

## THE LAW ON JUDICIAL ACADEMY

(“Official Gazette of the RS”, no. 104/2009)

### I GENERAL PROVISIONS

#### *Scope of the Law*

##### **Article 1**

This Law shall establish the Judicial Academy (hereinafter referred to as: the Academy) and regulate its status, activity, governing and financing bodies, as well as the initial and continuous training of judges, public prosecutors and their deputies (hereinafter referred to as: prosecutors), the training of judicial and prosecutorial assistants and trainees and that of judicial and prosecutorial staff.

#### *The purpose of the Academy*

##### **Article 2**

The Academy shall be established for the purpose of contributing to professional, independent, unbiased and efficient performance of judicial and prosecutorial function as well as to the professional and efficient performance of duties of judicial and prosecutorial staff.

#### *Status of the Academy*

##### **Article 3**

The founder of the Academy shall be the Republic of Serbia.

The Academy shall be established as an institution whose activities are aimed at exercising rights established by law.

The Academy shall have the capacity of a legal person.

The seat of the Academy shall be in Belgrade.

The internal organisation and activities performed by the Academy shall be regulated by the law on public services unless otherwise stipulated by this law.

The Ministry in charge of judiciary shall supervise the legality of work of the Academy.

### ***Seal of the Academy***

#### **Article 4**

The Academy shall have its seal.

The contents and the manner of using the seal of the Academy shall be regulated by the Statute of the Academy in keeping with the law regulating seals of state and other bodies.

## **II. ACTIVITIES AND ORGANISATION OF THE ACADEMY**

### ***Activities of the academy***

#### **Article 5**

The Academy shall:

- Organise and conduct entrance exam for the initial training;
- Organise and conduct the initial training;
- Organise and conduct continuous training of judges and prosecutors;
- Organise and conduct training of lecturers and mentors;
- Organise and conduct professional training of judicial and prosecutorial staff;
- Establish and maintain cooperation with local, foreign and international institutions, organisations and associations on matters concerning its activities;
- Issue publications and perform other publishing activities;
- Carry out research and analyses and cooperate with scientific institutions;
- Systematically gather information of relevance for the work of the Academy, especially those concerning the conduct of training and results thereof and manage documentation information centre;
- Gather and process jurisprudence;
- Perform other tasks stipulated by law and the Statute of the Academy (hereinafter referred to as: the Statute).

## ***Bodies of the Academy***

### **Article 6**

Bodies of the Academy shall be: the Steering Committee, Director and Program Council.

### ***Steering Committee***

### **Article 7**

The Steering Committee shall be a body managing the Academy and it shall be made up of nine members.

Members of the Steering Committee shall be: four members appointed by the High Judicial Council from the ranks of judges, two of whom are appointed at a proposal of the Association of Judges; two members appointed by the State Prosecutors' Council from the ranks of prosecutors, one of whom is appointed at the proposal of the Association of Prosecutors; and three members appointed by the Government, one of whom is the state secretary in the Ministry responsible for judiciary, in charge of professional advancement of those employed in judiciary and one is from among the employees of the Academy.

Members of the High Judicial Council and State Prosecutors' Council cannot be members of the Steering Committee.

The term of office of members of the Steering Committee shall be four years and they can be re-elected.

Members and the Chairman of the Steering Committee shall be entitled to remuneration for their work amounting to 30% of the basic salary of a basic court judge.

### ***Chairman of the Steering Committee***

### **Article 8**

Members of the Steering Committee shall elect the Chairman of the Steering Committee among the members of the Steering Committee who are judges and prosecutors.

The term of office of the Chairman of the Steering Committee shall be four years and he/she can be re-elected for another term.

Chairman of the Steering Committee shall convene and chair meetings of the Steering Committee.

### ***Competences of the Steering Committee***

### **Article 9**

The Steering Committee of the Academy shall:

- Pass the Statute and other acts of the Academy in keeping with law and monitor their implementation;
- Elect and relieve of duty Chairman of the Steering Committee;
- Elect and relieve of duty Director of the Academy on the basis of a public competition;
- Elect and relieve of duty members of the Programme Council;
- Adopt the programme of the entrance exam for the initial training;
- Adopt the Rulebook on the entrance exam for the initial training;
- Pass the Rulebook on the final exam of the initial training;
- Adopt initial training programmes and submit them to the High Judicial Council and State Prosecutors' Council for verification;
- Adopt continuous training programmes, with the approval of the High Judicial Council and the State Prosecutors' Council;
- Adopt training programme for judicial and prosecutorial staff, with the approval of the High Judicial Council and State Prosecutors' Council;
- Adopt a special training programme for judicial assistants and trainees, with the approval of the High Judicial Council;
- Adopt a special training programme for prosecutorial assistants and trainees and submit it to the State Prosecutors' Council for verification;
- Pass an entrance exam programme for judicial and prosecutorial trainees;
- Adopt a training programme for mentors and lecturers;
- Decide on the amount of remuneration for mentors and lecturers;
- Adopt an annual report on the work of the Academy as well as an annual statement of accounts;
- Give its approval for the decision on the appointment of the members to standing commissions;
- Pass its Rules of Procedure;
- Give its approval for the act on internal organisation and job classification within the Academy;
- Decide on the use of Academy's funds, in keeping with law;
- Perform other duties in keeping with law and the Statute.

## ***Termination of office of the members and Chairman of the Steering Committee***

### **Article 10**

The office of a member of the Steering Council shall be terminated:

- Upon the expiry of the mandate for which he/she was elected;
- At personal request;
- Upon the termination of office of a member of the Steering Committee who is a judge, prosecutor or state secretary of the Ministry in charge of judiciary;
- In case he/she is unable to perform the function of a member of the Steering Committee for over six months;
- If he/she is relieved of duty.

The decision on the termination of office of a Steering Committee member shall be passed by the body that appointed him/her.

The appointing body shall appoint a new member to that post within 30 days from the date the decision to terminate the office of a member of the Steering Committee.

In addition to the reasons referred to in paragraph 1 of this Article, the function of the Chairman of the Steering Committee may also be terminated by release from duty further to the decision of the Steering Committee.

## ***The manner of work of the Steering Committee***

### **Article 11**

Meetings of the Steering Committee shall be convened and chaired by the Chairman of the Steering Committee. The Steering Committee shall hold at least four meetings per annum.

The Chairman of the Steering Committee shall convene a meeting at the proposal of at least one third of the members.

A meeting of the Steering Committee may also be convened on the basis of a reasoned written request by the Director of the Academy or a member of the Steering Committee.

The Steering Committee shall hold meetings if more than a half of the total number of members are present.

## ***The manner of decision making of the Steering Committee***

### **Article 12**

The Steering Committee shall pass decisions by the majority vote of the members present.

Decisions concerning election and relief of duty of the Chairman of the Steering Committee and of the Director of the Academy, the Statute and the Rules of Procedure shall be adopted by the two third majority of votes of all members of the Steering Committee.

The manner of work and decision making of the Steering Committee shall be regulated in detail by the Rules of Procedure.

## ***Director of the Academy***

### **Article 13**

The Director shall be the executive body of the Academy.

The Director of the Academy shall be elected for a period of five years and may be re-elected.

A person eligible for the election to the post of the Director of the Academy, in addition to meeting general requirements for employment in state bodies, shall also fulfil the following conditions:

- To hold a university degree;
- To have at least seven years of professional experience;
- To have organisational and managerial skills;
- To be fluent in one world language.

## ***Competences of the Director***

### **Article 14**

The Director shall:

- Represent the Academy;
- Enforce the decisions of the Steering Committee and the Programme Council;
- Coordinate and organise the work of the Academy;

- Take part in the work of the Steering Committee and the Program Council;
- Submit an annual report on his/her work in the Steering Committee;
- Pass an act on the internal organisation and job classification in the Academy, with the approval of the Steering Committee;
- Manage a professional and technical service of the Academy;
- Perform other duties in keeping with law, the Statute and other acts.

### ***Termination of office of the Director***

#### **Article 15**

The office of the Academy Director shall terminate:

- Upon the expiry of the mandate for which he/she was elected;
- At personal request;
- Upon the loss of his/her working ability and meeting the conditions for retirement;
- By relief of duty due to unprofessional or unconscientious work.

### ***Programme Council***

#### **Article 16**

The Programme Council shall be the professional body of the Academy.

The Programme Council shall be made up of 11 members appointed by the Steering Committee from among judges and prosecutors, other experts and judicial and prosecutorial staff.

At least five members of the Programme Council shall be judges, at least three of them prosecutors, of whom one member shall be proposed by the Judges' Association or Prosecutors' Association, and one member shall be from among the judicial and prosecutorial staff.

Members of the High Judicial Council, State Prosecutors' Council and members of the Steering Committee may not be members of the Programme Council.

Members of the Program Council from paragraph 3 of this Article may have their workload reduced by up to 50% due to their engagement in the Academy.

The decision on the workload reduction from paragraph 5 of this Article shall be passed by the High Judicial Council for judges, by the State Prosecutors' Council for prosecutors and for the member from among judicial and prosecutorial staff - by the head of the judicial body in which the member is employed.

Members of the Programme Council who are not from the ranks of judges, prosecutors and judicial and prosecutorial staff shall be entitled to a separate remuneration for their work as determined by the Steering Committee.

### ***Competences of the Programme Council***

#### **Article 17**

The Programme Council of the Academy shall:

- Determine a draft programme for the entrance exam for the initial training;
- Determine a draft programme for the final exam for the initial training;
- Determine a draft programme of the initial training for judges and prosecutors;
- Appoint members of the standing commissions, with the approval of the Steering Committee;
- Set up ad hoc commissions and working groups as set out in the Statute;
- Determine a draft programme of the continuous training for judges and prosecutors;
- Determine a draft of the special programme for the training of judicial and prosecutorial assistants and trainees.
- Determine a draft entrance exam for judicial and prosecutorial trainees;
- Determine a draft training programme for judicial and prosecutorial staff;
- Determine a draft training programme for mentors and lecturers and other specialized training programs;
- Appoint full time lecturers from the ranks of judges and prosecutors with the approval of the High Judicial Council or High Prosecutorial Council;
- Approve the decision concerning the election of full time lecturers who are not judges and prosecutors;
- Determine conditions for the appointment of mentors and part time lecturers and appoint them;
- Determine a draft Rulebook for the entrance exam for the initial training;



- Determine a draft Rulebook for the final exam of the initial training;
- Pass a Rules of Procedure on its work;
- Decide any complaint about the ranking list of candidates following the entrance exam for the initial training;
- Perform other duties in keeping with this law and the Statute.

### ***Standing commissions of the Programme Council***

#### **Article 18**

The Programme Councils shall have the following standing commissions in charge of:

- Entrance exam for the beneficiaries of the initial training;
- Initial training and final exam;
- Continuous training;
- The training of judicial and prosecutorial assistants and trainees;
- The training of judicial and prosecutorial staff;
- The training of mentors and lecturers;

Members of the Standing Commission shall be appointed by the Programme Council with the approval of the Steering Committee.

The number and composition of members of standing commissions shall be regulated by the Statute.

Members of the standing commissions shall have the rights referred to in Article 16 paragraphs 5 and 7 of this Law.

### ***Mentors and lecturers***

#### **Article 19**

Mentors and lecturers shall be specially trained persons from the ranks of judges, prosecutors and other professions who directly implement the training programme.

Only judges and deputy public prosecutors may be mentors.

Lecturers may work on a full time or part-time basis.

Full time lecturers from the ranks of judges and deputy public prosecutors shall be assigned to work at the Academy for a period of three years.

Full time lecturers who are not judges and deputy public prosecutors shall be employed on a full time basis in the Academy.

Part time lecturers shall be engaged as required for the purpose of implementation of the training programme.

The rights and obligations of mentors and part time lecturers shall be regulated by a contract between them and the Academy.

### ***Salaries and remunerations for mentors and lecturers***

#### **Article 20**

Mentors working on the initial training programme shall have 10% of their workload reduced and shall be entitled to remuneration for their mentor's work in the amount of 10% of the basic salary.

Mentors working on the training programme of judicial or prosecutorial assistants and trainees shall be entitled to remuneration for their mentor's work in the amount of 15% of their basic salary depending on the number of persons they are training.

Full time lecturers shall be entitled to a salary in keeping with the law regulating salaries of civil servants, while full time lecturers from among judges and deputy public prosecutors shall have the salary equal to the one they would receive as judges or prosecutors, if that should be more favourable for them.

Part time lecturers shall be entitled to the remuneration for their work and the expenses incurred in the course of preparation and implementation of the training in keeping with the act of the Steering Committee.

### ***Professional and technical service***

#### **Article 21**

A professional and technical service shall be established for the purpose of performing professional and administrative-technical affairs in the Academy.

The description of work and assignments of the employees of this Service shall be regulated by an act on internal organisation and job classification.

The provisions of the law and other regulations governing labour relations shall apply to the rights and obligations of the Academy employees.

### ***Funds and working conditions***

#### **Article 22**

Funds necessary for the work of the Academy shall be provided from the budget of the Republic of Serbia, donations and gifts, income from publications and project realization as well as from other sources in keeping with law.

The conditions for the Academy' work shall be provided by the Government.

## **III TRAINING OF JUDGES AND PROSECUTORS**

### ***The concept and goal***

#### **Article 23**

The training of judges and prosecutors shall imply organised acquisitions and advancement of practical and theoretical knowledge and skills required the independent, i.e. autonomous, professional and efficient performance of their office.

### ***Types of training***

#### **Article 24**

The training may be initial or continuous.

#### **1. Initial training**

##### **Concept and goal**

#### **Article 25**

The Initial training shall imply organised acquisition of practical and theoretical knowledge and skills, understanding the role and basic principles of actions of judges and deputy public prosecutors for the purpose of independent, professional and efficient performance of the office of a judge in a misdemeanour and basic court and that of a deputy public prosecutor in a basic public prosecutor's office.

## ***Beneficiaries of the initial training***

### **Article 26**

The beneficiaries of the initial training shall be the persons who, after passing the entrance exam, have been admitted to the Academy for the initial training.

The number of beneficiaries of the initial training shall be determined by the High Judicial Council or the State Prosecutors' Council once a year, until 1 March, and they shall inform the Academy thereof.

The number of initial training beneficiaries referred to in paragraph 2 of this Article shall be determined by the High Judicial Council and the State Prosecutors' Council on the basis of the number of vacancies for judges in misdemeanour and basic courts and deputy prosecutors in basic public prosecutor's office, respectively, in the year following the year of the completion of the initial trainings, as increased by 30%.

## ***Public competition for the admittance to the initial training***

### **Article 27**

The Academy shall announce a public competition for the selection of candidates to be admitted to the initial training.

The public competition referred to in paragraph 1 of this Article shall be announced once a year, no later than 1<sup>st</sup> of June and shall be published in the "Official Gazette of the Republic of Serbia" and other means of public information covering the entire territory of the Republic of Serbia.

The deadline for candidates' applications shall be 15 days from the date of announcing the public competition in the "Official Gazette of the Republic of Serbia".

## ***Conditions for admittance to the initial training***

### **Article 28**

The conditions for admittance to the initial training shall be:

- Passed bar exam;
- Fulfilment of general requirements for the work in state bodies;
- Passed entrance exam for the initial training.

**a) Entrance exam for the initial training**

*The purpose of the entrance exam*

**Article 29**

The purpose of the entrance exam is to determine the level of professional knowledge required for attending the initial training programme and the level of competence for the performance of judicial and prosecutorial office.

*The scope and programme of the entrance exam.*

**Article 30**

The scope of the entrance exam shall refer to establishing the level of professional knowledge required for the attendance of the initial training programme, including the applicable substantive and procedural law in the field of civil, criminal and misdemeanour law, as well as the knowledge of general culture.

The entrance exam programme shall be regulated by the act of the Programme Council published no later than six months before the date of exam.

*The time and manner of taking the entrance exam*

**Article 31**

The entrance exam for the initial training shall be organised once a year, no later than 1<sup>st</sup> of September.

The entrance exam shall consist of a written and oral part and a personality test.

The manner of taking the entrance exam shall be regulated in detail by the Rulebook on the entrance exam.

*Commission for the entrance exam*

**Article 32**

The entrance exam shall be taken before the Entrance Exam Commission (hereinafter referred to as: Exam Commission).

The Exam Commission shall have five members appointed by the Programme Council for a period of four years, three of whom shall be judges and two prosecutors.

Members of the Exam Commission may not be members of the Programme Council.

The Exam Commission shall hire experts for conducting the personality test.

### *Grading*

#### **Article 33**

The oral and written parts of the test shall be graded with marks from 1 to 10.

The marks at the personality test shall be “satisfactory” and “unsatisfactory”.

The candidate graded with mark 2 or a lower mark at the oral or written part of the entrance exam, that is, with “unsatisfactory” mark in the personality test, shall not pass the entrance exam.

Within 24 hours from the reception of the grades, the candidate who is dissatisfied with his/her mark in the oral part of the exam shall have the right to submit a request to the Programme Council for taking the oral part of the entrance exam before a special commission.

The Programme Council shall establish a special commission referred to in paragraph 4 of this Article, within three days from the date of the request. The special commission shall have three members. Members of the Exam commission may not be members of the special commission. The mark of the special commission shall be final.

The final mark awarded in the entrance exam shall be the total sum of the marks from the oral and written parts of the entrance exam.

### *Ranking list*

#### **Article 34**

The Exam Commission shall draw up the ranking list of candidates on the basis of their final marks.

Should candidates have the same final mark, the candidate with a better mark at the bar exam shall be admitted, and if they have the same marks at the bar exam, the candidate with the better point score average during the studies shall be admitted.

A candidate may file a complaint to the Programme Council about the ranking list within three days from the date of publishing the ranking list. The Programme Council may deny the complaint or meet it and redraw the final ranking list of candidates.

The candidates shall be admitted according to their order in the ranking list up to the number of the training beneficiaries envisaged for that calendar year.

## **b) Implementation of the initial training**

### *The programme and implementation of the initial training*

#### **Article 35**

The initial training programme shall include the application of substantive and procedural laws, judicial and prosecutorial practice, ethical standards for judges and prosecutors, international legal standards, internal organisation of work of courts and prosecutor's offices, scientific and professional papers in the fields of national and international law as well as the skills required for the performance of judicial and prosecutorial duties.

The Initial training programme shall be established by the High Judicial Council and State Prosecutors' Council, upon the proposal drafted by the Programme Council and adopted by the Steering Committee of the Academy.

The initial training shall last two years, starting on 1 October and shall comprise the theoretical and practical part in the field of constitutional, civil, criminal and misdemeanour law as well as general and professional culture.

The practical part of the initial training shall be conducted at the court of law, public prosecutor's office as well as in other state bodies, bar chambers and other organisations.

The duration of the training for each of the fields shall be determined by the initial training programme.

The theoretical part of the training shall be delivered through presenting different topics organised by the Academy, while the practical part shall imply work in the judicial bodies under the supervision of a mentor as well as work in judicial institutions.

### *Initial training assessment*

#### **Article 36**

After the completion of each part of the initial training the mentor and the lecturer in charge of that part of the training conducted within the court and prosecutor's office shall assess the candidate. The work in the institutions outside the judiciary shall not be assessed.

Assessment of the initial training shall be in marks from 1 to 5.

The beneficiary of the initial training not satisfied with his/her mark shall be entitled to submit, within 24 hours from the reception of the notification on the marks, a request to the Programme Council to be examined for that part of the training by a special commission.

The Program Council shall then set up a special commission referred to in paragraph 3 of this Article within three days from the date of submitting the request. The special commission shall have three members. The mentor and lecturer about whose marks the initial training beneficiary complained may not be members of the special commission. The mark of the special commission shall be final.

In case the initial training beneficiary is awarded mark 1 for any part of the initial training, his/her capacity as initial training beneficiary shall be discontinued.

#### *Final exam*

#### **Article 37**

Upon the completion of the initial training the beneficiaries of the initial training shall take the final exam which shall only test their practical knowledge and skills acquired at the initial training for the performance of duty of a misdemeanour judge, judge of a basic court and deputy public prosecutor in a basic prosecutor's office.

The final exam shall be assessed with marks from 1 to 5.

It shall be considered that the beneficiary of the initial training who is awarded mark 1 at the final exam has not completed the initial training.

The programme and the manner of taking the final exam shall be regulated in detail by the Rulebook.

#### *Final mark*

#### **Article 38**

At the end of the initial training the beneficiary of the initial training shall be awarded a final mark that constitutes the sum-up of all marks awarded for individual parts of the training plus the mark at the final exam.

#### *Certificate on completed initial training*

#### **Article 39**

The Academy shall issue to the beneficiary a certificate on completed initial training containing the marks for each part of the training as well as the final mark.

The certificate referred to in paragraph 1 of this Article shall be printed on a form as stipulated by the act of the Steering Committee.



## **v) The rights and obligations of the initial training beneficiaries**

### **Article 40**

The beneficiary of the initial training shall be employed on a temporary basis at the Academy for 30 months, starting on 1 October in the year in which he/she was admitted as beneficiary of the initial training.

The Programme Council shall determine the court and/or the public prosecutor's office where the initial training beneficiary is trained, according to the place in which the initial training beneficiary is employed or resides.

The salary of the initial training beneficiary shall amount to 70% of the basic salary of the basic court judge during his/her temporary employment at the Academy.

The Director of the Academy may decide to postpone the initial training by 12 months at most, upon a request of the initial training beneficiary.

The initial training beneficiary shall have the right to appeal to the Steering Committee within eight days from the date of the receipt of the decision referred to in paragraph 4 of this Article. The Steering Committee decision shall be final.

Exceptionally, the Director of the Academy may decide to postpone the initial training of the beneficiary who is on pregnancy or maternity leave. The decision on the postponement shall be adopted for the period set out by the law regulating this right.

After completing the initial training the beneficiary shall be obliged to apply for the post of a misdemeanour judge, a basic court judge or a deputy basic public prosecutor.

In proposing the candidates for the election to the post of misdemeanour or basic court judge, i.e., that of the deputy basic public prosecutor the High Judicial Council or the State Prosecutors' Council must select the candidate who have completed the initial training at the Academy, taking into account his/her performance at the initial training.

If among the candidates who applied none has completed the initial training, the High Judicial Council and the State Prosecutors' Council may propose a candidate fulfilling general conditions for election.

The High Judicial Council or the State Prosecutors' Council may allow the person who completed the initial training to be employed temporarily in a court of law or a prosecutor's office for a period of maximum three years if he/she applied to the competition for the election of a judge or a deputy public prosecutor, but was not elected to the post.

Should the candidate who completed the initial training fail to commence performing the office of a misdemeanour judge, a basic court judge or that of a deputy basic public prosecutor within three years from the date of receiving the certificate on the completion of the initial training, including the years in which the National Assembly elects misdemeanour and basic court judges or deputy basic public prosecutors, that fact shall be taken into account during his/her proposal for election to these posts.

The beneficiary shall be obliged to regularly attend the initial training and observe the rules stipulated by the general acts of the Academy.

## **2. *Continuous Training***

### **Concept and purpose**

#### **Article 41**

Continuous training shall imply the acquisition of advanced theoretical and practical knowledge and skills for the purpose of professional and efficient performance of judicial and prosecutorial function.

### **Beneficiaries of the continuous training**

#### **Article 42**

Beneficiaries of the continuous training shall be judges and prosecutors.

The Academy shall keep a record of judges and prosecutors participating in the continuous training programme and shall submit these data to the High Judicial Council or State Prosecutors' Council.

### **Continuous training types and programme**

#### **Article 43**

Continuous training may be voluntary and mandatory.

Continuous training shall be voluntary except when envisaged as mandatory by a decision of the High Judicial Council and the State Prosecutors' Council in case of change of specialisation, significant changes of regulations, introduction of new methods of work, in order to remove shortcomings in the work of a judge and a deputy public prosecutor observed in the course of their work, as well as for those judges and deputy public prosecutors who are elected for the first time to the post of a judge or prosecutor and who have not attended the initial training programme.

The continuous training programme shall be adopted by the Steering Committee at the proposal of the Programme Council with the approval of the High Judicial Council or State Prosecutors' Council.

## **General continuous training programme**

### **Article 44**

The right and obligation of judges and prosecutors to continuous professional advancement shall be exercised through general continuous training programmes.

## **A special continuous training programme**

### **Article 45**

Judges and deputy public prosecutors elected for the first time to these posts who have not attended the initial training, shall be obliged to attend a special continuous training programme.

The content and duration of the special continuous training programme shall be laid down in the act of the Programme Council depending on the professional experience of the beneficiary referred to in paragraph 1 of this Article.

The beneficiary of the special continuous training programme referred to in paragraph 1 of this Article shall have his/her workload and working hours reduced by up to 30% during the course of the programme upon a decision of the High Judicial Council or State Prosecutors' Council

Beneficiaries of the special continuous training programme shall also be the judges and deputy public prosecutors who were appointed by the decision of the High Judicial Council or State Prosecutors' Council, when required, for the purpose of removing shortcomings in the work of a judge and a deputy public prosecutor observed in the course of evaluation of their work. In this case, the continuous training shall be mandatory.

The decision of the High Judicial Council or State Prosecutors' Council may for certain categories of judges and prosecutors require mandatory continuous training, namely, in case of election to a court or a public prosecutor's office of a higher instance, change of specialisation, significant changes of regulations and the introduction of new working methods.

The Academy shall be obliged to draft a special continuous training programme in accordance with the decisions of the High Judicial Council or State Prosecutors' Council.

## **Annual programme of voluntary continuous training**

### **Article 46**

The Academy shall be obliged to submit to the courts and public prosecutor's offices a framework annual programme for voluntary continuous training for the following calendar year once a year, no later than 1<sup>st</sup> of December.

Judges and prosecutors shall submit to the Academy their applications for the programme referred to in paragraph 1 of this Article until 31<sup>st</sup> of December of the current year for the following calendar year.

For each of the programmes offered, the Academy shall determine beneficiaries and inform the courts and public prosecutor's offices thereof.

The Academy shall issue to judges and prosecutors a certificate on their participation in the continuous training programmes

#### IV TRAINING OF MENTORS AND LECTURERS

##### **Training programme for mentors and lecturers**

###### **Article 47**

Mentors and lecturers from the ranks of judges and prosecutors shall undergo a training programme adopted by the Steering Committee at the proposal of the Programme Council.

The Academy shall issue to mentors and lecturers a certificate on the completed training referred to in paragraph 1 of this Article.

The certificate from paragraph 2 of this Article shall be printed on the form set out by the act of the Steering Committee.

##### ***Mentors at the training programme of judicial and prosecutorial assistants and trainees***

###### **Article 48**

In the course of their training, judicial and prosecutorial assistants and trainees shall have the mentors from the ranks of judges or deputy public prosecutors who are appointed by a President of the court or by a public prosecutor.

Mentors referred to in paragraph 1 of this Article shall be obliged to undergo a training programme for mentors organised by the Academy.

#### V SPECIAL TRAINING PROGRAMME FOR JUDICIAL AND PROSECUTORIAL ASSISTANTS AND TRAINEES

##### ***Entrance exam for trainees***

###### **Article 49**

Candidates for judicial and prosecutorial trainees must take an entrance exam in order to be admitted to a court or a public prosecutor's office to complete their internship.

Entrance exam programme for trainees shall be adopted by the Steering Committee of the Academy at the proposal of the Programme Council.

Candidates for judicial or prosecutorial trainees shall be admitted to work at a court or a public prosecutor's office on the basis of their overall mark.

The overall mark is made up of the sum of a grade point average from the studies and the mark given in the entrance exam, with the grade from the basic studies accounting for 40% of the overall mark and entrance exam mark accounting for 60%.

The candidates with the highest overall mark shall be employed as judicial or prosecutorial trainees.

### ***A special training programme***

#### **Article 50**

A draft special training programme for judicial and prosecutorial assistants and trainees shall be established by the Programme Council in cooperation with court presidents and public prosecutors.

A special training programme for judicial assistants and trainees shall be adopted by the Steering Committee with the approval of the High Judicial Council.

A special training programme for prosecutorial assistants and trainees shall be adopted by the Steering Committee and submitted to the State Prosecutors' Council for verification.

Judicial and prosecutorial assistants and trainees must undergo a special training programme referred to in paragraphs 2 and 3 of this Article.

Once a year presidents of courts or public prosecutors shall submit to the Academy work reports on judicial and prosecutorial assistants and trainees as well as the opinion of their mentors.

Judicial and prosecutorial assistants who have completed the initial training shall not be obliged to attend the special training programme referred to in paragraphs 2 and 3 of this Article.

Judicial and prosecutorial volunteers shall have the same rights and obligations concerning the training as trainees.

## **VI TRAINING OF JUDICIAL AND PROSECUTORIAL STAFF**

### ***Concept and aim***

#### **Article 51**

Training of the judicial and prosecutorial staff shall imply organised acquisition of knowledge and skills necessary for professional and efficient performance of duties.

### ***Beneficiaries***

## **Article 52**

Training beneficiaries referred to in Article 51 of this Law shall be judicial and prosecutorial staff who perform administrative tasks.

Judicial and prosecutorial staff training shall be voluntary unless otherwise provided for by a separate law.

### ***Training programme for judicial and prosecutorial staff***

## **Article 53**

A training programme for judicial and prosecutorial staff shall be adopted by the Steering Committee at the proposal of the Programme Council, with the approval of the High Judicial Council or State Prosecutors' Council. The programme shall be adopted for each category of judicial and prosecutorial staff.

## **VII TRANSITIONAL AND FINAL PROVISIONS**

### ***Taking over the tasks of the Judicial Centre***

## **Article 54**

The tasks of the Judicial Centre concerning training and professional advancement, as laid down in Article 165 of the Law on Juvenile Perpetrators of Criminal Offences and Criminal-law Protection of Minors ("Official Gazette of the RS", no. 85/05) or as laid down in the Rules of Procedure concerning the programme and manner of acquiring specialised knowledge in the field of the right of child for the judges trying cases concerning family relations ("Official Gazette of the RS", no. 44/06) shall be performed by the Academy as of the date of entry into force of this law.

### ***Establishing the Steering Committee of the Academy***

## **Article 55**

Members of the Steering Committee of the Academy shall be appointed within 45 days from the effective date of this law.

The Constitutive meeting of the Steering Committee of the Academy shall be convened by the oldest member of the Steering Committee within 15 days from the date of the appointment of the members of the Steering Committee of the Academy.

### ***Election of the Academy Director***

## **Article 56**

The Steering Committee of the Academy shall decide on announcing a public competition for the election of the Academy Director within 15 days from the date of holding the constitutive meeting of the Steering Committee.

The Steering Committee of the Academy shall elect the Director of the Academy no later than 30 days from the date of the expiry of the deadline for applying to the competition.

### ***Adoption of the Statute and by-laws***

#### **Article 57**

The Statute shall be adopted within 30 days from the date of establishing the Steering Committee of the Academy.

Other by-laws envisaged by this law shall be adopted within 60 days from the date of establishing or setting up bodies responsible for their adoption or proposal.

### ***Setting up the Programme Council***

#### **Article 58**

The Programme Council shall be set up within two months from the date of establishing the Steering Committee.

### ***Election of the Acting Director of the Academy***

#### **Article 59**

Upon obtaining an approval from the President of the High Judicial Council and that of the State Prosecutors' Council, the Minister in charge of Judiciary shall appoint an acting Director of the Academy within 15 days from the date of entry into force of this law.

The acting Director must fulfil conditions for the election of the Academy Director.

The acting Director shall perform the duty of the Director pending the election of the Academy Director in accordance with this law.

Within 15 days from the appointment, the acting director shall adopt a temporary act on internal organisation and job classification for the employees in the professional and technical service of the Academy.

### ***Termination of validity of the law***

#### **Article 60**

The validity of the Law on the Training of judges, public prosecutors and deputy public prosecutors and judicial and prosecutorial assistants (“Official Gazette of the RS”, no 46/06) shall be terminated on the effective date of this law.

***Entry into force of the law***

***Article 61***

This law shall enter into force on the eight day from the date of its publishing in the “Official Gazette of the Republic of Serbia”