



REPUBLIC OF SERBIA

Ministry of Justice

LAW ON ORGANISATION OF COURTS

Published in Official Gazette of RS no, 116/08 and 104/2009, with amendments in the Law on amendments and additions to the Law on organization of courts, published in Official Gazette of RS no. 101/10

Note: This is a true translation of the original law but it is not legally binding

Original title:

ZAKON O UREDENJU SUDO VA

LAW ON ORGANISATION OF COURTS

Chapter One

PRINCIPLES

Judicial Power

Article 1

Courts are autonomous and independent state bodies protecting the freedoms and rights of citizens, rights and interests of legal subjects stipulated by law, ensuring constitutionality and legality.

Courts adjudicate in accordance with the Constitution, laws and other general acts, where specified by law, generally accepted rules of international law and ratified international agreements.

Establishing of Courts

Article 2

Courts are established and abolished by law.

Provisional courts, courts martial or extraordinary courts may not be established. Separate regulations shall govern the establishing reconciliation councils, arbitrations and other selected courts.

Independence of the Judicial Authority

Article 3

Judicial authority shall be vested in courts and shall be independent of the legislative and the executive authorities.

Judicial decisions shall be binding on all and may not be subject to extra-judicial control.

Judicial decisions may be reviewed only by the court of competent jurisdiction in due proceedings established by law.

All persons are obliged to comply with enforceable judicial decisions.

Judicial Competence

Article 4

Judicial competence is defined by the Constitution and law.

A court may not refuse to proceed and adjudicate in matters under its competence.

Designation of a Trial Judge

Article 5

A trial judge shall be designated irrespective of the parties involved and circumstances of the legal matter.

Only the judicial authority may allocate cases to judges, in accordance with pre-determined rules.

Prohibition of Influence on Courts

Article 6

Use of public office, the media or any public appearance that may unduly influence the course and outcome of court proceedings shall be prohibited.

Any other form of influence on the courts or pressure on the parties in the proceedings shall also be prohibited.

Transparency

Article 7

Hearings before the court are public and may be restricted only by law, in accordance with the Constitution.

Right to Complaint

Article 8

A party or other participant in court proceedings are entitled to complain against the work of the court when finding that the proceedings are dilatory, irregular or that there is any form of influence on the course and outcome.

Legal Assistance

Article 9

Courts are required to provide legal assistance to each other, and other government authorities and organisations are required to provide legal assistance to courts and submit necessary data.

Courts may provide to other government authorities files and documents or copies thereof necessary to conduct proceedings only when this does not impede court proceedings.

Symbols of State Authority, Official Use of Language and Script

Article 10

The court shall have a seal bearing the name and the seat thereof, and the name and the coat of arms of the Republic of Serbia, in accordance with separate laws.

The name and the seat of the court, the coat of arms and the flag of the Republic of Serbia shall be displayed in a visible place in the courthouse.

The flag and the coat of arms of the Republic of Serbia shall also be displayed in the courtroom.

The Serbian language and the Cyrillic script are in official use in courts in the Republic of Serbia.

In courts, departments outside the seats of courts and in court units other languages and scripts shall also be in official use, in accordance with law.

Chapter Two **EXTERNAL
ORGANISATION OF COURTS**

I. TYPES OF COURTS

Courts of the Republic of Serbia

Article 11

There is a single judicial authority on the territory of the Republic of Serbia.

Judicial power in the Republic of Serbia is vested in courts of general and special jurisdiction.

Courts of general jurisdiction are basic courts, high courts, appellate courts and the Supreme Court of Cassation.

Courts of special jurisdiction are commercial courts, the Commercial Appellate Court, minor offences courts, the High Minor Offences Court, and the Administrative Court.

Supreme Court of Cassation

Article 12

The Supreme Court of Cassation is the court of highest instance in the Republic of Serbia. The seat of the Supreme Court of Cassation is in Belgrade.

Other Republican Level Courts

Article 13

The Commercial Appellate Court, the High Minor Offences Court, and the Administrative Court are established for the territory of the Republic of Serbia, with seats in Belgrade.

The High Minor Offences Court and the Administrative Court may have departments outside their seats, in accordance with law, where they adjudicate permanently and undertake other court activities.

Basic, High, Appellate, Commercial and Minor Offences Courts

Article 14

A basic court shall be established for the territory of a town, or one or several municipalities, and a high court for the territory of one or several basic courts.

A commercial court shall be established for the territory of one or several towns or several municipalities.

An appellate court shall be established for the territory of several high courts.

A minor offences court shall be established for the territory of a town or one or more municipalities.

The establishment, seats and territorial jurisdiction of basic, high, appellate, commercial and minor offences courts are regulated by separate law.

Departments of minor offences courts and court units of basic and commercial courts are regulated by separate law.

Court of Immediately Higher Instance

Article 15

The Supreme Court of Cassation shall be the immediately higher instance court to the Commercial Appellate Court, the High Minor Offences Court, the Administrative Court, and the Appellate Court.

The Appellate Court shall be the immediately higher instance court to high courts and basic courts; the Commercial Appellate Court shall be the immediately higher instance court to commercial courts, whereas the High Minor Offences Court shall be the immediately higher instance court to minor offences courts.

High courts shall be immediately higher instance courts to basic courts where so specified by this Law, as well as for issues of internal court organisation and the application of the Law on Judges.

II. THE EXTENT OF JURISDICTION AND COURT TENURE

1. The Extent of Jurisdiction of Court

Seat and Territorial Jurisdiction of Court

Article 16

The seat of the court shall be in the building wherein the court is situated. The territorial jurisdiction of a court shall be the territory it covers.

Venue of Undertaking Court Activities

Article 17

Court activities shall be undertaken within the seat of the court, and outside the seat only when so provided by law.

A basic court, high court and minor offences court may hold court days outside their seats.

Court Days

Article 18

During court days the court referred to in Article 17 paragraph 2 hereof adjudicates and undertakes other court activities.

The venue, date and time of holding court days shall be determined by the court president, in accordance with the Court Rules of Procedure.

Court days shall be announced at the place where they will be held.

Department outside the Seat of Minor Offences Courts and Court Units outside Seats of Basic and Commercial Courts

Article 19

A minor offences court may have its department outside the seat where it adjudicates and undertakes other court activities.

A department outside the seat of a minor offences court shall be established for the territory of a town or one or more municipalities under the court's territorial jurisdiction.

Basic and commercial courts may have court units outside their seats where they adjudicate and undertake other court activities.

A court unit outside the seats of basic and commercial courts shall be established for the territory of a town or one or more municipalities under the court's territorial jurisdiction.

2. Court Tenure

Time for Undertaking Court Activities

Article 20

Court activities shall be undertaken every working day, and actions that do not tolerate deferral also during non-working days.

The Court Rules of Procedure shall define what court actions are undertaken on non-working days.

The Court Rules of Procedure shall define what court actions are undertaken in court units outside the seats of basic and commercial courts.

Compliance with Working Hours

Article 21

Judges and court staff are required to comply with working hours and rules of conduct in the court, in accordance with the Court Rules of Procedure.

Judges shall notify the court president of the reasons preventing them to work within 24 hours of the occurrence of the reasons.

Court staff shall notify their direct superiors of the reasons preventing them to work within 24 hours of the occurrence of the reasons.

Chapter Three

JURISDICTION OF COURTS

1. Jurisdiction of Basic Courts

Article 22

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.

Basic courts shall adjudicate in the first instance in civil litigation, unless some falls under the jurisdiction of another court, and shall conduct enforcement and non-litigious proceedings that are not under the jurisdiction of another court.

Basic courts shall adjudicate in the first instance in housing disputes; disputes on commencement, existence and termination of employment; rights, obligations and responsibilities pursuant to employment; compensation for the damage suffered by an employee during work or related to work; disputes relating to satisfying housing needs on the basis of work.

Basic courts shall provide legal aid to citizens, extend mutual legal assistance and conduct other tasks specified by law.

It may be provided for by law that only certain basic courts from the territory of the same high court proceed in particular legal matters.

2. Jurisdiction of High Courts

Article 23

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;

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;

7. adjudicates in civil disputes where the value of the subject of the lawsuit allows review; in cases denying or proving paternity and maternity; copyright and other related rights, protection and use of inventions, designs, samples, hallmarks and signs of geographic origin unless under the jurisdiction of another court; in disputes in respect of publishing corrected versions of published information and responses to published information and compensation for damage with respect to the publishing of information;

8. adjudicates in lawsuits on strikes; collective agreements if the lawsuit is not resolved through arbitration; mandatory social security unless under the jurisdiction of another court; on official record books; appointment and dismissal of bodies of legal entities unless under the jurisdiction of another court;

A high court shall decide in the second instance on appeals against decisions taken by basic courts:

1. on imposing measures to secure presence of defendants;
2. against decisions in civil disputes; judgements in cases of small value; in enforcement and non-litigious proceedings.

A high court shall conduct proceedings for extradition of accused and convicted persons, enforce criminal judgements of foreign courts, decide on recognising and enforcement of foreign court and arbitration-related decisions unless under the the jurisdiction of another court, decide on conflicts of jurisdiction between basic courts from its territory and perform other tasks set forth by law.

3. Jurisdiction of Appellate Courts

Article 24

Appellate courts decide on appeals against:

1. decisions of high courts;
2. decisions of basic courts in criminal proceedings, unless under the jurisdiction of a high court to decide on the appeal concerned;
3. judgements of basic courts in civil disputes, unless under the jurisdiction of a high court to decide on the appeal concerned.

Appellate courts decide on conflicts of jurisdiction between lower instance courts under their territorial jurisdiction unless under the jurisdiction of a high court, on transfer of jurisdiction of basic and high courts when prevented or unable to proceed in a legal matter, and perform other tasks set forth by law.

4. Jurisdiction of Commercial Courts

Article 25

Commercial courts shall adjudicate in the first instance:

1. in disputes between domestic and foreign companies, enterprises, co-operatives and entrepreneurs and associations thereof (commercial entities), in disputes arising between commercial entities and other legal entities relating to conduct of business activities of commercial entities, even where one of the parties in the aforementioned disputes is a natural person if a substantial intervener in the case.

2. in disputes on copyright and other related rights and protection and use of inventions, models, samples, hallmarks and signs of geographic origin when such disputes arise between the entities referred to in item 1 of this paragraph; in disputes relating to enforcement and securing of decisions of commercial courts, and in disputes relating to decisions of selected courts only when passed in the disputes referred to item 1 of this paragraph;

3. in disputes resulting from application of the Law on Companies or application of other regulations on organisation and status of commercial entities, as well as in disputes on application of regulations on privatisation;

4. in disputes relating to foreign investments; ships and aircraft, sailing on the sea and inland waters, and disputes involving maritime and aeronautical law, except for disputes relating to passenger transport; protection of a company name; entry into the court registers; bankruptcy and liquidation.

Commercial courts conduct in the first instance proceedings for entry into the court register of legal entities and other subjects unless this is under the competence of another authority; conduct bankruptcy and reorganisation proceedings; order and undertake enforcement based on valid documents when referred to the persons referred to in paragraph 1 item 1 of this Article, rule on and conduct enforcement and securing of decisions of commercial courts, and decisions of selected courts only when passed in the disputes referred to in paragraph 1 item 1 of this Article; order and implement enforcement and securing on ships and aircraft; conduct non-litigious proceedings deriving from the application of the Law on Companies.

Commercial courts shall decide in the first instance on commercial offences and relative thereto on termination of a security measure or a legal consequence of the conviction.

Commercial courts shall also perform other tasks set forth by law.

5. Jurisdiction of the Commercial Appellate Court

Article 26

The Commercial Appellate Court shall; decide on appeals against decisions of commercial courts and other authorities, in accordance with the law.

The Commercial Appellate Court shall decide on conflicts of jurisdiction and transfer of jurisdiction of commercial courts, determine legal opinions for the purpose of a uniform application of law under the competence of commercial courts, and performs other tasks set forth by law.

6. Jurisdiction of Minor Offences Courts

Article 27

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.

7. Jurisdiction of the Higher Minor Offences Court

Article 28

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.

8. Jurisdiction of the Administrative Court

Article 29

The Administrative Court shall adjudicate in administrative disputes.
The Administrative Court shall also perform other tasks set forth by law.

9. Jurisdiction of the Supreme Court of Cassation

Trial Jurisdiction

Article 30

The Supreme Court of Cassation shall decide on extraordinary legal remedies filed against decisions of courts of the Republic of Serbia and in other matters set forth by law.

The Supreme Court of Cassation shall decide on conflicts of jurisdiction between courts if this does not fall under the jurisdiction of any other court as well as on transfer of jurisdiction of courts to facilitate proceedings or for other important reasons.

Jurisdiction outside Trial

Article 31

The Supreme Court of Cassation shall determine general legal views in order to ensure uniform application of law by courts; review the application of law and other regulations, and the work of courts; appoint judges of the Constitutional Court, provide opinions on candidates for the President of the Supreme Court of Cassation and exercise other competences set forth by law.

Composition of the Chamber

Article 32

If not otherwise specified by law, the Supreme Court of Cassation adjudicates on legal remedies in a three-judge chamber.

Publishing of Decisions of the Supreme Court of Cassation

Article 33

Decisions of the Supreme Court of Cassation relevant to case law and all general legal views shall be published in a special collection of works.

All decisions passed by the Supreme Court of Cassation referred to in Article 30 paragraph 1 of this Law shall be published on the Supreme Court of Cassation website.

Chapter Four **INTERNAL**
ORGANISATION OF COURTS

I. ANNUAL CALENDAR OF ACTIVITIES

Article 34

Following opinions obtained from judges, the president of the court shall set a calendar in writing for the coming year and announce it at the session of all judges by 1st December. The Annual Calendar of tasks shall be determined according to the area of law a judge proceeds in.

Objections to the Annual Calendar of Tasks may be submitted by judges within three days from the day of the announcement at a session of all judges.

The president of an immediately superior court decides on the objection raised by a judge, within eight days from the day of submission of the said objection.

Any objection raised by a judge to the Annual Calendar of Tasks in the Supreme Court of Cassation shall be decided upon by the General Session.

II. COURT DEPARTMENT AND SESSION OF ALL JUDGES

1. Court Department

Establishing and Management

Article 35

Court departments shall be established in courts where several chambers or individual judges proceed in the same area of law.

A court department shall be managed by the president of the department who shall be appointed by the president of the court following an opinion obtained from the department's judges.

Purview

Article 36

The session of a court department shall review the work of the department, legal issues, means of improving performance and professional skills of judges, judicial assistants and judicial trainees, and other issues relevant to the department.

Departments of appellate courts, the Commercial Appellate Court and the High Minor Offences Court review also issues relevant to the work of courts on their respective jurisdictional territory.

Convening and Chairing the Session

Article 37

The President of the department or the court president may convene a session of a court department. The court president may always take part in the work and decision making of the departmental session.

2. Case Law Department

Article 38

A court with a large number of judges shall have a Case Law Department, in accordance with the Court Rules of Procedure.

The Case Law Department follows and studies case law of courts and international court authorities, and informs judges, judicial assistants and judicial trainees on the interpretation of law by courts.

The Case Law Department shall be managed by a judge designated by the court president.

3. Special Departments in Higher, Appellate, Minor Offences Courts and the Higher Minor Offences Court

Article 39

Juvenile justice and labour disputes departments shall be established in high courts and appellate courts.

Departments for criminal offences against the Army of Serbia, organised crime, war crimes and cybercrime may be established in certain high and appellate courts, in accordance with law.

Departments for conducting minor offences proceedings for minor offences relating to public revenue, customs, foreign trade and foreign currency-related commercial operations may be established within minor offences courts and the High Minor Offences Court, in accordance with the Court Rules of Procedure.

4. Joint Session of Departments

Article 40

A joint session of departments shall be convened when collaboration of at least two departments is required to review a legal issue.

The joint session shall be jointly convened by departmental presidents or the court president and chaired by the court president or the president of the department under whose scope of work the issue under deliberation is.

5. Session of All Judges

Article 41

The session of all judges shall review reports on the performance of judges and the court, decide on initiating proceedings for review of constitutionality of law and legality of regulations and other general acts, review the application of regulations governing the issues under the scope of work of courts, provide opinions on candidates for judges and lay judges, and decide on other issues of relevance to the entire court.

The session of all judges shall be chaired by the court president and convened as required or at the motion of a court department or of minimum one third of the number of all judges.

III. INTERNAL ORGANISATION OF THE SUPREME COURT OF CASSATION

1. Departments in the Supreme Court of Cassation

Article 42

The Supreme Court of Cassation may have departments in compliance with the Regulation on the Organisation and Operation of the Supreme Court of Cassation.

2. Session of Departments of the Supreme Court of Cassation

Article 43

The session of departments of the Supreme Court of Cassation deliberates issues from the scope of work of court departments.

The session of departments shall also be convened due to incompatibilities between some chambers arising in respect of the application of regulations or if one chamber departs from a legal opinion adopted by its case law or a legal opinion accepted by all chambers.

A legal opinion adopted at the session of departments is binding for all chambers comprising the departments.

3. General Session of the Supreme Court of Cassation

Scope of Work

Article 44

The General Session of the Supreme Court of Cassation adopts general legal views; reviews the application of laws and other regulations and the work of courts; appoints judges to the Constitutional Court; gives an opinion on candidates for the President of the Supreme Court of Cassation; issues the Regulation on the Organisation and Operation of the Supreme Court of Cassation and performs other tasks set forth by law and the Regulation on the Organisation and Operation of the Supreme Court of Cassation.

The General Session also reviews other issues under the scope of work of the session of all judges.

Adoption of General Legal Opinions

Article 45

The General Session is also convened due to incompatibilities between chambers from different departments or between different departments arising in respect of the application of regulations, where one department departs from a general legal view or where a legal view cannot be adopted by a departmental session.

A general legal opinion adopted at the General Session is binding to all chambers and departments of the Supreme Court of Cassation and may be revised only at the General Session.

Composition and Decision Making

Article 46

The General Session is made up of the President and judges of the Supreme Court of Cassation. A quorum made up of a majority of all judges is required for a legally valid decision-making at the General Session.

Decisions are taken by majority vote of judges of the Supreme Court of Cassation who are present.

Convening and Chairing the Session

Article 47

The General Session shall be convened by the court president, as required, or at the motion of the court department or minimum one third of all judges.

The General Session shall be chaired by the President of the Supreme Court of Cassation.

4. Secretariat

Scope of Work

Article 48

The Supreme Court of Cassation shall have a Secretariat.

The Secretariat assists the court president in court administration, carries out administrative tasks for the General Session and performs other tasks assigned under its purview according to the Regulation on the Organisation and Operation of the Supreme Court of Cassation.

Secretary

Article 49

The Secretariat shall be managed by the Court Secretary who is appointed by the General Session at the proposal of the court president.

The Secretary of the Supreme Court of Cassation shall have the status of an appointed public official.

The Secretary of the Supreme Court of Cassation must meet the requirements for a judge of an appellate court.

5. Regulation of the Supreme Court of Cassation

Article 50

The Supreme Court of Cassation has a Regulation that prescribes more specifically the internal organisation and operation of the court.

The Regulation on Organisation and Operation of the Supreme Court of Cassation is published in the *Official Gazette of the Republic of Serbia*.

IV. COURT ADMINISTRATION

Tasks Comprising Court Administration

Article 51

Court administration entails tasks that support the exercise of judicial power, in particular: organising the internal operation of the court; summoning and assigning lay judges; activities relating to permanent expert witnesses and court interpreters; review of complaints and petitions; keeping statistics and drafting reports; enforcement of penal and minor offences sanctions; financial and material operation of the court and certification of documents intended for use abroad.

The Court administration is regulated in more detail by the Court Rules of Procedure.

Rights and Obligations of Court President

Article 52

The court president shall represent the court, manage the court administration and shall be responsible for the proper and timely operation of the court.

The court president is required to ensure legality, order and accuracy in the court, order removal of irregularities and prevent excessive delays in work, designate *ex officio* lawyers in the alphabetical order from the list of lawyers provided by a bar association, ensure safeguarding the independence of judges and the reputation of the court, and perform other tasks set forth by law and the Court Rules of Procedure.

A court has one or several deputy court presidents to act on behalf of the court president in absence of the latter or when prevented.

The court president shall designate one deputy president to act on his/her behalf where a court has several deputies.

Delegating Court Administration to Others

Article 53

The court president may delegate certain court administration tasks to the deputy court president or to presidents of departments.

The court president may not delegate assignments relating to decision making on employment rights of judges, the determining of the Annual Calendar of Tasks, the decision making on employment relations of court staff where so specified by law and on suspension of a judge or a lay judge from duty.

Empowerment of President of a Court of Immediately Higher Instance

Article 54

The President of a court of immediately higher instance is entitled to supervise the court administration of a lower instance court, and, in case of failure of the president of a lower court to act, to issue acts from his/her purview.

The President of a court of immediately higher instance may request information from the lower instance court regarding the application of regulations, the course of proceedings as well as all operation-related data.

The President of a court of immediately higher instance may order direct inspection of work of the lower instance court, and shall prepare a written report thereon.

Complaints Procedure

Article 55

When a party or other participant in a proceedings 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.

Court Secretary

Article 56

A court shall have a court secretary.

Court secretaries assist the court president in court administration and are autonomous in performing tasks delegated to them by a decision of the court president, in compliance with the Court Rules of Procedure.

A court secretary shall be appointed by the court president.

Chapter Five

COURT STAFF

1. Composition and Number of Court Staff

Article 57

Court staff are made up of judicial assistants, judicial trainees and public servants, as well as general service employees on administrative, technical, accounting, IT and other ancillary jobs of relevance to the judicial authorities.

The number of court staff is determined by the court president by the act on internal organisation and job classification in the court, in accordance with the human resources plan.

Criteria for determination of the number of court staff are determined by the Minister responsible for the judiciary.

2. Judicial Assistant

Tasks of Judicial Assistants

Article 58

A judicial assistant assists a judge, prepares draft court decisions, studies legal issues, case law and legal literature, prepares draft legal opinions, prepares adopted legal views for publication, and autonomously or under the supervision and guidance of a judge carries out tasks set forth by law and the Court Rules of Procedure.

Titles of Judge's Assistants

Article 59

Judge's assistants are conferred the following grades: Judicial Associate, Senior Judicial Associate and Court Advisor.

The grade of Judicial Associate may be conferred upon a person who has passed the juridicial examination, and the grade of Senior Judicial Associate on a person with a minimum two years of experience in the legal profession following the Juridicial Examination.

The grade of Court Advisor may be conferred on a person meeting the requirements for a high court judge.

Court Advisor

Article 60

A court advisor performs professional tasks relevant to a court department or the whole court.

The grade of Court Advisor shall exist in Republican level courts.

The grade of the Supreme Court of Cassation Advisor exists in the Supreme Court of Cassation, and is acquired in compliance with the Regulation on Organisation and Operation of the Supreme Court of Cassation.

3. Performance Evaluation of Judicial Assistants

Evaluation Periods

Article 61

The performance of a judicial assistant shall be evaluated once a year.

The performance of a judicial assistant who has worked less than six months during a calendar year is not evaluated for that particular year.

Competence for Evaluation

Article 62

The court president evaluates the performance of a judicial assistant following an opinion obtained from the session of the department where the judicial assistant is assigned to.

If a judicial assistant is not assigned to any court department, such opinion is obtained from the judge or the chamber with whom the judicial assistant works.

Evaluation Grades

Article 63

Evaluation shall rate the scope and quality of performance, diligence, initiative and published professional and research papers.

Performance evaluation of judicial assistants shall be performed on the basis of objective and uniform criteria set by the High Judicial Council.

Grades are: "unsatisfactory", "satisfactory", "good", "outstanding" and "particularly outstanding".

A senior judicial associate whose work is evaluated as "particularly outstanding" in at least two consecutive years may be conferred the grade of Court Advisor even if not meeting the requirements for a high court judge.

Evaluation Grade Decision

Article 64

The court president issues the decision on the evaluation grade of a judicial assistant. The judicial assistant may file an objection to the evaluation grade decision with a working body of the High Judicial Council within 15 days from the day of receiving the evaluation grade decision.

4. Judicial Trainees

Admission of Judicial Trainees

Article 65

A person with a law degree who meets general requirements for employment in the public service may be admitted as a judicial trainee.

A judicial trainee may be admitted to a basic, higher, commercial or minor offences court.

Precedence is afforded to candidates who graduated from law school with a high average grade.

When admitting judicial trainees, the national composition of the population, appropriate representation of national minority members and knowledge of professional legal terminology in a national minority language officially used in the court shall particularly be taken into account.

Employment of Judicial Trainees

Article 66

A judicial trainee shall be employed for a three-year period.

A judicial trainee who passes the juridical examination "with distinction" shall be permanently employed as a Judicial Associate.

Volunteer

Article 67

A person with a law degree may be admitted to court for training without employment status (volunteer) in order to gain work experience and fulfil requirements to sit for the juridical examination.

5. Training

Article 68

The training curriculum for judicial trainees and judicial assistants shall be specified by the institution responsible for judicial training, with the consent of the High Judicial Council.

A judicial trainee or judicial assistant may be assigned for training to another court, a government authority or a body of a local self-government unit for a certain period of time.

6. Other Rules on Court Staff

Article 69

Court staff is required to perform their duties with due diligence and impartially, and to protect the reputation of the court.

Regulations governing employment relations of civil servants and general service employees shall apply to employment and to rights, duties, professional training, evaluation and accountability of court staff, unless otherwise provided for by this Law.

Chapter Six

JUDICIAL ADMINISTRATION

Judicial Administration Tasks

Article 70

The judicial administration ensures enforcement of laws and other regulations connected with the organisation and operation of courts.

The judicial administration tasks are carried out by the High Judicial Council and the Ministry responsible for the judiciary.

The judicial administration-related duties performed by the High Judicial Council are: determination of general guidelines on the internal court organisation; maintaining personal records of judges, lay judges and court staff, the proposing of the part of the budget intended for operation of courts relating to running costs, and allocation of these funds; control of authorised spending of budgetary funds and oversight of financial and material operations of courts.

The judicial administration tasks carried out by the Ministry responsible for the judiciary are: monitoring the work of courts; collecting statistics and other data; approval of court rules on internal organisation and job classification; supervision of proceeding in cases within statutory time limits and acting on complaints and petitions; the proposing of the part of the budget intended for investments, projects and other programmes for operation of judicial authorities; ensuring spatial requirements, equipment supply and security of courts; oversight of financial and material operations of courts and the High Judicial Council; organisation and development of the judicial IT system; organisation, development and maintenance of the database of legal enactments; development and implementation of capital projects and other programmes for judicial authorities; appointment and dismissal of expert witnesses and court interpreters.

Capital expenditure referred to in paragraph 4 of this Article shall be disbursed by the Ministry competent for the judiciary or a judicial authority with consent of the Ministry competent for the judiciary.

Prohibition of Influence on the Autonomy and Independence of Courts and Judges

Article 71

Any single act of judicial administration interfering with the autonomy and independence of courts and judges shall be deemed null and void.

Nullity of the act referred to in paragraph 1 of this Article shall be determined by the Administrative Court.

Personal Record

Article 72

The High Judicial Council shall keep a personal record of every judge, lay judge and court employee.

Data contained in the personal record shall be transmitted to the High Judicial Council by the court president who is also responsible for their accuracy, and by the person to whom the data relates if such person has provided the data.

The data in the personal record are deemed official secrets and may be processed and used only for the purposes of implementation of this Law and the laws governing the status of judges, in accordance with regulations governing personal data protection.

Content of the Personal Record

Article 73

The personal record of a judge shall contain the first name and family name, parent's name, place and full date of birth, data on residence, the law school degree, achievements in studies, training period, juridical examination, professional career, date of fulfilment of years of service, performance evaluation, assignment to another court, suspension from duty, disciplinary measures, conducted criminal proceedings, termination of duty, published professional and research papers, foreign languages skills, financial status, housing situation and other data relating to operations and the status of a judge.

The personal record of a lay judge and a court employee shall contain the first name and family name, place and date of birth, residence address, level of education, title or occupation, performance evaluation, professional career, foreign languages skills and other data.

The authorities in possession of data that is entered in the personal record are required to submit it to the High Judicial Council.

The content in more detail and a standard form for personal records referred to in paragraphs 1 and 2 of this Article shall be determined by the High Judicial Council.

Court Rules of Procedure

Article 74

The Court Rules of Procedure prescribe the court internal organisation and operation, in particular: organisation and work of departments and other internal court units; work of the joint session of the departments and the session of all judges; informing the public about the work of courts; the conduct of proceedings and the provision of decisions in the languages of national minorities;

providing legal aid and holding court days; providing mutual legal assistance; keeping records, summoning and assigning lay judges; determining the obligation of the court president regarding the submission of data necessary for keeping personal records; practice for trainees; treatment of court users by court staff; keeping registers and other supporting books; handling briefs; action on complaints and petitions; keeping statistics and drafting reports on work; collection of fines, costs of criminal proceedings and seized proceeds; procedure on court deposits; introducing joint services in places with several courts and other judicial authorities; dress code for judges, court staff, parties and other participants in court proceedings and all others who conduct their work in a court, as well as other court organisation and operation-related matters.

The Court Rules of Procedure shall be issued by the Minister responsible for the judiciary, with a prior opinion obtained from the President of the Supreme Court of Cassation.

Supervision over Implementation of the Court Rules of Procedure

Article 75

The Ministry responsible for the judiciary exercises supervision over the implementation of the Court Rules of Procedure.

Only a person meeting the requirements for election to the court whose operation she or she supervises may act as a supervisor.

Effects of Supervision

Article 76

A record shall be made of conducted supervision to be forwarded to the president of the court wherein supervision was conducted, the president of an immediately higher instance court, the President of the Supreme Court of Cassation and the Minister responsible for the judiciary.

The president of an immediately higher instance court is required to notify the President of the Supreme Court of Cassation and the Minister responsible for the judiciary on measures undertaken to eliminate identified deficiencies, time limits for eliminating such deficiencies, as well as on the reasons whereby the deficiencies and omissions occurred.

The notification timeframe is defined in the Court Rules of Procedure.

Chapter Seven

COURT SECURITY

Court Guards

Article 77

Court guards shall be an armed and uniformed service ensuring security of persons and property, law and order and unhindered conduct of official activities in judicial premises.

Powers of Court Guards

Article 78

A court guard shall be authorised to determine the proper identity and reasons for the presence of a person in the building housing a judicial authority; to search the person and items where necessary, and to prohibit entry into the building with weapons, dangerous implements, under the influence of

alcohol or other intoxicating substances; to remove from the building any person disturbing law and order, persons who are not appropriately dressed or in a manner protecting the reputation and dignity of the court, as well as to protect persons and property in the court by other actions.

A court guard is authorised to use physical force and a rubber baton, and may use firearms only if otherwise unable to protect human life or repel an attack on the building of the judicial authority.

Organisation of Court Guards

Article 79

The Minister responsible for the judiciary shall determine in more detail the organisation of court guards, uniforms of members thereof, weapons and official IDs.

Assistance to Court Guards and Security

Article 80

At the request of head of a judicial authority, an internal affairs authority shall extend assistance to court guards.

The head of a judicial authority is entitled to request from the Ministry responsible for internal affairs to provide special protection to a judge, lay judge, public prosecutor, deputy public prosecutor, minor offences judge and their families or property.

Application of Regulations by Analogy

Article 81

Regulations governing the employment of civil servants and general service employees shall apply to the employment and rights, obligations, evaluation and accountability of court guards, unless provided otherwise by this Law.

Chapter Eight

FUNDS FOR OPERATION OF COURTS

Basic Provision

Article 82

Funds for the work of courts are provided from the budget of the Republic of Serbia. The size and flow of funds must be capable of sustaining the independence of judicial authority and ensure proper operation of courts.

Budget Proposal and Budget Execution

Article 83

The High Judicial Council proposes the size and structure of budgetary funds necessary for running costs, with prior opinion obtained from the Ministry responsible for the judiciary, and allocates these funds to courts.

Oversight of Budget Spending

Article 84.

Oversight of budgetary funds earmarked for court operations shall be conducted by the High Judicial Council, the Ministry responsible for the judiciary and the Ministry responsible for finance.

Use of Funds and Own Revenue

Article 85

Revenues generated from the work of courts are separately set out in the budget of the Republic of Serbia, and are allocated for the daily operation of judicial authorities, in accordance with the law.

The size and purpose of funds referred to in paragraph 1 of this Article shall be determined in the Law on the Budget.

Payment of Court Costs

Article 86

The minister responsible for the judiciary prescribes more detailed requirements, levels and manner of reimbursement of amounts that parties and other participants in proceedings pay to settle costs incurred in court proceedings.

Chapter Nine

TRANSITIONAL AND FINAL PROVISIONS

TRANSITIONAL PROVISIONS

Continued Operation of Existing Courts

Article 87

The Supreme Court of Serbia and the High Commercial Court established by earlier laws shall continue to operate until 31st December 2009.

Continued Operation of Existing Minor Offences Authorities

Article 88

Minor Offences panels, municipal minor offences authorities, minor offences commissions under the Ministry responsible for financial affairs, chambers for second instance minor offences proceedings under the Ministry responsible for financial affairs, the first and second instance tax-related minor offences authorities shall continue to operate in accordance with the Law on Minor Offences (*Official Gazette of the SRS*, No. 44/89 and the *Official Gazette of the RS*, Nos. 21/90, 11/92, 6/93, 20/93, 53/93, 67/93, 28/94, 16/97, 37/97, 36/98, 44/98, 62/01, 65/01 and 55/04), separate laws governing their jurisdiction, and the Decision on Establishment of Municipal Minor Offences Authorities and on Determination of the Number of Judges within Minor Offences Authorities ("Official Gazette of the RS", Nos. 72/93, 9/94, 30/94, 5/95, 12/95, 50/95, 27/96, 47/96, 9/97, 3/98, 6/98, 17/98, 41/98, 91/02, 37/03, 76/03, 115/03, 97/05 and 91/07) by 31 December 2008.

***Commencement of Operation of the Supreme Court of Cassation, the
Commercial Appellate Court, the Administrative Court and the High
Minor Offences Court***

Article 89.

The Supreme Court of Cassation, the Commercial Appellate Court, the Administrative Court and the High Minor Offences Court shall begin to operate as of 1st January 2010.

Delegation of Cases of the Supreme Court of Serbia

Article 90

Cases in which a final decision is not taken by 31st December 2009 shall be delegated by the Supreme Court of Serbia to the Supreme Court of Cassation or the courts that have jurisdiction over these cases under this Law and the Law governing seats and territorial jurisdictions of courts.

If after 1st January 2010 the Supreme Court of Cassation, in ruling on legal remedy, returns a case for retrial, such case shall be delegated to the court having jurisdiction over it under this Law and the Law governing the seats and territorial jurisdictions of courts.

Takover of Cases

Article 91

Cases which are not completed before minor offences chambers, chambers for second instance minor offences proceedings under the Ministry responsible for financial affairs, and the second instance tax-related minor offences authorities by 31st December 2009 shall be taken by the High Minor Offences Court, in accordance with its jurisdiction specified by this Law.

If after 1st January 2010 the High Minor Offences Court, in ruling on a legal remedy, returns a case for retrial, such case shall be assumed by the minor offences court having jurisdiction over it under the Law governing seats and territorial jurisdictions of courts.

Cases from the High Commercial Court shall be taken over by the Commercial Appellate Court as of 1st January 2010.

***Passing of Temporary Acts on Internal Organisation and Job Classification
in the Supreme Court of Cassation, the Commercial Appellate Court, the
Administrative Court, Appellate Courts and the High Minor Offences Court***

Article 92.

Temporary acts on internal organisation and job classification in the Supreme Court of Cassation, the Commercial Appellate Court, the Administrative Court, appellate courts and the High Minor Offences Court shall be issued by the Minister responsible for the judiciary by 1st September 2009

Acts on internal organisation and job classification in the Supreme Court of Cassation, the Commercial Appellate Court, the Administrative Court, appellate courts and the High Minor Offences Court shall be issued by their respective court presidents within a period of six months from the day of their respective election, in accordance with this Law.

Taking over of Resources, Equipment, Archives and Staff

Article 93

The resources, equipment, archives and staff of the Supreme Court of Serbia shall be taken over by the Supreme Court of Cassation, the Administrative Court and appellate courts, in compliance with the competences specified by this Law.

The Minister responsible for the judiciary shall set up a Commission to allocate the resources, equipment and archives referred to in paragraph 1 of this Article.

The High Judicial Council shall set up a Commission to pass decisions on transfer of staff from the Supreme Court of Serbia to the Supreme Court of Cassation, the Administrative Court and appellate courts, in accordance with the temporary act on internal organisation and job classification.

The required resources, equipment, archives and staff of existing minor offences chambers, chambers for second instance minor offences proceedings under the Ministry responsible for financial affairs, and the second instance tax-related minor offences authorities shall be taken over by the High Minor Offences Court, in compliance with the competence specified by this Law.

The Minister responsible for the judiciary shall set up a Commission to allocate the resources, equipment, and archives referred to in paragraph 4 of this Article.

The High Judicial Council shall set up a Commission to assign the staff referred to in paragraph 4 of this Article to tasks within the High Minor Offences Court and appellate courts, in accordance with the temporary act on internal organisation and job classification.

Allocation of the resources, equipment and archives, as well as transfer of staff from chambers for the second instance minor offences proceedings under the Ministry responsible for financial affairs, and the second instance tax-related minor offences authorities shall be implemented in collaboration with the Ministry responsible for finance.

The required resources, equipment, archives and staff of the High Commercial Court shall be taken over by the Commercial Appellate Court.

Rights of Employees from the Supreme Court of Serbia, the High Commercial Court and Minor Offences Authorities

Article 94

Provisions of the Law governing the rights of civil servants and general service employees in changes of organisation of government authorities shall apply to the rights of employees from the Supreme Court of Serbia, the High Commercial Court, minor offences chambers, chambers for the second instance minor offences proceedings under the Ministry responsible for financial affairs, and the second instance tax-related minor offences authorities.

Competence of the High Judicial Council regarding Means for Work of Courts

Article 95

The competences of the High Judicial Council referred to in Articles 83 and 84 of this Law shall be exercised by the Ministry responsible for the judiciary until 1st September 2011.

Bylaws

Article 96

Secondary legislation prescribed under this Law shall be passed within a period of six months from the day of entry into force of this Law.

Until the passing of the secondary legislation referred to in paragraph 1 of this Article, provisions of regulations enacted on the basis of the Law on Organisation of Courts shall apply, unless contrary to the provisions of this Law.

FINAL PROVISIONS

Cessation of Validity of Laws

Article 97

On the effective date of this Law, the Law on Organisation of Courts (*Official Gazette of the RS*, Nos. 63/01, 42/02, 27/03, 29/04, 101/05 and 46/06), and the provisions of Articles 12-20 of the Law on Courts (the *Official Gazette of the RS*, Nos. 46/91, 60/91 - correction, 18/92 - correction, 71/92, 63/01, 42/02, 27/03 and 29/04) shall cease to apply.

Entry into Force and Commencement of Application

Article 98

This Law shall enter into force on the eighth day from the day of the publication in the *Official Gazette of the Republic of Serbia* and shall apply as of 1st January 2010.

Independent Articles of the Law on amendments and supplements to the Law on Organisation of Courts

(“Official Gazette RS” no. 101/2010)

Article 3

This Law shall enter into force on the next day following its publication in the Official Gazette of the Republic of Serbia.