

# High Judicial Council

## ANNUAL OPERATIONAL REPORT 2015

MARCH 2016

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## **1. ON THE HIGH JUDICIAL COUNCIL**

### **1.1. Constitution of the High Judicial Council**

High Judicial Council (hereinafter referred to as: High Judicial Council or Council) was established pursuant to the Constitution of the Republic of Serbia and the Law on High Judicial Council, as an independent and autonomous body that ensures and guarantees independence and autonomy of courts and judges.

Members of the Council ex officio are the president of the Supreme Court of Cassation, minister in charge of justice and chairperson of the competent National Assembly committee. The elective members elected by the National Assembly (Parliament) include six judges with a permanent tenure of office, of whom one from the territory of autonomous provinces and two respectable and prominent jurists with minimum 15 years of professional experience, of whom one lawyer and the other professor of the Faculty of Law.

In accordance with its constitutional and legal powers, the Council elects judges for permanent tenure of judicial office; decides on the termination of judicial function; proposes to the National Assembly candidates for first election of judges for a three-year term of office; proposes to the National Assembly election and dismissal of the president of the Supreme Court of Cassation and courts presidents; jointly with the State Prosecutorial Council proposes candidates for the Constitutional Court judges; decides in the procedure of the judges and court presidents performance evaluation; determines composition, duration and termination of the term of office of disciplinary bodies' members; appoints members of such bodies and regulates the manner of work and decision-making in these bodies; decides on legal remedies in a disciplinary procedure; decides on the transfer, appointment and objection to the suspension of judges; determines the number of judges and lay-judges for each court; passes the Code of Ethics; performs tasks in relation to implementation of the National Judiciary Reform Strategy; cooperates with judicial councils of other states and international organisations and performs other tasks pursuant to the law.

The Council, in compliance with the Law on the Organisation of Courts, performs the tasks of judiciary administration, as follows: passing instructions for compilation of reports on the work of courts; setting general guidelines for internal organisation of courts; maintaining personal files of judges, lay-judges and court staff; proposing part of the budget for courts' operating expenditures, save for the expenditures for court staff and maintenance of equipment and buildings, same as allocation of such funds; performing oversight of the intended spending of budgetary funds and of the financial and material operation of courts.

The judicial administration tasks which, pursuant to the Law on the Organisation of Courts, are now being performed by the ministry in charge of justice, in accordance with the Law on the Organisation of Courts ("Official Gazette of RS", Nos. 116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15 and 106/15) shall be taken over by the High Judicial Council as of 1 June 2016. In addition, passing of the Court Rules of Procedure and monitoring of its implementation, also pursuant to the aforementioned Law, is to be taken over by the High Judicial Council as of 1 June 2016.

However, on 12 February 2016, National Assembly of the Republic of Serbia adopted the Law Amending the Law on the Organisation of Courts, setting forth that competences in relation to the judicial administration tasks, powers for passing an act regulating internal organisation and operation of courts, oversight of the application of such an act, competences relative to proposing and scope of necessary budgetary funds, oversight of allocation of budgetary funds, taking over

the archives, same as the staff in the ministry in charge of justice currently performing the tasks to be taken over, shall be postponed until 1 January 2017.

In their communication No. 011-00-00002/2016-01 of 21 January 2016, High Judicial Council forwarded to the Ministry of Justice a letter requiring the transfer of competences to be postponed until 1 January 2017. As stated in the rationale, a new deadline has been determined taking into account the need of competences take-over to coincide with the beginning of a fiscal year.

## **1.2. The High Judicial Council**

Five elective judges from the ranks of judges took over their office on 5 April 2011. One elective Council member from the ranks of judges from the list of the appellate courts took over his/her office on 5 March 2012, therefore this year is going to be an election year for the elective member of the High Judicial Council from the ranks of judges from the appellate courts' list.

During their performance of the Council function, elective members from the ranks of judges are exempt from the judicial function performance, while their employment rights are being exercised with the Council. Council members ex officio and elective members of the Council from the ranks of lawyers and professors of the Faculty of Law are entitled to a compensation for their engagement at the Council.

During 2015, the Council operated in an incomplete composition of nine members, those being the following: Dragomir Milojević, president of the Council, Mirjana Ivić, Miroljub Tomić, Branka Bančević, Aleksandar Stoiljkovski and Sonja Vidanović, elective Council members from the ranks of judges, Nikola Selaković, Minister of Justice, Petar Petrović, chairmane of the National Assembly committee on justice, public administration and local government. Term of office at the Council of prof. Zoran Stojanović, elective Council member from the ranks of the Faculty of Law professors, was terminated on 15 October 2015. For a new member of the Council from the ranks of the Faculty of Law professors, National Assembly elected prof. dr Milan Škulić who took over his office at the Council on 15 December 2015.

Elective Council member from the ranks of judges, Blagoje Jakšić, was dismissed by the decision of the High Judicial Council president No. 119-00-22/2012-01 of 9 March 2012 from the function of the High Judicial Council member until completion of the criminal proceeding before the Special Department of the Higher Court in Belgrade case K Po1 89/2011, which is still under way.

As of 26 October 2014, the Council does not have in its composition an elective member from the ranks of lawyers. Besides multiple calls to initiate and implement the procedure for proposal of a candidate for an elective Council member from the ranks of lawyers, Serbian Bar Association failed to do so.

Taking into account the fact that the term of office for five elective Council members from the ranks of judges will expire on 5 April 2016, the Council president has passed the decision on 5 October 2015 on launching the procedure for proposal of candidates for elective members of the High Judicial Council from the ranks of judges. The High Judicial Council implemented within the legally envisaged deadline, the procedure for proposal of candidates for elective members of the High Judicial Council from the ranks of judges, for the list of candidates for the Supreme Court of Cassation, Commercial Appellate Court and Administrative Court, list of candidates for higher and commercial courts, list of candidates for basic courts, misdemeanor

courts and Misdemeanor Appellate Court and list of candidates for courts from the territories of autonomous provinces.

Based on the Minutes of the High Judicial Court Electoral Commission session held on 24 December 2015, High Judicial Council passed a decision on the proposal of five candidates for elective members of the High Judicial Council from the ranks of judges who received the highest number of votes and submitted this proposal to the National Assembly of the Republic of Serbia for their election.

The proposed candidates as per candidate lists are as follows:

- List of candidates for the Supreme Court of Cassation, Commercial Appellate Court and Administrative Court: **Branislava Goravica, judge of the Commercial Appellate Court;**
- List of candidates for higher and commercial courts: **Ivan Jovičić, judge of the Higher Court in Belgrade;**
- List of candidates for basic courts, misdemeanor court and Misdemeanor Appellate Court: **Slavica Milošević Gazivoda, judge of the Misdemeanor Court in Belgrade and Matija Radojičić, judge of the Third Basic Court in Belgrade;**
- List of candidates for courts from the territories of autonomous provinces: **Savo Đurđić, judge of the Appellate Court in Novi Sad.**

The Electoral Commission report on the implemented procedure for proposal of candidates for elective members of the High Judicial Council from the ranks of judges makes an integral part of this report.

### **1.3. The High Judicial Council Administrative Office**

Pursuant to the Law on the High Judicial Council, for performance of professional, administrative and other tasks within the Council, Administrative Office has been established, the work of which is more closely regulated by the Decision on the Organisation and Operation of the High Judicial Council Administrative Office<sup>1</sup>. The Administrative Office is managed by the secretary responsible to the Council for their work.

For performing tasks from the scope of the Administrative Office the following internal units are established:

1. Sector for Material- Financial Affairs
2. Department for Status Issues of Judges
3. Department for Preparation of By-Laws and European Integration
4. Department for Personnel and General Affairs;
5. Clerk's Office Group (administrative-technical affairs).

In the **Sector for Material and Financial Affairs** professional and operational and study-analytical tasks are performed in relation to: planning and execution of the Council budget; proposing part of the budget for operation of courts for operating expenditures, save for expenditures for court staff; planning and implementation of public procurement procedures for the Council and courts; allocation and transfer of funds to courts in line with the Council

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<sup>1</sup>"Official Gazette of RS", No. 31/13 and 137/14

jurisdiction; monitoring and analysis of court fees collection; financial and accounting affairs; registration and monitoring of the budget execution; quality analysis of spending of funds for the Council and courts from the aspect of funds required for their unhindered operation; compilation of financial statements; performing oversight of budgetary funds spending for intended purposes and performing oversight of financial and material operation of courts; submitting data for actions of an authorised person upon requests for free access to information of public importance in relation to the Sector's work; other tasks in the area of material and financial affairs. Within the Sector for Material-Financial Affairs the following internal units are established: 1) Division for budget and analytical-planning affairs, 2) Division for financial and accounting affairs. 11 job posts were systematised with 11 civil servants in total. 9 vacancies have been filled up.

**Department for status issues of the judges** performs tasks in relation to: election of judges for permanent tenure of judicial office; termination of judicial function; proposing judges for the first election of judges for judicial function; election and dismissal of the president of the Supreme Court of Cassation and court president; election of lay-judges; transfer, assignment and objection on the suspension of a judge; incompatibility of performing other functions in parallel to the judicial function; evaluation of judges' and court presidents' performance; issuing approval to the permanent training programme for judges and court staff and performing oversight of its implementation; setting the number of judges and lay-judges for each court; judges' immunity issues; maintaining personal records for the judges, lay-judges and court staff; collecting and processing statistical data on the performance of judges and courts; monitoring situation and proposing measures in the areas from the Department's scope; preparing analyses and information from the Department's scope; preparing documentation for actions of an authorised person upon requests for free access to information of public importance regarding the work or in relation to the work of the Department; performing other tasks from the Department's scope. 7 job posts were systematised with 8 civil servants in total. 7 vacancies have been filled up.

**Department for preparation of by-laws and European integration** performs tasks in relation to: preparing by-laws from the Council's jurisdiction and preparing regulations governing the Administrative Office work; preparing opinions on draft laws regulating the position of judges, organisation and operation of courts; preparing opinions to systemic laws regulating composition, duration and termination of the term of office of standing working bodies of the Council; preparing acts regulating evaluation of performance of judges, court presidents and judicial assistants; preparing Code of Ethics; preparing regulations setting the number of judges and lay-judges for each court; implementing National Judiciary Reform Strategy under the Council's jurisdiction; European integration affairs; preparation, implementation and evaluation of projects; cooperation with court councils of other states and international organisations; monitoring situation and proposing measures in the areas from the Department's scope; preparing analysis and information from the Department's scope; preparing documentation for actions of an authorised person upon requests for free access to information of public importance regarding the work or in relation to the work of the Department; performing other tasks from the Department's scope. 8 job posts were systematised with 8 civil servants in total. 4 vacancies have been filled up.

**Department for personnel and general affairs** performs tasks in relation to: preparing a Draft Human Resources Plan; selection and recruitment of personnel; training, evaluation and advancement of civil servants; preparing acts related to gender-legal status of the Council members, civil servants and appointees; preparing contracts for engagement of persons for provision of expert, translation, technical and other services; preparing acts related to business trips inland and abroad; occupational health and safety affairs; integrity plan preparation; IT

affairs; maintaining records; administrative-technical affairs; current upkeep affairs; monitoring situation and proposing measures in the areas from the Department's scope; preparing analyses and information from the Department's scope; preparing documentation for actions of an authorised person upon requests for free access to information of public importance regarding the work or in relation to the work of the Department; performing other tasks from the Department's scope. 8 job posts were systematised with 5 civil servants and 5 appointees in total. 7 vacancies have been filled up.

In relation to the Operational Report, this year we would like to especially emphasise that the High Judicial Council Clerk's Office started its operation as of 1 January 2015, as a separate organisational unit- **Clerk's Office Group**, which has fully met expectations and delivered on the tasks and assignments delegated to it. Clerk's Office Group performs tasks in relation to: receipt, opening, checking, allocating, registering, merging, forwarding cases and acts to internal organisational units; storing cases in a book, closure and archiving cases; selection and preparation of mail for expedition, stamping and sending out the mail via postal service or by internal delivery via courier; reception office- direct reception of clients' submissions; informing and provision of basic information to clients in relation to submissions, basic informing of clients on the status of their applications and other submissions; storing archived cases and separation of archives from useless recorded material and archival material, separation and destruction of useless records; defining brief content of the file for registering and storing data in the system for automatic data processing; preparing documentation for actions of an authorised person upon requests for free access to information of public importance regarding the work or in relation to the work of the Group; performing other tasks from the Group's scope. 3 job posts were systematised with 2 civil servants and 1 appointee in total. 3 vacancies have been filled up.

As a separate internal unit, Council **President Cabinet** is established within the Council. Council President's Cabinet performs tasks in relation to: protocol affairs; public relations affairs; cooperation with state authorities and organisations; administrative-technical support regarding preparation of annual reports and work of the Council president; maintaining records of daily activities and meeting schedule; maintaining internal books in line with regulations on office operation; compiling memos of the meetings and contact lists; external and internal communication for the needs of the Council president and other tasks relevant for the Council president's work. 2 job posts were systematised with 2 civil servants in total. Vacancies have not been filled up.

Certain tasks from the scope of the Administrative Office are performed by **independent officers outside all internal units**. Independent officers outside all internal units perform the tasks of support to disciplinary bodies, tasks regarding processing and analysis of complaints, administrative tasks and internal audit tasks. Independent officers outside all internal units report on their work to the Council secretary. The Administrative Office, in executing tasks from its scope, cooperated with public and other authorities and organisations of public power, same as with judicial councils of other countries in order to get familiarised with their working experiences. 6 job posts were systematised with 7 civil servants in total. 4 vacancies have been filled up.

Total number of systematised job positions amounts to 46 with 44 civil servants (of whom two civil servants holding office) and four appointees. Of the said number, two job positions are systematised at the Council President Cabinet with two officers. On 31 December 2015, the High Judicial Council Administrative Office numbered 40 staff: of whom 34 civil servants to indefinite period of time (2 civil servants holding office, 32 civil servants holding executive positions), 2 civil servants to a definite period of time and 4 appointees. One person is



employed based on the contract on occasional and temporary engagement, and one person based on the agreement on temporary transfer.

According to the Decision on the maximum number of employees at the High Judicial Council No. 112-00-67/2015-01 of 13 October 2015, total number of systematised positions at the Administrative Office amounts to 48.

In 2015, 3 executive positions were filled up (by taking over clerks from other public authorities and courts) and one appointee position. Two persons were engaged based on the contract on occasional and temporary engagement. To duly meet the increased workload in 2015 (as of 1 October 2015) two officers were engaged to a definite period of time of up to six months. Based on the Agreement on Temporary Transfer, four civil servants (judicial associate as an advisor and three senior judicial associates as independent advisors) from the First Basic Court in Belgrade and Third Basic Court in Belgrade, have been temporarily transferred to the High Judicial Council for a period of three to six months. Employment was terminated for three officers, namely: for two officers employment was terminated based on the resignation of a civil servant (once in January 2016), and once ex lege.

Taking into consideration the workload and prescribed jurisdiction of the Council, there is an urgent need to fill up all vacant systematised positions, while the implementation throughout 2016 will take place in line with the Decision on the Maximum Number of Employees at the High Judicial Council<sup>2</sup>, approved budget and within the HR Plan.

Pursuant to provisions of the Law on Anti-corruption Agency setting forth that public authorities are bound to implement their integrity plans, in September 2015 the Council compiled a Report on the Integrity Plan Implementation, and forwarded it to the Anti-corruption Agency.

To ensure health and safety at work, in April 2015 a Rulebook on Occupational Health and Safety was developed, in accordance with the provisions of the Law on Occupational Health and Safety.

Last year, the High Judicial Council Clerk's Office received 7,657 cases in all matters and 546 cases at the Courts Appellate Commission, thus making in total 8,203 cases. 11,073 changes were recorded in terms of submissions, supplements, statements, returned expedition. In 2015, 17,772 cases from previous years were archived. Besides modern tools (personal computers, printers, copy machine and scanner), we have also been working on improving operation of administrative-technical affairs of the clerk's office in terms of automation, which will additionally contribute to even more efficient and better results.

#### **– Professional development and training of staff**

In the area of staff professional development, in 2015 Council staff attended the following training sessions:

1. English language- 30 employees (Separation of Power Project- USAID);
2. Integrity of civil servants- 1 employee (MATRA PATROL, the Dutch Government programme);
3. Prevention of conflict of interest and control of assets of persons holding office- two employees (HR Service)
4. Training for taking the public procurement officer exam- two employees (HR Service);

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<sup>2</sup> Decision on the Maximum Number of Employees at the High Judicial Council of 13 October 2015.

5. Public administration organisation- two employees (Judicial Academy);
6. The Whistle-blowers Law implementation- one employee (Judicial Academy);
7. Training for taking a professional exam for a occupational health and safety officer- one employee (Tehpro d.o.o Belgrade);
8. Budget accounting and reporting- one employee (HR Service);
9. Budget accounting course- one employee (Institute for Economics and Finance);
10. Right to access to information of public importance- one employee (HR Service);
11. Ethics and integrity- three employees (HR Service);
12. Maintaining central personnel records- one employee (HR Service);
13. Written communication in administration- one employee (HR Service);
14. Practical application of novelties laid down in the Occupational Health and Safety Law- one employee (Tehpro d.o.o. Belgrade);
15. Databases- advanced course- one employee (HR Service);
16. Ethics in public administration- three employees (HR Service);
17. Managing education and training of the judiciary (US Congress and Government Program).

## **1. Central register of personal data compendium records (Commissioner for Information of Public Importance and Protection of Personal Data):**

Eleven entries were reported to the Central register of personal data compendium records, namely: Records on the use of annual leaves of the elective Council members from the ranks of judges and Council employees, Personnel records of the elective Council members from the ranks of judges and Council employees, Records on presence at work of the elective Council members from the ranks of judges and Council employees, Records on issued health insurance cards of the elective Council members from the ranks of judges and Council employees and their families; Records on the sick leaves of the elective Council members from the ranks of judges and Council employees, Records on the use of paid and unpaid leave of the elective Council members from the ranks of judges and Council employees, Records on the reimbursement of travel costs of the elective Council members from the ranks of judges and Council employees, and Records on the requests to free access to information of public importance, Records on payment of compensation to the members of the high Judicial Council ex officio and elective members and Records on the payment of compensation to the Appellate Commission members.

In 2015, Records on the children of employees receiving New Year's present was registered (storing deadline and data use is three months).

## **2. Staff register (Treasury Administration)**

In 2015 monthly updating was undertaken of all personnel data for elective Council members and Administrative Office staff in the Staff Register maintained by the Ministry of Finance of the Republic of Serbia- Treasury Administration.

## **3. Central Register of Compulsory Social Insurance**

Based on the received qualified electronic certificate and authorisation to take certain actions to enter data in the Central Register of Compulsory Social Insurance, authorised persons at the Administrative Office undertook timely updating of data in the said register during 2015.

– **Operation of the High Judicial Council Commission on deciding upon objections to the decision of the evaluation of the judicial assistant performance in 2015**

Given that the term of office of the previously appointed Commission on deciding upon objections to the decision on the evaluation of the judicial assistants performance expired on 3 December 2015, at its 26th session held on 1 December 2015 High Judicial Council passed a decision on the appointment of the High Judicial Council Commission on deciding upon objections to the decision on the evaluation of the judicial assistants performance, to be formed in the following composition: Sonja Vidanović, elective member of the High Judicial Council from the ranks of judges, Commission president; Bata Cvetković, judge of the Supreme Court of Cassation, Commission member; Sonja Pavlović, judge of the Supreme Court of Cassation, Commission member; Zorica Kitanović, judge of the Administrative Court, Commission member; Zorka Dobrivojević, judge of the Misdemeanor Appellate Court, Commission member; Zoran Simić, judge of the Commercial Court in Leskovac, Commission member and Saša Dujaković, judge of the Higher Court in Niš, Commission member. Smilja Spasojević, head of the Department for status issues of judges at the High Judicial Council Administrative Office was appointed Commission secretary.

In 2015, the Commission held five sessions and discussed 21 cases of objections of judicial assistants to the decision on their performance evaluation in total. In 11 cases objections were sustained and respective cases returned for re-consideration, while in 10 cases objections were overruled as ungrounded. Of 10 cases returned to the court presidents for re-consideration, in 3 cases objections were lodged once again, and subsequently overruled by the Commission as ungrounded.

Based on the Administrative Court rulings honoring judicial assistants' claims, 6 objections were returned to the Commission for re-consideration. Against the passed Commission decisions no administrative proceedings were instituted in 2015, by lodging a claim to the **Administrative Court**.

#### **1.4. Transparency of the High Judicial Council work**

At the High Judicial Council President Cabinet, a position was systematised for public relations, however it had been vacant since 1 January 2015. As of 4 May 2015, Jovana Goševac Rajović started working at the Council as a *Communication Advisor for Public Relations*. This cooperation was enabled through the US Agency for International Cooperation (USAID) via "Institutional Strengthening of the High Judicial Council" **project**.

Besides their regular work, the Council President Cabinet fosters regular maintenance of the Council Information Booklet, updating of the Council website and improving the Council website design.

The High Judicial Council informs the public by publishing announcements, organising press conferences, responding to the questions and requests of the press, publishing agenda and conclusions of the Council sessions, holding public sessions, acting upon requests for delivery of information of public importance and publishing Information Booklet, Annual Operational

Report, same as all other decisions and other acts in the "Official Gazette of RS" and on the Council website.

In 2015, High Judicial Council held one session open for public, at the request of a judge against whom a disciplinary procedure had been launched. Apart from the Council members, this session was attended by the judge subject to the disciplinary proceeding, judge representative and media representatives.

The Law amending the Law on High Judicial Council ("Official Gazette of RS", No. 106/15) of 29 December 2015 made Council sessions public, while the Council may decide to close session for the public if so required by the interests of public order or protection of data confidentiality, same as in cases defined in the High Judicial Council Rules of Procedure.

In 2015 Council published 92 public releases. These releases were published on the Council website, and forwarded to the printed and electronic media.

Interviews and appearances in the media of the High Judicial Council president, Dragomir Milojević, in 2015 were as follows:

- Interview of the High Judicial Council president, "Politika" daily, 4 January 2015;
- High Judicial Council president, Dragomir Milojević, appeared on the RTV Pink Morning Show on 26 March 2015;
- Interview of the High Judicial Council president, "Naše novine" daily, 13 June 2015;
- Interview of the High Judicial Council president, "Večernje novosti" daily, 26 December 2015;

### **1.5. Information Booklet**

Updating of data published in the Information Booklet was carried out on 25 May 2015 and 15 January 2016. Information Booklet was published in electronic version on the Council website, while the printed text of the Information Booklet may be taken at the Council reception desk. The Information Booklet was compiled pursuant to Article 39 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS", Nos. 120/04, 54/07, 104/09 and 36/10) and Instruction for Elaboration and Publishing of Information Booklets of Public Authorities ("Official Gazette of RS", No. 68/10). The Information Booklet was delivered to the Commissioner for Information of Public Importance on 25 January 2016.

## 2. OPERATING FUNDS AND 2015 BUDGET EXECUTION OVERVIEW

Activities of the Sector for Material and Financial Affairs at the High Judicial Council are focused on the implementation of jurisdictions of the High Judicial Council set forth in the Law on High Judicial Council<sup>3</sup> and Law on Organisation of Courts<sup>4</sup>, namely: proposing and execution of the Council budget; proposing part of the budget of courts for operating expenditures, save for expenditures for court staff and maintenance of equipment and buildings, same as allocation of these funds; performing oversight of budgetary funds spending for intended purposes and performing oversight of financial and material operation of courts.

The proposed financial plan, i.e. 2016 budget for Heading 5- High Judicial Council and Heading 6- Courts, was drafted in accordance with the Instruction for the 2016 Budget Preparation of the Ministry of Finance of the Republic of Serbia.

The proposed financial plan for the Council and courts, quarterly and annual reports on the Council and courts' budgets execution, were submitted to the Ministry of Finance and Treasury Administration within the legally stipulated deadline.

In their work, the Sector independently cooperates with the Ministry of Finance and Treasury Administration, courts, Ministry of Justice, National Bank of Serbia and State Public Prosecutor's Office.

### I High Judicial Council

#### 2.1. Appropriations and budget execution for Heading 5- High Judicial Council

Pursuant to the 2015 Budget Law of the Republic of Serbia<sup>5</sup> and High Judicial Council Budget Execution Plan, the budget for Heading 5- High Judicial Council was executed.

##### Overview of appropriations and budget execution for the High Judicial Council in 2015

Item account	Description	Appropriation	Executed	Execution appropriation in %
411	Staff salaries, benefits, compensations (wages)	58,541,000.00	52,968,121.25	90.48
412	Social contributions borne by the employer	10,479,000.00	9,475,920.04	90.43
413	In-kind compensations	350,000.00	292,332.00	83.52
414	Social benefits to employees	600,000.00	136,837.32	22.81
415	Personnel expenses compensation	5,480,000.00	4,159,664.52	75.91
416	Rewards to employees and other expenditures	186,000.00	179,225.55	96.36
421	Fixed costs	1,800,000.00	1,441,172.94	79.67
422	Travel costs	1,800,000.00	1,137,895.93	63.22
422	Travel costs- IPA 2013	1,000,000.00	305,649.00	30.56
423	Contracted services	6,390,000.00	5,579,512.61	87.32
423	Contracted services- IPA 2013	6,380,000.00	5,884,309.64	92.23
425	Current upkeep and maintenance	250,000.00	104,186.00	41.67
426	Material	1,700,000.00	1,630,350.52	95.90
483	Fines and penalties based on court decisions	1,000.00	999.33	99.93
485	Claim damages- IPA 2013	1,230,000.00	814,842.70	66.25
512	Machinery and equipment	400,000.00	390,918.81	97.73
<b>TOTAL</b>		<b>96,588,000.00</b>	<b>84,665,360.86</b>	<b>87.66</b>

<sup>3</sup>"Official Gazette of RS", Nos. 116/08, 101/10, 88/11 and 106/15

<sup>4</sup>"Official Gazette of RS", Nos. 116/08, 101/11, 101/13, 106/15 and 40/15- other law

<sup>5</sup>"Official Gazette of RS", No. 142/14

## 2.2. Data on the High Judicial Council staff salaries

### Overview of coefficients and bases for all staff categories

	Basis	Coefficients
High Judicial Council member from the ranks of judges	29,835.87	6
Council secretary (second group position)	17,101.29	8
President of the Courts Appellate Commission (second group position)	17,101.29	8
Secretary assistant (third group position)	17,101.29	7.11
Senior advisor (VI salary group)	17,101.29	3.85-5.30
Independent advisor (VII salary group)	17,101.29	3.16- 3.85
Advisor (VIII salary group)	17,101.29	2.23- 3.08
Junior advisor (IX salary group)	17,101.29	2.23
Associate (X salary group)	17,101.29	1.90- 2.30
Clerk (XII salary group)	17,101.29	1.55- 2.07
Appointee (IV salary group)	17,101.29	1.50

## 2.3. Data on the High Judicial Council members compensations

Members of the Council ex officio and Council members from the ranks of lawyers and law faculty professors are entitled to a special compensation for their engagement at the Council, determined by the competent committee of the National Assembly.

### Overview of monthly compensations

President of the Supreme Court of Cassation and High Judicial Council	40,980.00
Minister of Justice	13,660.00
Chair of the Justice and Public Administration Committee	13,660.00
Elective member from the ranks of lawyers	27,320.00
Elective member from the ranks of the law faculty professors	27,320.00

## 2.4. Data on the Court Appellate Commission members compensations

Members of the Appellate Commission are entitled to a compensation in accordance with the Decision on the compensation for work of the appellate commission members, based on the days of engagement on a monthly level, i.e. for the full month of engagement, compensation amounts to 60% of the senior advisor of the first salary class basic salary.

## 2.5. Public procurements- implemented public procurement procedures in 2015

No.	Procedure type	Description of the public procurement subject	Estimated value excl. VAT	Contracted value excl. VAT	Contracted value incl. VAT	Name and seat of the selected contractor	Contract conclusion date
1.	Negotiating procedure without public call publication PP No. 1	Service of the "Trezor" accounting application maintenance	2,500,000.00	2,006,550.00	2,407,860.00	"Zavod za unapređenje poslovanja" d.o.o. Ustanička no. 64/14 Belgrade	25.05.2015.
2.	Negotiating procedure without public call publication PP No. 2	"BPMIS" software maintenance service for courts' budget planning	2,300,000.00	2,160,244.92	2,592,293.90	"SRC sistemske integracije" d.o.o. Bulevar Mihajla Pupina 165v Belgrade	10.07.2015.

## II Courts

### 2.6. Appropriations and budget execution for Heading 6- Courts

Courts are funded from two sources: from source 01- budget funds and source 04- own revenues (court fees).

Pursuant to the 2015 Budget Law of RS<sup>6</sup>, Budget Execution Plan and revenues from collected fees, the budget Heading 6- Courts, was executed.

#### Overview of appropriations and budget execution by court types

Budget Heading 6.0- COURTS	appropriation	budget execution
413- in-kind compensations	5,400,000.00	3,255,000.00
414- social benefits for judges	5,000,000.00	4,918,031.97
416- rewards to employees	17,600,000.00	17,117,484.48
421- fixed costs	35,000,000.00	34,498,623.38
422- travel costs	20,000,000.00	14,767,129.80
423- contracted services	259,000,000.00	258,875,773.66
483- fines and penalties based on court decisions	1,081,327,000.00	1,080,145,264.06
485- claims for damages caused by public authorities	546,676,000.00	529,095,121.65
	<b>1,970,003,000.00</b>	<b>1,942,672,429.00</b>

Budget Heading 6.5 APPELLATE COURTS	appropriation	budget execution
411- salaries, extras and compensations	1,036,577,796.60	977,369,891.58
412- social benefits	186,465,306.31	177,094,997.11
413- in-kind compensations	300,000.00	169,300.00
415- compensation of costs for judges	44,140,000.00	43,960,725.18
421- fixed costs	62,315,000.00	55,504,053.69
422- travel costs	3,000,000.00	1,898,784.46
423- contracted services	35,000,000.00	34,683,938.95
426- material	20,000,000.00	19,262,649.11

<sup>6</sup>Official Gazette of RS", No. 142/14

482- taxes, mandatory fees and fines	500,000.00	251,911.00
<b>TOTAL</b>	<b>1,388,298,102.91</b>	<b>1,310,196,251.08</b>
<b>Budget Heading 6.6 HIGHER COURTS</b>	<b>appropriation</b>	<b>budget execution</b>
411- salaries, extras and compensations	1,782,045,649.78	1,749,352,512.28
412- social benefits	322,134,677.36	317,732,363.85
413- in-kind compensations	540,000.00	194,875.00
415- reimbursement of costs	15,700,000.00	15,220,958.66
421- fixed costs	274,250,000.00	257,761,585.56
422- travel costs	5,000,000.00	4,863,245.00
423- contracted services	800,000,000.00	795,814,536.20
426- material	55,000,000.00	54,936,905.84
482- taxes, mandatory fees and fines	1,000,000.00	595,181.00
<b>TOTAL</b>	<b>3,255,670,327.14</b>	<b>3,196,472,163.39</b>

<b>Budget Heading 6.7 BASIC COURTS</b>	<b>appropriation</b>	<b>budget execution</b>
411- salaries, extras and compensations	5,540,958,380.97	5,450,188,178.57
412- social benefits	988,072,369.11	975,564,694.60
413- in-kind compensations	1,540,000.00	1,239,648.27
415- reimbursement of costs	49,560,000.00	49,003,469.12
421- fixed costs	714,200,000.00	686,361,664.67
422- travel costs	12,000,000.00	8,752,821.75
423- contracted services	1,385,117,000.00	1,378,153,321.40
426- material	200,000,000.00	190,759,425.69
482- taxes, mandatory fees and fines	3,000,000.00	2,254,987.51
<b>TOTAL</b>	<b>8,894,447,750.08</b>	<b>8,742,278,211.58</b>

<b>Budget Heading 6.8 COMMERCIAL COURTS</b>	<b>appropriation</b>	<b>budget execution</b>
411- salaries, extras and compensations	790,505,825.66	763,960,104.91
412- social benefits	141,511,363.35	136,704,473.76
413- in-kind compensations	1,300,000.00	357,680.00
415- reimbursement of costs	5,400,000.00	5,068,438.94
421- fixed costs	100,200,000.00	98,977,820.62
422- travel costs	6,000,000.00	5,450,419.41
423- contracted services	30,000,000.00	28,909,090.46
426- material	40,000,000.00	39,025,107.50
482- taxes, mandatory fees and fines	700,000.00	412,091.66
483- fines and penalties based on court decisions	500,000.00	370,344.76
<b>TOTAL</b>	<b>1,116,117,189.01</b>	<b>1,079,235,572.02</b>

<b>Budget Heading 6.9 MISDEMEANOR COURTS</b>	<b>appropriation</b>	<b>budget execution</b>
411- salaries, extras and compensations	740,109,702.42	720,077,610.69
412- social benefits	133,210,766.94	128,987,586.22
413- in-kind compensations	1,900,000.00	1,832,539.00
415- reimbursement of costs	18,420,000.00	17,752,497.78
421- fixed costs	268,450,000.00	268,079,059.41
422- travel costs	6,000,000.00	5,921,477.16
423- contracted services	110,000,000.00	109,971,941.85
426- material	70,000,000.00	69,997,879.65



482- taxes, mandatory fees and fines	550,000.00	435,335.15
<b>TOTAL</b>	<b>1,348,640,469.36</b>	<b>1,323,055,926.91</b>

## 2.7. Payment of non-material damages based on rulings of domestic and international courts in 2015

The High Judicial Council has on the basis of non-material damages based on rulings of domestic and international courts transferred funds to the courts from Heading 6.0- Courts, economic classification 483- fines and penalties as per court decisions.

- Total funds transferred to courts based on the rulings of the European Court of Human Rights in Strasbourg amount to 109,468,795.91 RSD.
- Total funds transferred to courts based on the violation of the right to trial in a reasonable deadline amount to 127,414,662.13 RSD.

## 2.8. Situation of courts defaults

Overview of court defaults as of 31. 12. 2015

Шифра	СУДОВИ	421	422	423	426	укупно	
30211	Апелациони судови	1,910,212.57	0.00	5,562,519.88	10,679.99	7,483,412.44	
30225	Виши судови	6,009,197.08	41,963.00	440,561,712.54	1,239,749.13	447,852,621.75	
30226	Основни судови	19,812,830.38	98,989.51	680,391,077.56	6,682,056.53	706,984,953.98	
30227	Привредни судови	3,432,824.63	0.00	742,231.78	318,280.80	4,493,337.21	
30233	Прекршајни судови	5,811,219.46	71,114.42	79,492,508.59	2,958,546.95	88,333,389.42	
<b>УКУПНО:</b>		<b>36,976,284.12</b>	<b>212,066.93</b>	<b>1,206,750,050.35</b>	<b>11,209,313.40</b>	<b>1,255,147,714.80</b>	

Rationale:

- economic classification 421- energy, utility and communication costs
- economic classification 422- business travel costs
- economic classification 423- criminal proceeding costs (lawyers, experts, court interpreters, etc.)
- economic classification 426- stationary, fuel, etc.

### 3. PREPARATION OF REGULATIONS AND INTERNATIONAL COOPERATION

At its session held on 8 May 2015, Council adopted the Rulebook amending the Rulebook on the Criteria, Standards, Procedure and Bodies for evaluation of judges and court presidents' performance<sup>7</sup>. Amendments and supplements specified provisions on the work of the Commission on Evaluation of the Judges and Court Presidents' Performance, provisions on the ability of the Commission on Evaluation of the Judges and Court Presidents' Performance to evaluate justification of the reasons stated in the interview with a judge, i.e. court president, which may be important for achievement of the set evaluation criteria and standards.

The Decision on Establishing the Commission on Evaluation of the Judges and Court Presidents' Performance, Council passed at its session held on 22 September 2015. The Commission consists of three Council members from the ranks of judges, as follows: Miroljub Tomić, Commission president, Branka Bančević, Commission member and Sonja Vidanović, Commission member.

The Decision on the Procedure for Determining Disciplinary Accountability of Judges and Court Presidents, Council passed at its session held on 8 May 2015<sup>8</sup>. The new Rulebook provides for the disciplinary accountability not only of judges, as it was the case pursuant to the previously valid Rulebook, but also of court presidents. The Rulebook was harmonised with the provisions of the Law amending the Law on Judges and the Criminal Procedure Code. Likewise, during the application of the previous Rulebook, deficiencies in practical application were considered that had to be remedies in order to enable their more efficient enforcement.

At the session held on 22 September 2015, Rulebook on the Operation of the High Judicial Council Electoral Commission was passed<sup>9</sup>. New Rulebook improved solutions regarding actions of the Electoral Commission in the procedure of proposing candidates for elective members of the Council from the ranks of judges. Administrative Office provided professional and administrative assistance in drafting acts passed by the High Judicial Council Electoral Commission in the procedure of proposing candidates for elective members of the Council from the ranks of judges: Instruction on the implementation of the procedure of proposing candidates for elective members of the Council from the ranks of judges, Rules on the operation of electoral committees for implementing the procedure of proposing candidates for elective members of the High Judicial Council from the ranks of judges and Decision on electoral proceedings and deadlines for implementing the procedure of proposing candidates for elective High Judicial Council members from the ranks of judges. The election procedure was launched by passing the Council president's decision on initiating procedure of proposing candidates for elective members of the Council from the ranks of judges on 5 October 2015, whereas the election was held on 21 December 2015. There were no objections to the election procedure.

In 2015, work on the rulebook regulating evaluation of the judicial assistants' performance was completed. The Working Group included member of the Council from the ranks of judges, judge of the Supreme Court of Cassation, judge of the Administrative Court, judge of the higher Court, judge of the commercial court, judge of the basic court, misdemeanor court, representative of the Ministry of Justice, representative of the Association of Judicial and Prosecutor's Assistants, representative of the Association of Judicial Advisors of Serbia and Administrative Office staff. Adoption of the said rulebook is expected in the first quarter of

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<sup>7</sup> "Official Gazette of RS", No. 41/15

<sup>8</sup> "Official Gazette of RS", No. 41/15

<sup>9</sup> "Official Gazette of RS", No. 83/15

2016, within the deadline laid down under the Law amending the Law on Organisation of Courts<sup>10</sup>.

In 2015 acts were passed in connection with the internal organisation and operation of the Council and Administrative Office. On 17 September 2015 the Decision amending the House Order and Decision amending the Decision on the use and keeping of the seal and stamp. The reason for passing the Decision amending the House Order is the establishment of the Clerk's Office in the premises of the High Judicial Council and the need to regulate use and access to the High Judicial Council Clerk's Office. The need to pass the Decision amending the Decision on the use and keeping of the seal and stamp arose after the adoption of the Rulebook on the procedure for determining disciplinary accountability of judges and court presidents, which established seals of the High Judicial Council Disciplinary Prosecutor and Disciplinary Commission.

On 21 May 2015 the Rulebook on the internal whistle-blowing procedure was passed. The aforementioned Rulebook was adopted within the deadline set forth under the Law on Protection of Whistle-Blowers. To implement the provisions of the Law on Protection of Whistle-Blowers, the Council designated a civil servant authorised to receive information and run the procedure related to whistle-blowing.

During 2015 and in conformity with Article 13, indent 21 of the Law on High Judicial Council, the High Judicial Council issued opinions on the following draft laws: draft Law on Protection of Rights to Trial in a Reasonable Deadline, draft Law on Enforcement and Security, draft Law on the Public Sector Salaries.

In respect to drafting of a single regulation on salaries funded from the budget of the Republic of Serbia and catalogue of job positions, High Judicial Council forwarded on more occasions letters to the Ministry of Justice and Ministry of Public Administration and Local Government (on 26 January, 12 February, 20 March and 4 May), pointing out specific position of the High Judicial Council staff, scope of work and High Judicial Council jurisdiction and reasons why it was deemed necessary to consider the position of the High Judicial Council employees and separate them from the unique regulation on the budget-financed salaries.

All acts of the Council are published on the Council website.

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<sup>10</sup>"Official Gazette of RS", No. 106/15

## **4. THE HIGH JUDICIAL COUNCIL SESSIONS**

In 2015, High Judicial Council held 28 regular sessions and nine telephone sessions. As a rule, sessions are held once a week. Minutes were compiled of these sessions. Agendas, minutes of the held sessions and adopted conclusions are published on the Council website. Council sessions are audio recorded and an archives of audio recordings was created.

### **4.1.Election of judges to permanent tenure of office**

#### **4.1.1. Election of the appellate court judges**

In 2015 High Judicial Council announced five and implemented five calls for election of the appellate court judges in the Republic of Serbia. 16 appellate court judges were elected in total, as follows:

- On 24 October 2014 High Judicial Council announced in the "Official Gazette of RS", No. 115/14 election of judges for the Appellate Court in Novi Sad and Appellate Court in Niš to fill up seven judge vacancies. Applications were submitted by 116 candidates. In the procedure carried out based on the mentioned call, at its session held on 20 February 2015 Council passed decisions on the election of seven judges to the tenured judge function, of whom four judges for the Appellate Court in Novi Sad and three judges for the Appellate Court in Niš. Decisions on the election of judges for appellate courts, with a rationale, were published in the "Official Gazette of RS", No. 24/15 of 6 March 2015.
- On 27 March 2015 High Judicial Council announced in the "Official Gazette of RS", No. 30/15 election of judges for the Appellate Court in Belgrade and Appellate Court in Kragujevac to fill up eight judge vacancies. Applications were submitted by 242 candidates. In the procedure carried out based on the aforementioned call, at its session held on 29 May 2015 Council passed a decision on the election of five judges for the Appellate Court in Kragujevac which was published in the "Official Gazette of RS", No. 51/15 of 12 June 2015, and at its session held on 9 June 2015, Council passed a decision on the election of three judges for the Appellate Court in Belgrade which was published in the "Official Gazette of RS", No. 52/15 of 17 June 2015.
- On 30 October 2015 High Judicial Council announced in the "Official Gazette of RS", No. 65/15 election of judges for the Appellate Court in Niš to fill up one judge vacancy. Applications were submitted by 49 candidates. In the procedure carried out based on the aforementioned call, at its session held on 30 October 2015 Council passed a decision on the election of one judge for the Appellate Court in Niš which was published in the "Official Gazette of RS", No. 93/15 of 13 November 2015.

#### **4.1.2. Election of the higher court judges**

In 2015 High Judicial Council published eight calls and implemented nine calls for election of judges for higher courts in the Republic of Serbia, given that in 2015 one call announced in 2014 was realised.

- On 24 October 2014 High Judicial Council announced in the "Official Gazette of RS", No. 115/14 election of judges for the Higher Court in Sombor to fill up two judge vacancies. Applications were submitted by 23 candidates. Following the implemented procedure, the High Judicial Council:

- At its session held on 20 February 2015 passed decisions on election of two judges to the tenured judge function. Decisions on the election of judges for the Higher Court in Sombor, with a rationale, were published in the "Official Gazette of RS", No. 24/15 of 6 March 2015.
- On 27 March 2015 High Judicial Council published in the "Official Gazette of RS", No. 30/15 election of four judges for the Higher Court in Belgrade, one judge for the Higher Court in Vranje, five judges for the Higher Court in Novi Sad, one judge for the Higher Court in Sremska Mitrovica and two judges for the Higher Court in Čačak. Applications were submitted by 346 candidates. Following the implemented procedure, the High Judicial Council:
  - At its session held on 9 June 2015 Council passed a decision on the election of four judges for the Higher Court in Belgrade which was published in the "Official Gazette of RS", No. 52/15 of 17 June 2015.
  - At its session held on 24 June 2015 Council passed a decision on the election of one judge for the Higher Court in Vranje, five judges for the Higher Court in Novi Sad, one judge for the Higher Court in Sremska Mitrovica and two judges for the Higher Court in Čačak, which was published in the "Official Gazette of RS", No. 59/15 of 2 July 2015.
- On 2 July 2015 High Judicial Council announced in the "Official Gazette of RS", No. 59/15 election of one judge for the Higher Court in Kragujevac. Applications were submitted by 26 candidates.
- On 24 July 2015 High Judicial Council announced in the "Official Gazette of RS", No. 65/15 election of one judge for the Higher Court in Kraljevo and three judges in the Higher Court in Niš. Applications were submitted by 70 candidates.
  - At its session held on 30 October 2015 Council passed a decision on the election of one judge for the Higher Court in Kragujevac, one judge for the Higher Court in Kraljevo, and three judges for the Higher Court in Niš, which was published in the "Official Gazette of RS", No. 93 of 13 November 2015.

#### **4.1.3. Election of judges for the Commercial Appellate Court**

On 29 April 2015 High Judicial Council announced in the "Official Gazette of RS", No. 38/15 election of judges for the Commercial Appellate Court to fill up two judge vacancies. Applications were submitted by 24 candidates.

In the procedure carried out based on the aforementioned call, at its session held on 4 September 2015 Council passed a decision on the election of two judges for the tenured judge function. Decision on the election of judges for the Commercial Appellate Court, with a rationale, were published in the "Official Gazette of RS", No. 77/15 of 9 September 2015.

#### **4.1.4. Election of judges for the Misdemeanor Appellate Court**

- On 3 April 2014 High Judicial Council announced in the "Official Gazette of RS", No. 105/14 election of judges for the Misdemeanor Appellate Court to fill up eight judge

vacancies. Applications were submitted by 259 candidates. In the procedure carried out based on the aforementioned call, the Council:

- At its session held on 13 March 2015 Council passed a decision on the election of nine judges for the tenured judge office, and determined proposal for the National Assembly for election of one candidate for the judge of the Misdemeanor Appellate Court for a three-year term of office. The decision on the election of judges to tenured judge office for the Misdemeanor Appellate Court with a rationale was published in the "Official Gazette of RS", No. 28/15 of 20 March 2015, while the proposal for the election of one judge to a three-year term of office was delivered by the Council to the National Assembly. On its Fourth session in scope of the First Regular Session in 2015, held on 17 April 2015, National Assembly passed a decision on the first election of a judge to a judicial office at the Misdemeanor Appellate Court, which was published in the "Official Gazette of RS", No. 35/15 of 17 April 2015.

## **4.2. Proposing candidates to the National Assembly for the first election to a judicial office**

### **4.2.1. Election of the basic court judges**

In 2015 High Judicial Council published 26 calls and implemented 15 calls for election of judges for basic courts in the Republic of Serbia, and implemented three calls which were announced in 2014.

- On 27 March 2015 High Judicial Council published in the "Official Gazette of RS", No. 30/15 election of one judge for the Basic Court in Aleksinac, two judges for the Basic Court in Kraljevo, three judges for the Basic Court in Kruševac, four judges for the Basic Court in Lebane, five judges for the Basic Court in Leskovac, five judges for the Basic Court in Novi Sad, one judge for the Basic Court in Pirot, two judges for the Basic Court in Prijepolje, and one judge for the Basic Court in Čačak. Applications were submitted by 831 candidates.
  - At its session held on 24 June 2015, Council passed a decision on proposing one candidate who is being elected to a judicial function for the first time at the Basic Court in Čačak.
  - At its session held on 4 September 2015, Council passed a decision on proposing five candidates who are being elected to a judicial function for the first time at the Basic Court in Leskovac and a decision on proposing four candidates who are being elected to a judicial function for the first time at the Basic Court in Lebane.
  - At its session held on 7 October 2015, Council passed a decision on proposing five candidates who are being elected to a judicial function for the first time at the Basic Court in Novi Sad.
  - At its session held on 17 November 2015, Council passed a decision on proposing one candidate who is being elected to a judicial function for the first time at the Basic Court in Aleksinac and a decision on proposing three candidates who are being elected to a judicial office for the first time at the Basic Court in Pirot.

- At its session held on 22 January 2016, Council passed a decision on proposing two candidates who are being elected to a judicial function for the first time at the Basic Court in Kraljevo.
  - At its session held on 27 January 2016, Council passed a decision on proposing three candidates who are being elected to a judicial function for the first time at the Basic Court in Kruševac.
  - At its session held on 27 January 2016, Council passed a decision on proposing two candidates who are being elected to a judicial function for the first time at the Basic Court in Prijepolje.
  - At its session held on 19 February 2016, Council passed a decision on proposing two candidates who are being elected to a judicial function for the first time at the Basic Court in Pančevo.
- On 12 June 2015 High Judicial Council announced in the "Official Gazette of RS", No. 51/15 election of 12 judges for the First Basic Court in Belgrade, three judges for the First Basic Court in Belgrade and three judges for the Third Basic Court in Belgrade. Applications were submitted by 363 candidates.
- Council proceedings upon this call are still ongoing.
- The High Judicial Council announced in the "Official Gazette of RS", No. 59/15 of 2 July 2015 election of four judges for the Basic Court in Kragujevac, three judges for the Basic Court in Negotin, three judges for the Basic Court in Čačak and seven judges for the Basic Court in Novi Sad. Applications were submitted by 362 candidates.
- At its session held on 7 October 2015, Council passed a decision on proposing seven candidates who are being elected to a judicial office for the first time at the Basic Court in Novi Sad.
  - At its session held on 17 November 2015, Council passed a decision on proposing two candidates who are being elected to a judicial function for the first time at the Basic Court in Negotin.
  - At its session held on 22 January 2016, Council passed a decision on proposing three candidates who are being elected to a judicial function for the first time at the Basic Court in Čačak.
  - At its session held on 27 January 2016, Council passed a decision on proposing four candidates who are being elected to a judicial function for the first time at the Basic Court in Kragujevac.
- The High Judicial Council announced in the "Official Gazette of RS", No. 65/15 of 24 July 2015 election of two judges for the Basic Court in Bačka Palanka, two judges for the Basic Court in Velika Plana, four judges for the Basic Court in Vranje, two judges for the Basic Court in Vrbas, two judges for the Basic Court in Ivanjica, three judges for the Basic Court in Lazarevac, two judges for the Basic Court in Loznica and one judge for the Basic Court in Priboj. Applications were submitted by 356 candidates.
- At its session held on 7 October 2015, Council passed a decision on proposing two candidates who are being elected to a judicial office for the first time at the

- Basic Court in Vrbas and a decision on proposing two candidates who are being elected to a judicial office for the first time at the Basic Court in Bačka Palanka.
- At its session held on 30 October 2015, Council passed a decision on proposing two candidates who are being elected to a judicial office for the first time at the Basic Court in Loznica.
  - At its session held on 1 December 2015, Council passed a decision on proposing four candidates who are being elected to a judicial function for the first time at the Basic Court in Vranje.
  - At its session held on 22 January 2016, Council passed a decision on proposing one candidate who is being elected to a judicial function for the first time at the Basic Court in Priboj.
  - At its session held on 27 January 2016, Council passed a decision on proposing two candidates who are being elected to a judicial function for the first time at the Basic Court in Ivanjica.
  - Proceedings of the Council upon the calls for the Basic Court in Velika Plana and Basic Court in Lazarevac are still ongoing.
- The High Judicial Council announced in the "Official Gazette of RS", No. 78/14 of 25 July 2015 election of ten judges for the Basic Court in Niš and eight judges for the Basic Court in Novi Sad.
    - At its session held on 20 February 2015, Council passed a decision on proposing nine candidates who are being elected to a judicial function for the first time at the Basic Court in Niš. In addition, the decision was passed on the election of one judge to the tenured judicial office at the Basic Court in Niš.
    - At its session held on 20 February 2015, Council passed a decision on proposing eight candidates who are being elected to a judicial function for the first time at the Basic Court in Novi Sad.
  - The High Judicial Council announced in the "Official Gazette of RS", No. 115/14 of 24 October 2014 election of two judges for the Basic Court in Sjenica.
    - At its session held on 20 February 2015, Council passed a decision on proposing one candidate who is being elected to a judicial office for the first time at the Basic Court in Sjenica.

#### **4.2.2. Election of the commercial court judges**

- The High Judicial Council announced in the "Official Gazette of RS", No. 30/15 of 27 March 2015 election of four judges for the Commercial Court in Belgrade and for the Commercial Court in Užice. Applications were submitted by 117 candidates.
  - At its session held on 9 June 2015, Council passed a decision on proposing one candidate who is being elected to a judicial office for the first time at the Commercial Court in Užice.
  - At its session held on 19 February 2016, Council passed a decision on proposing four candidates who are being elected to a judicial function for the first time at the Commercial Court in Belgrade.



#### **4.2.3. Election of the misdemeanor court judges**

- The High Judicial Council announced in the "Official Gazette of RS", No. 30/15 of 27 March 2015 election for filing up two judge vacancies at the Misdemeanor Court in Vranje, two judge vacancies at the Misdemeanor Court in Kragujevac, two judge vacancies at the Misdemeanor Court in Zrenjanin, four judge vacancies at the Misdemeanor Court in Nišu and two judge vacancies at the Misdemeanor Court in Šabac. Applications were submitted by 330 candidates.
  - At its session held on 30 October 2015, Council passed a decision on proposing two candidates for the Misdemeanor Court in Šabac and two candidates for the Misdemeanor Court in Zrenjanin.
  - At its session held on 1 December 2015, Council passed a decision on proposing two candidates for the Misdemeanor Court in Vranje and four candidates for the Misdemeanor Court in Niš.
  - At its session held on 27 January 2016, Council passed a decision on proposing one candidate for the Misdemeanor Court in Kragujevac.
- The High Judicial Council announced in the "Official Gazette of RS", No. 59/15 of 2 October 2015 election of two judges for the Basic Court in Sjenica. Applications were submitted by 11 candidates.
  - At its session held on 24 December 2015, Council passed a decision on proposing one candidate for the Misdemeanor Court in Požarevac. However, given that the proposed candidate gave up on the office after being proposed, upon the said call decision was passed at the First Regular Session of the Council in 2016 held on 12 January 2016, when another candidate was proposed to the National Assembly for the election of one judge for the Misdemeanor Court in Požarevac.
- The High Judicial Council announced in the "Official Gazette of RS", No. 65/15 of 26 July 2015 election for filing up one judge vacancy at the Misdemeanor Court in Gornji Milanovac, two judge vacancies at the Misdemeanor Court in Kragujevac, and two judge vacancies at the Misdemeanor Court in Pančevo. Applications were submitted by 152 candidates.
  - At its session held on 27 January 2016, Council passed a decision on proposing one candidate for judge at the Misdemeanor Court in Kragujevac and a decision on proposing one candidate for judge at the Misdemeanor Court in Gornji Milanovac.

#### **4.2.4. Proceedings of the High Judicial Council upon requests of judges to resume judicial office**

In 2015 High Judicial Council decided on two requests of judges who were resumed to their judicial functions based on the decisions of the Constitutional Court. In deciding on the filed requests, High Judicial Council in one of the cases endorsed the request of a judge to resume judicial function, and by the decision of the High Judicial Council he was elected to the

tenured judicial function, whereas the second request was rejected since it was determined that conditions to resume judicial function have not been met.

## TABULAR OVERVIEW- ELECTION OF JUDGES FOR THE PERIOD 2013-2015

No.	Session date	Name of the court the election is done for	Elected judges from other courts (advancement)	Elected judges from the ranks of judicial and prosecutors' assistants	Elected judges from the ranks of trainees Judicial Academy	Elected judges from the ranks of other persons	Total elected judges
<b>SUPREME COURT OF CASSATION</b>							
1.	04.03.2014	Supreme Court of Cassation	8				8
2.	05.09.2014	Supreme Court of Cassation	6				6
3.	23.12.2014	Supreme Court of Cassation	1				1
<b>Supreme Court of Cassation total</b>			<b>15</b>				<b>15</b>
<b>APPELLATE COURTS</b>							
1.	22.10.2013	Appellate Court in Belgrade	12				12
2.	22.10.2013	Appellate Court in Kragujevac	4				4
3.	22.10.2013	Appellate Court in Niš	8				8
4.	22.10.2013	Appellate Court in Novi Sad	6				6
5.	17.06.2014	Appellate Court in Belgrade	5				5
6.	17.06.2014	Appellate Court in Kragujevac	5				5
7.	17.06.2014	Appellate Court in Novi Sad	5				5
8.	20.02.2015	Appellate Court in Niš	3				3
9.	20.02.2015	Appellate Court in Novi Sad	4				4
10.	29.05.2015.	Appellate Court in Kragujevac	5				5
11.	09.06.2015	Appellate Court in Belgrade	3				3
12.	30.10.2015	Appellate Court in Niš	1				1
<b>Appellate Courts total:</b>			<b>61</b>				<b>61</b>
<b>HIGHER COURTS</b>							
1.	05.12.2013	Higher Court in Belgrade	15				15
2.	05.12.2013	Higher Court in Zrenjanin	1				1
3.	05.12.2013	Higher Court in Kragujevac	2				2
4.	05.12.2013	Higher Court in Leskovac	3				3
5.	05.12.2013	Higher Court in Niš	6				6
6.	05.12.2013	Higher Court in Novi Sad	8				8
7.	05.12.2013	Higher Court in Čačak	2				2
8.	21.10.2014	Higher Court in Belgrade	6				6
9.	31.07.2014	Higher Court in Novi Pazar	4				4
10.	05.09.2014	Higher Court in Novi Pazar	1				1
11.	05.09.2014	Higher Court in Novi Sad	3				3
12.	20.02.2015	Higher Court in Sombor	3				3
13.	09.06.2015	Higher Court in Belgrade	4				4
14.	24.06.2015	Higher Court in Vranje	1				1
15.	24.06.2015	Higher Court in Novi Sad	5				5
16.	24.06.2015	Higher Court in Sremska Mitrovac	1				1
17.	24.06.2015	Higher Court in Čačak	2				2
18.	30.10.2015	Higher Court in Kragujevac	1				1
19.	30.10.2015	Higher Court in Kraljevo	1				1
20.	30.10.2015	Higher Court in Niš	3				3

21.	09.12.2014	Higher Court in Smederevo	1				1
<b>Higher Courts total:</b>			<b>73</b>				<b>73</b>
<b>BASIC COURTS</b>							
No.	Session date	Name of the court the election is done for	Elected judges from other courts (advancement)	Elected judges from the ranks of judicial and prosecutors' assistants	Elected judges from the ranks of trainees Judicial Academy	Elected judges from the ranks of other persons	Total elected judges
1.	28.05.2013	First Basic Court in Belgrade		2	1		3
2.	28.05.2013	Basic Court in Valjevo			1		1
3.	28.05.2013	Basic Court in Vršac			1		1
4.	28.05.2013	Basic Court in Niš			2		2
5.	28.05.2013	Basic Court in Novi Pazar			2		2
6.	28.05.2013	Basic Court in Novi Sad			2		2
7.	28.05.2013	Basic Court in Požega			1		1
8.	20.05.2014	Basic Court in Dimitrovgrad		1		3	4
9.	05.09.2014	Basic Court in Vrbas		4			4
10.	09.12.2014	Basic Court in Ivanjica		4			4
11.	09.12.2014	Basic Court in Kragujevac		4			4
12.	09.12.2014	Basic Court in Novi Pazar		5		1	6
13.	09.12.2014	Basic Court in Sjenica		1		1	2
14.	13.11.2014	First Basic Court in Belgrade		10	2		12
15.	23.12.2014	Basic Court in Majdanpek		3			3
16.	23.12.2014	Basic Court in Pirot		2			2
17.	20.02.2015	Basic Court in Niš	1	7	1	1	10
18.	20.02.2015	Basic Court in Novi Sad		7	1		8
19.	20.02.2015	Basic Court in Sjenica				1	1
20.	24.06.2015	Basic Court in Čačak		1			1
21.	04.09.2015	Basic Court in Lebane		4			4
22.	04.09.2015	Basic Court in Leskovac		4	1		5
23.	07.10.2015	Basic Court in Bačka Palanka		2			2
24.	07.10.2015	Basic Court in Vrbas		2			2
25.	07.10.2015	Basic Court in Novi Sad		5			5
26.	07.10.2015	Basic Court in Novi Sad		6	1		7
27.	30.10.2015	Basic Court in Loznica		2			2
28.	17.11.2015	Basic Court in Aleksinac		1			1
29.	17.11.2015	Basic Court in Negotin		2			2
30.	17.11.2015	Basic Court in Pirot		3			3
31.	01.12.2015	Basic Court in Vranje		4			4
<b>Basic Courts total:</b>			<b>1</b>	<b>86</b>	<b>16</b>	<b>7</b>	<b>110</b>
<b>MISDEMEANOR APPELLATE COURTS</b>							
No.	Session date	Name of the court the election is done for	Elected judges from other courts (advancement)	Elected judges from the ranks of judicial and prosecutors' assistants	Elected judges from the ranks of trainees Judicial Academy	Elected judges from the ranks of other persons	Total elected judges

1.	13.03.2015	Misdemeanor Appellate Court	9			1	10
<b>MISDEMEANOR COURTS</b>							
1.	28.05.2013	Misdemeanor Court in Belgrade			4		4
2.	05.12.2013	Misdemeanor Court in Negotin		1		1	2
3.	20.05.2014	Misdemeanor Court in Preševo		1			1
4.	20.05.2014	Misdemeanor Court in Sjenica	1				1
5.	23.12.2014	Misdemeanor Court in Negotin		1	1		2
6.	21.04.2015	Misdemeanor Court in Belgrade		8	2	1	11
7.	30.10.2015	Misdemeanor Court in Zrenjanin		2			2
8.	30.10.2015	Misdemeanor Court in Šabac		1		1	2
9.	01.12.2015	Misdemeanor Court in Vranje		2			2
10.	01.12.2015	Misdemeanor Court in Niš		3	1		4
11.	24.12.2015	Misdemeanor Court in Požarevac		1			1
<b>Misdemeanor Courts total:</b>			<b>1</b>	<b>20</b>	<b>8</b>	<b>3</b>	<b>32</b>
<b>COMMERCIAL APPELLATE COURT</b>							
1.	11.07.2013	Commercial Appellate Court	3				3
2.	23.09.2014	Commercial Appellate Court	4	1			5
3.	04.09.2015	Commercial Appellate Court	2				2
<b>Commercial Appellate Court total</b>			<b>9</b>	<b>1</b>			<b>10</b>
<b>COMMERCIAL COURTS</b>							
1.	11.07.2013	Commercial Court in Belgrade	1	1			2
2.	11.07.2013	Commercial Court in Valjevo	1	1			2
3.	11.07.2013	Commercial Court in Novi Sad		1			1
4.	11.07.2013	Commercial Court in Pančevo		1			1
5.	11.07.2013	Commercial Court in Sombor		1			1
6.	11.07.2013	Commercial Court in Subotica	2				2
7.	05.09.2014	Commercial Court in Zaječar		1			1
8.	30.09.2014	Commercial Court in Zaječar		1			1

9.	05.09.2014	Commercial Court in Novi Sad	2	1			3
10.	05.09.2014	Commercial Court in Pančevo		1			1
11.	30.09.2014	Commercial Court in Požarevac		2			2
12.	21.10.2014	Commercial Court in Belgrade	2				2
13.	09.06.2015	Commercial Court in Užice		1			1
<b>Commercial courts total</b>			<b>8</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>20</b>
<b>ADMINISTRATIVE COURT</b>							
No.	Session date	Name of the court the election is done for	Elected judges from other courts (advancement)	Elected judges from the ranks of judicial and prosecutors' assistants	Elected judges from the ranks of trainees Judicial Academy	Elected judges from the ranks of other persons	Total elected judges
1.	11.07.2013	Administrative Court	3	6			9
2.	05.09.2014	Administrative Court	3	1			4
<b>Administrative Court total</b>			<b>6</b>	<b>7</b>			<b>13</b>
<b>ALL COURTS TOTAL</b>			<b>183</b>	<b>126</b>	<b>24</b>	<b>11</b>	<b>344</b>
Name of the court the election is done for:			Elected judges from other courts (advancement)	Elected judges from the ranks of judicial and prosecutors' assistants	Elected judges from the ranks of trainees Judicial Academy	Elected judges from the ranks of other persons	Total elected judges
Supreme Court of Cassation in the Republic of Serbia			15				15
Appellate Courts			61				61
Higher Courts			73				73
Basic Courts			1	86	16	7	110
Misdemeanor Appellate Court			9			1	10
Misdemeanor Courts			1	20	8	3	32
Commercial Appellate Court			9	1			10
Commercial Courts			8	12	0	0	20
Administrative Court			6	7			13
<b>ALL COURTS TOTAL:</b>			<b>183</b>	<b>126</b>	<b>24</b>	<b>11</b>	<b>344</b>

<b>ELECTED CANDIDATES BY CATEGORIES IN THE PERIOD 2013-2015</b>	Elected judges from other courts (advancement)	Elected judges from the ranks of judicial assistants	Elected from the ranks of Judicial Academy	Elected from the ranks of other persons	Total elected judges
Total elected judges in 2013	77	14	14	1	106
Total elected judges in 2014	57	44	3	5	109
Total elected judges in 2015	48	68	7	5	128
<b>ELECTED 2013-2015 TOTAL:</b>	<b>183</b>	<b>126</b>	<b>24</b>	<b>11</b>	<b>344</b>

### 4.3.Election and dismissal of court presidents

In the "Official Gazette of RS" No. 48/15 of 2 June 2015, High Judicial Council announced a call for the president of the Higher Court in Vranje, Higher Court in Pančevo, Higher Court in Prokuplje, Basic Court in Pančevo, Basic Court in Prokuplje and Misdemeanor Court in Negotin.

At its session held on 7 October 2015, Council passed a decision on proposing three candidates for the court presidents and forwarded to the National Assembly proposed decision for the election of presidents for the Higher Court in Pančevo, Basic Court in Pančevo and Basic Court in Prokuplje.

At its Fourth session in scope of the Second Regular Session in 2015, held on 5 November 2015, National Assembly passed a decision on the election of presidents of the Higher Court in Pančevo, Basic Court in Pančevo and Basic Court in Prokuplje, which was published in the "Official Gazette of RS", No. 92/15 of 6 November 2015.

At the proposal of the Minister of Justice, High Judicial Council launched two procedures for determining reasons for the dismissal of court presidents.

In one of the procedures it was determined that there were reasons in place for dismissal of the court president due to violation of obligations laid down in regulations for the judicial administration tasks, and therefore High Judicial Council forwarded a proposal to the National Assembly for the dismissal of the president of the Basic Court in Valjevo.

Second procedure for determining reasons for dismissal of the president has not been finalised in 2015.

### 4.4.Transfer of judges

Provision of Article 19, paragraph 1, of the Law on Judges envisages that a judge may, with their own consent, be transferred to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which can not be resolved by election or referral of a judge, with the obtained consent of presidents of both courts.

In 2015, High Judicial Council passed 16 decisions on the transfer of judges, as follows: 12 decisions on the transfer of basic court judges, three decisions on the misdemeanor court judges, and one decision on the transfer of the appellate court judge.

In 2015, High Judicial Council did not pass any decisions on the transfer of lay- judges.

### 4.5.Assignment of judges

#### **4.5.1. Assignment of judges to other courts**

The High Judicial Council passed four decisions on assigning judges to work in another court, and all four decisions on the assignment of judges refer to the judges of the misdemeanor courts, who were assigned to other misdemeanor courts.

Pursuant to Article 13, paragraph 5, of the Law on Organisation and Competence of Public Authorities in Suppressing Organised Crime, Corruption and Other Especially Severe Criminal Offences ("Official Gazette of RS", Nos. 42/02, 27/03, 39/03, 60/03, 67/03, 29/04, 58/04, 45/05, 61/05, 72/09, 72/11, 101/11 and 32/13), High Judicial Council assigned two judges to the Special Department of the Higher Court in Belgrade to a period of one year.

#### **4.5.2. Assignment of judges pursuant to Article 21 of the Law on Judges**

At the proposal of the Minister of Justice, High Judicial Council passed one decision on assigning a judge to work at the Ministry of Justice, and during this period, the respective judge will be exempt from performing judicial function.

#### **4.6. Assignment of judges to mandatory health check-up pursuant to Article... of the Law on Judges**

At the proposal of the court president, High Judicial Council passed one decision in 2015 on assigning judges to a mandatory health check-up.

#### **4.7. Decision on compatibility of other positions with judicial function**

In 2015 High Judicial Council decided on five request of judges regarding compatibility of other positions with the judicial function.

In three cases the Council decided on the compatibility of the judicial function with the membership with the Expert Council of the Chamber of Public Notaries of Serbia, with the teaching assistant job on the Business Law subject at the Faculty of Mechanical Engineering, University of Niš, and with the membership with the Commission for taking professional exam for acquiring a license for bankruptcy administrator.

In two cases High Judicial Council determined incompatibility of other jobs with the judicial function, namely representation of FC Red Star in the procedure before the Arbitration Court of the Football Association of Serbia, same as that the lay-judge function is incompatible with the job of a court referee.

#### **4.8. Termination of judicial function**

In 2015, High Judicial Council passed 77 decisions on termination of judicial function, as follows: 48 decisions due to the end of the years of service, 22 decisions at personal request, four decision due to the loss of ability to work and three decision on termination of judicial function by dismissal due to committed severe disciplinary violation.

<b>Termination of judicial function</b>
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2013	
Reason for termination of judicial function	Published in the "Official Gazette of RS", 2013
Years of service over	80
At personal request	37
Due to permanent loss	3
Dismissal	1
<b>Total:</b>	<b>121</b>
2014	
Reason for termination of judicial function	Published in the "Official Gazette of RS", 2014
Years of service over	64
At personal request	51
Due to permanent loss	2
Dismissal	3
<b>Total:</b>	<b>120</b>
2015	
Reason for termination of judicial function	Published in the "Official Gazette of RS", 2015
Years of service over	48
At personal request	22
Due to permanent loss	4
Dismissal	3
<b>Total:</b>	<b>77</b>
<b>Termination of judicial function total 2013-2015</b>	<b>318</b>

#### 4.9. Study visits

Deciding pursuant to Article 30, paragraph 8 of the Law on Judges, High Judicial Council passed 121 decisions on referring judges to study visits.

#### 4.10. Appointment of lay-judges in courts in the territory of the Republic of Serbia in 2015 and termination of the lay-judges' function

On 6 February 2015, High Judicial Council announced in the "Official Gazette of RS, No. 15/15 and on 5 February 2015 in "Politika" daily appointment of lay-judges for courts where insufficient number of candidates applied, same as for courts where no applications were filed for the appointment of lay-judges, as follows: Basic Court in Brus- 7 positions; Basic Court in Dimitrovgrad- 7 positions; Basic Court in Ivanjica- 11 positions; Basic Court in Kuršumljia- 10 positions; Basic Court in Trstenik- 11 positions; in total 46 positions for the appointment of lay-judges.

Upon the announced call, High Judicial Council at its session held on 17 March 2015, passed a decision on the appointment of lay-judges for a five-year term of office, in courts of general jurisdiction, which was published in the "Official Gazette of RS", No. 28/15 of 20 March 2015.

In 2015, High Judicial Council passed 14 decisions on termination of judicial function of lay-judges, at personal request. There were no terminations of lay-judges' judicial functions due to other legal reasons.

#### **4.11. DISCIPLINARY PROCEDURES- proceedings of the High Judicial Council as a second instance authority in a disciplinary procedure**

In 2015 High Judicial Council as a second instance authority in disciplinary procedure decided in 13 cases, upon appeals of judges and Disciplinary Prosecutor.

Disciplinary procedures were initiated for the following disciplinary offences:

- Failure of a judge to ask to be excused in cases where there was a reason to be excused, i.e. exclusion envisaged by law- in one case;
- Giving comments on judicial decisions, proceedings or cases in the media in a way contrary to the law and Court Rules of Procedure- in one case;
- Severe disciplinary offence referred to in Article 90, paragraph 2, of the Law on Judges in connection with paragraph 1, indents 3 and 5. The Law on Judges- in one case;
- Unjustified tardiness in issuing decisions referred to in Article 90, paragraph 1, indent 3. The Law on Judges- in one case;
- Obvious unfair treatment of participants in court proceedings and court staff- in three cases;
- Unjustified prolongation of the procedure- in five cases;
- Severe disciplinary offence referred to in Article 90, paragraph 2, The Law on Judges in connection with Article 90, paragraph 1, indents 12 and 18 of the Law on Judges- in one case.

In deciding in 13 cases upon appeals lodged to the decisions of the Disciplinary Commission, in 2015 High Judicial Council in 7 cases honoured the appeal and reversed the Disciplinary Commission decision, while in 6 cases the appeal was rejected and the decision of the Disciplinary Commission verified.

In deciding upon the lodged appeals, High Judicial Council in four cases honoured the judge's appeal and rejected the proposal of the Disciplinary Prosecutor to initiate a disciplinary procedure, while in nine cases disciplinary accountability was determined and the following disciplinary sanctions rendered: public reprimand- in three cases, salary reduction- in four cases, while in two proceeding upon the lodged appeals, High Judicial Council determined a severe disciplinary offence. In one of the case a procedure for a dismissal of a judge was initiated, while in other it was not given that the judge on a maternity leave was concerned.

## **5. ACTIVITIES OF THE HIGH JUDICIAL COUNCIL IN INTERNATIONAL COOPERATION**

### **5.1. EU Instrument for Pre-Accession Assistance (IPA)**

#### **5.1.1. IPA 2012**

##### **IPA 2012- "Justice Infrastructure Assessment"**

The project includes assessment of the entire infrastructure and ICT infrastructure of judiciary authorities in the Republic of Serbia. On 21 December 2015 an agreement was signed between the EU Delegation to the Republic of Serbia as a Contracting Authority and CeS COWI as a Contractor for this project, based on the Terms of Reference (ToR) defined for this part of the IPA 2012 project. Project implementer is the Ministry of Justice of the Republic of Serbia.

##### **IPA 2012- "Judicial Efficiency Project"**

After the implemented tender procedure, implementation of the "Judicial Efficiency Project" was awarded to the British Council. Project budget amounts to 3,781,580.00 EUR. The project was officially launched on 28 January 2016.

The project takes an integrated approach and aims at the entire judicial network and organisation of courts and public prosecutor's offices. In the next two years, the project will cooperate with the selected courts in providing support in the implementation of the backlog reduction programme and administrative rationalisation support programme.

In the first phase, the project will largely rely on the existing key documents like the Action Plan for Chapter 23, but also on documents created in cooperation with other donors (e.g. Functional Analysis of the World Bank).

The "Judicial Efficiency Project" encompasses five components (for each component key performance indicators are defined):

1. Efficiency of the judicial network improved by enhancing the performance and functioning of judicial bodies (backlog reduction; introduction of a unique template for maintenance of statistical data related to the backlog processing; harmonisation of judicial practice- Supreme Court of Cassation and appellate courts; weighting of cases; improvement of work processes automatic case allocation system).
2. Enhancing ability of judicial bodies to accurately track, measure, monitor and report on performance, thus improving the accountability and transparency of the judicial system;
3. Enhancing access to judicial bodies, transparency of the judiciary and communication with the public by courts and public prosecutor's offices (communication strategy development);
4. Updating and improving normative framework (legislation, y-laws, regulations and acts) regarding judicial efficiency and relevant projects areas of intervention;
5. Enhancing professional capacities and knowledge related to judicial efficiency and relevant to project areas of intervention (training programmes, action plans, institutional strengthening programmes).

##### **IPA 2012- "Judicial Efficiency- IT equipment procurement"**

The project includes procurement of IT equipment for judicial bodies according to technical specification and procurement terms and conditions. Procurement was awarded to the AIGO Business System company from Belgrade, based on the contract No. 2015/371-496 signed on 18 December 2015 with the EU Delegation in Belgrade. Project budget: 711,500.00 EUR. Final beneficiary of this project is the High Judicial Council. This component represents a part of a comprehensive project "Support to the Rule of Law System".

#### **5.1.2. IPA 2013- EU Twinning Project- "Strengthening Capacities of the High Judicial Council and State Prosecutorial Council"**

On 16 September 2015, High Judicial Council launched implementation of the twinning project "Strengthening Capacities of the High Judicial Council and State Prosecutorial Council". Project budget is 2,000,000.00 EUR, allocated from IPA 2013 funds in the period from September 2015 until September 2017. The project is implemented in cooperation with the Spanish-Greek consortium, involving judicial and prosecutorial councils of the Kingdom of Spain, same as the Ministry of Justice and Judicial Academy of the Republic of Greece.

In line with the strategic guidelines stipulated in the National Judicial Reform Strategy (2013-2018), the EU Twinning Project- "Strengthening Capacities of the High Judicial Council and State Prosecutorial Council" was designed to strengthen overall capacities of the High Judicial Council and State Prosecutorial Council in implementing judicial reforms. The project is to contribute to progress in the area of organisational structure and business procedures of the High Judicial Council and State Prosecutorial Council, which are relevant for execution of these bodies' duties, same as to strengthening of their capacities aimed at improved implementation of specific administrative tasks such as strategic and budget planning, human resources management, project management and internal audit. The project will also be focused on capacity building of these bodies in the area of performance evaluation and advancement of judges, public prosecutors and deputy public prosecutors, strengthening their capacities in conducting disciplinary procedures, activities in connection with the Code of Ethics, and improving relations with the civil society.

Since September 2015, a number of meetings were held attended by: Council member from the ranks of judges, Administrative Office staff and experts from Spain and Greece. In these meetings issues were discussed related to the Administrative Office internal organisation, status and position of staff, needs for staff training and especially, material and financial operation in the judiciary system. Based on the topics discussed at the meetings, twinning project experts will compile recommendations for the Councils' administrative capacity building.

On their website, High Judicial Council regularly reports on all activities and events regarding this important project for the High Judicial Council and judiciary in the Republic of Serbia.

#### **5.1.3. IPA 2016- Onset of programming**

Government of the Republic of Serbia and European Commission entered into the Framework Agreement on the rules for implementation of the European Union financial assistance within the Instrument for Pre-Accession Assistance (IPA II), ratified by the National Assembly on 29 December 2014. This agreement established legal grounds for provision of financial support by the European Union to the Republic of Serbia in the period 2014-2020.

Governmental Decree on managing European Union pre-accession programmes within IPA II for the period 2014-2020 lays legal basis for formation of sector-based working groups for programming and coordination of IPA funds and other development aid. Aleksandar Stoiljkovski, judge, elective member of the High Judicial Council, participates in the Justice Sector as a member on behalf of the High Judicial Council.

On 26 October 2016, Serbian European Integration Office supported by PPF5- (Project Preparation Facility 5) organised a meeting- programming workshop, on the occasion of IPA 2016 programming onset, which was attended by Aleksandar Stoiljkovski, judge, elective member of the High Judicial Council. At this workshop, IPA 2016 programming dynamics was presented, same as programming procedures and principles, and the organisation of the very programming process. In addition, presented was the manner of organising unallocated funds and methodology to be used for drafting the Road Map for the sector-based approach application, dynamics and next steps to be undertaken in order to finalise these documents.

## **5.2. Cooperation with the European Network of Councils for the Judiciary (ENCJ)**

In 2015 Council intensively cooperated with the European Network of Councils for the Judiciary (ENCJ) and member states in this network. The Council responded to questionnaires forwarded by Poland, Romania, Bulgaria (three questionnaires) and Lithuania regarding the "retired judges' houses", integrity and professional conduct of judges, decision-making and voting manners at the Council, transfer and assignment of judges, salaries, manner of judges' salaries calculation, payments to judges other than salaries.

In March 2015, ENCJ, where the High Judicial Council enjoys the observer status organised a project group tasked with realisation of indicators on the assessment of actual independence and accountability of the judiciary in European countries.

During the ENCJ project group operation, it was concluded that judges themselves had never been asked about how independent they felt, while their opinions being of crucial importance for understanding levels of actual judicial independence.

Due to this reason, Goeffrey Vos, president of the ENCJ, pointing out the importance of opinions of the very judges on judicial independence, invited the judges to during April respond to the anonymous online questionnaire regarding their own experiences. The survey encompassed around 6,000 judges from 22 European countries. Response of Serbian judges was good, and the summary of main answers, together with answers of judges from other European countries, was presented at the ENCJ General Assembly in the Hague on 4-5 June 2015, under the title "Promotion of Effective Judiciary Systems". This conference was attended by the High Judicial Council president, judge Dragomir Milojević.

At the General Assembly session the latest ENCJ report on independence and accountability of the judiciary and prosecution was presented, and the conference was closed by adoption of the Hague Declaration on the promotion of efficient judiciary systems which is a part of the ENCJ four-year plan.

In 2015 responses were submitted to the project teams' questionnaires adopted by General Assembly held in the Hague within the ENCJ operational plan for 2015/2016:

- Questionnaire of the ENCJ Project Team "Financing of the Judiciary" on the manners of funding of judiciary bodies and
- the ENCJ Project Team questionnaire Standards VI- "Civil Society Representatives in Judicial Power".

### **5.3. Cooperation with the Council of Europe**

#### **5.3.1. European Commission for the Efficiency of Justice (CEPEJ)**

On 11 June 2015, High Judicial Council applied for participation in the competition for "The Crystal Scales of Justice" award presented by the Council of Europe and European Commission for the Efficiency of Justice (CEPEJ). The award is presented aiming at recognition and promotion of innovative implementation of court proceedings, organisation of courts operation and functioning of the judiciary system in general. The High Judicial Council applied for this prestigious award with the programme "Instruction for defining model of a typical court for Basic and Higher Court in the Republic of Serbia" developed in cooperation with the Government of the Kingdom of Norway, which sets standards for a court building and organisation which is optimal for the Serbian judiciary, designing and execution of works in the existing court buildings in Serbia and business processed in Serbian courts. 47 countries with 80 projects applied in competition for this prestigious award.

With its programme "Instruction for defining model of a typical court for Basic and Higher Court in the Republic of Serbia", High Judicial Council of the Republic of Serbia won the Special Award. The "Crystal Scales of Justice" award ceremony organised by the Council of Europe, was organised on 23 October in Banja Luka, Bosnia and Herzegovina. Judge Aleksandar Stoiljkovski, elective member of the High Judicial Council, received the award on behalf of the High Judicial Council. "The Crystal Scales of Justice" was this year awarded to the Spanish Judicial Institute for the project "Judicial Hub". "The Crystal Scales of Justice" award ceremony also marked the European Civil Justice Day.

#### **5.3.2. European Court of Human Rights**

President of the Supreme Court of Cassation and of the High Judicial Council, judge Dragomir Milojević, was in the official visit to the Council of Europe and European Court of Human Rights in Strasbourg from 19 to 22 May 2015, which was realised within the Council of Europe project "Support to Serbian Judiciary in the Implementation of the European Convention on Protection of Human Rights and Freedoms".

During the visit, president Dragomir Milojević met with the president of the European Court of Human Rights, judge Dean Spielmann. The meeting was attended by Branko Lubarda, secretary of the European Court of Human Rights and Erik Fribergh, Court secretary. At this meeting, president Milojević introduced the attendees with the situation in Serbian judiciary, reform steps being undertaken to enhance the rule of law and access to justice, all aimed at meeting obligations under the Chapter 23, National Judicial Reform Strategy for the period 2013-2018 and the accompanying Action Plan. President Milojević paid special attention to the implementation of the European Human Rights Convention at national level and enforcement of rulings of that Court.

In scope his visit to Strasbourg, president Dragomir Milojević met with Mr Philippe Boillat, director general of the Council of Europe Directorate for human Rights and the Rule of Law, and on this occasion the president introduced him with our legal tradition, current judiciary system and problems faced by the courts and judges in their everyday work, same as with the orientation of the Serbian judiciary in the European integration process.

## **5.4. Cooperation with the World Bank**

### **5.4.1. Functional Analysis**

At the request of the Ministry of Justice and judicial bodies in the Republic of Serbia, and in coordination with the European Commission and international partners in the judicial reform, via MDTF, World Bank conducted Functional Analysis of Serbian Judiciary, which was presented in Belgrade on 12 February 2015. The objective of the Functional Analysis was to assist drafting of the Action Plan for Chapter 23, and in that way support negotiations on Serbia's accession to the EU. The analysis which included courts performance, opinions of beneficiaries and service providers in courts, presented for the first time Serbian judiciary transparently and realistically. Special importance of this analysis is that besides pointing out problems, it also gives recommendations for addressing the identified problems.

### **4.4. Meetings of the High Judicial Council president**

President of the Supreme Court of Cassation and High Judicial Council, Dragomir Milojević, received on 27 October 2015 at the Supreme Court of Cassation representatives of the International Commission of Jurists. This meeting was attended by the High Judicial Council member, judge Mirjana Ivić. Delegation of the International Commission of Jurists consisted of: Massimo Frigo, legal advisor of the International Commission of Jurists; Justice Ketil Lund, director of the International Commission of Jurists' European Programme and Roisin Pilay, commissioner of the International Commission of Jurists. President of the Supreme Court of Cassation and High Judicial Council, Dragomir Milojević, familiarise representatives of the International Commission of Jurists with the role of the High Judicial Council in achieving independence of courts and judges, the role in achieving financial independence of courts, procedure of proposing candidates for elective members of the High Judicial Council from the ranks of judges, manner of election of judges for the first office and types of training courses for judges.

### **4.5. Visit to the United Kingdom**

In scope of international cooperation and at invitation of the UK Department of Justice, president of the High Judicial Council, judge Dragomir Milojević officially visited the United Kingdom in the period 22-27 February 2015 when he participated in the Global Law Summit together with representatives of the highest judicial institutions from more than 80 countries, organised in the frame of the 800-year celebration of the *Magna Carta Libertatum* adoption. This visit was supported by the United Kingdom Government and British Embassy in Belgrade and OSCE Mission to Serbia. During his visit, president of the High Judicial Council, Dragomir Milojević, met with the president of the UK Supreme Court, Lord Neuberger, whereby they exchanged information about judicial systems of the two countries, modus operandi and measures undertaken to foster the rule of law and access to justice, same as the two fundamental principles of the *Magna Carta Libertatum*. He also met with the Supreme Judge of England and Wales, Lord Thomas, and introduced him with our legal tradition, current judicial system and problems faced by courts and judges in their everyday work. Additionally, the discussion included measures and activities undertaken by the Serbian judiciary within Chapter 23 in the

European integration process. During the visit meetings were organised at the Department of Justice with the heads in charge of international projects and cooperation, Barrett Snellgrove and Enzo Riglia, and at the Foreign Office with the heads for Western Balkans and EU accession, Paul Gasket and Paul Lakin.

#### **4.6. United States Agency for International Development (USAID)- "4 Digits Consulting- Judiciary and Public Sector Support"**

Owing to the United States Agency for International Development (USAID) donation, "4 Digits Consulting- Judiciary and Public Sector Support" will support in the next two years further capacity building of the High Judicial Council through "Strengthening Capacities of the High Judicial Council" project. The project implementation was launched on 1 October 2015 to last until October 2017.

Purpose of this two-year project is to provide support to institutions in Serbia, primarily to the High Judicial Council of the Republic of Serbia, in their institutional capacity building, enhancement of independence and judicial efficiency, as key pillars of the National Judicial Reform Strategy for the period 2013-2018. Improved efficiency of courts, as the overall objective of the donation, is to include several outputs: lower costs of court proceedings, savings in the administrative part of court proceedings, backlog reduction, accelerated deciding on cases, increased satisfaction of court clients, enhanced internal communication.

Cooperation with the High Judicial Council is to:

- *Improve financial independence of the judiciary through capacity building of the High Judicial Council Administrative Office in programme budgeting, projecting and management.* Training of the HJC Sector for Material and Financial Affairs staff was planned, same as training of courts staff aimed at proper implementation of the "programme budgeting" and "budget representation" methodologies in the budget planning and execution process, collecting financial data and compiling reports on the improved budget possibilities for each budget year.
- *Enhance the judiciary personnel management and efficiency (including judicial performance accountability and evaluation) by building the HJC capacity for human resources and infrastructure management.* Trainings are planned for HJC Administrative Office staff to educate them on proper use of available data from HR application for judges with creation of additional modules: for lay-judges, judicial assistants and court administrative personnel, staff training on new application, study visit to independent judicial institutions in Bosnia and Herzegovina.
- *Strengthen court efficiency and modernization through increased judicial statistical and legislative analysis capabilities and other innovations.* It is planned to develop a new methodology for collection of courts' statistical data, introduction of centralized statistics and strengthening capacities in analysis of statistical data.
- *Increase transparency and accessibility of the HJC and the courts through information and communications initiatives.* As a part of project activities, PR/Outreach expert will be permanently positioned at the High Judicial Council and will work daily on increase of openness, transparency and public trust in work of HJC. The project will support presentation of court statistics and hearing schedule online for all court users in Serbia, and broader. It is also planned to create HJC Communication Strategy for the period beyond 2015.



## **6. EUROPEAN INTEGRATION- THE HIGH JUDICIAL COUNCIL OBLIGATIONS UNDER THE NATIONAL JUDICIAL REFORM STRATEGY 2013-2018 AND CHAPTER 23**

### **6.1. National Judicial Reform Strategy 2013-2018 and Action Plan for the implementation of the National Judicial Reform Strategy 2013-2018**

In 2015 Council forwarded to the Commission for implementation of the National Judicial Reform Strategy two reports on implemented measures and level of delivered activities defined under the Action Plan implementing the National Judicial Reform Strategy, on 22 January 2015 and on 23 April 2015. On 13 November 2015, Council forwarded to the Ministry of Justice its opinion to the draft version of the updated Action Plan.

The most important session of the Commission was held on 8 July 2015 at the Palace of Serbia, entitled "Judicial Reform and EU Integration- Next Steps". The Commission held this session in an extended composition given that besides its members it was attended by the head of the Negotiating Team for EU Accession, Tanja Mišćević, Minister of Justice, Nikola Selaković, same as international community representatives (European Commission, Delegation of the European Union to Serbia, USAID, World Bank, OSCE, diplomatic representative offices in Serbia) and representatives of the civil society.

The Chairman of the Commission was the president of the Supreme Court of Cassation and High Judicial Council, Dragomir Milojević. In his introductory address, Dragomir Milojević emphasised the need for update of the Action Plan implementing the National Judicial Reform Strategy, and reflected upon results of the Functional Analysis of the Judiciary, recommendations and analyses, and on the level of their inclusion in the Action Plan for negotiations regarding Chapter 23.

### **6.2. Chapter 23- judiciary and fundamental rights and Action Plan for Chapter 23**

Together with other implementers of activities, High Judicial Council took part in drafting the Action Plan for Chapter 23 especially in part dealing with independence, impartiality, accountability and expertise, and to that end will continue undertaking measures aimed at full implementation of the envisaged activities. The Action Plan for Chapter 23 incorporates recommendations given in the Functional Analysis developed by the World Bank, to the extent possible and acceptable for the needs of the Action Plan.

### **6.3. National Anti-corruption Strategy and its implementing Action Plan**

In 2015, Council forwarded to the Anti-corruption Agency quarterly reports on implementation of the National Anti-corruption Strategy and its implementing Action Plan.

For the implementation of activities 1.2.2.3. and 1.2.2.5. from the Action Plan for Chapter 23, on 16 November 2015 first meeting, initiated by the Council, was held with representatives of the Anti-corruption Agency. Joint conclusion was that the objective of the first meeting was to determine the manner, dynamics and basic directions in further work on the implementation of joint activities envisaged under the Action Plan for Chapter 23, but also under the Action Plan implementing the National Anti-corruption Strategy. In the future, meetings will

be held quarterly, prior to the deadline for filing the report under the Action Plan implementing the National Anti-corruption Strategy, in January, April, July and October. At the same time this was an occasion to stress the problems, and all aimed at achieving better results in practice in terms of implementation of the Law on the Anti-corruption Agency and normative framework regarding fight against corruption in general.

## **7. ACTIVITIES OF THE HIGH JUDICIAL COUNCIL UPON FILED COMPLAINTS AND PETITIONS AGAINST COURTS AND JUDGES' WORK AND ACTIONS**

In 2015 High Judicial Council received 1,237 new complaints, and 1,048 supplements to the complaints, related to the already lodged complaints throughout the current year or in previous years, thus totaling to 2,285 submissions (new complaints + supplements) which were all processed in 2015.

Newly received complaints and petitions in 2015	<b>1237</b>
Supplements to the complaints received in 2015	<b>1048</b>
<b>Total number of cases processed in 2015</b>	<b>2285</b>
Complaints from 2015 forwarded to the court in accordance with Article 55 of the Law on Organisation of Courts	972
Forwarded for rework	38
JUSTIFIED	119
NOT EVALUATED	51
UNJUSTIFIED	408
NOT COMPETENT	112
NOTICE TO CLAIMANT	232
Forwarded to Disciplinary Prosecutor	105
Forwarded to the State Prosecutorial Council	45
Official note in the case file	74
REJECTED	22
Article 5, paragraph 3 of the Law on Organisation of Courts	
ON HOLD (DEADLINE)	163
Unfinished- waiting for the court response	
COURT POSITION	982
ARCHIVED 2011 - 2015	2500

Complaints delivered to the High judicial Council in majority of cases refer to the work of the court, judge or court president in which client expresses their dissatisfaction by the court decision and points to the actions and deciding of judges, which is why the High Judicial Council is requested to seek change, reversal or evaluation of the legality and appropriateness of the court decision, and take certain measures against the judge.

In complaints of such kind, High Judicial Council delivers to the complainant notice that the High Judicial Council is not authorised to influence the work of the judge and outcome of the court proceeding, both in terms of the proceeding administration and in terms of decision-

making, or forwards a notice that it is not under the competence of the High Judicial Council to re-examine court decisions nor to assess legality and righteousness of court decisions. In line with the aforesaid, the complainant is referred to the provision of Article 1, paragraph 1, of the Law on Judges setting forth that the judge is independent in his/her acting and decision-making, same as to the provision of Article 3, paragraph 3, of the Law on Organisation of Courts envisaging that the court decision may be re-examined only by the competent court within the legally prescribed deadline. In case the client refers to the violation of law by the judge, the complainant is delivered a notice referring to the provision of Article 5, paragraph 1 of the Law on Judges, stating that the judge may be held accountable for the stated opinion or voting in decision-making, save in the case of a criminal offence of law violation by the judge, in which public prosecutor's office is competent to act.

Upon submissions, complaints and petitions pointing to irregularities in the court work or to stalling and length of the court proceeding, claimant is notified that the respective submission, pursuant to provisions of Article 55 of the Law on Organisation of Courts, is to be forwarded to the court president for consideration and evaluation.

Out of 972 complaints in 2015 which were pursuant to Article 55 of the Law on Organisation of Courts forwarded to the court president for evaluation, the president delivered to the High Judicial Council a notice that they were not competent to assess allegations given that in 112 complaints it was referred to the court decision, 408 complaints were assessed as unjustified, and 119 as justified, with justifiability in most of the cases relating to the court proceeding duration.

In complaints referring to the duration of the court proceeding, the High Judicial Council forwarded to the complainant a notice that in conformity with the provisions of Article 8a of the Law on Organisation of Courts, they may directly submit a request to the higher court for protection of the right to trial in a reasonable deadline, same as that as of 1 January 2016 the Law on Protection of the Right to Trial in a Reasonable Deadline is being enforced.

In complaints referring to the work of the judge and potential disciplinary offence under Article 90 of the Law on Judges, or in case an initiative was filed with the proposed dismissal of a judge, the complainant is notified that the subject submission was forwarded to the High Judicial Council Disciplinary Prosecutor, and in complaints referring to the work of the public prosecutor's office, complainant is delivered a notice that the subject submission was forwarded to the State Prosecutorial Council or competent prosecutor's office, if so requested by the client.

Likewise, in complaints referring to a criminal offence or reporting a criminal offence, complainant is forwarded a notice that the High Judicial Council is not competent to act upon criminal reports and that such actions are under the jurisdiction of the public prosecutor's office, as an authority prosecuting perpetrators of criminal acts and other punishable acts, in accordance with the Law on the Public Prosecutor's Office.

In submissions which the High Judicial Council had already processed several times and responded to, same as in submissions referring to the court decision in proceedings which were legally closed, in submissions of inappropriate or offensive content, or those written in a way inadequate for parties to address the court or High Judicial Council, same as in submission that were not signed, official notice was made in accordance with provisions of Article 55, paragraph 3, of the Law on Organisation of Courts, due to the client abuse of the right to appeal.

In 2015, five judges lodged appeals to the High Judicial Council pursuant to Article 29 of the Law on Judges.

Additionally, in 2015 approx. 2,500 cases were archived that were reviewed and processed for the archives, however it is impossible to determine accurate number of cases due to

the application being currently used, as this data was obtained from the person in charge of archives at the High Judicial Court.

## **8. COURTS APPELLATE COMMISSION ACTIONS**

In 2015 Courts Appellate Commission received 485 appeals against first-instance decisions and 55 actions against the Court Appellate Commission decisions. 33 cases were left unresolved from 2014, so in 2015 in total there were 518 cases upon appeals and 55 cases upon claims. In total 517 cases upon appeals and all cases upon claims were resolved, thus leaving only one case upon appeal unresolved.

As for their structure, 190 appeals against decisions on employment based on the conducted competition were registered, 157 appeals against decisions referring to the coefficient for calculation and payment of salaries to civil servants, 52 appeals were registered against the performance evaluation decision, 9 cases upon appeals to decisions on termination of employment, 23 appeals to decisions on disciplinary measures. Against the decisions on allocation and transfer of civil servants 16 appeals were received in total, against the decision on other rights and responsibilities of civil servants, such as the right to maternity leave, jubilee award, solidarity aid, compensation for separate life, unpaid leave, advancement, suspension of employment and right to past work, 71 appeals were registered in total.

All appeals were resolved within the legally defined deadline, save in cases where records were sought and subsequently delivered by the courts, but such cases were also resolved within 30 days, i.e. 8 and 5 days of the receipt of the records, given that 8-day deadline was set up to decide upon appeals against conclusions rejecting the application to a call, and deadline of 5 days to decide upon appeals against the decision on employment suspension.

## **9. THE HIGH JUDICIAL COUNCIL ACTIONS UPON REQUESTS TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND PROTECTION OF PERSONAL DATA**

Person authorised to act upon requests for free access to information of public importance and protection of personal data is elective member of the High Judicial Council from the ranks of judges, Sonja Vidanović.

According to the Rulebook on the High Judicial Council Administrative Office Internal Organisation and Systematisation of Job Positions, all employees are, within their job descriptions, responsible to provide information and data from their respective scopes that are subject of the information seeker request, to the person authorised to act upon requests for free access to information of public importance and protection of personal data.

In 2015 86 requests were received in total for access to information of public importance and one request pursuant to the Law on Protection of Personal Data. From 2015 2 (two) cases were transferred to 2016 (requests registered at the end of the year and will be processed in January 2016 within the prescribed deadline).

In 2015 Commissioner issued eight (8) conclusions suspending the procedure upon an appeal and by this was one (1) case from 2010, three (3) cases from 2013, two (2) cases from 2014 and two (2) cases from 2015 were closed.

**Table 1. - Implementation of the Law on Free Access to Information of Public Importance in 2015 -**

**1) Requests:**

No.	Information seeker	Number of filed requests*	No. of adopted-partially adopted requests	Number of rejected requests	Number of denied requests
1.	Citizens	62	59	0	2
2.	The media	5	4	0	1
3.	NGOs and other CSOs	9	7	0	1
4.	Political parties	1	0	0	1
5.	Authorities	4	4	0	0
6.	Others	5	5	0	0
7.	Total	86	79	0	5

*\*Two requests for free access to information of public importance were received by the High Judicial Council on 29 December 2015 (information seeker was a citizen) and 31 December 2015 (information seeker was NGO) therefore these will be processed in 2016 within the envisaged deadline.*

**2) Appeals:**

No. -	Information seeker	Total number of filed appeals	Number of appeals based on the rejected request	Number of appeals based on the denied request	Number of appeals based on inactivity upon request	Number of other appeals
1.	Citizens	3	2 *procedure under way at the Commissioner's office	0	1 *procedure suspended at the Commissioner's office	0
2.	The media	0	0	0	0	0
3.	NGOs and other CSOs	1	0	0	1 *procedure under way at the Commissioner's office	
4.	Political parties	0	0	0	0	0
5.	Authorities	1	0	0	1	0

					*procedure suspended at the Commissioner's office	
6.	Others	0	0	0	0	0
7.	Total	5	2	0	3	0

### 3) Procedural costs:

Charged costs		Non-charged costs
Total amount	Account number	The High Judicial Council in one case gave instructions for compensation of necessary costs for the document copy issuance. Applicant was a citizen.
267.00 RSD	840-742328-30 reference no. 7-00-57/2015-01	

### 4) Information Booklet

Information Booklet compilation date	Published online	Last update date	Compiled-not published	Not compiled	Reasons for not being compiled
01.08.2010	Yes	15.01.2016			

### Staff training

Training delivered	Reasons for not delivering training
Yes      No	The High Judicial Council devised a three-year Administrative Office staff training plan covering the period to 2018, also envisaging training on staff actions pursuant to the Law on Free Access to Information of Public Importance and Law on Protection of Personal Data. So far, the staff did not have an opportunity to attend the training on implementation of these two laws. Consultations with the Commissioner are held regularly. In one case opinion of the Commissioner was sought when the abuse of rights by the applicant was thought to be in place. A meeting with the Commissioner and person in charge at the High Judicial Council was held.

### Information media

Regularly maintained	Reasons for failed maintenance
Yes      No	

Table 2. - Exercising rights and protection of person's rights pursuant to the Law on Protection of Personal Data in 2015

Number of filed requests	Type of a right pursuant to the LPPD	How it was decided			Note
		Requests met- number	Requests rejected- number	Notice of such data not being processed- number	
	Notice of processing (Article 19)				
1	Right to an insight (Article 20)		1		This request was to have insight into the case files, photocopying of the records and obtaining certified copies, and it was rejected, while the procedure is ongoing at the Commissioner's office upon the appeal of the applicant.
1	Right to a copy (Article 21)		1		
1	Rights upon the performed insight (Article 22)		1		

Number: 021-02-00032/2016-01  
In Belgrade, 8 March 2016

**PRESIDENT  
OF THE HIGH JUDICIAL COUNCIL**

**Dragomir Milojević**