

THE HIGH JUDICIAL COUNCIL

ANNUAL PERFORMANCE REPORT 2016

MARCH 2017

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1. ON THE HIGH JUDICIAL COUNCIL

1.1. Constitution of the High Judicial Council

The 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 office; 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 proceeding; 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 sheets 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.

1.2. The High Judicial Council

Until 4 April 2016 elective members of the High Judicial Council from the ranks of judges were: Mirjana Ivić, Branka Bančević, Aleksandar Stoiljkovski, Sonja Vidanović and Blagoje Jakšić (suspended from the Council member function on 9 March 2012 until completion of the criminal proceeding).

Five elective judges from the ranks of judges took over their office on 5 April 2016.

During performance of their office at the Council, elective members from the ranks of judges are exempt from the judicial office performance, while their employment rights are being exercised with the Council. The elective members of the Council from the ranks of judges who have taken their office are: Branislava Goravica, judge of the Commercial Appellate Court; Savo Đurđić, judge of the Appellate Court in Novi Sad; Ivan Jovičić, judge of the Higher Court in Belgrade; Matija Radojičić, judge of the Third Basic Court in Belgrade and Slavica Milošević Gazivoda, judge of the Misdemeanor Court in Belgrade.

Since 26 October 2014 when the Council member office was terminated for Dejan Ćirić, the Council does not have an elective member from the ranks of lawyers in its composition.

Since 20 December 2016 composition of the Council does not include elective member from the ranks of the Faculty of Law professors. The elective member from the ranks of the law faculty professors Milan Škulić PhD, was elected on 20 December 2016 a judge of the Constitutional Court, which is why his office of the High Judicial Council member was terminated.

Having in mind that the office of the elective member of the Council from the ranks of appellate court judges, judge Miroljub Tomić, will expire on 1 March 2017, the Council President has, on 5 September 2016 passed the decision on initiating the procedure for nomination of candidates for an elective member of the High Judicial Council from the ranks of the appellate courts judges. The High Judicial Council had, within the legally prescribed deadline, implemented the procedure for nomination of candidates for the elective member of the High Judicial Council from the ranks of the appellate courts judges. Based on the proposal of the High Judicial Council, National Assembly of the Republic of Serbia has, on 16 December 2016 elected Aleksandar Pantić, judge of the Appellate Court in Niš, an elective member of the High Judicial Council from the ranks of the appellate courts judges.

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

1.3. The High Judicial Council Administrative Office

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 Office¹. The Administrative Office is managed by the secretary responsible to the Council for their work.

Pursuant to the Rulebook on Internal Organisation and Systematisation of Job Positions in the Administrative Office, adopted on 19 December 2014 for the delivery of tasks within the Administrative Office, the following internal units were established: Sector for Material and Financial Affairs, Department for Status Issues of Judges, Department for Preparation of Bylaws and European Integration, Department for HR and General Affairs, and Group for Registry Office (administrative-technical tasks). As internal units within the Sector for Material and Financial Affairs, the Division for Budget and Analytical and Planning Tasks and Division for Financial and Accounting Tasks were established. The Council President Office is a separate internal unit, while independent executives outside all internal units perform administrative and

¹ “Official Gazette of RS“ No. 31/13, 137/14

technical tasks for disciplinary bodies, verify complaints addressed to the Council, perform tasks for the Courts Appellate Commission, and internal auditor tasks.

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 systematized at the Council President Office with two civil servants.

In 2016 3 executive job positions were filled up: 2 senior advisors (1 by transfer to another corresponding position within the Administrative Office of the Council and 1 by a public competition) and 1 independent advisor (from the court). One person is engaged in the Sector for Material and Financial Tasks to a fixed period of time, based on the contract on temporary and occasional tasks (temporary employment contract). Due to the increased workload, 2 officers were hired based on the fixed term contract (until 11 January 2016 and until 9 June 2016). Based on the Agreement on Temporary Transfer, two civil servants (judicial associate as advisor and a senior judicial associate as independent advisor) from the Third Basic Court in Belgrade, have been temporarily transferred to the High Judicial Council for the period of up to six months. Employment was terminated for three officers, namely: in case of 2 officers, employment was terminated due to the termination of the fixed-term employment contract (in January 2016 and in June 2016), and 1 based on the termination of the employment contract (in August 2016).

On 31 December 2016 the Administrative Office numbered 38 civil servants and appointees (2 civil servants holding office, 32 civil servants to an indefinite period of time on executive positions and 4 appointees), 1 officer was temporarily transferred from the Third Basic Court in Belgrade to the Council based on the Agreement of Temporary Transfer and 1 officer was hired based on the Temporary Employment Contract.

Bearing in mind the scope of work and defined competence of the Council, there is a need to fill up all vacancies, while the implementation will in 2017 be carried out in line with the approved financial resources and in accordance with the HR plan.

Pursuant to the Law on Salaries' System for the Public Sector Employees ("Official Gazette of RS, No. 18/16 and 108/16), Administrative Office of the High Judicial Council compiled a Draft Catalogue of the High Judicial Council Job Positions (titles, positions and generic work places) and forwarded it preliminarily to the Ministry of Public Administration and Local Self Government for potential suggestions for its amendments. Given that pursuant to the Law amending the Law on the System of Salaries of the Public Sector Employees ("Official Gazette of RS, No. 108/16) enforcement was postponed to start as of 1 January 2018 the activity pertaining to harmonisation of this Law with regulations governing salaries and other income of the public authorities' staff will be continued.

Acting in accordance with the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11-CC, 67/13-CC, 112/13 and 8/15-CC), setting forth the obligation of public authorities to pass integrity plan in line with the defined deadlines and guidelines, i.e. instruction of the Agency, in December 2016 the Council passed the decision on drafting and implementation of the integrity plan and appointed members of the working group. The Working Group passed the programme for the integrity plan elaboration and informed the staff about the launched procedure for the elaboration of the integrity plan. The deadline for the integrity plan drafting is 30 June 2017.

The Anti-Corruption Agency was delivered applications/ terminations of the Council member offices and President of the Appellate Commission of the Courts.

With the purpose of implementing activities laid down under the Action Plan for Chapter

23- Activity No. 1.2.3, in 2016 High Judicial Council undertook updating of records referring to notifications- applications and terminations submitted by the courts to the Anti-Corruption Agency for judges taking the office or whose office was terminated, with a copy of such a notification being forwarded to the Council.

In October and November 2016 representatives of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and Working Group for Identification of Risks in Judicial Bodies of Bosnia and Herzegovina came to a working visit to the High Judicial Council, State Prosecutorial Council, Ministry of Justice and Anti-Corruption Agency to exchange experiences and best practices in passing integrity plans in judicial institutions in the Republic of Serbia. On this occasion, a meeting was held of the BH delegation with the representatives of the High Judicial Council and representatives of the Working Group for elaboration of the second cycle of courts' integrity plans. In addition, a visit was organised and a meeting was held in the First Basic Court in Belgrade.

To ensure health and safety at work, and pursuant to the Law amending the Law on Health and Safety at Work ("Official Gazette of RS", No. 91/15) a Proposed Training Curriculum for Healthy and Safe Work was prepared.

Professional development and training of staff

In the area of professional development of staff, in 2016 Council staff attended the following trainings:

1. English language- 29 staff
2. Integrity Plan and guidelines for its elaboration- 3 staff (HR Management Service)
3. Novelities in the public sector reform and annual financial statements KDS- 3 staff (Paragraf)
4. Human Rights Training Module- criminal, civil and administrative law- 6 staff (Judicial Academy and Ministry of Justice of the Republic of Serbia)
5. Integrity Plan and guidelines for its elaboration- 2 staff (Anti-Corruption Agency)
6. Communication skills for the justice sector- 11 staff (Ministry of Justice of the Republic of Serbia and Business School)
7. Reporting on the implementation of activities under the Action Plan and exercising the minority rights in the Republic of Serbia- 1 staff (Office for Human and Minority Rights of the Government of the Republic of Serbia)
8. Public Relations skills for the justice sector- 5 staff (Ministry of Justice of the Republic of Serbia and Business School)
9. ISO 22301 Business Continuity Management System- 2 staff (World Bank- Justice Sector Support Project- Multi Donor Trust Fund for Justice Sector Support in Serbia)
10. ISO 31000 Risk Management- 2 staff (World Bank- Justice Sector Support Project- Multi Donor Trust Fund for Justice Sector Support in Serbia)
11. ISO 20000 IT Service Management System- 2 staff (World Bank- Justice Sector Support Project- Multi Donor Trust Fund for Justice Sector Support in Serbia)
12. ISO 27001 Information Security Management System- 2 staff (World Bank- Justice Sector Support Project- Multi Donor Trust Fund for Justice Sector Support in Serbia)
13. ISO 21500 Guidance on Project Management- 1 staff (World Bank- Justice Sector

Support Project- Multi Donor Trust Fund for Justice Sector Support in Serbia)

At the end of 2016 tender procedure was completed for procurement of training in the area of basic IT competences- ECDL, ECDL advanced level, Excel advanced level, Windows Server, SQL Database Development and SQL Querying.

Central Register of Personal Data Compendium Records (Commissioner for Information of Public Importance and Protection of Personal Data, Staff Register (Treasury Administration) and Central Register of Compulsory Social Insurance

1. The 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 leave of elective members of the Council from the ranks of judges and Council staff;
- Personnel records of elective members of the Council from the ranks of judges and Council staff;
- Records on presence at work of elective members of the Council from the ranks of judges and Council staff;
- Records on issued medical IDs of elective members of the Council from the ranks of judges and Council staff and members of their families;
- Records on sick leaves of elective members of the Council from the ranks of judges and Council staff;
- Records on the use of paid and unpaid leave of elective members of the Council from the ranks of judges and Council staff;
- Records on reimbursement of travel costs of elective members of the Council from the ranks of judges and Council staff;
- Records on requests for free access to information of public importance;
- Records on reimbursement for work to the High Judicial Council members holding office and elective members;
- Records on reimbursement for work to the members of the Appellate Commission and
- Records on the children of employees receiving New Year's present card (storing deadline and data use is three months).

2. Staff register (Treasury Administration)

In 2016 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.

Pursuant to the Law on the Register of Employed, Elected, Appointed, Designated and Engaged Persons at the Beneficiaries of Public Funds ("Official Gazette of RS", No. 68/15 and 79/15), codes of work places for each employee were entered in the Staff Register.

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 Administrative Office staff have in 2016 undertaken timely updating of data in the said register.

In 2016 9,275 new submissions and cases were registered by the High Judicial Council. 10,148 changes were recorded in terms of submissions, supplements, statements, returned expedition. 7,691 cases were archived.

In addition, as of 1 January 2017 High Judicial Council established electronic registry office in cooperation with the USAID support programme, implemented by 4Digits Consulting.

1.4. Transparency of the High Judicial Council work

At the High Judicial Council President Office, a position was systematised for public relations.

Besides their regular work, the Council President Office fosters regular updating of the Council Information Booklet and of the Council website.

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

The High Judicial Council, in 2016 held three sessions open for public. The High Judicial Council, in 2016 published 95 press 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 2016 were as follows :

- Interview of the High Judicial Council president, "Tanjug" agency, 17 May 2016 (broadcast on the Pink television and Radio-television of Vojvodina);
- President of the High Judicial Council, Dragomir Milojević, appeared on the show "The right to a Right" of the Serbian Broadcasting Corporation (from 28 June to 16 July, a series of 13 shows was broadcast);
- Interview of the High Judicial Council president, "Blic" daily, 27 September 2016 ;
- President of the High Judicial Council, Dragomir Milojević, appeared on the Kopernikus TV on 15 December 2016 ;
- President of the High Judicial Council, Dragomir Milojević, gave over twenty statements for the following TV stations: RTS, B92, N1; and daily newspapers: "Politika", "Večernje novosti", "Danas", "Dnevnik", "Informer", "Blic" and Tanjug agency;
- President of the High Judicial Council, Dragomir Milojević, participated in the following press conferences:
 - The Supreme Court of Cassation on 10 March 2016 (attended by the Fonet, Beta and Tanjug agencies, TV Kopernikus, TV Palma Plus, "Politika" daily)

- The Supreme Court of Cassation on 1 June 2016 (attended by the Fonet, Beta, Tanjug and Anadoluja agencies, "Politika" daily)
- Closing conference of JRGA project, on 5 October 2016 (attended by Tanjug, Beta and Fonet agencies, RTS, TV N1, TV B92, Radio Belgrade 1)
- Annual Judges Conference, on 10 October 2016 (attended by the Tanjug agency and "Politika" daily)
- "Towards Constitutional Amendments", on 29 November 2016 (attended by the Tanjug, Beta and Fonet agencies and RTV Vojvodina).

1.5. Information Booklet

Updating of data published in the Information Booklet was conducted in June 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", No. 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 March 2017.

2. OPERATING FUNDS AND 2016 BUDGET EXECUTION OVERVIEW .

The Sector activities are focused on implementation of the High Judicial Council competences set forth in the Law on High Judicial Council² and Law on Organisation of Courts³, 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. 2017 budget for Heading 5- High Judicial Council and Heading 6- Courts, was drafted in accordance with the Instruction for the 2017 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 Attorney's Office.

² "Official Gazette of RS" Nos.116/08, 101/10, 88/11 and 106/15

³ "Official Gazette of RS" No. 116/08,...108/16

2.1. High Judicial Council

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

Pursuant to the 2016 Budget Law of the Republic of Serbia⁴ and the High Judicial Council Budget Execution Plan, the budget was executed for Heading 5- High Judicial Council.

Overview of appropriations and budget execution for the High Judicial Council in 2016

Item account	Description	Appropriation	Executed	Execution of appropriation in %
411	Staff salaries, benefits, compensations (wages)	60,500,000.00	56,923,859.69	94.09
412	Social contributions borne by the employer	10,828,000.00	10,186,150.55	94.07
413	In-kind compensations	280,000.00	255,528.00	91.26
414	Social benefits to employees	300,000.00	276,469.59	92.16
415	Personnel expenses compensation	4,500,000.00	3,132,114.75	69.60
416	Rewards to employees and other expenditures	220,000.00	142,995.51	65.00
421	Fixed costs	2,000,000.00	1,543,937.98	77.20
422	Travel costs	1,800,000.00	1,018,049.65	56.56
423	Contracted services	6,549,000.00	6,532,807.75	99.75
423	Contracted services- IPA 2013	6,300,000.00	0.00	0.00
425	Current upkeep and maintenance	271,000.00	179,430.18	66.21
426	Material	1,530,000.00	1,518,436.45	99.24
483	Fines and penalties based on court decisions	379,952,000.00	379,945,631.32	100
485	Damages	91,000.00	39,648.00	43.57

⁴ "Official Gazette of RS" No. 103/15

485	Damage claims- IPA 2013	2,310,000.00	2,309,994.39	100
512	Machinery and equipment	500,000.00	355,018.00	71.00
TOTAL:		477,932,000.00	464,360,071.81	97.16

2.1.2. Data on the High Judicial Council staff salaries

Overview of coefficients and bases for all staff categories

	Basis	Coefficient
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

2.1.3. Data on the High Judicial Council members compensations

Members of the Council ex officio (Council president, Minister of Justice and chair of the competent committee of the National Assembly) 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 for the Council members ex officio and Council members from the ranks of lawyers and law faculty professors

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 Parliamentary 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

2.1.4. Data on the Court Appellate Commission members compensations

Members of the Courts 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, so that compensation amounts to 60% of basic salary of the first class senior advisor.

2.1.5. Public procurements- implemented public procurement procedures in 2016

In 2016 High Judicial Council implemented and concluded four public procurement procedures conducted jointly for courts, the High Judicial Council President is responsible for:

1. Procurement of the “BPMIS” software maintenance service for the needs of courts budget planning;
2. Procurement of the “Trezor” accounting software maintenance services for the needs of the courts financial departments;
3. Procurement of collective insurance of courts’ property and staff;
4. Procurement of agency service in booking accommodation (hotel/private), group transport and other related services pertaining to organisation of the Annual Conference of Judges of the Republic of Serbia for the purpose of their professional development, in Vrnjačka Banja, delivered on 9-12 October 2016.

Public procurements implemented pursuant to the Law on Public Procurement⁵ and the 2016 Budget Law of the Republic of Serbia⁶ are shown in the Table:

<i>No.</i>	<i>Procedure type</i>	<i>Description of the public procurement subject</i>	<i>Estimated value excl. VAT</i>	<i>Contracted value excl. VAT</i>	<i>Contracted value Incl. VAT</i>	<i>Name and seat of the selected contractor</i>	<i>Contract conclusion date</i>
1.	Negotiating procedure without public call publication PP No. 1	"BPMIS" software maintenance service for courts' budget planning	2,500,000.00	2,417,100.96	2,900,521.15	“SRC sistemske integracije“ d.o.o. Bulevar Mihajla Pupina 165v Belgrade	4/28/2016
2.	Negotiating procedure without public call publication PP No. 2	Service of the "Trezor" accounting application maintenance	2,200,000.00	2,187,390.00	2,624,868.00	“Zavod za unapređenje poslovanja” d.o.o. Ustanička no. 64/14 Belgrade	4/28/2016

⁵ “Official Gazette of RS” No. 124/12,14/15 and 68/15

⁶ “Official Gazette of RS” No. 103/15

3.	Open procedure PP No. 3	Procurement of insurance of property and staff in Serbian courts	30,300,000.00			“Generali osiguranje Srbija“ a.d.o, Milentija Popovića 7b Belgrade	
		- Batch 1- property insurance	7,500,000.00	7,518,956.68	7,518,956.68		1 July 2016
		- Batch 2- staff insurance	22,500,000.00	22,252,053.60	22,252,053.60	“Dunav osiguranje“ a.d.o Makedonska br.4, Belgrade	1 July 2016
4.	Public procurement of small value PP No. 5 Joint procedure with the Supreme Court of Cassation, implemented in two batches	Agency services in booking accommodation and transport of judges and other related services in organisation of the Annual Conference of Judges in Vrnjačka Banja		0.01	0.01	“Mondorama“ d.o.o. Dušanov baza, lok 216, Niš	8 July 2016

2.2. Courts

2.2.1. 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 2016 Budget Law of the Republic of Serbia⁷, the High Judicial Council Budget Execution Plan and income 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	0.00	0.00
414- social benefits for judges	50,000.00	0.00
421- fixed costs	27,000,000.00	26,523,739.06
422- travel costs	18,477,000.00	17,487,715.00
423- contracted services	6,305,000.00	5,714,405.26
483- fines and penalties based on court decisions	20,723,000.00	20,715,647.50
TOTAL:	72,555,000.00	70,441,506.82

Budget Heading 6.5 APPELLATE COURTS	Appropriation	budget execution
411- salaries, extras and compensations	544,262,202.88	540,842,770.00
412- social benefits	99,804,597.25	99,545,896.11
413- in-kind compensations	400,000.00	201,355.00
414- social benefits for judges	1,000,000.00	192,215.22
415- compensation of costs for judges	43,999,000.00	43,627,047.60

⁷ "Official Gazette of RS" No. 103/15

Rewards to employees and other expenditures	2,000,000.00	1,591,257.00
421- fixed costs	47,800,000.00	47,493,397.84
422- travel costs	2,000,000.00	965,735.64
423- contracted services	47.000.00.00	46,852,524.63
	0	
	0000	
	00	
426- material	24,658,000.00	19,399,324.59
482- taxes, mandatory fees and fines	600,000.00	111,623.00
483- fines and penalties based on court decisions	17,569,298.00	14,375,010.95
485- damage claims	344,000.00	341,722.00
TOTAL:	831,437,098.13	815,539,879.58

Budget Heading 6.6 COURTS	HIGHER	Appropriation	budget execution
411- salaries, extras and compensations		752,820,582.00	745,793,321.60
412- social benefits		140,390,451.78	139,032,540.91
413- in-kind compensations		300,000.00	161,381.00
414- social benefits for judges		731,000.00	675.881.16
415- reimbursement of costs		14,733,000.00	13,929,496.94
Rewards to employees and other expenditures		2,350,000.00	2,203,630.50
421- fixed costs		209,776,220.00	209,130,959.06
422- travel costs		4,069,000.00	3,085,127.48
423- contracted services		822,597,726.00	821,946,297.75

426- material	49,059,000.00	48,493,092.51
482- taxes, mandatory fees and fines	800,000.00	692,140.54
483- fines and penalties based on court decisions	549,375,315.00	548,920,536.00
485- damage claims	501,000.00	121,114.00
TOTAL:	2,547,503,294.78	2,534,185,519.45

Budget Heading 6.7 COURTS	BASIC	Appropriation	budget execution
411- salaries, extras and compensations		2,292,457,191.76	2,267,111,496.96
412- social benefits		410,513,233.83	405,469,346.11
413- in-kind compensations		1,383,800.00	971,507.10
414- social benefits for judges		3,449,000.00	2,801,741.54
415- reimbursement of costs		50,847,100.00	48,417,415.89
Rewards to employees and other expenditures		8,957,169.00	8,779,857.05
421- fixed costs		543,288,119.00	527,767,946.92
422- travel costs		7,981,302.00	4,927,296.83
423- contracted services		1,924,628,092.00	1,914,723,213.30
426- material		180,548,625.00	173,712,829.84
482- taxes, mandatory fees and fines		2,174,700.00	1,658,909.70
483- fines and penalties based on court decisions		913,995,342.00	912,213,228.70
485- damage claims		701,000.00	659,477.19
TOTAL:		6,340,924,674.59	6,269,214,267.13

Budget Heading 6.8 COURTS	COMMERCIAL	Appropriation	budget execution
411- salaries, extras and compensations		327,539,070.72	323,410,723.28
412- social benefits		58,677,850.96	57,965,105.51

413- in-kind compensations	500,000.00	265,456.48
414- social benefits for judges	1,000,000.00	554,921.28
415- reimbursement of costs	5,400,000.00	4,980,175.47
Rewards to employees and other expenditures	1,500,000.00	891,208.44
421- fixed costs	90,511,389.00	71,172,660.32
422- travel costs	4,558,000.00	3,684,121.13
423- contracted services	30,815,680.00	27,292,009.46
426- material	41,243,000.00	36,097,479.79
482- taxes, mandatory fees and fines	800,000.00	495,997.50
483- fines and penalties based on court decisions	67,068,931.00	65,464,173.25
TOTAL:	629,613,921.68	592,275,031.91

Budget Heading 6.9 MISDEMEANOR COURTS	Appropriation	budget execution
411- salaries, extras and compensations	734,476,235.67	726,745,751.72
412- social benefits	132,100,089.40	130,119,200.89
413- in-kind compensations	1,803,600.00	1,384,177.54
414- social benefits for judges	1,510,814.00	1,407,714.95
415- reimbursement of costs	18,762,670.00	17,893,286.12
Rewards to employees and other expenditures	3,516,430.00	3,454,647.87
421- fixed costs	187,318,804.00	185,271,722.25
422- travel costs	4,737,733.00	3,514,091.55
423- contracted services	196,808,300.00	195,475,143.21
426- material	63,253,727.00	62,734,533.78
482- taxes, mandatory fees and fines	416,000.00	322,345.05
483- fines and penalties based on court decisions	127,480,891.00	126,742,588.10
TOTAL:	1,472,185,294.07	1,455,065,203.03

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

2.2.2. Damage claims based on rulings of domestic and international courts in 2016

- Compensation of non-material damage based on the rulings of the European Court of Human Rights in Strasbourg amounts to 47,380,145.00 RSD.
- Compensation of damage based on the violation of the right to a trial in reasonable time based on the national courts rulings- 205,500,000.00 RSD.

2.2.3. Situation of courts defaults (arrears)

In 2016 courts have assumed larger portion of liabilities under the approved funds, which is why the default occurred consisting of the assumed but unpaid liabilities.

Overview of defaults by court types on 31 December 2016

30225	Higher Courts	1,694,575.00	315,332,598.00	2,436,877.00	319,464,050.00
30226	Basic Courts	35,184,445.00	386,733,322.00	7,009,271.00	428,927,038.00
30227	Commercial Courts	0.00	0.00	0.00	0.00
30233	Misdemeanor Courts	27,307,276.00	93,133,597.00	4,129,957.00	124,570,830.00
	Total:	67,966,129.00	799,353,862.00	13,635,013.00	880,955,004.00

3. PREPARATION OF BYLAWS AND INTERNATIONAL COOPERATION

At its session held on 27 January 2016 , the Council adopted the Rulebook amending the Rulebook on the Criteria, Standards, Procedure and Bodies for evaluation of judges and court presidents' performance ("Official Gazette of RS", No. 7/16). The mentioned Rulebook introduced changes to the Rulebook on the Criteria, Standards, Procedure and Bodies for evaluation of judges and court presidents' performance ("Official Gazette of RS", No. 81/14, 142/14 and 41/15), regarding weighting of cases in higher and appellate courts. Additionally, it laid down the manner of weighting cases in the proceeding protecting the right to a trial in reasonable time and cases concluded by the mediation agreement.

Implementing the criteria and standards laid down in the Rulebook on Evaluation of Judges and Court Presidents' Performance, performance of judges elected for the first time to judicial office (27 judges) was conducted and all of them were elected to permanent tenure of office.

At its session held on 13 January 2016 the Council passed the Decision amending the

Rules of Procedure of the High Judicial Council (“Official Gazette of RS”, No. 4/16). The amendments to the Rules of Procedure primarily refer to improved transparency of the Council's work. Thereby Council sessions are envisaged to be public and minutes of the session to be published on the Council website. Ethical Board was also established as a working body of the Council.

The Council additionally passed the Communication Strategy for the period 2016-2018. The Communication Strategy is a document defining objectives, types, manners of communication and activities, both within the Council itself, and between the Council and courts, general public and target groups, including timely informing on the work of the Council and courts in the Republic of Serbia so as to approximate the work of the Council and courts to the professional and broader public and in that way make it more accessible and transparent. The Communication Strategy is accompanied by the activities’ plan aimed at implementation of the objectives set under the Communication Strategy. Moreover, the Communication Strategy Action Plan is under preparation in cooperation with the USAID programme implemented by 4Digits Consulting.

At its session held on 8 March 2016 Code of Ethics of the members of the High Judicial Council was passed (“Official Gazette of RS, No. 26/16). The Code of Ethics regulates principles and rules of conduct to be observed by the Council members.

At the session held on 29 March 2016 the Rulebook on the Criteria, Standards and Procedures for Evaluation of the Judicial Assistants’ Performance was passed (“Official Gazette of RS”, No. 32/16). This Rulebook shall specify the purpose, criteria, standards and procedure for evaluation of judicial assistants’ performance. The Rulebook became effective on 1 June 2016 .

The Council has, at its session held on 25 October 2016 passed the Decision on supplements to the High Judicial Council Rules of Procedure published in the “Official Gazette of RS”, No. 91/16. This Decision laid down the procedure of public response of the High Judicial Council in cases of political influence on the work of the judiciary.

At the session held on 15 November 2016 the Council passed the Rulebook on the Criteria and Standards for Evaluation of Qualification, Competence and Worthiness of Candidates being elected a judge for the first time (“Official Gazette of RS, No. 94/16). This Rulebook sets forth the criteria and standards for evaluation of qualification, competence and worthiness of candidates being elected a judge for the first time, curriculum and manner of taking the exam testing the qualification and competence of the candidate, authorities competent for organisation and delivery of the exam, manner of scoring and evaluation of the candidate, the manner of determining the final ranking of candidates, and other issues relevant for proposing candidates being elected a judge for the first time.

At the same session, the Council passed the Rulebook on the Criteria and Standards for Evaluation of Qualification, Competence and Worthiness for election of a tenured judge to another or higher court and on the criteria for proposal of candidates for the court president (“Official Gazette of RS, No. 94/16). This Rulebook sets forth the criteria and standards for evaluation of qualification, competence and worthiness and procedure for the election of a tenured judge to another or higher court and the criteria and standards for proposal of candidates for the court president.

The High Judicial Council had passed all acts they were obliged to pass.

4. THE HIGH JUDICIAL COUNCIL SESSIONS

The High Judicial Council, in 2016 held 27 regular sessions and eight phone sessions. As a rule, Council sessions are held once a week. Minutes were compiled of all Council sessions. The agendas, minutes and conclusions of the sessions are published on the Council website right after their adoption. The Council sessions are audio recorded and an archives of audio recordings created.

4.1. Election of judges to a permanent tenure of office – tabular overview

In 2016 133 judges were elected, of which 93 candidates were proposed to the National Assembly, and 40 judges were elected to a another or higher court.

No.	Court type	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy trainees	Elected judges from the ranks of other persons	Total elected judges
1.	Supreme Court of Cassation	2				2
2.	Appellate Courts	14				14
3.	Higher Courts	18				18
4.	Basic Courts		65	3	1	69
5.	Administrative Court		1		1	2
6.	Commercial Appellate Court	6				6
7.	Commercial Courts		10			10
8.	Misdemeanor Appellate Court					0
9.	Misdemeanor Courts		8		4	12
Total all courts:		40	84	3	6	133

SUPREME COURT OF CASSATION

No.	Session date	Name of the court the election is done for	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy	Elected judges from the ranks of other	Total elected judges
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					trainees	persons	
1.	27 December 2016	Supreme Court of Cassation	2				2
	Total:		2				2

APPELLATE COURTS

No.	Session date	Name of the court the election is done for	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy trainees	Elected judges from the ranks of other persons	Total elected judges
1.	22 January 2016	Appellate Court in Kragujevac	2				2
2.	22 January 2016	Appellate Court in Novi Sad	2				2
3.	10 May 2016	Appellate Court in Kragujevac	2				2
4.	10 June 2016	Appellate Court in Belgrade	2				2
5.	15 July 2016	Appellate Court in Niš	4				4
6.	15 July 2016	Appellate Court in Novi Sad	2				2
Total all appellate courts:			14				14

HIGHER COURTS

No.	Session date	Name of the court the election is done for	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy trainees	Elected judges from the ranks of other persons	Total elected judges
1.	15 March 2016	Higher Court in Kragujevac	3				3
2.	29 March 2016	Higher Court in Čačak	3				3
3.	10 June 2016	Higher Court in Belgrade	2				2
4.	10 June 2016	Higher Court in Pančevo	2				2
5.	10 June 2016	Higher Court in Požarevac	2				2

6.	15 July 2016	Higher Court in Novi Sad	3				3
7.	6 September 2016	Higher Court in Kragujevac	1				1
8.	25 October 2016	Higher Court in Kruševac	2				2
Total all higher courts:			18				18

BASIC COURTS

No.	Session date	Name of the court the election is done for	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy trainees	Elected judges from the ranks of other persons	Total elected judges
1.	22 January 2016	Basic Court in Kraljevo		2			2
2.	22 January 2016	Basic Court in Priboj		1			1
3.	22 January 2016	Basic Court in Čačak		3			3
4.	27 January 2016	Basic Court in Ivanjica		1	1		2
5.	27 January 2016	Basic Court in Kragujevac		4			4
6.	27 January 2016	Basic Court in Kruševac		3			3
7.	27 January 2016	Basic Court in Prijepolje		2			2
8.	19 February 2016	Basic Court in Pančevo		2			2
9.	8 March 2016	Basic Court in Velika Plana		2			2
10.	8 March 2016	Basic Court in Lazarevac		3			3
11.	8 March 2016	Basic Court in Obrenovac		1			1
12.	15 March 2016	Second Basic Court in Belgrade		3			3
13.	15 March 2016	First Basic Court in Belgrade		12			12
14.	15 March 2016	Third Basic Court in Belgrade		3			3

15.	15 July 2016	Basic Court in Niš		7	1		8
16.	6 September 2016	Basic Court in Kragujevac		4			4
17.	6 September 2016	Basic Court in Kraljevo		2			2
18.	6 September 2016	Basic Court in Obrenovac		2			2
19.	6 September 2016	Basic Court in Novi Pazar		2	1		3
20.	6 September 2016	Basic Court in Čačak		4		1	5
21.	25 October 2016	Basic Court in Donji Milanovac		1			1
22.	25 October 2016	Basic Court in Ub		1			1
Total all basic courts:				65	3	1	69

ADMINISTRATIVE COURT

No.	Session date	Name of the court the election is done for	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy trainees	Elected judges from the ranks of other persons	Total elected judges
1.	10 June 2016	Administrative Court		1		1	2
	Total:			1		1	2

MISDEMEANOR COURTS

No.	Session date	Name of the court the election is done for	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy trainees	Elected judges from the ranks of other persons	Total elected judges
1.	27 January 2016	Misdemeanor Court in Gornji Milanovac				1	1
2.	27 January	Misdemeanor		1			1

	2016	Court in Kragujevac					
3.	27 January 2016	Misdemeanor Court in Kragujevac		1			1
4.	6 September 2016	Misdemeanor Court in Novi Pazar		2		1	3
5.	19 February 2016	Misdemeanor Court in Pančevo		2			2
6.	12 January 2016	Misdemeanor Court in Požarevac				1	1
7.	6 September 2016	Misdemeanor Court in Čačak		2		1	3
Total all misdemeanor courts:				8		4	12

COMMERCIAL APPELLATE COURT

No.	Session date	Name of the court the election is done for	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy trainees	Elected judges from the ranks of other persons	Total elected judges
1.	6 September 2016	Commercial Appellate Court	6				6
	Total:		6				6

COMMERCIAL COURTS

No.	Session date	Name of the court the election is done for	Elected judges from other courts	Elected judges from the ranks of judicial assistants	Elected judges from the ranks of the Judicial Academy trainees	Elected judges from the ranks of other persons	Total elected judges
1.	19 February 2016	Commercial Court in Belgrade		4			4
2.	10 June 2016	Commercial Court in Zrenjanin		2			2
3.	6	Commercial		2			2

	September 2016	Court in Novi Sad					
4.	6 September 2016	Commercial Court in Čačak		2			2
Total all commercial courts:				10			10
Total elected judges in 2016 in courts in the Republic of Serbia			40	84	3	6	133

4.2. Election and dismissal of court presidents

The High Judicial Council, in “Official Gazette of RS”, No. 64/16 of 22 July 2016 announced the election of presidents for the higher Court in Vranje, Higher Court in Pirot, Higher Court in Prokuplje, Commercial Court in Čačak, First Basic Court in Belgrade, Basic Court in Valjevo, Misdemeanor Court in Jagodina and Misdemeanor Court in Kruševac.

At the session held on 25 October 2016 the Council determined the proposed candidates for court presidents for the higher Court in Vranje, Higher Court in Pirot, Commercial Court in Čačak, First Basic Court in Belgrade, Basic Court in Valjevo, Misdemeanor Court in Jagodina and Misdemeanor Court in Kruševac, and submitted to the National Assembly on 3 November 2016 proposed decision for the election of presidents for the listed courts.

4.3. 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.

The High Judicial Council, in 2016 passed 14 decisions on the transfer of judges, as follows: 12 decisions on the transfer of basic court judges, one decision on the transfer of misdemeanor court judge, and one decision on the transfer of commercial court judge.

The High Judicial Council, in 2016 did not pass any decisions on the transfer of lay judges to another court.

4.4. Assignment of judges

The High Judicial Council passed six decisions on the assignment of a judge to another court.

Pursuant to Article 13 paragraph 5 of the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and Other Severe Criminal Offences, the High Judicial Council assigned one judge to the Special Department of

the Higher Court in Belgrade to a period of one year.

4.5. Decision on compatibility of other positions with judicial office

The High Judicial Council, in 2016 handled seven requests of judges for deciding on the compatibility of other positions with the judicial office.

In one case it was decided it was not the matter of compatibility of the judicial office with performance of other tasks and offices, while in five cases the Council decided that other tasks and offices were compatible with the performance of judicial office. In one of the cases the Council determined incompatibility of other tasks with the performance of judicial office, namely that representation in the capacity of a proxy of the person employed in the court in the disciplinary proceeding by the judge also working in the said court was incompatible with the performance of the judicial office.

4.6. Termination of judicial office

The High Judicial Council, in 2016 passed 95 decisions on termination of judicial office, as follows: 58 decisions due to the end of the years of service (retirement), 28 decisions at personal request of a judge, five decisions due to the loss of ability to work and four decisions on termination of judicial function by dismissal.

Termination of judicial office- 2016 year	
Reason for termination of judicial office:	Number of terminations
Retirement age	58
At personal request of a judge	28
Due to permanent loss of ability to work	5
Dismissal	4
Total:	95

4.7. Study visits

The High Judicial Council, deciding pursuant to Article 30, paragraph 8 of the Law on Judges, passed 71 decisions on referring judges to study visits according to the court type.

Court type:	Number of judges referred to a study visit:
Supreme Court of Cassation	18
Appellate Courts	17
Higher Courts	11
Basic Courts	9

Administrative Court	14
Commercial Courts	2
Total:	71

4.8. Termination of lay-judges' office

In 2016 High Judicial Council passed 29 decisions of termination of lay judges' office at personal request, 24 for basic courts and 5 for higher courts.

5. DISCIPLINARY PROCEEDINGS- proceedings of the High Judicial Council as a second instance authority in a disciplinary proceeding

The High Judicial Council, in 2016 as a second instance authority in disciplinary proceedings decided on 12 cases, upon appeals of judges and Disciplinary Prosecutor.

Disciplinary proceedings were initiated for the following disciplinary offences:

- unjustified delays in drafting decisions (Article 90, paragraph 1, indent 3 of the Law on Judges)
- unjustified protraction of the proceeding (Article 90, paragraph 1, indent 7 of the Law on Judges)
- unjustified protraction of the proceeding and obviously incorrect treatment of participants in court proceedings and the court staff (Article 90, paragraph 1, indent 7 and 9 of the Law on Judges).

The High Judicial Council, in 2016 in deciding in 12 cases upon appeals filed to the decisions of the Disciplinary Commission, in 7 cases adopted the judge's appeal in full, reversed the decision of the Disciplinary Commission and declined the proposal of the Disciplinary Prosecutor to run the disciplinary proceeding; in three cases adopted the judge's appeal in part relating to the amount of the rendered sanction and reversed the decision of the Disciplinary Commission in terms of the amount of the imposed sanction, and pronounced the following sanctions: salary reduction by 30% for a period of one year; salary reduction by 30% for a period of six months and salary reduction by 10% for a period of four months, and in two cases the appeal of the Disciplinary Prosecutor was honoured, of which in one case the decision of the Disciplinary Commission was reversed, and the proposal of the Disciplinary Prosecutor adopted concerning the disciplinary proceedings for the committed offence referred to in Article 90, paragraph 1 indent 7 and 9 of the Law on Judges and rendered the sanction of reduced salary by 20% for the period of 3 months, while in the second case the appeal of the Disciplinary Prosecutor was endorsed, implying reversal of the Disciplinary Commission decision, and passed decision determining liability of a judge for committing a severe disciplinary offence referred to in Article 90, paragraph 2 in relation to paragraph 1, indent 7 of the Law on Judges, and the High Judicial Council initiated the dismissal procedure ex officio.

In disciplinary proceedings, Disciplinary Commission determined liability of judges for committed severe disciplinary offence in three cases and submitted to the High Judicial Council three proposals to instigate the procedure for dismissal of judge from the judicial office, while the High Judicial Council instigated ex officio a procedure for dismissal of a judge, given that as a second instance authority in the disciplinary proceeding, acting upon the appeal to the decision of the Disciplinary Commission, the Council reversed the decision of the Disciplinary Commission and determined liability of the judge for the committed severe disciplinary offence.

In the dismissal proceedings, the High Judicial Council passed four decisions on termination of judicial office by dismissal due to the committed severe disciplinary offence.

6. ACTIVITIES OF THE HIGH JUDICIAL COUNCIL IN INTERNATIONAL COOPERATION

6.1. EU Instrument for Pre-Accession Assistance- IPA 2012

Procurement of equipment was conducted for the courts, as follows:

- 810 computers for the Supreme Court of Cassation (11), appellate courts (63), higher courts (131), basic courts (495) and commercial courts (110)
- 43 A3 format printers for appellate and higher courts and Commercial Appellate Court
- 43 ADF scanners for appellate and higher courts and Commercial Appellate Court
- 31 servers and 13 rack panels to accommodate servers in commercial courts
- equipment for the data center of the Supreme Court of Cassation

6.2. EU Instrument for Pre-Accession Assistance – IPA 2013 – EU Twinning Project – Strengthening Capacities of the High Judicial Council and the State Prosecutorial Council

The High Judicial Council, on 16 September 2015 launched implementation of the twinning project "Strengthening Capacities of the High Judicial Council and the State Prosecutorial Council". The Project worth 2,000,000.00 EUR, is being implemented under IPA 2013 funds in the period from September 2015 until September 2017 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 the State Prosecutorial Council" was designed to strengthen overall capacities of the High Judicial Council and State Prosecutorial Council in implementing judicial reform. 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, relevant for execution of these bodies' duties, same as for 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 promotion 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 the onset of the project, a large number of experts from the EU Member States, together with their colleagues from the High Judicial Council, have engaged in consideration in the following areas:

- strategic planning and project management,
- budget planning and internal audit,
- human resources management,
- administrative oversight of the courts operation,
- election of judges, evaluation of judges' performance and judges' promotion and
- capacity building of the Council for implementation of disciplinary proceedings and activities in connection with the Code of Ethics.

After several rounds of meetings and adjustment, and through joint efforts of international and national experts, final reports were compiled including recommendations, and made available to the Council for further action and implementation.

The project also envisaged trainings in the area of strategic and budget planning, and project management for the Council members and Administrative Office staff, planned for June 2017.

The remaining component of this twinning project addressing the issue of improved communication and relationship of the Council with the media, civil society, other governmental institutions and stakeholders, was launched in February 2017. The objective of this component is to raise the level of transparency of this institution and propose specific measures to be used by the Council in building/ enhancing the Council's reputation. Implementation was planned in the upcoming months, with the first results expected at the end of the second quarter of 2017.

The twinning project is being implemented according to the envisaged work plan, without any delays and problems. The Steering Committee has been actively monitoring the pace of the project implementation and continuously evaluated cooperation between the twinning office and experts from the EU Member States on one hand, and representatives of the high Judicial Council, on the other, as rather open and productive.

In scope of the IPA 2013 project "Strengthening Strategic and Administrative Capacities of the High Judicial Council and the State Prosecutorial Council" in February 2016, the HJC Administrative Office staff went on a 10-day study visit to Spain, in order to get familiarised with operation of the Judicial Council of Spain, and in November 2016 they attended a 5-day visit to Greece, to get to know better the operation of the Greek judicial system.

From 9 to 10 March in Belgrade, within the IPA 2013 project "Strengthening Strategic and Administrative Capacities of the High Judicial Council and State Prosecutorial Council" a round table was held for representatives of the High Judicial Council, State Prosecutorial Council and other stakeholders to compare experiences and examples of good practice applied in judicial systems of the selected EU Member States (Spain, Greece, Portugal, EU *acquis*) in relation to election, evaluation of performance and advancement of judges and public prosecutors.

For the purpose of implementing component of the project "Strengthening Strategic and Administrative Capacities of the High Judicial Council and the State Prosecutorial Council" regarding improving relationship with the civil society organisations and activities related to

access of national minorities to justice, on 30 September 2016 and 13 December 2016 a round table was organised so as to draft recommendations on the evaluation of access of national minorities to the legal system of the Republic of Serbia.

6.3. Cooperation with the European Network of Councils for the Judiciary (ENCJ) and councils of other countries within the Balkan and Euro-Mediterranean Network

In 2016 within the operation of the Department for Preparation of Bylaws and European Integration questions were answered of judicial councils of the Member States and observers of the European Network of Councils for the Judiciary (ENCJ), where the High Judicial Council is present in the capacity of an observer.

For the purpose of exchange of experiences, questions were forwarded by the councils of Slovakia, Poland, Bulgaria, Sweden and Portugal, in relation to disciplinary procedure and sanctions against the judge who has at their own will rendered the decision violating regulations, Code of Ethics for judges and rules of conduct, the procedure to be implemented in case of the Code violation, conflict of interests, judicial assistants and other non-judicial staff assisting judges in their work, transfer and assignment of judges, salaries of the court presidents and grounds for determining the level their level, manner of deliberation and voting at the Council.

In 2016, the European Network of Councils for the Judiciary (ENCJ) organised an anonymous online questionnaire for judges about their independence. Same as the last year's, this questionnaire was compiled within the "Independence and Accountability of the Judiciary" project, while the answers are to be presented in scope of the project report at the General Assembly of the European Network of Councils for the Judiciary to be held in June in Paris.

At the invitation of the Superior Council of Magistracy of Italy, president of the High Judicial Council, Dragomir Milojević, participated in the International Conference of the Balkan and Euro-Mediterranean Network of Councils for the Judiciary held on 13 and 14 June 2016 in Rome.

Main topics of this conference were "Internal independence of the judges and prosecutors as a factor of increasing efficiency in the judiciary" and "The role of the media in the independence of the judiciary". The importance of independence as a key factor for judicial efficiency was stressed. In addition, professional reporting of the media and cooperation with judicial authorities may contribute to strengthening independence of the judiciary. The president of the High Judicial Council and president of the State Prosecutorial Council have forwarded a joint communication to the chair of the Balkan and Euro-Mediterranean Network of Councils for the Judiciary with the request for access in the capacity of a member, which will be considered at the first next session of the Network.

6.4. Cooperation with the Organisation for Security and Co-operation in Europe (OSCE)

- In May 2016 OSCE Mission to Serbia published the analysis of the case law and practice in actions of disciplinary bodies of the High Judicial Council. The analysis was conducted in cooperation with the High Judicial Council and represents an overview of legislative framework and international standards, analysis of practical application of different provisions and overview of recommendations for improvement of the system of disciplinary responsibility of judges in the Republic of Serbia.

The analysis “The Case Law and Practice in Disciplinary Responsibility of Judges in Serbia” represents an integral part of this Performance Report.

- Supported by the OSCE Mission to Serbia, a study visit was realised to the Supreme Council of Magistracy of Italy in the period 17-19 October 2016. The study visit was attended by the Council members from the ranks of judges and assistant secretary for material and financial affairs. During the visit, representatives of the High Judicial Council have had the opportunity to be introduced with the internal organisation of the Supreme Council of Magistracy of Italy, everyday operation of the Council and composition of the Council, election of members from the ranks of judges/prosecutors, duties of the Council members, division of work, same as with the operation of Administrative Office and its internal organisation, in terms of the staff profile, department organisation, internal regulations, operation of different commissions, how the Council managed the judiciary, how to set the number of judges/prosecutors, was there continuous training in place, referral to different courts/ public prosecutor's offices, comments to laws, the role of the Council in setting the budget.

6.5. Cooperation with the Council of Europe

The TAPA project- joint project of the Council of Europe and European Union (“*Horizontal Facility*”), launched on 11 April 2016, implemented in the period 2016-2019, is a horizontal programme of support to the Western Balkans countries and Turkey. The programme is implemented within IPA 2015. Total budget amounts to 25 million EUR, with the IPA funds amounting to 20 million EUR and 5 million EUR of the Council of Europe contribution.

There are three identified areas of support within the programme:

1. Judicial reform, including prisons and the police
2. Economic crime, money laundry, fight against organised crime
3. Promoting anti-discrimination activities, protection of the vulnerable groups’ rights

The three-year action plan (2016-2019) was elaborated which represents the basis for all projects according to the defined measures. There are 17 measures defined in total, through seven programmes. Work plans are further developed for the measures. The project beneficiaries are the Ministry of Justice, High Judicial Council, State Prosecutorial Council, Supreme Court of Cassation, Republic Public Prosecutor's Office and Judicial Academy.

6.6. Cooperation with the World Bank – Support to Strengthening Capacities of the High Judicial Council

Owing to cooperation with the World Bank and in scope of the support programme to the justice sector through the Multi Donor Trust Fund (MDTF) a three-year training programme is being implemented for the High Judicial Council Administrative Office staff.

Besides this, at the end of 2016 tender procedure was finalised for the procurement of training in the area of basic IT competences, ECDL basic level (27 staff), ECDL advanced level (seven staff), Excel advanced level, Windows Server (one staff), SQL Database Development and SQL Querying (two staff), so as for the listed trainings to start with implementation as of 1 February 2017 .

To boost the capacities of the High Judicial Council, a MDTF grant was agreed to be implemented in March 2017 via procurement of the following equipment:

- 16 computers
- 5 ADF scanners
- 1 multifunction device
- 1 NAS server
- 4 voice recorders

6.7. 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) grant, "4 Digits Consulting- Judiciary and Public Sector Support" activities were delivered for 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.

The 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 grant, 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.

In 2016 the following activities were jointly undertaken:

- Drafting of the High Judicial Council Communication Strategy 2016-2018 (March);
- Upgraded software system for judges' records- judges' personal sheet; Implementation of the module for recording personal sheets of judges, judicial assistants, lay judges, administrative staff in courts (civil servants and appointees); Trainings for the use of new modules (April);
- Public poll on the citizen satisfaction with the judiciary and the resulting Report on the

Citizen Satisfaction Survey by the functioning of courts in the Republic of Serbia (October);

- “Finance and Budgeting” training for the High Judicial Council Sector for Material-Financial Affairs staff (November);
- Development of application for business processes automation and training for the High Judicial Council staff for work in the application for automation of business processes (November/ December);
- Rulebook on the manner of keeping personal sheet for a judge, judicial assistant and court staff (December);
- User Manual for the personal sheets keeping application (December).

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

7.1. National Judicial Reform Strategy 2013-2018 and Action Plan for the implementation of the National Judicial Reform Strategy 2013-2018

In 2016 the Council had forwarded to the Commission for implementation of the National Judicial Reform Strategy quarterly reports on implemented measures and level of delivery of activities defined under the Action Plan implementing the National Judicial Reform Strategy. The reports were posted on the High Judicial Council website.

7.2. Chapter 23- Judiciary and Fundamental Rights and Action Plan for Chapter 23

The High Judicial Council regularly files reports on the status of implementation of activities from the Action Plan for Chapter 23 to the Council for implementation of the Action Plan for Chapter 23. Moreover, the High Judicial Council also delivered reporting tables by benchmarks. The High Judicial Council representatives have regularly participated in meetings in connection with the implementation of activities under the Action Plan for Chapter 23.

7.3. National Anti-corruption Strategy and its implementing Action Plan

In 2016 the Council forwarded to the Anti-Corruption Agency quarterly reports on implementation of the National Anti-Corruption Strategy and its implementing Action Plan.

7.4. Cooperation with the Office for Human and Minority Rights- implementation of the Action Plan for exercising the rights of the national minorities

The High Judicial Council submits to the Office for Human and Minority Rights the Report on implemented activities according to the Action Plan for exercising rights of the national minorities.

Joint Working Group for evaluation of access of national minorities to the justice system of the Republic of Serbia was established on 20 July 2016.

In 2016 a situation analysis was elaborated in public prosecutor's offices and courts where national minorities live. The analysis of the assessment of access of national minorities to the justice system which includes:

- The analysis on the use of language in assessing the access of national minorities to the justice system of the Republic of Serbia;
- The analysis on the participation of national minorities in courts in the Republic of Serbia,
- The analysis on the participation of national minorities in public prosecutor's offices in the Republic of Serbia, and
- The analysis on the novelties in the legislative framework (bylaws of the HJC and SPC regulating the access of national minorities to the justice system of the Republic of Serbia).

At the session of the High Judicial Council held on 15 November 2016 the Rulebook on the Criteria and Standards for Evaluation of Qualification, Competence and Worthiness for the Election of a Judge holding Permanent Tenure of Office to another or Higher Court and on the Criteria for Nomination of Candidates for Court President and the Rulebook on the Criteria and Standards for Evaluation of Qualification, Competence and Worthiness of Candidates for Judge Being Elected for the First Time, were adopted, containing the provision that in electing judges and court presidents care shall be taken about the national composition of the population, corresponding representation of representatives of the national minorities and knowledge of professional legal terminology on the national minorities' languages being officially used in the court.

On 30 September 2016 a round table was organised so as to draft recommendations on the evaluation of access of national minorities to the legal system of the Republic of Serbia.

On 13 December 2016 a round table was held on the recommendations of the IPA 2013 project "Strengthening Administrative Capacities of the High Judicial Council and the State Prosecutorial Council" in the area of access of the national minorities to the justice system of the Republic of Serbia.

8. ACTIVITIES OF THE HIGH JUDICIAL COUNCIL UPON FILED COMPLAINTS AND SUBMISSIONS AGAINST COURTS AND JUDGES' WORK AND ACTIONS

In 2016 the High Judicial Council received in total 1,222 new petitions i.e. complaints / submissions based on which new cases were established, and 1,114 supplements in total regarding the already established cases in the course of 2016, 2015 and 2014, so in 2016 there were **2,336** pending cases in total.

Pursuant to Article 29 of the Law on Judges, four judges filed a complaint with the High Judicial Council.

Ruling on the complaints of the judges, the High Judicial Council dismissed all three complaints as inadmissible, and one as ungrounded.

In relation to 1,222 new petitions, i.e. complaints, 958 were handled in accordance with

Article 55 of the Law on Organisation of Courts and delivered to the court president for the assessment of admissibility, who in 136 petitions assessed they were not competent to evaluate the filed complaints, 329 complaints were assessed as ungrounded, with the grounds in the majority of cases referring to the court proceedings duration.

In 271 petitions, the petitioner was delivered a notification about the High Judicial Council not being competent to rule.

68 complaints referring to the potential disciplinary offence under Article 90 of the Law on Judges were forwarded to the Disciplinary Prosecutor of the High Judicial Council, and 20 petitions concerning the work of the public prosecutor's office bodies were forwarded to the State Prosecutor's Council for handling.

An official note was made in 54 submissions because the submission was filed by the same applicant, is of the similar content already processed, or is of inappropriate or offensive content, not envisaged, etc.

Furthermore, 1,114 submissions were considered and processed which were the supplement to already established cases from 2014, 2015 and 2016, at the High Judicial Council.

In 121 cases still pending and processed, the response of the court or the return note about the delivery of writs.

Having in mind the above said, the High Judicial Council in 2016 considered and processed 2,336 cases in total, and in addition processed 1,093 cases for the archives.

All submissions i.e. complaints are signed by the elective member of the High Judicial Council from the ranks of judges, judge Ivan Jovičić, assigned to act upon complaints.

Actions upon complaints and petitions concerning the work of judges and courts:

Newly received submissions and complaints in 2016 -	1,222
Amendments to submissions/ complaints from 2014, 2015 and 2016, received in 2016 -	1,114
Total no. of pending cases in 2016 -	2,336
Judge's complaints pursuant to Article 29 of the Law on Judges	4
COMPLAINTS forwarded to the court president for response pursuant to Article 55 of the Law on Organisation of Courts	958
Number of grounded complaints	120
Number of not assessed complaints	77
Number of ungrounded complaints	329
Number of complaints where the High Judicial Council is not competent to act	136
Number of notifications forwarded to the complainant	271
Number of complaints forwarded to the Disciplinary Prosecutor for action	68
Number of complaints forwarded to the State Prosecutorial Council	20

Number of submissions forwarded for amendment	2
Number of submissions accompanied by an official note	54
Number of disregarded complaints pursuant to Article 55, paragraph 2 and 3, of the Law on Organisation of Courts	24
Number of pending cases	121
Number of court decisions pursuant to Article 55 paragraph 5 of the Law on Organisation of Courts	616
Number of archived cases in 2016 -	1,093

9. COURTS APPELLATE COMMISSION ACTIONS

In 2016 the Courts Appellate Commission received 2,465 cases in total , of which 2,297 are appeals against the first-instance decisions and 168 claims against the decision of the Courts Appellate Commission. From 2015 one case remained pending, so in 2016 in total there were 2,466 pending cases, of which 2,298 upon complaints and 168 upon claims. In total 1,639 cases upon complaints and 150 cases upon claims were cleared. There are 659 cases upon complaints and 18 cases upon claims still pending.

Regarding their structure, registered were the following: 12 complaints against decisions on termination of employment, 1 complaint against the decision on suspension from work, 1 complaint for return to work and 28 complaints against the decision imposing a disciplinary sanction, 3 complaints to decisions imposing the costs of the disciplinary proceeding, 91 complaints to decisions imposing the coefficient for calculation and payment of salaries to civil servants, and 65 complaints against the performance evaluation decision. Against the decision on allocation and transfer of civil servants 52 complaints were received, against the decision on the promotion and title 96 complaints were received, and against the decision on the salary calculation and payment according to the Special Agreement, 1,934 complaints were received. Against the decisions on other rights and obligations of civil servants i.e. the right to a paid leave, jubilee award, solidarity aid, additional workload, additional training and New Year's children presents 15 complaints were registered in total.

Given the number of the received complaints, the Appellate Commission invested effort to comply with the legally prescribed deadline in the majority of cases, and especially in those concerning employment termination, suspension from work and imposed disciplinary sanctions.

In 2017 it is necessary to work on increasing the number of staff acting within the Courts Appellate Commission, both advisors and administrative and technical staff.

10. THE HIGH JUDICIAL COUNCIL ACTIONS UPON REQUESTS FOR 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 at the High Judicial Council until 4 April 2016 was the elective member of the High Judicial Council from the ranks of judges, Sonja Vidanović.

Since 5 April 2016 person authorised to act upon requests for free access to information of public importance and protection of personal data at the High Judicial Court is the elective member of the High Judicial Council from the ranks of judges, Slavica Milošević Gazivoda.

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 2016 82 requests were received in total for access to information of public importance and two requests in connection with implementation of the Law on Protection of Personal Data.

The Commissioner for free access to information of public importance and protection of personal data was delivered the Report for 2016 on the implementation of the Law on Free Access to Information of Public Importance and exercising of rights and protection of rights of persons in accordance with the Law on Protection of Personal Data.

Table 1 - Implementation of the Law on Free Access to Information of Public Importance in 2016 -

1) Requests:

No.	Information seeker	Number of filed requests	No. of adopted-partially adopted requests	No. of rejected requests	No. of denied requests
1.	Citizens	48	46		2
2.	The media	20	20		
3.	Nongovernmental organisations and other civil society organisations	11	10		1
4.	Political parties	1	1		
5.	Authorities	0			
6.	Others	2	2		
7.	Total	82	79		3

2) Appeals:

No. .	Information seeker		No. of appeals based on the rejected request	No. of appeals against the conclusion denying the request	No. of appeals based on inactivity upon request	No. of other appeals
1.	Citizens	4	2			2
2.	The media					
3.	Nongovernmental organisations and other civil society organisations	1	1			
4.	Political parties					
5.	Authorities					
6.	Others					
7.	Total	5	3			2

3) Procedural costs:

Charged costs		Non-charged costs
Total amount	Account number	

4) Information Booklet

Information Booklet compilation date	Published online	Last date update	Compiled- not published	Not compiled	Reasons for not being compiled
1 August 2010	Yes	6/20/2016			

Staff training

Training delivered	Reasons for not delivering training
Yes No	The High Judicial Council devised a three-year training curriculum for the Administrative Office staff covering the

	<p>period up 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.</p> <p>So far, the staff did not have an opportunity to attend the training on implementation of these two laws.</p> <p>Consultations with the Commissioner regarding the implementation of the Law on Protection of Personal Data and the Law on Free Access to Information of Public Importance are held regularly.</p> <p>Hereby we stress the need for training regarding the implementation of the Law on Protection of Personal Data and the Law on Free Access to Information of Public Importance.</p>
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Information media maintenance

Regularly maintained	Reasons for failed maintenance
Yes No	

Exercising rights and protection of person's rights pursuant to the Law on Protection of Personal Data in 2016 .

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	
1	Notice of processing (Article 19)		1		
2	Right to an insight (Article 20)	1	1		This request for notice, insight into case filed, photocopying of writs and keeping the copies was denied. The conclusion of the Commissioner discontinued the proceeding upon the applicant's appeal. Second request pertaining to the right to an insight was accommodated.
1	Right to a copy (Article 21)		1		
	Rights upon the performed insight (Article 22)				

Number: 021-02-24/2017-01
In Belgrade, 14 March 2017 .

**PRESIDENT
OF THE HIGH JUDICIAL COUNCIL**

Dragomir Milojević