitted for 2012, the total number of non-judicial staff, whose task is to assist the judge (4558), represents permanent employees. This refers to the following positions: judicial assistant, trainee judge, court clerk and typist.

The 2010 total number of non-judicial staff employed in courts included both temporary and permanent employees, thus the number is higher than in 2012.

The 2010 number of non-judicial staff, whose task is to assist the judge, represented employees in the following positions: judicial assistant, trainee judge and the court clerk, whereas the typists were not included. Namely, the court clerk is present at the trial and keeps the court record, while the typist types court decisions by listening to the voice recorder, which means that he/she does not directly attend the trial. For this reason, this position was not included in the total number of non-judicial staff in 2010. In 2010 the number of persons employed as typists was shown within the total number under the Item 3. Staff responsible for various administrative duties and court management.

However, further consideration proved that it is necessary to include typists in the total number of non-judicial staff who assist the judge, considering that they also participate in making judicial decisions and thus help the judge in his/her work. Note that in the year 2012 there were 1797 court clerks and 1097 typists.]



**53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:**

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

Yes

No

If yes, please specify:

**C1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

The answers were provided by the High Judicial Council.

### 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	659	294	365	
1. Number of prosecutors at first instance level	569	241	328	
2. Number of prosecutors at second instance (court of appeal) level	65	35	30	
3. Number of prosecutors at supreme court level	12	6	6	

Comment :

This data represent the total number of deputy public prosecutors perform the function on 31 December 2012, in accordance to Decision on the provisional number of deputy public prosecutors ( "Official Gazette of RS " No. 91 /2012). On the basis of this decision have been systematized 717 of deputy public prosecutors in Serbia. Totally on 31.12.2012 659 positions of deputy public prosecutors are filled. It is accounted in the total number of deputy public prosecutors seven deputies of the Prosecutor's Office for Organized Crime , of which 6 males and 1 female deputy.

[E-mail from the NC sent on 14 April 2014: The number of prosecutors at Supreme Court level has decreased in a significant way compared to 2010 as a consequence of the Decision of the National Council of Prosecutors on the provisional number of deputy public prosecutors ("Official Gazette of RS " No. 91 /2012) adopted following the decisions of the Constitutional Court VIIIY-412/2011 and VIIIY-421/2011 from 18 July 2012.]

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	65	44	21	
1. Number of heads of prosecution offices at first instance level	60	40	20	
2. Number of heads of prosecution offices at second instance (court of appeal) level	4	4		
3. Number of heads of prosecution offices at supreme court level	1		1	

Comment :

Data represent the total number of public prosecutors on 31 December 2012.

Prosecutor's Office for Organized Crime has male public prosecutor, as well as the Prosecutor's Office for War Crimes.

There is 58 elected public prosecutors on 31.12.2012. There is 9 acting prosecutors on 31.12.2012, 2 of them being the prosecutor at the Basic Public Prosecutors office one male and one female. At the higher prosecutors office are 4 males, and at the appellation public prosecutor's office there are 2 males. Total number of the acting prosecutors is 9, among them there are eight men and one female. [E-mail from the NC sent on 14 April 2014: There is only one prosecutor at Supreme Court level and that is Republic's Public Prosecutor.]

**57) Do other persons have similar duties to public prosecutors?**

- Yes  
 No  
 NA

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

Public prosecutors assistants could act during the proceedings when they have a permission of the public prosecutors.

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

- Yes  
 No

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number  NA 1088  
 Among which women  NA

**C2 You can indicate below:**

- Any useful comments for interpreting the data mentioned in this chapter
- The characteristics of your judicial system and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 55, 56 and 60.**

The data are from the State's Prosecutorial Council.

3. 1. 4. Management of the court budget

**61) Who is entrusted with responsibilities related to the budget within the court?**

-----  
 If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	No	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	No	Yes	Yes

Comment :

Head of the Financial service of the Court.

[E-mail from the NC sent on 25 April 2014: The Head of the financial service of the Court is the authority endowed with the competence of arbitration and allocation of the budget within courts.]

### 3. 1. 5. Use of Technologies in courts

#### 62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of caselaw	+50% of courts
Electronic files	+50% of courts
E-mail	100% of courts
Internet connection	100% of courts

#### 63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	+50% of courts
Financial information system	100% of courts
Videoconferencing	-10% of courts

#### 64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

-----

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	+50% of courts
Electronic registers	100% of courts
Electronic processing of small claims	-10% of courts
Electronic processing of undisputed debt recovery	-10% of courts
Electronic submission of claims	0 % of courts
Videoconferencing	-10% of courts
Other electronic communication facilities	0 % of courts

Comment :

#### 65) The use of videoconferencing in the courts (details on question 63).

-----

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

The Constitution of the Republic of Serbia regulates under the article 16 that Generally accepted rules of international law

and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly. Serbia has ratified the Second Added Protocol with the European Convention on mutual assistance in Criminal matters which gives in accordance to article 9 the possibility of using of the conference call. The Law on international mutual assistance in Criminal matters and the Criminal Proceedings Law provides possibility of using the conference call.

In accordance with Civil Procedure Code the Court may decide by a decision in its official capacity or at proposal of the parties to examine a witness by video link, phone conference connection, by using equipment for audio or video recording. In accordance with Criminal Procedure Code the authority conducting proceedings may order that the undertaking of an evidentiary or other action be recorded by a device for audio or video recording.

**C3 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Performance and evaluation

**66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes  
 No

If yes, please indicate the name and the address of this institution:

The Supreme court of cassation, Belgrade, Nemanjina 9 street, Ministry of Justice and Public Administration, Nemanjina 22-26 street, High Juudicial Council, Resavska 42 street, Public Prosecutor Office, Nemanjina 22-26 street

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

- Yes  
 No, only in an intranet website  
 No

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- Yes  
 No, only in an intranet website

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

- number of incoming cases?  
 number of decisions delivered?  
 number of postponed cases?  
 length of proceedings (timeframes)?  
 other?

If other, please specify:

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

- Yes  
 No

If yes, please specify:

According to the Courts Rules of Procedure, Courts quarterly, semi-annually, annually and three-year period prepare a reports about the work of the court generally, about the work of the courts departments and the judges under prescribed uniform methodology and submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports.

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

- Yes  
 No

**71) Please select the 4 main performance and quality indicators that have been defined:**

- incoming cases  
 length of proceedings (timeframes)  
 closed cases  
 pending cases and backlogs  
 productivity of judges and court staff  
 percentage of cases that are processed by a single sitting judge  
 enforcement of penal decisions  
 satisfaction of court staff  
 satisfaction of users (regarding the services delivered by the courts)  
 judicial quality and organisational quality of the courts  
 costs of the judicial procedures  
 other:

If other, please specify:

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes  
 No

**73) Who is responsible for setting the targets for each judge?**

- executive power (for example the Ministry of Justice)?  
 legislative power  
 judicial power (for example a High Judicial Council, Higher Court)  
 President of the court  
 other

If other, please specify:

**74) Are there performance targets defined at the level of the court (if no please skip to question 77)?**

- Yes  
 No

**75) Who is responsible for setting the targets for the courts?:**

- executive power (for example the ministry of Justice)?  
 legislative power  
 judicial power (for example a High Judicial Council, Higher Court)  
 President of the court  
 other

If other, please specify:

**76) Please specify the main targets applied to the courts:**

Efficiency, quality, independence, transparency, accountability

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary  
 Ministry of Justice  
 Inspection authority  
 Supreme Court  
 External audit body  
 Other

If other, please specify :

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes  
 No

If yes, please specify:

Percent of the confirmed judgement, abolished judgement, altered first instance judgements.

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes  
 No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?**

- in civil law cases  
 in criminal law cases  
 in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

The number of cases and the length of the proceedings is monitored. The reports about the number of ended cases for these legal matters and the number of pending cases for the above mentioned matters, specified at the level of the court, and specified to the judge are being prepared.

The duration of the procedure for the basic, higher and the appellate courts are divided into periods: less than one year, less than 2 years, less than 5 years, less than 10 years, more than 10 years. The lengths of the proceedings in the Commercial Court of Appeal and commercial courts are: less than 1 year, less than 3 years, less than 5, less than 10 years, more than 10 years.. In misdemeanour courts the length of proceedings observation period can be: less than 3 months, from 3 to 6 months, from 6 to 12 months and over 12 months ( Court Rules of Procedure).

The number of the backlog is monitored by date of the initial document. In this report, the duration of the procedure for basic and higher courts are monitored periodically: from 9 months to 1 year for the matter of investigation, from 1 year to 2 years for the matter of investigation, from 2 to 3 years, from 3 to 5 years, from 5 to 10 years, and over 10 years. For the courts of appellation, the Commercial Court of appellation, the commercial courts and the Administrative Court it is monitored the length of proceedings in the period from 2 – 3, 3 – 5, 5 - 10, and over 10 years.

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**  
-----

**This question does not concern the specific evaluation of performance indicators.**

- Yes  
 No

Please specify the frequency of the evaluation:

According to the Courts Rules of Procedure, the president of the higher court can arrange the inspections of the lower courts under its territorial jurisdiction. During the inspections of the lower courts, he may request information regarding the implementation of law and information about some problems which could come up during the courts proceedings.

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

- Yes  
 No

If yes, please give further details:

There are periodically and annual statistical reports about work of the Public Prosecutor's Office. The State Prosecutorial Council has developed a Draft Regulation on criteria for evaluating the work of public prosecutors and deputy of public prosecutors.

The Regulations on Administration of the Public Prosecutor's Office in article 49 provides the right of the public prosecutor's office to supervise and direct the lower public prosecutor's office in the manner prescribed by law, to be responsible for the unique operations of public prosecutions in their area and help them in reviewing their work, holding conferences and meetings, giving opinions and guidance in some other ways .

**C.4 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

NA

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

- Yes  
 No

Number of successful challenges (in a year):

NA

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

**Please indicate the sources:**

**D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter**

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

- civil cases?  
 criminal cases?  
 administrative cases?  
 there is no specific procedure

If yes, please specify:

The Law on Non-contentious Procedure stipulates that the proceedings of removal of legal capacity, of extension of parental rights, of determining compensation for expropriated real property are urgent.

In accordance with the Civil Procedure Code the court shall always pay special attention to the need for urgent solving of labor disputes. In actions related to trespassing, the court

shall always pay special attention to the need for urgent solving of disputes, taking into account the circumstances of each case. The proceedings in family relations are also urgent in accordance with the Family Code.

In accordance with the Criminal Proceedings Code courts are required to conduct criminal proceedings without delays and to prevent all abuses of law aimed at delaying proceedings.

Criminal proceedings against a defendant who is in detention are urgent.

**88) Are there simplified procedures for:**

- civil cases (small disputes)?



- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

According to Civil Proceedings code in the process of low-value disputes, a complaint is not submitted to the defendant to answer. With the summons to the defendant a lawsuit will be sent to him/her. In these cases, preliminary hearing is not scheduled to be held. According to Criminal Proceedings code summary proceedings will be applied in proceedings for criminal offences for which a fine or a term of imprisonment of up to eight years or fine is prescribed as the principal penalty, in the actions taken with a private lawsuit, and in proceedings of hearing for the imposition of a criminal sanction in accordance with article 512-518 of Criminal Proceedings Code, the plea agreement, deferring criminal prosecution.

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- Yes
- No

**89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes
- No

If yes, please specify:

4. 2. 2. Case flow management and timeframes of judicial proceedings

**90) Comment:**

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

**91) First instance courts: number of other than criminal and criminal law cases.**

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

**Note 1:** cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

**Note 2:** check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	2678163	991710	1123926	2545947
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	215242	231356	268369	178229
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	57221	176378	181608	51991
3. Non litigious enforcement cases	2384044	551415	643750	2291709
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	17713	19603	15807	21509

7. Other cases (e.g. insolvency registry cases)

3943

12958

14392

2509

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

Non contentious proceedings are prescribed by the Law on Non-Contentious proceedings and include, inter alia, regulation of personal status (deprivation of legal capacity), regulation of family matters (extension of parental rights), proceedings regulating property relations (inheritance proceedings, division of common assets or property). According to the Law on Companies, the court in non-contentious proceedings, inter alia, decides in methods of determining the value of non-monetary contribution of company's stakeholders, the proceedings at the request of the stakeholders of the Company in terms of the agenda and the proceedings at the request of the authorized nominators for holding regular company sessions.

**93) If "other cases", please indicate the case categories included:**

The Insolvency proceedings

**94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	74015	63285	66648	70655
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and / or minor criminal cases	NA	NA	NA	NA

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

Basic courts shall adjudicate in the first instance in connection with criminal offences punishable, as the principal penalty, by a fine or imprisonment of up to ten years and ten years unless some of these offences fall under the jurisdiction of another court, and shall decide on requests to suspend a security measure or legal consequences of the conviction for criminal offences under its competence.

A high court in the first instance:

1. adjudicates in connection with criminal offences punishable by imprisonment of more than ten years as the principal penalty;

Minor Offences courts shall adjudicate in the first instance in minor offence cases unless under the competence of an administrative authority, decide on appeals against decisions passed by administrative authorities in minor offences proceedings, and perform other tasks set forth by law.

The Higher Minor Offences Court shall decide on appeals against decisions of minor offences courts, on conflicts and transfer of territorial jurisdiction of minor offences courts, and perform other tasks set forth by law.

2. adjudicates in connection with criminal offences against the Army of Serbia; disclosure of state secrets; incitement to change of constitutional order by use of force; provoking national, racial and religious hatred and intolerance, violation of territorial sovereignty; conspiracy for anti-constitutional activity; organising and incitement to genocide and war crimes; damaging the reputation of the Republic of Serbia; damaging the reputation of a foreign state or an international organisation; money laundering; disclosure of official secret; violation of law by judges, public prosecutors or their deputies; endangerment of air traffic safety; murder in the heat of passion; rape; copulation with a powerless person, copulation by abuse of authority; abduction; trafficking in minors for the purpose of adoption; violent conduct at sports events; accepting bribes;

3. adjudicates in juvenile criminal proceedings;

4. decides on petition to suspend security measures or legal consequences of convictions for criminal offences under its jurisdiction;

5. decides on requests for rehabilitation;

6. decides on prohibition of distribution of press and dissemination of information through the public information media;

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

Data on number of first instance criminal cases at basic and higher courts.

[Q91 : E-mail from the NC sent on 14 April 2014: On 17 May 2011 the new Law on Enforcement and Security came into force. Based on this Law the way of presenting solved and unsolved cases in statistical reports on the work of basic courts has changed. Namely, in the previous Law a case was considered to be resolved upon issuing a decision by a judge on allowing the enforcement. Upon the entry into force of the new Law, a case is considered to be resolved only after the enforcement has been implemented, whereas issuing a decision is only an act in the proceedings. After these changes, there has been a simultaneous increase in the number of pending cases and decrease in the number of solved cases in the statistical reports of basic courts.

These changes have also resulted in the increase in the total number of cases that are not criminal.

In addition, Art. 252 of Law on Enforcement and security stipulates that the proposal for execution based on authentic documents to achieve cash Receivables based on utility and similar services shall be submitted to the performer on the territory where the headquarters of the enforcement creditor is. In this regard, there is reduced caseload in basic courts in executive matters in 2012.]

### 97) Second instance courts: total number of cases

#### Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	53 672	97 510	104 726	46 456
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	53 607	96 100	103 363	46 344
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	56	1 209	1 161	104
3. Non litigious enforcement cases	9	201	202	8
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

### 98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	8988	37298	37865	8421
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

[E-mail from the NC sent on 14 April 2014: In 2010 considering criminal cases in the second instance there was no backlog at the beginning of the period, because in 2010. Appellate courts began their work, which took over the former cases of the district courts. These cases were shown in the newly items column, along with items that are actually received during the year as new.]

### 99) Highest instance courts: total number of cases

#### Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	1932	5289	5642	1579
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	1691	4361	4676	1376
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP

5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	241	928	966	203
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

- Yes. If yes, please indicate the number of cases closed by this procedure?  
 No

Number

**100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	7	410	379	38
8. Severe criminal cases	NAP	NAP	NAP	NAP
9. Misdemeanour and/or minor criminal cases	NAP	NAP	NAP	NAP

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	NA	NA	NA
Employment dismissal cases	42444	39894	42554	39784
Insolvency	3943	12958	14392	2509
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

There is a reconciliation procedure (it must be terminated within the 2 months) and agreement procedure (it must also be terminated within the 2 months).

**104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.**

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

The public prosecutor may defer criminal prosecution for criminal offences punishable by a fine or a term of imprisonment of up to five years if the suspect accepts one or more of the

following obligations:

- 1) to rectify the detrimental consequence caused by the commission of the criminal offence or indemnify the damage caused;
- 2) to pay a certain amount of money to the benefit of a humanitarian organisation, fund or public institution;
- 3) to perform certain community service or humanitarian work;
- 4) to fulfil maintenance obligations which have fallen due;
- 5) to submit to an alcohol or drug treatment programme;
- 6) to submit to psycho-social treatment for the purpose of eliminating the causes of violent conduct;
- 7) to fulfil an obligation determined by a final court decision, or observe a restriction determined by a final court decision.

In the order deferring criminal prosecution, the public prosecutor will determine a time limit during which the suspect must fulfil the obligations undertaken, with the proviso that the time limit may not exceed one year. Oversight of the fulfilment of obligations is performed by an officer of the authority in charge of the execution of criminal sanctions, in accordance with a regulation issued by the minister responsible for the judiciary. If the suspect fulfils the obligation within the prescribed time limit, the public prosecutor will dismiss the criminal complaint by a ruling and notify the injured party thereof.

A plea agreement may be concluded by the public prosecutor and the defendant from the moment of issuance of an order to conduct an investigation until the defendant states his position in relation to the charges at trial.

**106) Does the public prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

If yes, please specify:

Public prosecutors shall act in civil litigation, administrative, enforcement, non-contentious and other proceedings, performing actions for which they are authorised under separate laws.

**106.1) Does the public prosecutor also have a role in insolvency cases?**

- Yes
- No

If yes, please specify:

**107) Case proceedings managed by the public prosecutor**

**Total number of 1st instance criminal cases.**

**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	226695	75455	869	54492

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	869	706

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	75 455
1. Discontinued by the public prosecutor because the offender could not be identified	35 993
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	27 034
3. Discontinued by the public prosecutor for reasons of opportunity	12 428

**109) Do the figures include traffic offence cases?**

Yes

No

**D.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

The difference between data in the previous report and in this one is caused by the fact that the new Law on Enforcement has entered into force in September 2011. According to the new Law on Enforcement it is considered that the case is resolved only when enforcement proceeding is completed.

[Q97 : E-mail from the NC sent on 14 April 2014: Appellate courts have started operating on 1 January 2010. Data on the number of pending cases at the beginning for 2010 should be taken with a grain of salt because the court databases in which data on the cases were entered were not fully up to date, so that the data for 2012 are more accurate.]

[Q99 : E-mail from the NC sent on 14 April 2014: Law on Seats and Territories of Courts and Public Prosecutions from the 2008 formed the Administrative Court, which took over administrative cases from the Administrative Division of the Supreme Court of Serbia and cases of the administrative department of the Belgrade District Court, so it is for this reason that there is reduced number of cases of administrative matters in the Supreme Court of Cassation.]

**Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

The answers were provided by the High Judicial Council and the State Prosecutorial Council.

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The Parliament elects the judges on the proposal of the High Judicial Council. After the three year term of office expires, the High Judicial Council elects the judge for a permanent tenure of office.

##### 112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

The High Judicial Council.

##### 112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

##### 113) Which procedures and criteria are used for promoting judges? Please specify.

Work of all judges and presidents of the courts is subject to regular evaluation.

Performance evaluation involves all aspects of a judge's work and/or work of a president of the court, and represents

the basis for the election, mandatory training of judges, and dismissal.

Evaluation is conducted based on publicised, objective and uniform criteria and standards, in a single procedure ensuring the participation of the judge and/or president of the court whose performance is being evaluated.

Criteria, standards, and procedure for the performance evaluation of judges and/or president of the courts are set by the High Judicial Council.

**114) Is there a system of qualitative individual assessment of the judges' activity?**

- Yes  
 No

If yes, please indicate the frequency

**115) Is the status of prosecution services:**

- Independent?  
 Under the authority of the Minister of justice ?  
 Other?

Please specify:

In accordance with the Constitution of Serbia, Public Prosecutor's Office shall be an independent state body which shall prosecute the perpetrators of criminal offences and other punishable actions, and take measures in order to protect constitutionality and legality. In accordance with the Law on Public Prosecution, Public prosecutors and deputy public prosecutors are independent in the performance of their competences. All forms of influence by the executive and the legislative authorities on the work of the public prosecution and its activity in cases, attempted by using public office, the public information media and any other means, which may threaten the independence of the work of a public prosecution, is prohibited.

**116) How are public prosecutors recruited?**

- Mainly through a competitive exam (for instance, following a university degree in law)  
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)  
 A combination of both (competitive exam and working experience)  
 Other

If "other", please specify:

In accordance with the Law on Public Prosecution, A citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Juridical Examination, and who is worthy of the office of a public prosecutor, may be elected public prosecutor or deputy public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Juridical Examination, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Public Prosecutor and eleven years for Deputy Public Prosecutor

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority**



**formally responsible for the nomination if different from the former).)**

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

The State Prosecutors Council shall advertise for the election of public prosecutors and deputy public prosecutors.

The notice shall be published in the Official Gazette of the Republic of Serbia and other public media that cover the entire territory of the Republic of Serbia.

Applications shall be submitted to the State Prosecutors Council, within 15 days from the publication of the notice.

The Public Prosecutor shall be elected, on a nomination by the Government, by the National Assembly to a term of six years, and may be re-elected. The Government shall obtain the opinion of the competent committee of the National Assembly on the candidates nominated.

The Government shall propose one or more candidates to the National Assembly for the office of the Public Prosecutor.

The Government shall nominate candidates from the list of candidates determined by the State Prosecutors Council.

The State Prosecutors Council shall propose to the Government a list of one or more candidates for the election to office of public prosecutor. If the State Prosecutors Council proposes only one candidate to the Government, the Government may return the proposal to the State Prosecutors Council.

If the Public Prosecutor is not re-elected to the same office after the expiry of the term in office, or if his/her office is terminated at personal request, he/she shall continue work as a Deputy Public Prosecutor. The State Prosecutors Council shall take a decision on election.

If a public prosecutor is not re-elected to same office following the expiry of the term of office, or if his/her office is terminated at personal request, he/she shall continue work as a deputy prosecutor in terms of the provisions the Law on Public Prosecution.

The National Assembly shall elect, at the proposal of the State Prosecutors Council, a deputy public prosecutor who is elected for the first time, to a term of three years.

The National Assembly shall elect a deputy public prosecutor elected for the first time, from one or more candidates proposed by the State Prosecutors Council.

The State Prosecutors Council shall elect deputy public prosecutors to permanent office in the same or other public prosecution.

The State Prosecutors Council shall also decide on the election of deputy public prosecutors with tenure to another or a higher ranked public prosecution.

The number of deputy public prosecutors for each public prosecution is determined by the State Prosecutors Council, following the obtained approval of the Minister responsible for the judiciary.

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes
- No

If "yes", please specify:

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

The State Prosecutors Council shall elect deputy public prosecutors to permanent office in the same or other public prosecution.

The State Prosecutors Council shall also decide on the election of deputy public prosecutors with tenure to another or a higher ranked public prosecution.

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

Criteria are set out by the State Prosecutorial Council.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

If "yes", please specify:

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes
- No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	65
No	

Comment :

Judgeship shall last continuously from the first election to judge's office until retirement. Judge's years of service shall cease with 65 years of age or 40 years of years of official service, by force of law in accordance with the Law on Judges.

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
Yes	3
No	
NAP	

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	
No	X

Comment :

Tenure of office of the Public Prosecutor shall last six years and he/she may be re-elected. The term of office of a deputy public prosecutor who is elected to the office for the first time shall be three years, and any subsequent election shall be permanent. The office of a public prosecutor or deputy public prosecutor shall terminate at the age of 65, or on completing 40 years of pensionable years of service.

Exceptionally, at the request of the Republican Public Prosecutor, the State Prosecutors Council may extend years of service of a public prosecutor and deputy public prosecutor by another two years, with his/her consent.

Years of service may be extended only in order for the public prosecutor or deputy public prosecutor to complete work on cases already initiated.

**124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
Yes	3
No	
NAP	

**125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

NAP

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

Yes Renewable

No

For public prosecutors : length of the mandate (in years):

6

**E.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

## 5. 2. Training

### 5. 2. 1. Training

**127) Training of judges**

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

**128) Frequency of the in-service training of judges:**

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual / Regular (e.g. every 3 months)

In-service training for the use of computer facilities in courts	Annual / Regular (e.g. every 3 months)
--	--

### 129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	No training proposed

### 130) Frequency of the in-service training of public prosecutors

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in office	No training proposed

### 131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

-----  
If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	No	NA
One institution for prosecutors	No	No	No	No
One single institution for both judges and prosecutors	No	No	Yes	No

Comment :

The 2012 budget of one single training institution for both judges and prosecutors was 1.002.964 €. (e-mail CN sent on 15 May 2014)

#### 131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

#### E.2 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court

the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

### 132) Salaries of judges and public prosecutors.

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	16904	10050
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at	28174	16752

this level, and not the salary of the Court President)		
Public prosecutor at the beginning of his/her career	16904	10050
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	28174	16752

Comment :

**133) Do judges and public prosecutors have additional benefits?**

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

**134) If other financial benefit, please specify:**

**135) Can judges combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**

A lay judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation.

By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law.

The High Judicial Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a court in accordance with the Ethical code.

A lay judge may outside office hours engage without explicit permission in paid educational and scientific activities.

In cases determined by the law, a lay judge may perform educational and scientific work during working hours.

A judge shall notify in writing the High Judicial Council of each service or engagement that may possibly be incompatible with the judicial function. The High Judicial Council shall inform the president of the court and the judge of the incompatibility of service or work with the judicial function. The President of the Court shall file a disciplinary complaint as soon as he/she learns that the judge performs a service or business or makes procedures that could be incompatible with his function.

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	Yes
Political function	No	No
Other function	No	Yes

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

The Law on Public Prosecution in article 65 stipulates that a public prosecutor or deputy public prosecutor may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation.

By exception from paragraph 1 of this Article, a public prosecutor or deputy public prosecutor may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the State Prosecutors Council, pursuant to another law.

Other functions, jobs or private interests which are contrary to the dignity and independence of the public prosecution or harm its reputation are also incompatible with the function of public prosecutor or deputy public prosecutor.

The State Prosecutors Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a public prosecution.

A public prosecutor or deputy public prosecutor may outside office hours engage without explicit permission in paid educational and scientific activities.

In cases determined by the law, a public prosecutor and deputy public prosecutor may perform educational and scientific work during working hours.

A public prosecutor or deputy public prosecutor may be sent on a study or other trip abroad, on the basis of a decision of the State Prosecutors Council, after obtaining the opinion of the immediately superior prosecutor or deputy public prosecutor, where particular attention shall be given to the performance evaluation from the personal file, as well as knowledge of foreign languages.

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

Yes

No

If yes, please specify the conditions and possibly the amounts:

**5. 4. Disciplinary procedures****5. 4. 1. Disciplinary procedures****140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other
- This is not possible

If "executive power" and/or "other", please specify:

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body

- Executive power  
 Other  
 This is not possible

If "executive power" and/or "other", please specify:

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- Court  
 Higher Court / Supreme Court  
 Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power  
 Other

If "executive power" and/or "other", please specify:

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- Supreme Court  
 Head of the organisational unit or hierarchical superior public prosecutor  
 Prosecutor General /State public prosecutor  
 Public prosecutorial Council (and Judicial Council)  
 Disciplinary court or body  
 Ombudsman  
 Professional body  
 Executive power  
 Other

If "executive power" and/or "other", please specify:

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	12	NA
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	NA
3. Criminal offence	NA	NA
4. Other	NA	NA

Comment :

**145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors
Total number (total 1 to 9)	6	NA
1. Reprimand	1	NA
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	3	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	1	NA
9. Other	1	NA

**Comment :**

One proceeding was terminated and the disciplinary charge were dismissed, because the judge submitted a request in writing to the High Judicial Council (Termination of Office upon Request of Judge.

The Rules of Disciplinary Procedure entered into force 12.07.2012.godine and disciplinary bodies have been appointed on 20.05.2013 when they started working.

**E.3 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 144 and 145**

The High Judicial Council and State Prosecutorial Council.



## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

8032 on 9.12.2013

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

- Yes  
 No

**148) Number of legal advisors who cannot represent their clients in court:**

NAP

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

- Civil cases?  
 Criminal cases - Defendant?  
 Criminal cases - Victim?  
 Administrative cases?  
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

In accordance with the Civil Procedure Code a party who is not a legal person may be represented by attorney who has full disposing capacity. A party in proceeding on extraordinary legal remedies must be represented by an attorney. In accordance with the Law on General Administrative Procedure a party who is not a legal person may be represented by attorney who has full disposing capacity.

**150) Is the lawyer profession organised through? (multiple options possible)**

- a national bar?  
 a regional bar?  
 a local bar?

**151) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- Yes  
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

- Yes  
 No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

- Yes

No

If yes, please specify:

When the minor person is defendant or injured party during the criminal proceedings.

**Please indicate the sources for answering questions 146 and 148:**

The Bar association of Serbia conducts the roster of the lawyers in accordance with the Law on Advocacy, which is official document.

**F1 Comments for interpreting the data mentioned in this chapter:**

The number of lawyers refers to the territory of Serbia on 09.12.2013.

## 6. 2. Practising the profession

### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

Yes

No

**155) Are lawyers' fees freely negotiated?**

Yes

No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

**F2 Useful comments for interpreting the data mentioned in this chapter:**

The Law on Advocacy regulates rights, duties and responsibilities of attorneys-at-law and law trainees and the organization and operation of bar associations as obligatory professional associations of the attorneys-at-law. Serbian Bar Association as the bar association at national level has the following public authorities: adoption of the Code of Professional Ethics, passing rates for fees and reimbursement of expenses for attorneys' work, make the statute and other general enactments, determining the cost of entry to the directory of attorneys, and made a decisions as the second instance during disciplinary and administrative proceedings. The regional bar associations, which are all part the Bar Association Serbia decides at the first instance on applications for entry, deletion and revocation of registration in the directory of law

Partnerships, deciding on applications for temporary cessation of work, deciding on temporary prohibition to practice law, decisions on initiating and conducting disciplinary proceedings against attorney-at-law or law trainee, on their disciplinary responsibility and the imposition of disciplinary measures, and decides about monthly affiliation fee.

## 6. 3. Quality standards and disciplinary proceedings

### 6. 3. 1. Quality standards and disciplinary proceedings

**157) Have quality standards been determined for lawyers?**

Yes

No

If yes, what are the quality criteria used?

The Code of Professional Ethics is in accordance with the European Code of Professional Ethics.

**158) If yes, who is responsible for formulating these quality standards:**

- the bar association?  
 the Parliament?  
 other?

If "other", please specify:

**159) Is it possible to file a complaint about :**

- the performance of lawyers?  
 the amount of fees?

Please specify:

According to Article 76 Law on Advocacy (" RS Official Gazette" 31/2011 , 24/2012- OUS ) disciplinary proceedings may be initiated at the basis of applications submitted by the person concerned or state institution in accordance with the proposal of the Bars or ex officio.

The client is authorized to submit a disciplinary report for all types of violations of Code of professional ethics and as well as for disciplinary violations which are defined by the Statute of Bar Chamber of Serbia. The disciplinary report may be submitted for the reason of violation of the Code of Lawyers Ethics, as well as the amount of fees .

Disciplinary Prosecutor of the Bar Chamber of Serbia, as the first instance disciplinary prosecutor, is empowered to act ex officio when it finds out about the violations of the Code of Ethics.

Disciplinary prosecutor of the Bar Chamber of Serbia acts as a second-instance authority in certain cases.

**160) Which authority is responsible for disciplinary procedures?**

- the judge  
 the Ministry of justice  
 a professional authority  
 other

If other, please specify:

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	108
1. Breach of professional ethics	108
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	NA

Comment :

**162) Sanctions pronounced against lawyers.**

-----  
**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	37
1.Reprimand	NA
2. Suspension	NA
3. Removal	NAP
4. Fine	33
5. Other (e.g. disbarment)	4

Comment :

There were 4 cases of disbarment

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

In accordance with article 67 of the Constitution of Serbia legal assistance shall be provided by legal professionals, as an independent and autonomous service.

UN Universal Declaration of Human Rights and the Declaration of Human Rights guarantee citizens the right of free choice of counsel.

Status and role of lawyers and bar associations as professional associations which guarantee autonomy and independence of lawyers profession are defined by the basic principles of the United Nations adopted on 8th United Nations Congress on the role and position of lawyers and defendants in criminal proceedings in 1990 and by Council's of Europe Recommendation Number 21 in 2000.

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168**  
 -----

**Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).**

- Yes
- No

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
 -----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

**164) Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	Yes	Yes	No
Family law cases (ex. divorce)	Yes	Yes	Yes	Yes	No
Administrative cases	Yes	No	No	No	No
Employment dismissals	Yes	Yes	Yes	Yes	No
Criminal cases	No	No	No	No	No

**165) Is there a possibility to receive legal aid for judicial mediation procedures?**

- Yes
- No

If yes, please specify:

**166) Number of accredited or registered mediators who practice judicial mediation:**

NA

**167) Number of judicial mediation procedures.**  
 -----

**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NA
4. employment dismissals cases	NA
5. criminal cases	NA

Comment :

**168) Does the legal system provide for the following ADR :**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

**G.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

**Please indicate the source for answering question 166:**

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 169) Do you have enforcement agents in your judicial system?

- Yes  
 No

#### 170) Number of enforcement agents

528

#### 171) Are enforcement agents (multiple options are possible):

- judges?  
 bailiffs practising as private professionals under the authority (control) of public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

On 31st May 2012 enforcement officers who act as a private profession and they have started working with surveillance of the public authorities. On 21st November 2013, 129 enforcement officers are appointed in accordance to the Law on Enforcement and Security. Beside new enforcement officers, there are 399 court's enforcement officers who conduct enforcement proceedings within court proceedings under order of enforcement judges.

#### 172) Is there a specific initial training or examination to become an enforcement agent?

- Yes  
 No

#### 173) Is the profession of enforcement agents organised by?

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

#### 174) Are enforcement fees easily established and transparent for the court users?

- Yes  
 No

#### 175) Are enforcement fees freely negotiated?

- Yes  
 No

#### 176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes  
 No

**Please indicate the source for answering question 170:**

Rulebook on Tariffs on fees and reimbursement of expenses for the enforcement officers is brought by the minister of justice.

## 8. 1. 2. Efficiency of enforcement services

**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

- Yes  
 No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

- a professional body  
 the judge  
 the Ministry of justice  
 the public prosecutor  
 other

If other, please specify:

**179) Have quality standards been determined for enforcement agents?**

- Yes  
 No

If yes, what are the quality criteria used?

The enforcement officers who do this profession as a private profession have to be a law school graduate, with at least two years of work experience in enforcement jobs or at least 3 years of experience in legal profession, to be citizen of the Republic of Serbia, with the full legal capacity.

**180) If yes, who is responsible for establishing these quality standards?**

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- Yes  
 No

if yes, please specify

**182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

- Yes  
 No

If yes, please specify



The enforcement proceedings of the court are surveillanced by the Ministry of Justice and Public Administration. The Ministry of Justice and Public Administration does the surveillance of the legality of work of enforcement officers, who do their job as a private profession, and the Chamber of enforcement officers does surveillance of the legality of work of these enforcement officers.

**183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

**184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- Yes
- No

If yes, please specify:

The Law on Enforcement and Security of the Republic of Serbia has been in effect since 2011.

The purpose of passing this law is efficient procedure of enforcement of court decisions as well as to relieve courts of the enforcement activities, The Law introduces the institute of extrajudicial executors, who do their job as a profession. They have parallel jurisdiction with the courts in these proceedings, and their acting has given the more efficiency in these proceedings.

**185) Is there a system measuring the length of enforcement procedures:**

- for civil cases?
- for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	3
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	3

- |                                |    |
|--------------------------------|----|
| 2. for professional inadequacy | NA |
| 3. for criminal offence        | NA |
| 4. Other                       | NA |

Comment :

### 188) Number of sanctions pronounced against enforcement agents.

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

- |                                       |   |   |
|---------------------------------------|---|---|
| Total number of sanctions (1+2+3+4+5) | <input checked="" type="checkbox"/> number: | 0 |
| 1. Reprimand                          | <input type="checkbox"/> number:            |   |
| 2. Suspension                         | <input type="checkbox"/> number:            |   |
| 3. Dismissal                          | <input type="checkbox"/> number:            |   |
| 4. Fine                               | <input type="checkbox"/> number:            |   |
| 5. Other                              | <input type="checkbox"/> number:            |   |

Comment :

The first three disciplinary proceedings have started in October 2013 and they yet have not ended.

### H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your enforcement system of decisions in civil matters and the  
main reforms that have been implemented over the last two years**

The main reform which took place in the last 2 years is the adoption of the Law on Enforcement and Security and introducing the institute of extrajudicial enforcement officers, who do their job as a profession. They have parallel jurisdiction with the courts in these proceedings.

### Please indicate the sources for answering questions 186, 187 and 188:

The Ministry of Justice and Public Administration has data regarding the disciplinary proceedings.

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

### 189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge  
 Public prosecutor  
 Prison and Probation Services  
 Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The Law on enforcement of criminal sanctions prescribes competences of the Administration for the enforcement of criminal sanctions.

### 190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes  
 No

### 191) If yes, what is the recovery rate?

- 80-100%

- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:

**H.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your enforcement system of decisions in criminal matters and the main reforms  
that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functionning

**192) Do you have notaries in your country? If no please skip to question 197.**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

private professionals (without control from public authorities)?	NAP
private professionals under the authority (control) of public authorities?	NAP
public agents?	NAP
other?	NAP

Comment :

**194) Do notaries have duties (multiple options possible):**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

- a professional body?  
 the judge?  
 the Ministry of justice?  
 the public prosecutor?  
 other?

If other, please specify:

**I.1 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your system of notaries and the main reforms that have been implemented over  
the last two years**

[E-mail from the NC sent on 14 April 2014: Notwithstanding, we have adopted a Law on notaries in 2011, but the implementation of the law has been postponed as well as the implementation of the authority entrusted with supervising and monitoring the notaries' activity.]

**Please indicate the sources for answering question 193:**

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functionning

**197) Is the title of court interpreters protected?**

- Yes  
 No

**198) Is the function of court interpreters regulated by legal norms?**

- Yes  
 No

**199) Number of accredited or registered court interpreters:**

2100

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

- Yes  
 No

If yes, please specify (e.g. having passed a specific exam):

Commission which is established by the Minister of Justice and public administration checks the general and professional knowledge of the language for which the candidate applies. Candidate must have a minimum of 5 years experience as translator.

**201) Are the courts responsible for selecting court interpreters?**

-----

**If no, please indicate in the "comment" box below which authority selects court interpreters.**

- Yes  for recruitment and/or appointment for a specific term of office  
Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings  
No .

Comment :

The Ministry of Justice and Public Administration.

**J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,  
 "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,  
 "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

**203) Is the title of judicial experts protected?**

- Yes  
 No

**204) Is the function of judicial experts regulated by legal norms?**

- Yes  
 No

**205) Number of accredited or registered judicial experts (technical experts)**

5342

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes  
 No

If yes, please specify, in particular the given time to provide a technical report to the judge:

There are obligatory provisions in the Criminal Procedure Code and in the Civil Procedure Code. The Criminal Procedure code stipulates that a person who is being summoned as an expert witness is required to respond to the summons and to provide his findings and opinion within a certain time limit. The Civil Procedure code stipulates that the deadline for submission of court findings and opinions can not be longer than 60 days.

**207) Are the courts responsible for selecting judicial experts?**

-----  
**If no, please specify in the "comments" box below which authority selects judicial experts?**

- Yes  for recruitment and/or appointment for a specific term of office  
 Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings  
 No .

Comment :

The Ministry of Justice and Public Administration.

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Foreseen reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:**

**1. (Comprehensive) reform plans**

**2. Budget**

**3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

**3.1 Access to justice and legal aid**

**4. High Judicial Council**

**5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**

**6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

**6.1 Personal status**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crim**

1. The new National judicial reform strategy for the period 2013-2018 was adopted. The Action plan for the implementation of the Strategy was adopted. The Commission for implementation of the Strategy was established.

2. Coordination of activities between Ministry of Justice and Public Administration, High Judicial Council and State Prosecutorial Council regarding the budget.

3. Information technologies, renovations and construction of new buildings. The new Law on the seats and territorial jurisdictions of courts and public prosecutor's offices has entered into force on 01.01.2014. The adoption of new Law on free legal aid is planned.

4. The adoption of new Law on High Judicial Council is planned as a further improvement of general capacities. It is also planned the transferral of judiciary budget to the jurisdiction of the High Judicial Council.

5. Further strengthening of position of judges and public prosecutors and strengthening of the capacities of Judicial Academy as educational centre. It is intended to establish the notary system.

6. The adoption of Law on amendments and additions to the Civil Procedure Code, further implementation of Criminal Proceedings Code.

7. Further implementation of The Law on Enforcement and Security. The adoption of new Law on Execution of Criminal Sanctions.

8. The adoption of new Law on mediation is planned.

9. Implementation of new criminal procedure code in order to strengthen combat against crime