



**Republic of Serbia
Supreme Court of Cassation**

**ANNUAL REPORT
ON THE WORK OF THE COURTS IN
THE REPUBLIC OF SERBIA
FOR 2016**

Belgrade, March 2017

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The publication of this report was supported by the Multidonor Trust Fund for Justice Sector Support in Serbia.



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ANNUAL REPORT ON THE WORK OF THE COURTS IN THE REPUBLIC OF SERBIA FOR 2016

The judicial power is unique, courts are independent and autonomous in their work and they adjudicate in accordance with the Constitution, laws and other general acts, when it is stipulated by law, generally accepted rules of international law and ratified international treaties.

Courts are autonomous and independent state bodies that protect the freedom and rights of citizens, legally determined rights and interests of legal entities and ensure constitutionality and legality.

I INTRODUCTION

The basic division of courts is the division to courts of general and special jurisdiction.

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

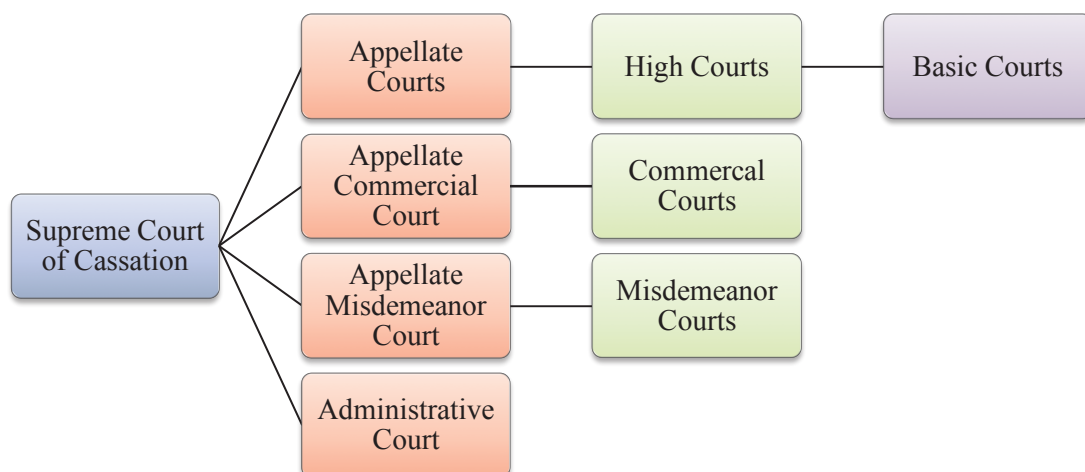
Courts of special jurisdiction are commercial courts, Commercial Appellate Court, misdemeanor courts, Misdemeanor Appellate Court and Administrative Court.

The Supreme Court of Cassation is the highest court in the Republic of Serbia and it is directly superior to the Commercial Appellate Court, the Misdemeanor Appellate Court, the Administrative Court and appellate court.

In addition to the Supreme Court of Cassation, the Commercial Appellate Court, the Misdemeanor Appellate Court and the Administrative Court are republic level courts.

In the Republic of Serbia, as of January 1, 2014, there is total of 159 courts, of which 66 courts act as basic courts, 25 as higher, 16 commercial, 44 misdemeanor and the Administrative Court. Higher courts act as second instance courts, as well as 4 appellate courts, Commercial Appellate and Misdemeanor Appellate Court.

For the territory of the AP Kosovo and Metohija, until the adoption of a special law that would establish courts competent for that territory, 3 courts in Kosovska Mitrovica continue to work: Misdemeanor Court in Kosovska Mitrovica, Higher Court in Kosovska Mitrovica and Basic Court in Kosovska Mitrovica.



According to the data of the High Court Council on December 31, 2016, the total number of all judicial positions in all courts in the Republic of Serbia, determined by the Decision of the HCC, was 2977, of which 2778 positions were filled, while 2569 judges were effectively working.

Number of judges in courts on December 31, 2016

Court	Number of judges according to the decision of the High Judicial Council	Number of filled positions	Number of judges in the report on the work of court for the period January 1 - December 31, 2016
Supreme Court of Cassation	40	37	32
Administrative Court	41	41	38
Commercial Appellate Court	40	38	30
Misdemeanor Appellate Court	65	62	61
Appellate Courts	237	225	202
Higher Courts	368	338	310
Basic Courts	1.472	1.373	1.255
Commercial Courts	178	158	156
Misdemeanor Courts	536	506	485
TOTAL:	2.977	2.778	2.569

Table 1

The average age of judges in Serbia is 52; there is the total of 836 male and 1942 female judges. There are 244 judges that are 40 years old or younger, 756 judges up to 50 years of age, 1377 judges that are up to 60, and 401 judges that are older than 60.

In 2016, according to the data of the High Court Council, the total of 10.563 civil servants and employees were working in the court system, and their average age was 44.

The courts are financed from two sources: from the budget revenues and from own revenues of budget users (court fees).

According to the Law on Budget for 2016, all courts are financed from the budget with 18.884.991.000,00 RSD (the Supreme Court of Cassation receives 418.148.000,00 RSD – 2,21% of the total budget for the courts). Compared to the total budget of the Republic of Serbia which was 1.085.308.426.000,00 RSD for 2016, the expenditures for courts constitute 1,74% of the total budget.

The above mentioned funds for the work of courts do not include the funds allocated to the Ministry of Justice aimed at providing funds for material support in the work of judicial authorities (for the courts and public prosecutors' office), related to infrastructure, IT and other benefits for court and prosecutorial staff (stimulations, transportation costs, jubilee awards and solidarity allowance).

II DISPOSED CASES IN 2016

During 2016, all courts in the Republic of Serbia disposed nearly 3.000.000 cases. Specifically, 2569 judges disposed 2.953.921 cases. Compared to the year 2015, 866.589 more cases were disposed.

Those figures include all types of cases: from the trial matter and from enforcement matter. If we exclude the enforcement cases, in 2016 the total of 215.766 more cases were disposed than in 2015. Increased number of disposed cases is the result of the systematic measures that have been undertaken – the new Law on Enforcement and Security and the harmonization of case law in repetitive cases (through the resolution of contentious legal issues) and amendments to the Law on Misdemeanors (effect of the application of misdemeanor report).

The following table shows comparative overview of the number of disposed cases in all courts in the Republic of Serbia from 2012 to 2016, with and without enforcement cases.

	2012.		2013.		2014.		2015.		2016.	
OVERVIEW OF THE NUMBER OF DISPOSED CASES IN ALL COURTS IN THE REPUBLIC OF SERBIA										
	Number of judges	Total number of disposed cases	Number of judges	Total number of disposed cases	Number of judges	Total number of disposed cases	Number of judges	Total number of disposed cases	Number of judges	Total number of disposed cases
TOTAL AT THE LEVEL OF SERBIA - ALL CASES	2.380	2.156.958	2.652	2.084.768	2.595	1.793.212	2.522	2.087.332	2.569	2.953.921
TOTAL AT THE LEVEL OF SERBIA - WITHOUT ENFORCEMENT	2.165	1.534.706	2.365	1.536.355	2.331	1.409.886	2.256	1.706.704	2.299	1.922.470
Basic Courts - I+IV ¹		532.377		484.446		326.400		322.994		970.292
Commercial Courts - all enforcements		89.875		63.967		56.926		57.634		61.159

Table 2

On the chart below, there is an obvious trend – constant increase in the number of disposed cases in all courts in the Republic of Serbia.

In addition, basic courts also disposed 906.437 cases upon the requests of citizens for verification of signatures, manuscripts and transcripts, issuing certificates and other, that are not shown in these tables, while higher courts disposed an additional 19.240 cases of this type. There were 903.377 cases in misdemeanor courts that are not shown in the tables in this report, for these special courts. Court administration handles these cases, under the supervision of judges, and they account for additional **1.829.054** cases that the courts have disposed in 2016.

¹ Descriptions of different types of case labels are provided in the Annex at the end of this Report.

In accordance with the Recommendation of the Committee of Ministers of the Council of Europe No. R (86)12, the cases related to verification shall be transferred from basic courts to public notaries in 2017.

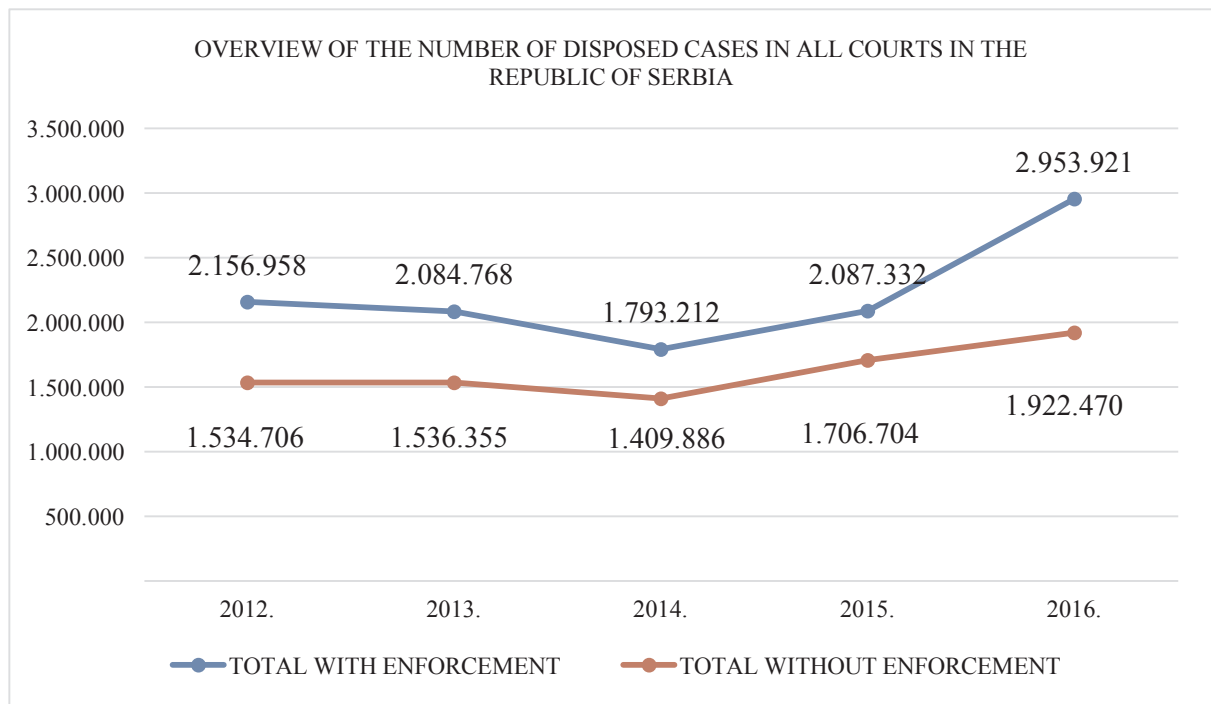


Chart 1

The largest number of cases in 2016 was disposed in basic and misdemeanor courts, while the participation of other courts in the overall number of disposed cases is much smaller – higher courts are following as well as commercial courts, as shown in the following chart.

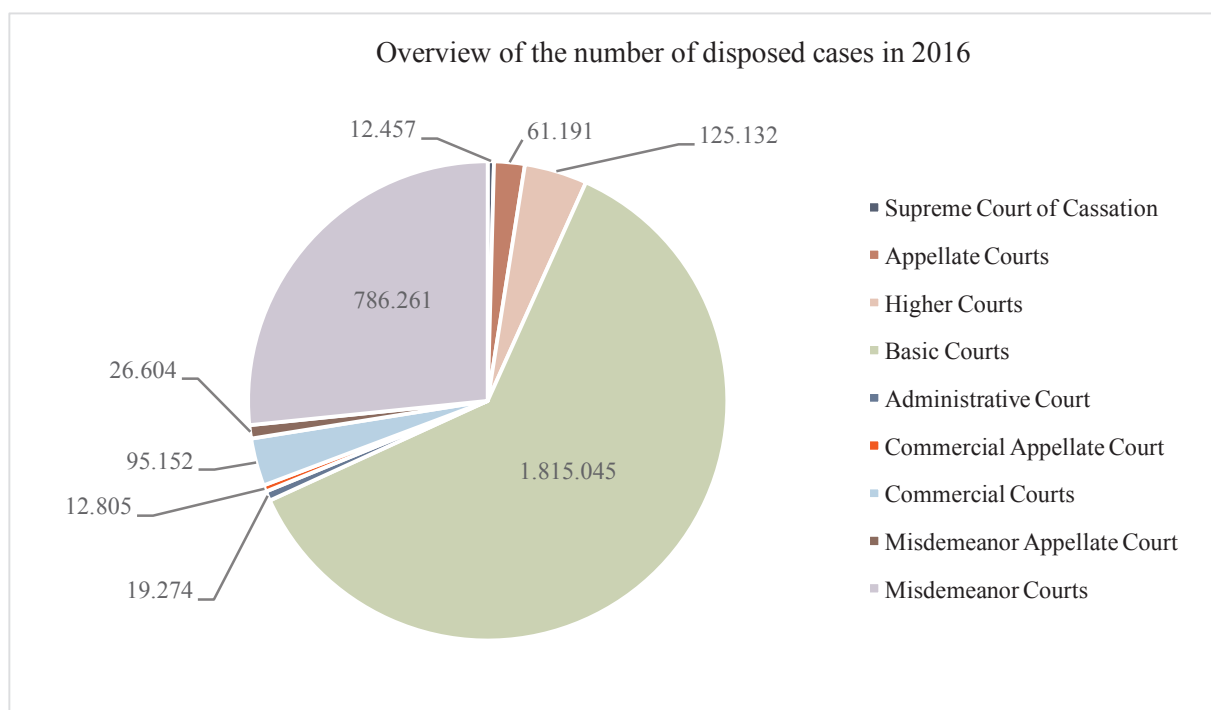


Chart 2

III INCOMING CASES IN 2016

Comparative data on incoming cases in all courts in the Republic of Serbia (the influx of cases) indicate a significant increase of influx in 2015 and 2016. According to the indicators, the expected inflow in the period 2012 to 2014 was, without enforcement cases, at the level of about 1.500.000 cases per year. However, in 2015, the courts have received 1.902.475 cases, which is 415.840 cases more compared to 2014, i.e. compared to the expectations. The inflow in 2016 was, once again, higher than expected, and even above the inflow seen in 2015. Thus, in 2015 and 2016, more than 850.000 more cases than expected entered the system, which affected the achievement of the planned objectives defined in the strategic documents of the Supreme Court of Cassation and related to the backlog reduction.

Misdemeanor and basic courts suffered the biggest „shock“ due to the increased inflow of cases: in 2015, misdemeanor courts received 222.295 cases more than in 2014, which was also the year with increased inflow of cases, while the basic courts received 200.000 cases more in the same period. During 2016, this trend has continued, so in comparison to 2014, just like in 2015, more than 200.000 cases more were received in misdemeanor courts. This occurred as a consequence of the application of the new Law on Misdemeanors and the expansion of the jurisdiction of misdemeanor courts, due to misdemeanor reports.

In basic courts, increased inflow is related, inter alia, to repetitive cases, the so-called. mass claims against the state, local self-government units, public enterprises founded by the state or other organizations and legal entities that are financed from the budget. These cases are burdening the court system and require extrajudicial, systemic measures to prevent them from occurring in the future (harmonization of military pensions, payment of the war per diems and discrimination, payment of increased wages to the employees of the Ministry of Interior, the amount of minimum benefit paid by the National Employment Service, shift work in PE „Railways of Serbia“, PE „Kolubara“, repayment of overcharged fees for the use of preschool institutions...).

A special category of cases with increased inflow are the cases of the Administrative Court, due to the continuous expansion of the jurisdiction through new laws (restitution – civil and confessional, protection of labor rights of employees working in local self-government units, electoral cases...).

	2012.		2013.		2014.		2015.		2016.	
OVERVIEW OF THE NUMBER OF INCOMING CASES IN ALL COURTS IN THE REPUBLIC OF SERBIA										
	Number of judges	Total number of incoming cases	Number of judges	Total number of incoming cases	Number of judges	Total number of incoming cases	Number of judges	Total number of incoming cases	Number of judges	Total number of incoming cases
TOTAL AT THE LEVEL OF SERBIA - ALL CASES	2.380	1.969.270	2.652	1.800.746	2.595	1.752.185	2.522	2.136.483	2.569	2.111.944
TOTAL AT THE LEVEL OF SERBIA - WITHOUT ENFORCEMENT	2.165	1.440.611	2.365	1.477.986	2.331	1.486.626	2.256	1.902.475	2.299	1.962.045
Basic Courts - I+Iv		457.757		261.695		212.516		181.211		104.648
Commercial Courts - all enforcements		70.902		61.065		53.043		52.797		45.251

Table 3

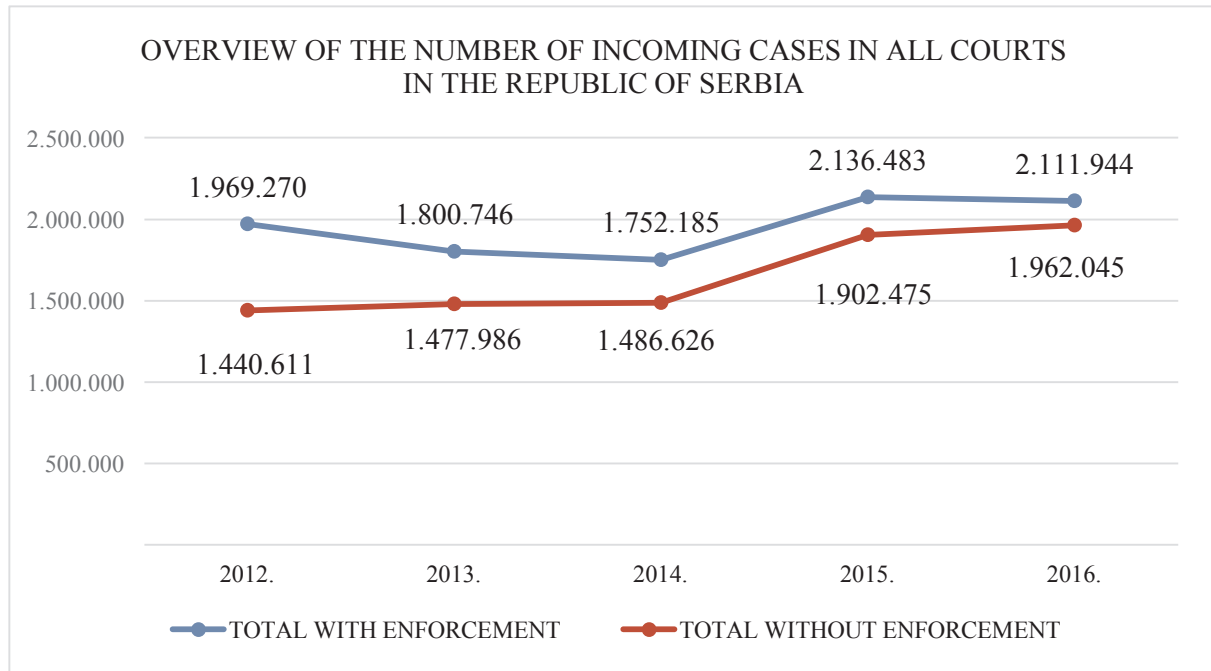


Chart 3

The largest number of cases in 2016 was received by basic and misdemeanor courts, followed by higher, commercial and appellate courts, which is shown in the following chart.

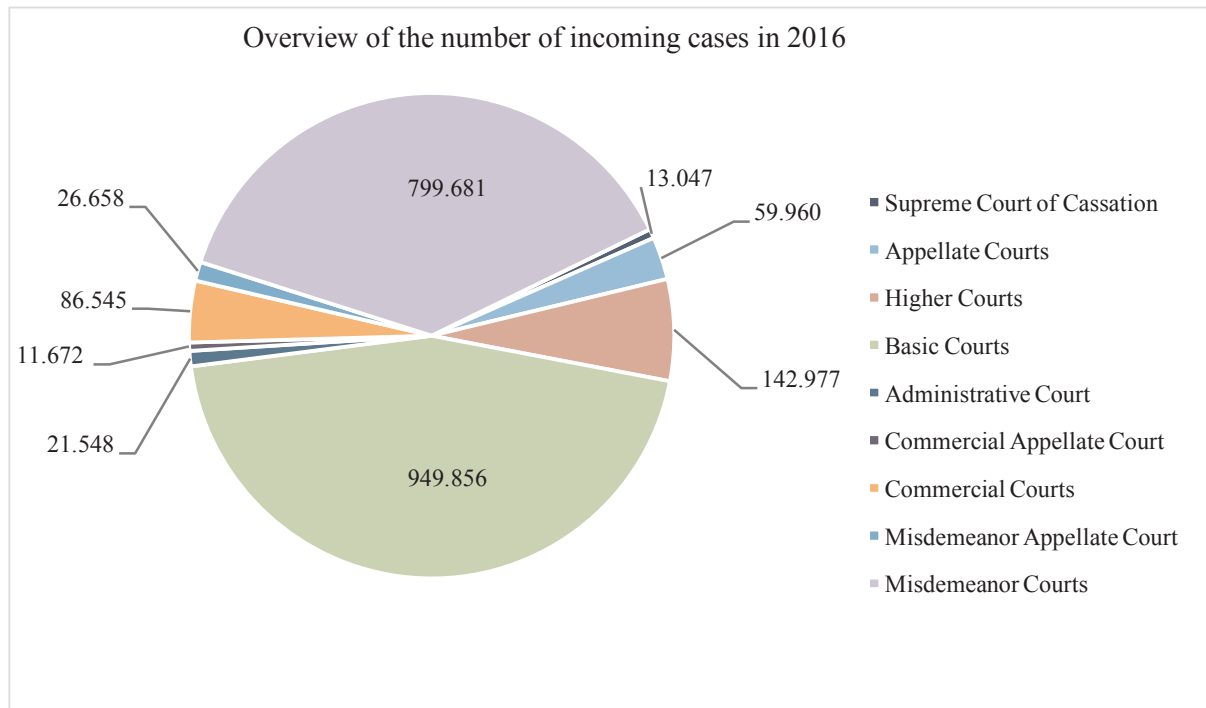


Chart 4

The ratio of incoming cases and the number of disposed cases from 2012 to 2016, counting the total caseload in courts (cases carried over from the previous year and those received in the current year), is shown as clearance rate in the following chart. Ideally, the clearance rate should be 100 or above, indicating that the pending stock is not growing. Above 100 indicates that pending stock (and probaly backlogged cases) is being reduced.

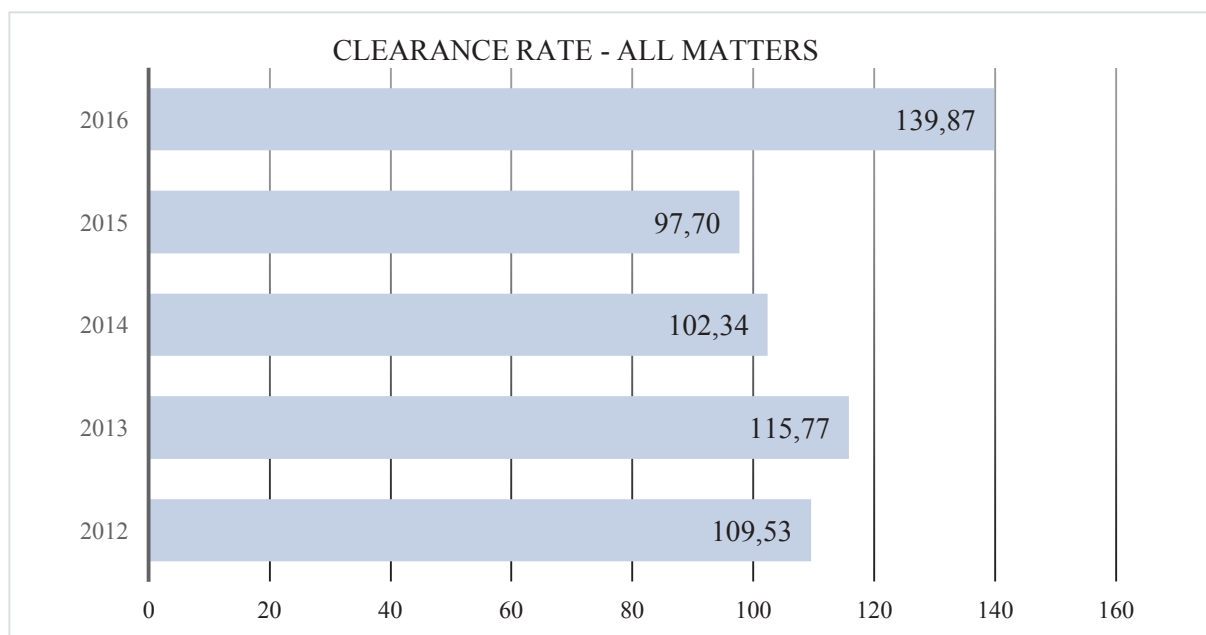


Chart 5

Clearance rate, without the enforcement cases, below 100% indicates that the judicial system, with the existing capacities, is unable to absorb the increased inflow of cases, which requires systematic measures to eliminate this deficiency.

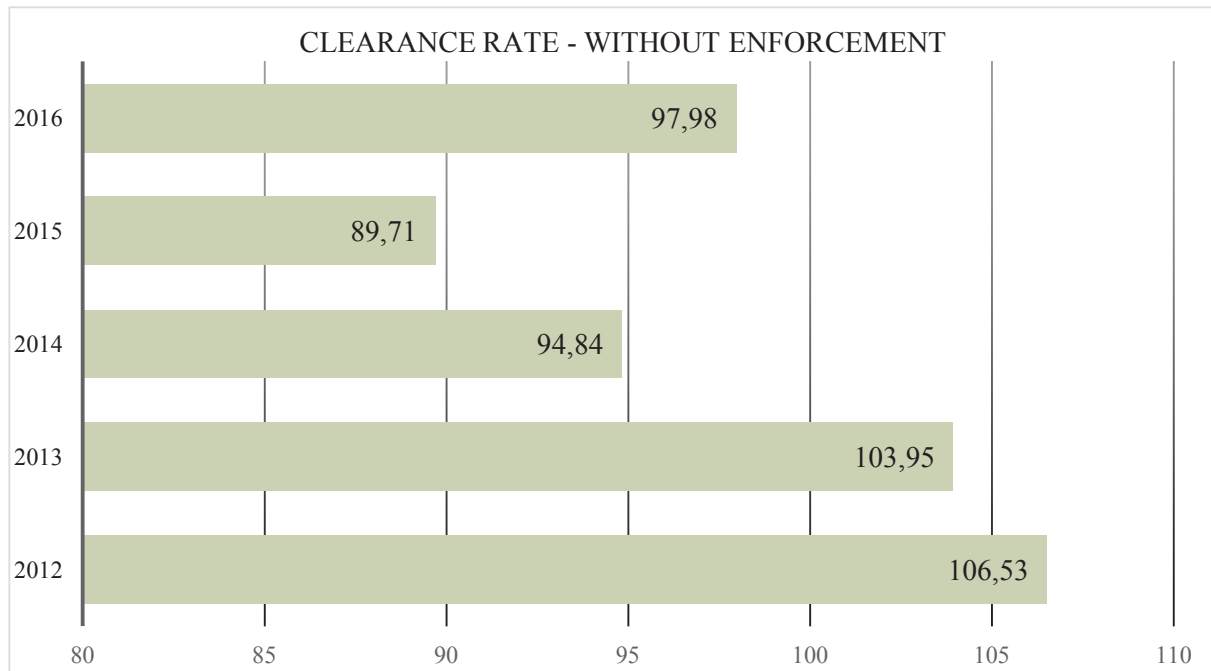


Chart 6

IV PENDING CASES AT THE END OF 2016

Comparative indicators for the period 2012-2016 indicate a significant decrease in the number of pending cases in all courts in the Republic of Serbia, so in comparison with 2012, there is 1.100.000 pending cases less.

In 2012, there were 3.158.400 cases, and at the end of 2016 there were 2.043.925 pending cases, including enforcement cases.

	2012.		2013.		2014.		2015.		2016.	
OVERVIEW OF THE NUMBER OF PENDING CASES IN ALL COURTS IN THE REPUBLIC OF SERBIA										
	Number of judges	Total pending at the end of the reporting period	Number of judges	Total pending at the end of the reporting period	Number of judges	Total pending at the end of the reporting period	Number of judges	Total pending at the end of the reporting period	Number of judges	Total pending at the end of the reporting period
*TOTAL WITH ENFORCEMENT:	2.380	3.158.400	2.652	2.874.782	2.595	2.849.360	2.522	2.886.619	2.569	2.043.925
*TOTAL WITHOUT ENFORCEMENT:	2.165	872.831	2.365	815.178	2.331	898.204	2.256	1.093.432	2.299	1.132.331
* In Basic courts matters I, Iv were considered, as well as all enforcement cases in Commercial courts										

Table 4

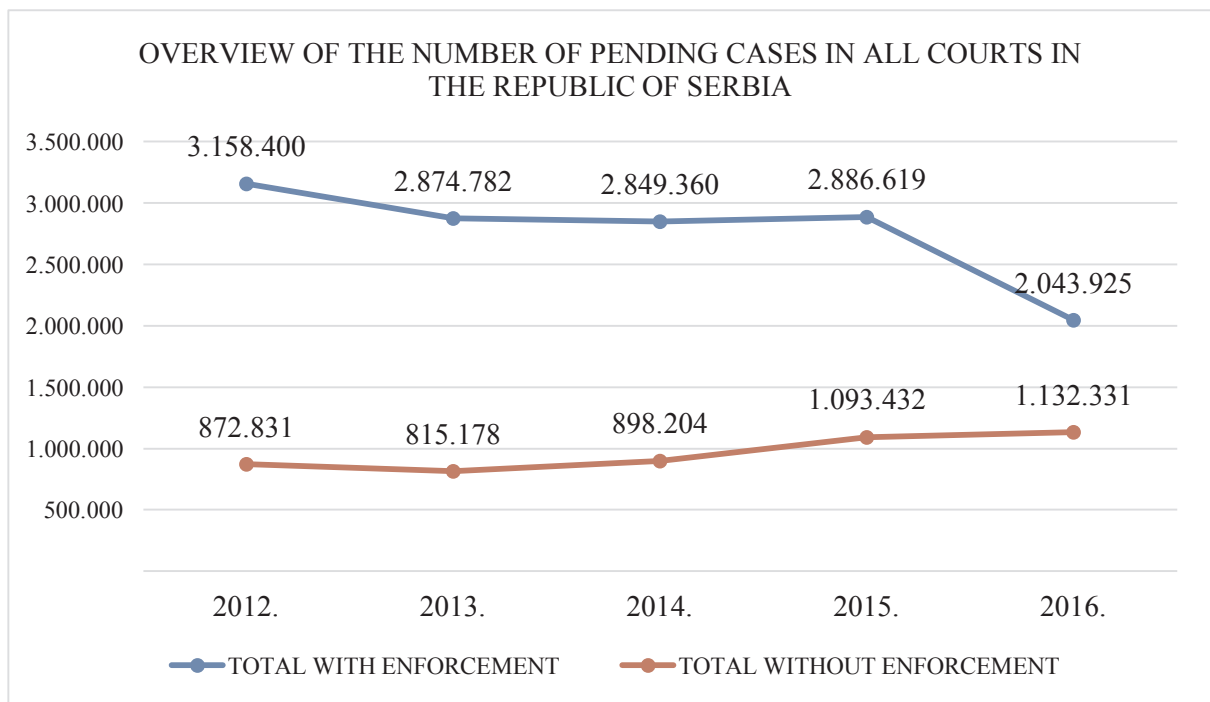


Chart 7

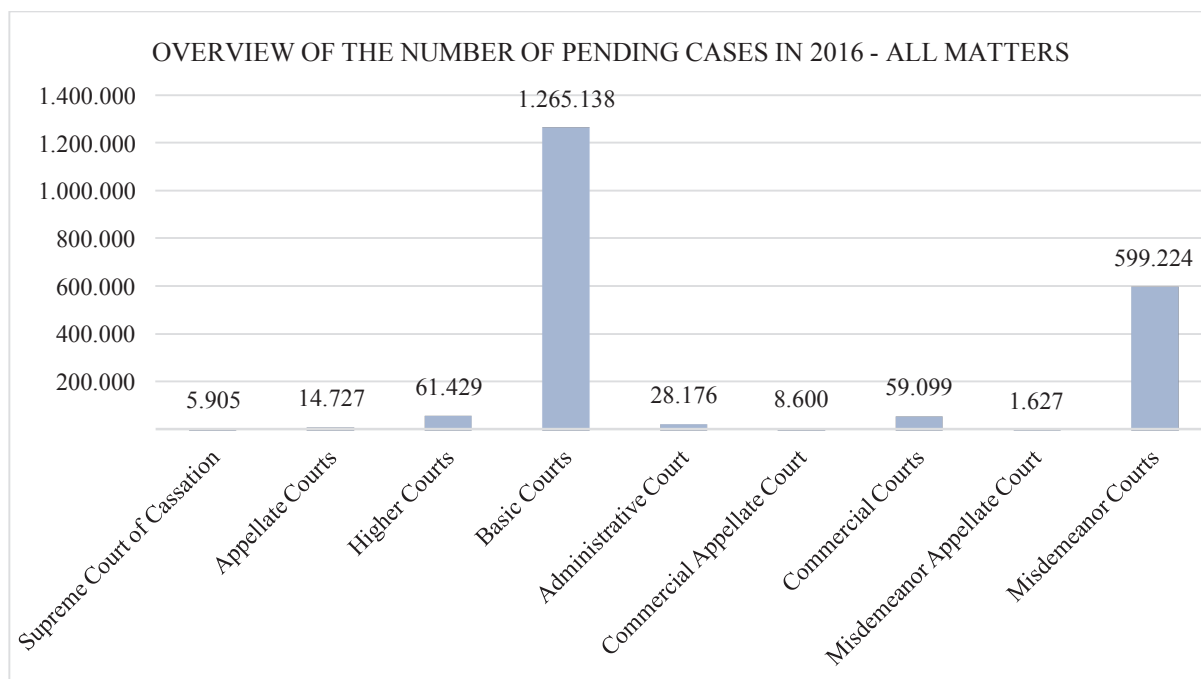


Chart 8

In 2016, the number of pending cases for trial cases – without enforcement – increased, as a result of the increased number of cases received in 2015 and 2016 (more than 850.000 cases) that the judicial system could not absorb. There was no systemic reaction to the enormously increased number of incoming cases, while at the same time, the number of court staff was reduced and new employment was banned.

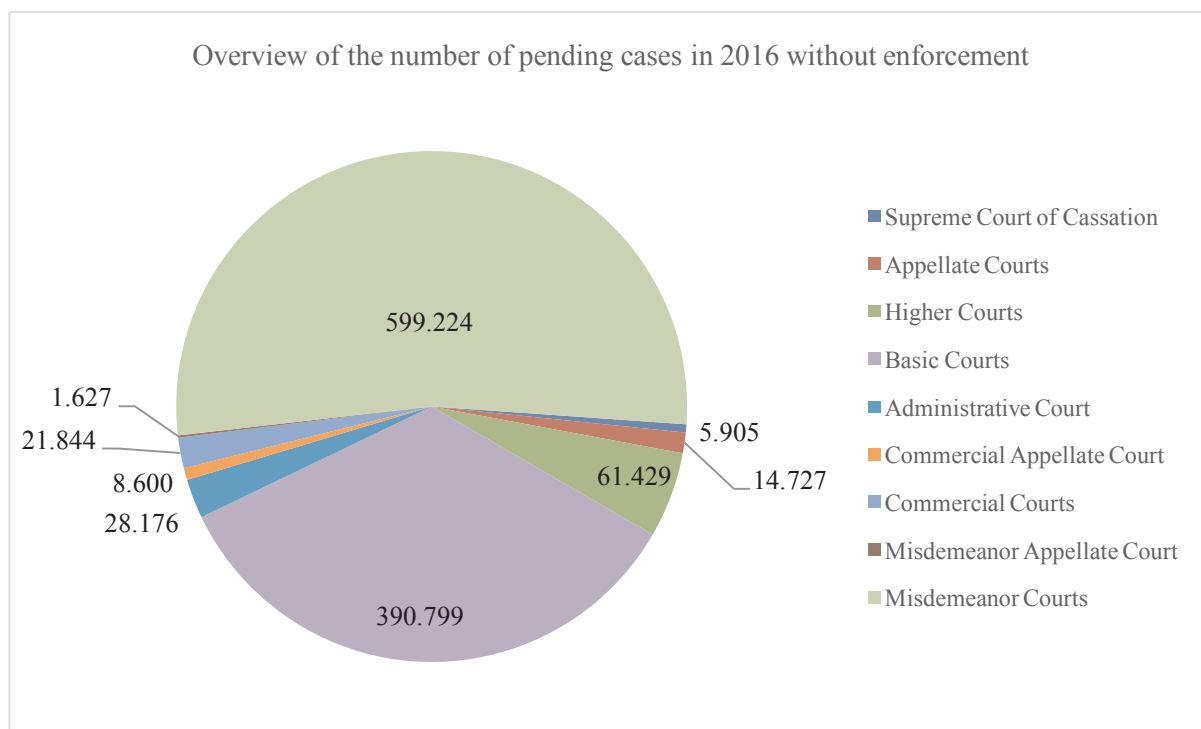


Chart 9

V THE RATIO OF INCOMING, DISPOSED AND PENDING CASES

The ratio of incoming, disposed and pending cases in the period from 2012 to 2016 shows a decrease in the pending caseload at the end of the reporting period, despite the enormous increase of inflow, which is the consequence of the increased total number of disposed cases, resulted from the increased engagement of judges and undertaken systematic measures for backlog reduction.

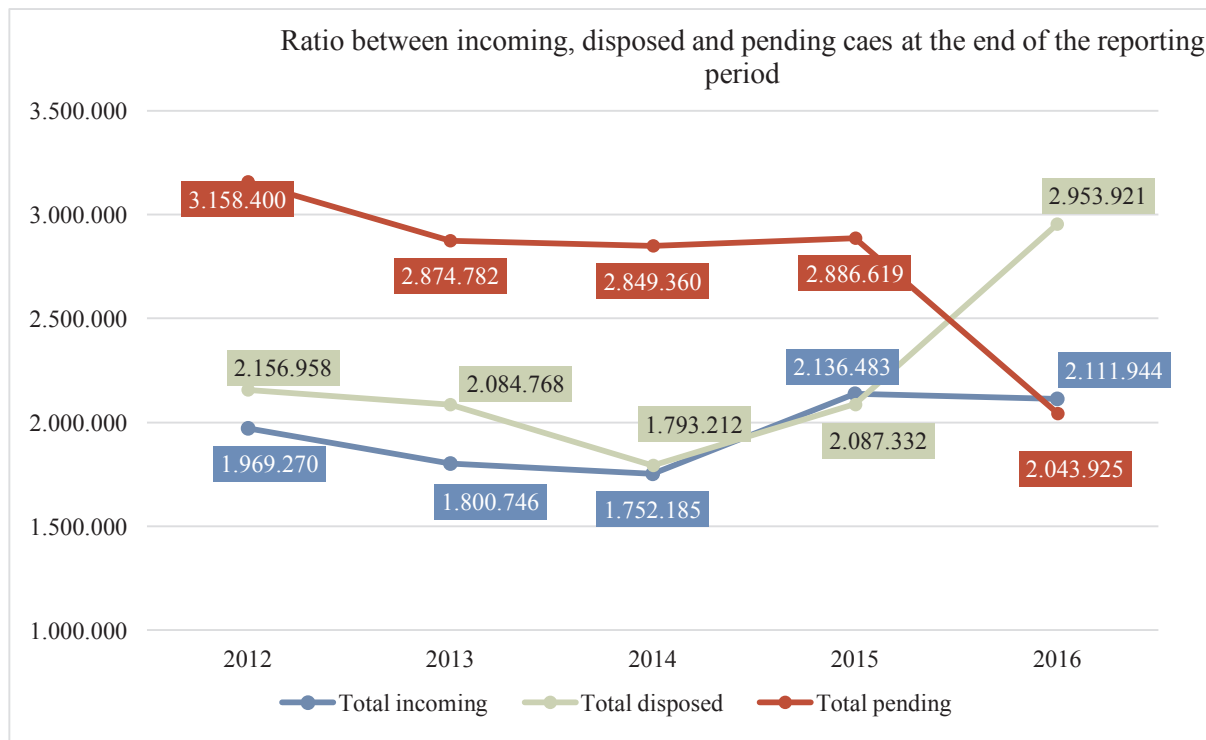


Chart 10

The ratio of incoming, disposed and pending cases by type of court at the end of 2016 indicates the problem with workload of the Supreme Court of Cassation, Administrative Court, higher courts and misdemeanor courts, since due to the increased inflow of cases, the number of pending cases is growing.

Due to constant expansion of the jurisdiction with new regulations, which require urgent and particularly urgent action, especially during electoral process, the Administrative Court does not act promptly, since the trend of increased inflow and number of pending cases is continuous, it would be necessary to undertake systematic organizational measures in order to organize the jurisdictions of this court – two instances, increasing the number of judges, increasing the number of court staff and review of the jurisdictions of this court under current regulation.

THE RATIO OF INCOMING, DISPOSED AND PENDING CASES BY TYPES OF COURTS AT THE END OF 2016

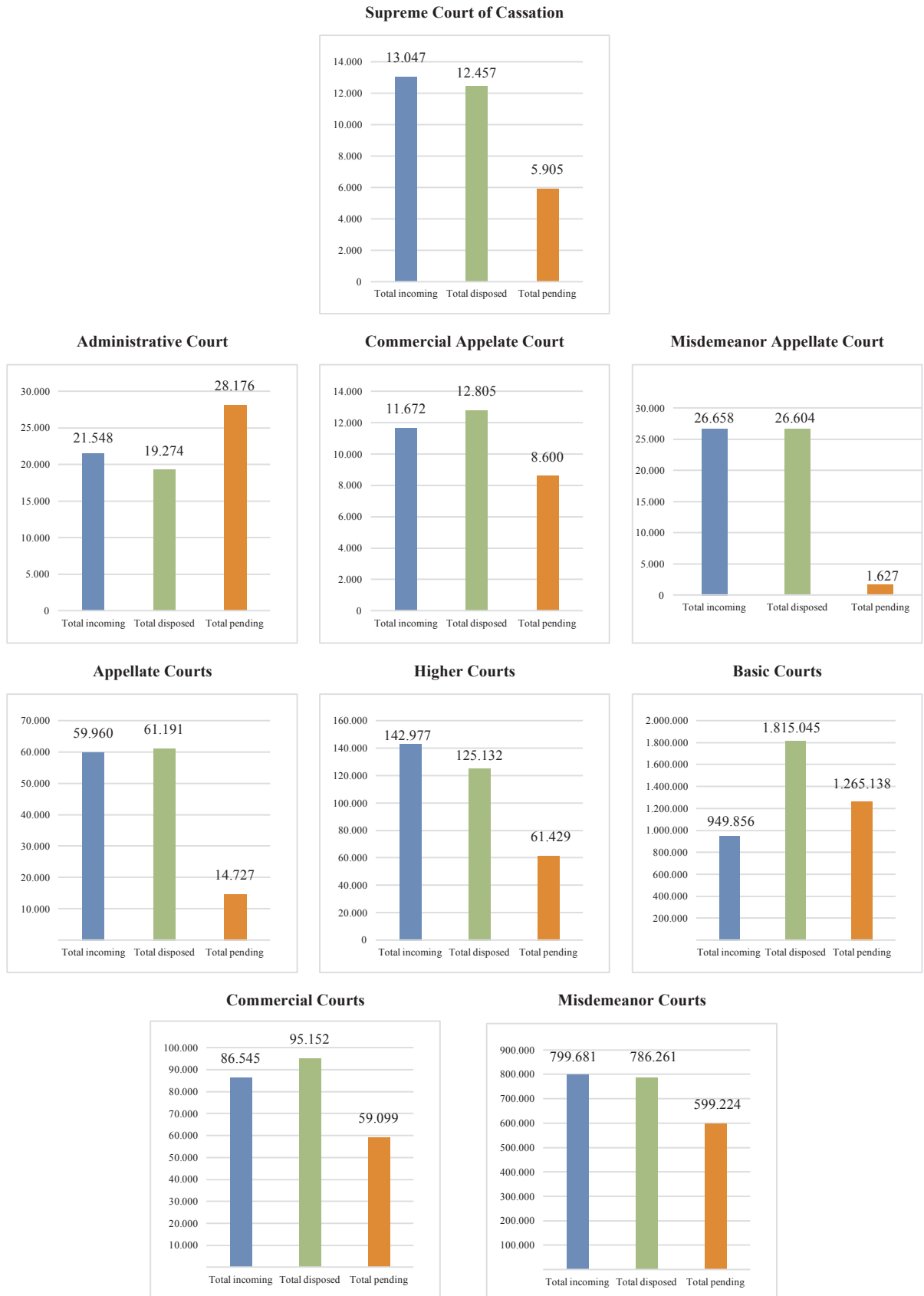


Chart 11

VI REPORT ON THE WORK OF THE SUPREME COURT OF CASSATION

The Supreme Court of Cassation, the highest court in the Republic of Serbia, decides on extraordinary legal remedies against the decisions of the courts in the Republic of Serbia and in other matters stipulated by the law (Article 30 paragraph 1 the Law on Court Organization).

As the highest court in the judicial system, **the Supreme Court of Cassation ensures uniform application of laws and equality of arms in court proceedings**, considers the implementation of laws and other regulations, as well as the work of courts, thus exercising its jurisdiction, stipulated by the law, outside the jurisdiction of trial (Article 31 of the Law on Court Organization).

In the period from 2012 to 2016, the Supreme Court of Cassation received twice as many cases than expected, not counting the cases delegated by the Higher Courts in Belgrade and Novi Sad in 2013 and 2015 (5.000 + 7.000), as a consequence of changes in regulation on the jurisdiction of the Supreme Court of Cassation, reduction of the review threshold to 40.000 € in RSD equivalent, introduction of a special revision as a new extraordinary legal remedy, as well as the expansion of the jurisdiction of the highest court to decide on the revision, i.e. to decide on the new extraordinary legal remedies. The number of disposed cases was, in general, followed by an increased inflow, but the clearance rate was below 100%, so the Supreme Court of Cassation couldn't absorb the increased inflow and reduce its backlog, which is why the number of pending cases continued to grow every year, and the increase in the number of pending cases was especially pronounced in the period from 2014 to 2016.

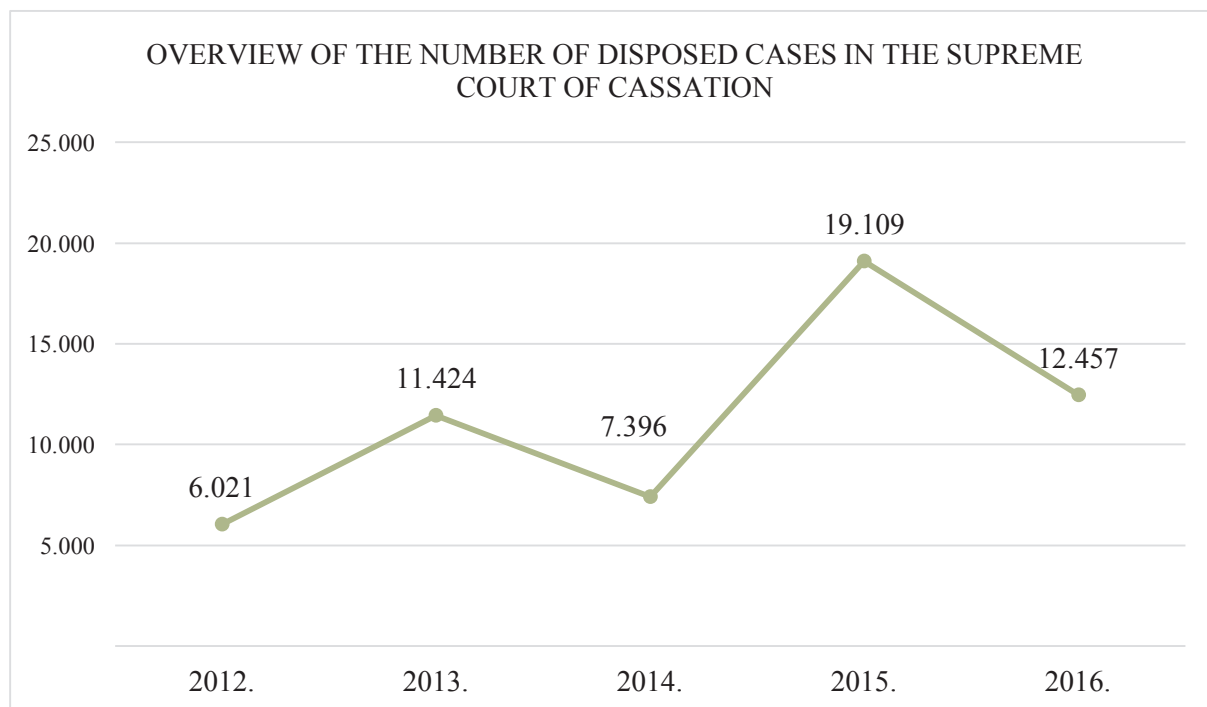


Chart 12

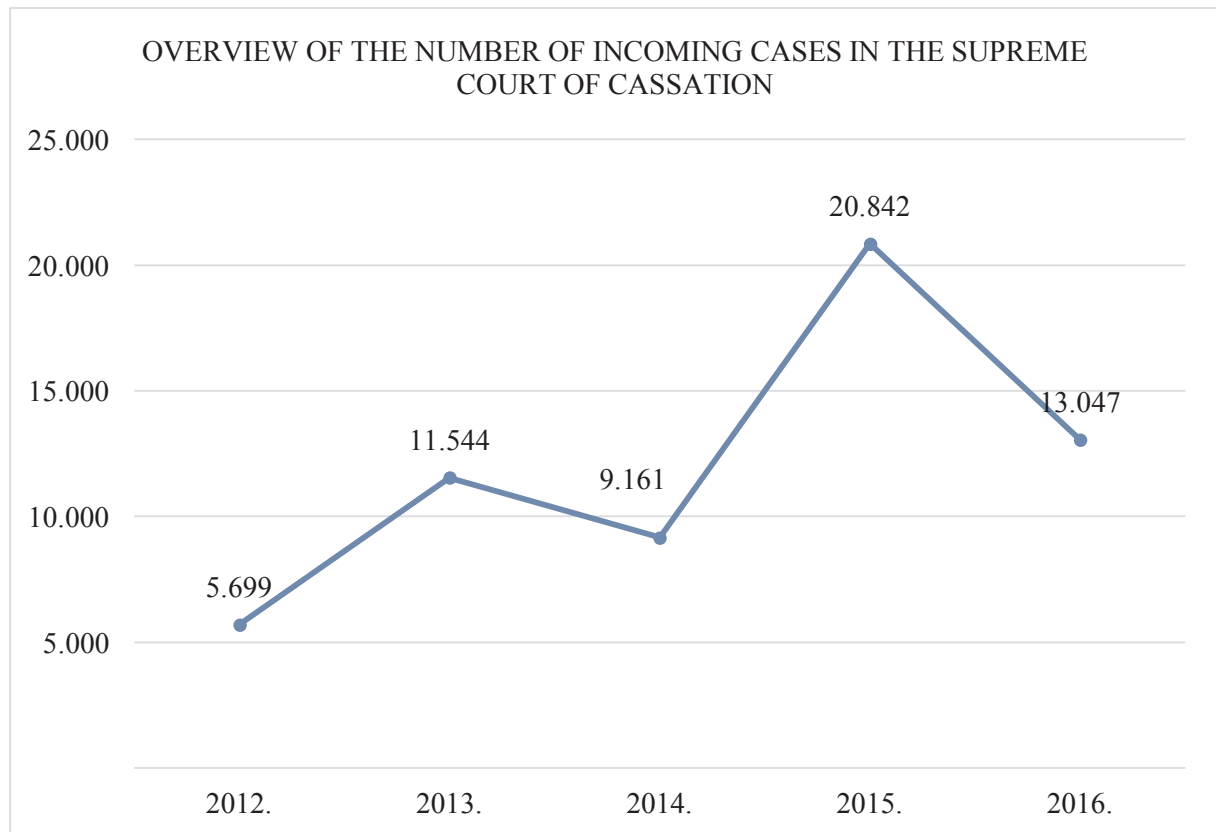


Chart 13

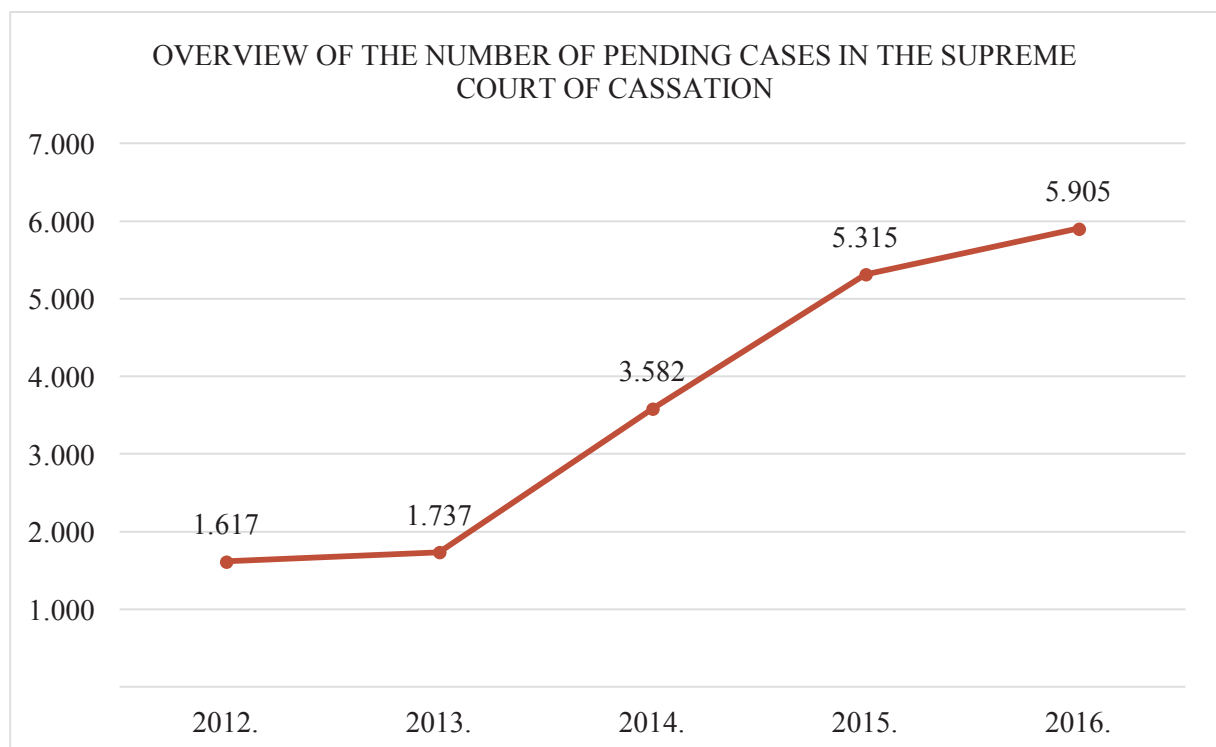


Chart 14

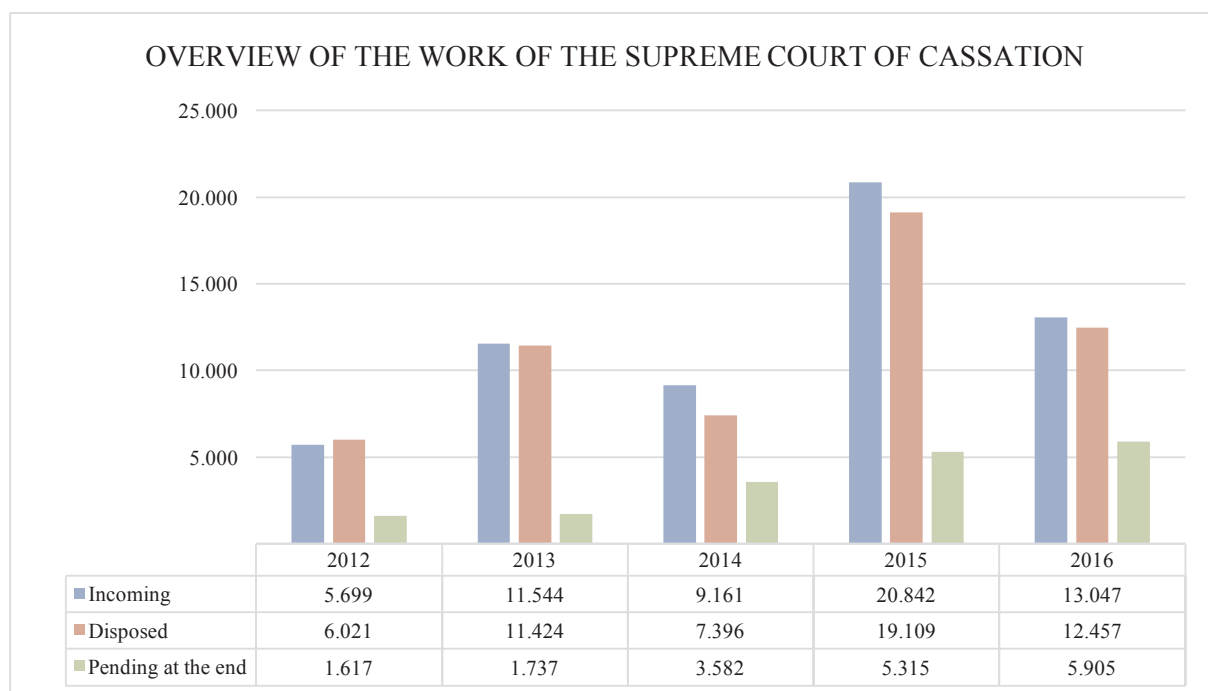


Chart 15

Court Name	Number of judges	Pending at the beginning	Total incoming	Total disposed	Pending at the end
Supreme Court of Cassation	32	5.315	13.047	12.457	5.905

Table 5

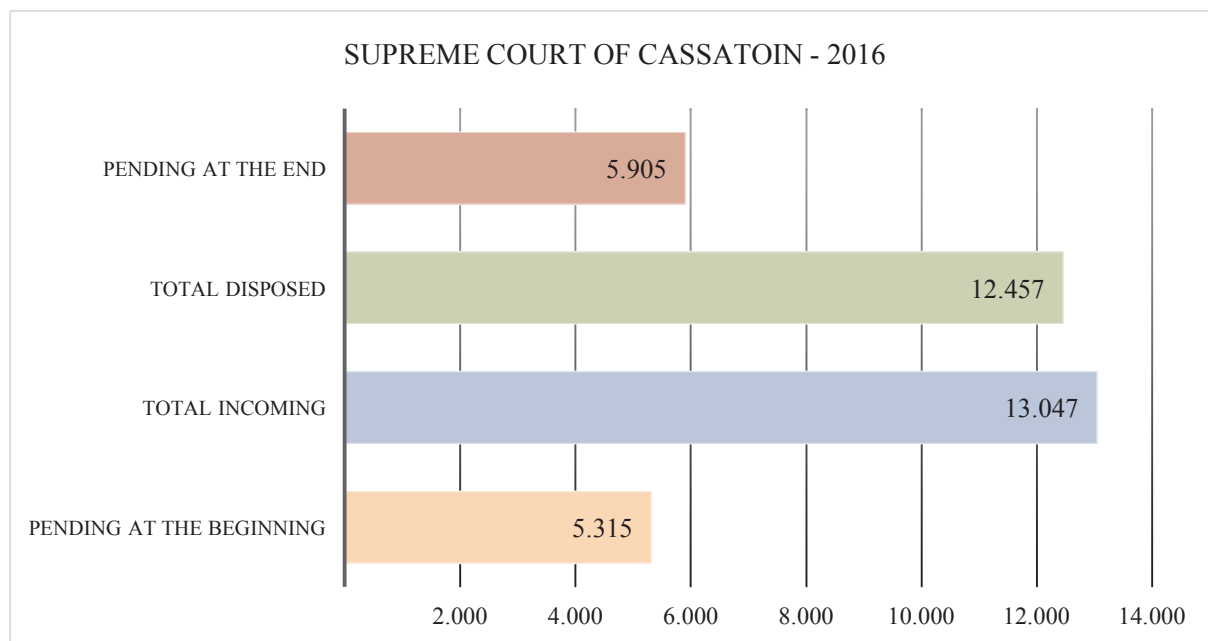


Chart 16

The busiest departments of the Supreme Court of Cassation were the Civil Department and the Department for protection of the right to trial within reasonable time. The largest increase in inflow occurred in the Civil Department, while a slight increase of inflow was also noticed in the Criminal Department. The Civil Department, with the existing number of judges (18) and judicial assistants that are assigned to this department, were not able to absorb the inflow of cases recorded in 2015 and 2016. The increased inflow of cases in the Civil Department is the result of the reduction of the revision threshold, new basis for revision and new legal remedies that the Supreme Court of Cassation decides on in this matter.

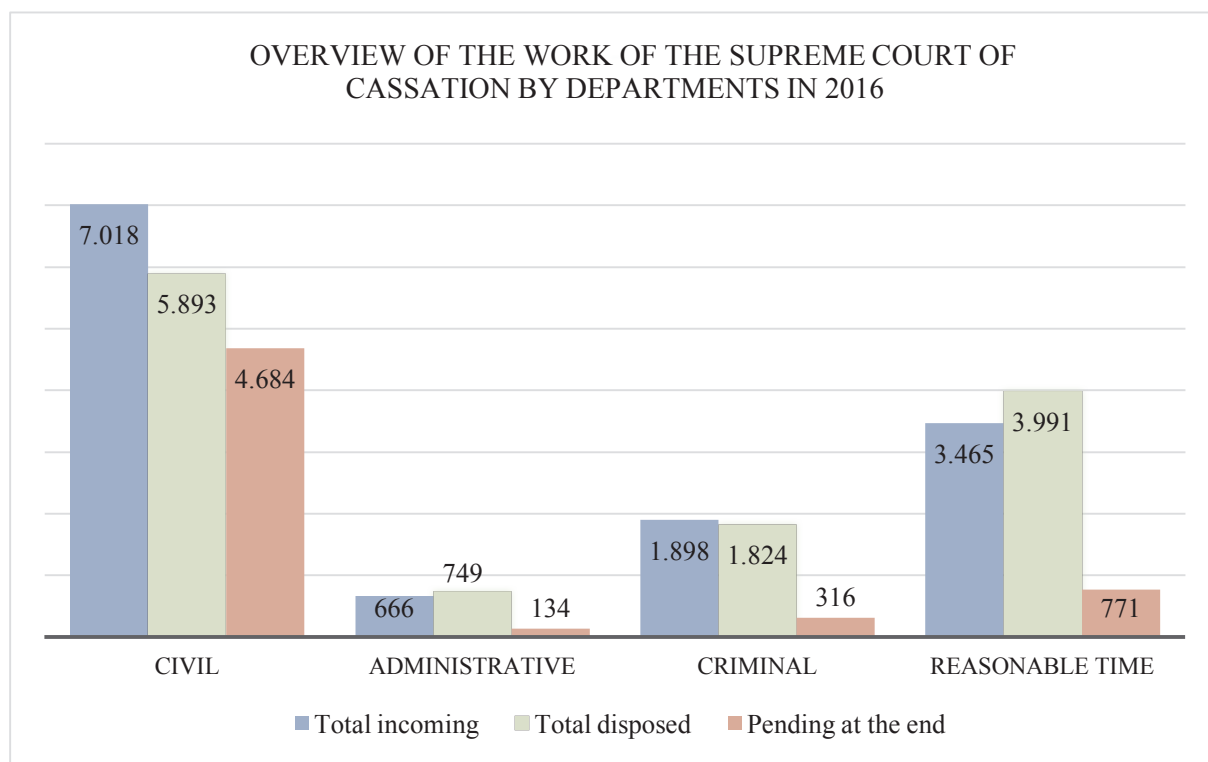


Chart 17

VII BACKLOG CASES

On August 10, 2016, the Supreme Court of Cassation adopted the Amended Single Backlog Reduction Program in the Republic of Serbia, and its enforcement started on September 1, 2016. Program duration was extended until 2020. The amended program put together the previous Single Backlog Reduction Program and the Special Program for Backlog Enforcement Cases. Also, the amended program envisages systemic (strategic), general, special measures for backlog enforcement cases, individual measures for courts, measures that will be undertaken by the Ministry of Justice, measures undertaken by the Supreme Court of Cassation, as well as the special measures for courts located on the territory of the City of Belgrade. Detailed classification of measures is a novelty compared to the previous Single Backlog Reduction Program. Another novelty in the program are the established objectives in terms of the number of backlog by matters in courts of certain type and instance by 2020.

With the implementation of these strategic documents, the Supreme Court of Cassation has shown in this report the number of pending backlog cases (cases in which the proceedings take more than two years from the date of filing of the initial act) for the period 2012-2016, and it separates the indicators that include all pending backlog cases and the indicators on the number of backlog cases without the enforcement cases.

Compared to 2012, at the end of 2016 there were 814.101 backlog pending cases less. Counting the number of cases without enforcement cases, compared to 2012, there are now 14.955 backlog cases less.

REPORT ON PENDING BACKLOG CASES ON DECEMBER 31 - ACCORDING TO THE DATE OF THE INITIAL ACT

	Number of judges	TOTAL PENDING BACKLOG CASES on Dec 31, 2012	Number of judges	УКУПНО ПЕНДИНГ БЕКЛОГ КАСЕС on Dec 31, 2013	Number of judges	УКУПНО НЕРЕШЕНИХ СТАРИХ ПРЕДМЕТА на дан 31.12.2014.	Number of judges	TOTAL PENDING BACKLOG CASES on Dec 31, 2015	Number of judges	УКУПНО ПЕНДИНГ БЕКЛОГ КАСЕС on Dec 31, 2016
	2012.		2013.		2014.		2015.		2016.	
TOTAL COUNTRY WIDE WITH ENFORCEMENT:	2.380	1.729.768	2.652	1.773.475	2.595	1.822.001	2.522	1.740.400	2.569	915.667
TOTAL COUNTRY WIDE WITHOUT ENFORCEMENT:	2.165	140.418	2.365	127.773	2.331	126.878	2.256	133.365	2.299	125.463
Commercial Courts (all enforcement cases)		22.771		29.872		31.804		32.180		24.303
* Basic Courts (I, Iv)		1.566.579		1.615.830		1.663.319		1.574.855		765.901
* In Commercial Courts, all enforcement cases were considered, while only I and Iv cases were considered in Basic Courts										
* The cases related to reasonable time were not included in Higher Courts for 2014 and 2015										

Table 6

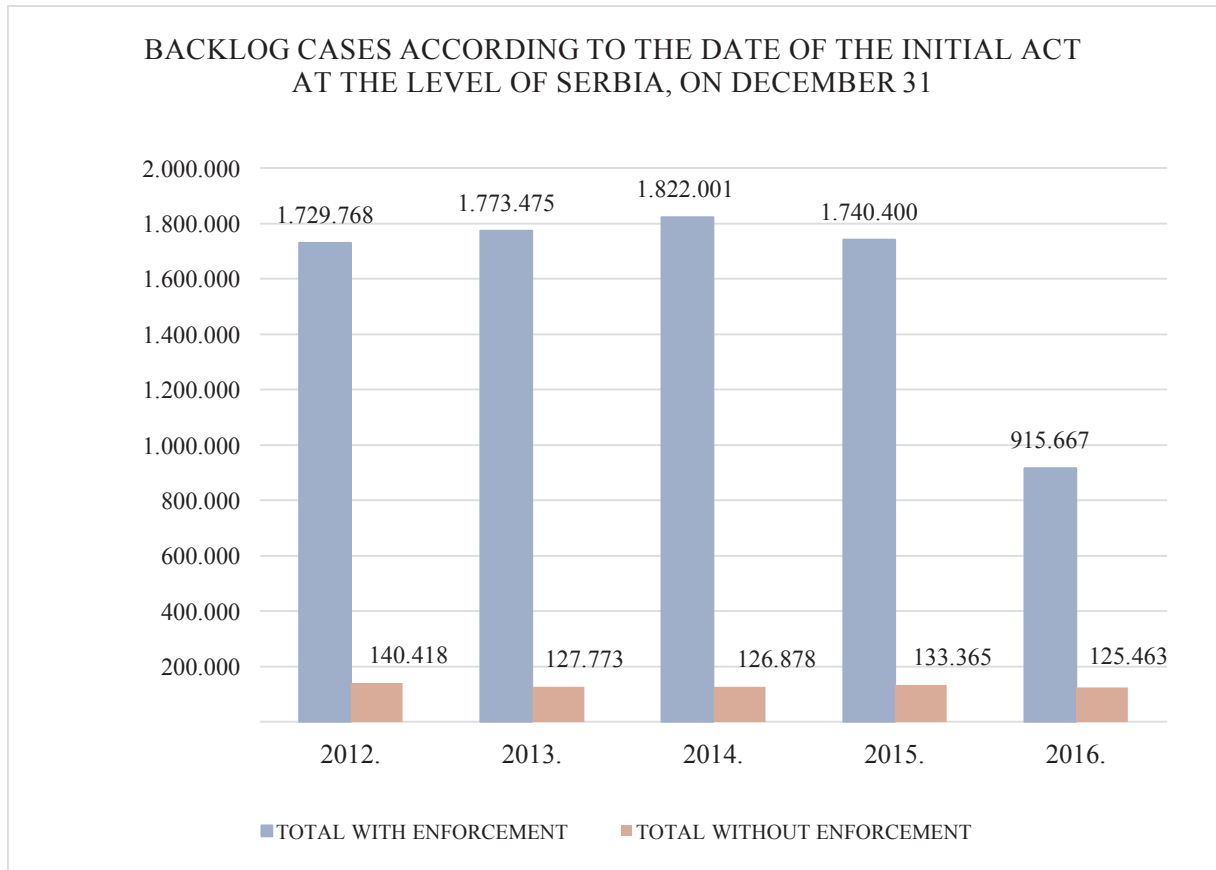


Chart 18

VIII DISPOSED BACKLOG CASES

In the observed period, from 2012 to 2016, there is a trend of increased number of disposed backlog cases in the Republic of Serbia, except for 2014, when due to the changes in the „court network“ there was a reasonable delay in the functioning of courts, while in 2016 some systemic measures were undertaken, which lead to an extreme increase in the number of disposed backlog cases, bearing in mind the total number of all disposed cases (for example, in 2012 the total of 413.186 backlog cases were disposed, while in 2016 that number increased to 1.068.063 of disposed backlog cases).

	2012.		2013.		2014.		2015.		2016.	
OVERVIEW OF THE NUMBER OF DISPOSED BACKLOG CASES IN ALL COURTS IN THE REPUBLIC OF SERBIA										
	Number of judges	Total number of disposed backlog cases	Number of judges	Total number of disposed backlog cases	Number of judges	Total number of disposed backlog cases	Number of judges	Total number of disposed backlog cases	Number of judges	Total number of disposed backlog cases
TOTAL AT THE LEVEL OF SERBIA - ALL CASES	2.380	413.186	2.652	487.283	2.595	305.512	2.522	387.068	2.569	1.068.063
TOTAL AT THE LEVEL OF SERBIA - WITHOUT ENFORCEMENT	2.165	192.440	2.365	209.984	2.331	146.011	2.256	192.094	2.299	172.879
Basic courts - I+Iv		216.926		274.837		154.038		190.541	205	878.576
Commercial courts - all enforcements		3.820		2.462		5.463		4.433	65	16.608

Table 7

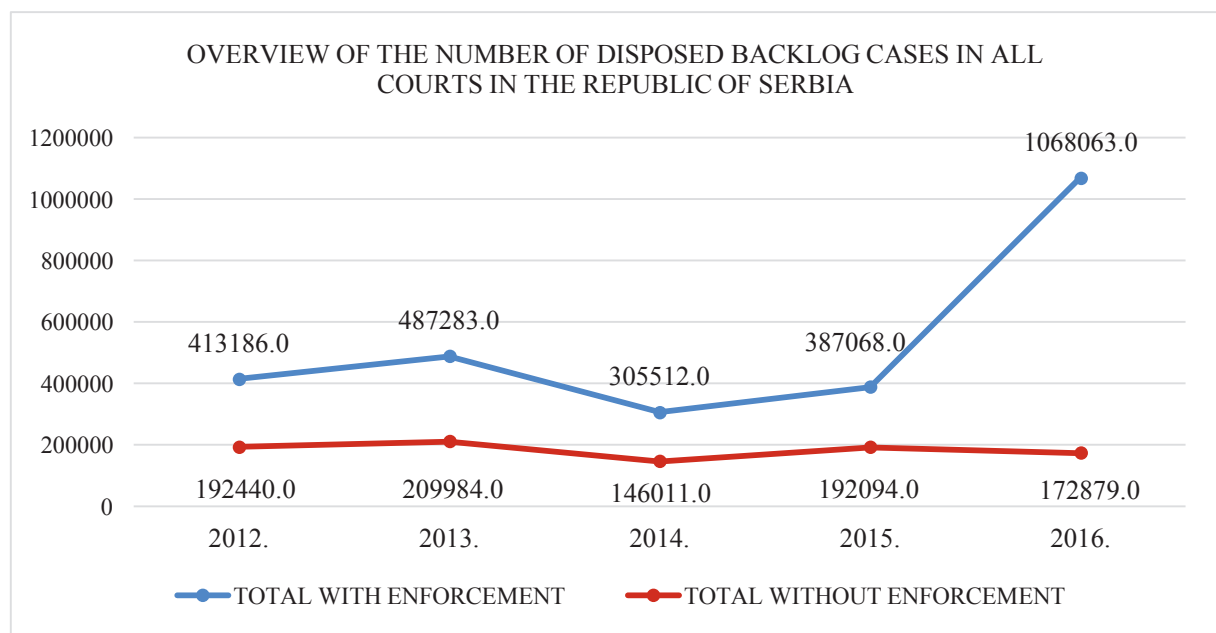


Chart 19

IX THE STRUCTURE OF PENDING BACKLOG CASES IN 2016

The structure of pending backlog cases (at the national level), observed by type of courts indicates that the largest number of backlog cases are in basic courts, which also have the largest number of cases older than 10 years.

REPORT ON PENDING BACKLOG CASES ON DECEMBER 31, 2016 - FROM THE DATE OF THE INITIAL ACT

No	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) on Dec 31, 2016	TOTAL PENDING CASES WITH DURATION OF PROCEEDINGS LONGER THAN 24 MONTHS SINCE THE INITIAL ACT on Dec 31, 2016	AGE OF PENDING BACKLOG CASES						% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE	
					From 6 months to 1 year	From 9 months to 1 year	1 to 2	2 to 3	3 to 5	5 to 10			More than 10
1	Supreme Court of Cassation	32	18.362	3.966				636	1.337	1.388	605	21,60	123,94

No	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) on Dec 31, 2016	TOTAL PENDING BACKLOG CASES on Dec 31, 2016	AGE OF PENDING BACKLOG CASES							% CTAPIX % OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					From 6 months to 1 year	From 9 months to 1 year	1 to 2	2 to 3	3 to 5	5 to 10	More than 10		
1	Appellate courts	202	75.918	10.631				2.513	3.663	3.422	1.033	14,00	52,63
2	Higher courts	310	186.561	20.122		23	12	6.409	8.207	4.515	956	10,79	64,91
3	Basic courts with enforcement	1.255	3.080.183	836.513		3	18	79.793	169.324	467.192	120.183	27,16	666,54
TOTAL:		1.767	3.342.662	867.266		26	30	88.715	181.194	475.129	122.172	25,95	490,81

No	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) on Dec 31, 2016	TOTAL PENDING BACKLOG CASES on Dec 31, 2016	AGE OF PENDING BACKLOG CASES						% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE	
					From 6 months to 1 year	From 9 months to 1 year	1 to 2	2 to 3	3 to 5	5 to 10			More than 10
1	Administrative Court	38	47.450	2.393				2.267	124	2		5,04	62,97
2	Commercial Appellate Court	30	21.405	4.259				2.000	1.578	621	60	19,90	141,97
3	Commercial courts with enforcement	156	154.251	27.973				7.542	12.298	7.935	198	18,13	179,31
TOTAL:		224	223.106	34.625				11.809	14.000	8.558	258	15,52	154,58

Table 8

X THE STRUCTURE OF PENDING BACKLOG CASES BY TYPES OF COURT IN TRIAL CASES

ADMINISTRATIVE COURT

REPORT ON PENDING BACKLOG CASES

ON DEC 31, 2016 - ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01-12/31/2016	TOTAL PENDING BACKLOG CASES on Dec 31, 2016	AGE OF PENDING BACKLOG CASES				% СТАПХ % OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	U	38	44.231	2.347	2.223	122	2		5,31	61,76
2	UR	38	280	7	6	1			2,50	0,18
3	UI	38	1.049	22	22				2,10	0,58
4	UO	38	118							
5	UV	14	669	2	2				0,30	0,14
6	UP	38	297	15	14	1			5,05	0,39
TOTAL 1-6		38	46.644	2.393	2.267	124	2		5,13	62,97
7	UVP I									
8	UVP II									
9	UŽ	38	576							
10	UIP									
11	U-uz	5	5							
TOTAL 7-11		38	581							
12	R4 u	1	225							
TOTAL 1-12		38	47.450	2.393	2.267	124	2		5,04	62,97

Table 9

COMMERCIAL APPELLATE COURT

REPORT ON PENDING BACKLOG CASES

ON DEC 31, 2016 - ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01-12/31/2016	TOTAL PENDING BACKLOG CASES on Dec 31, 2016	AGE OF PENDING BACKLOG CASES				% СТАПХ % OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	Pž	27	15.236	4.176	1.971	1.548	598	59	27,41	154,67
2	Pvž	12	906	28	4	13	11		3,09	2,33
3	Iž	29	763	17	2	5	9	1	2,23	0,59
4	R	7	149							
TOTAL 1-4		30	17.054	4.221	1.977	1.566	618	60	24,75	140,70
5	Pkž	2	471	38	23	12	3		8,07	19,00
TOTAL 5-5		2	471	38	23	12	3		8,07	19,00
6	R4 p	13	73							
7	R4 st	29	2.813							
8	R4 i	9	213							
9	R4 pp									
10	R4 fi									
11	R4 vr	0	2							
12	Rž p	0	13							
13	Rž st	8	741							
14	Rž i	0	25							
15	Rž pp									
16	Rž fi									
17	Rž vr									
TOTAL 6-17		30	3.880							
TOTAL 1-17		30	21.405	4.259	2.000	1.578	621	60	19,90	141,97

Table 10

MISDEMEANOR APPELLATE COURT

Report on pending cases on Dec 31, 2016 - according to the date of the initial act

Number	Matter		Pending cases on Dec 31, 2016	
	Classification	Registry	Total pending	Pending backlog cases according to the date of the initial act
1	02-Traffic	PRŽ	801	21
		PRŽM	2	
2	04-Commercial	PRŽ	182	17
		PRŽM		
3	05-Finance and customs	PRŽ	226	108
		PRŽM		
TOTAL		PRŽ	1.209	146
		PRŽM	2	0
		Total	Total	Total

Table 11

APPELLATE COURTS

REPORT ON PENDING BACKLOG CASES

ON DEC 31, 2016 - ACCORDING TO THE DATE OF THE INITIAL ACT

Number	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) on Dec 31, 2016.	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
				2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	Kž1	73	7.380	76	127	177	40	5,69	5,75
2	Kž2	73	5.367	5	5	7	2	0,35	0,26
3	Kžm 1	17	401	0	1	0	0	0,25	0,06
4	Kžm 2	23	209	0	0	0	0	0,00	0,00
5	Gž	83	27.801	1.277	2.040	2.042	668	21,68	72,61
6	Gž1	45	22.017	1.064	1.381	1.111	302	17,52	85,73
7	Gž2	69	3.107	21	30	6	0	1,83	0,83
TOTAL FOR PREDOMINANTLY TRIAL CASES		200	66.282	2.443	3.584	3.343	1.012	15,66	51,91
TOTAL FOR ALL MATTERS		202	75.918	2.513	3.663	3.422	1.033	14,00	52,63

Table 12

HIGHER COURTS

REPORT ON PENDING BACKLOG CASES

ON DECEMBER 31, 2016 - ACCORDING TO THE DATE OF INITIAL ACT

Number	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) on Dec 31, 2016	TOTAL PENDING BACKLOG CASES on December 31, 2016	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	P	91	21.390	1.727	573	539	498	117	8,07	18,98
2	P1	82	1.973	284	98	133	50	3	14,39	3,46
3	P2	68	989	30	18	9	3		3,03	0,44
4	GŽ	109	81.737	15.143	4.698	6.393	3.332	720	18,53	138,93
5	GŽ1	96	3.291	408	89	134	139	46	12,40	4,25
6	GŽ2	72	1.182	25	11	11	3		2,12	0,35
7	K	92	4.783	1.025	268	408	300	49	21,43	11,14
8	KŽ1	57	7.545	255	68	132	55		3,38	4,47
9	KIM	45	3.578	22	9	11	2		0,61	0,49
10	KM	44	2.397	4	2	1	1		0,17	0,09
TOTAL FOR PREDOMINANTLY TRIAL CASES		278	128.865	18.923	5.834	7.771	4.383	935	14,68	68,07
TOTAL FOR ALL MATTERS		310	186.561	20.122	6.409	8.207	4.515	956	10,79	64,91

Table 13

In the first instance criminal matter in the period from 2012 to 2016, higher courts have reduced the number of pending backlog cases by 651 cases, and they also reduced the number of backlog cases: from 26 in 2015 to 6 in 2016, while in the first instance civil matter, due to the reduced threshold and the amended jurisdiction of higher courts in the first instance, there has been an increase in the number of pending backlog cases by 899 cases. As the higher courts have the jurisdiction of deciding on legal remedies (second instance jurisdiction), and with the increased number of cases it is particularly reflected on the Higher Court in Belgrade and Higher Court in Novi Sad, it would be necessary to implement individual measures in order to determine the workload of individual higher courts and reexamine the number of judges in the busiest higher courts.

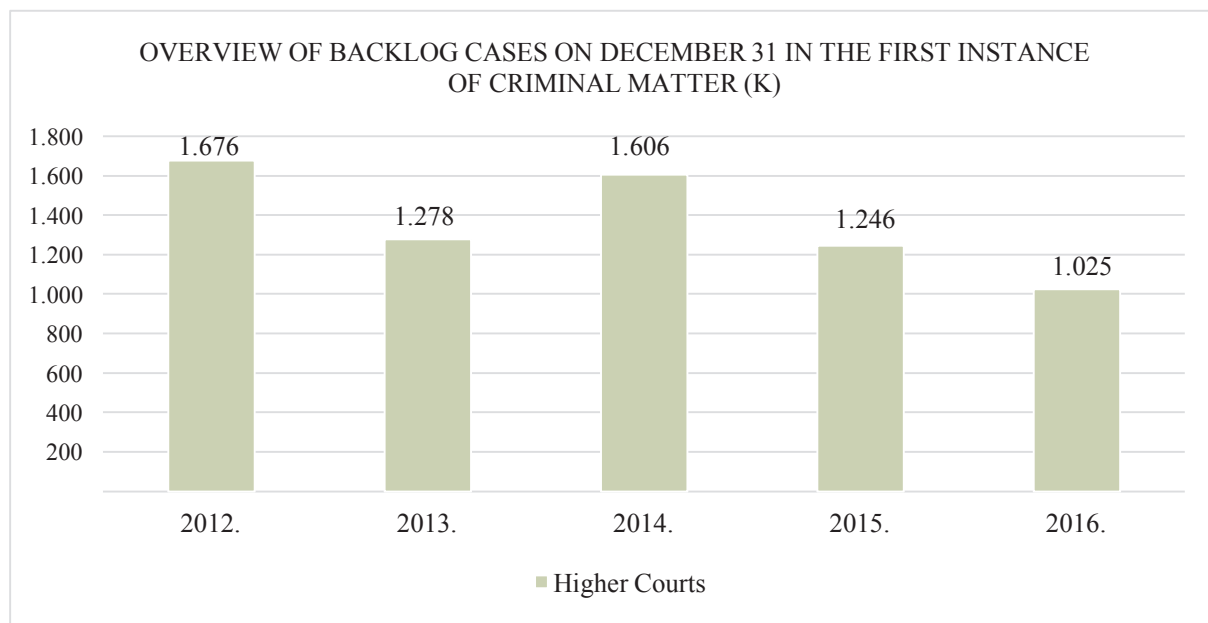


Chart 21

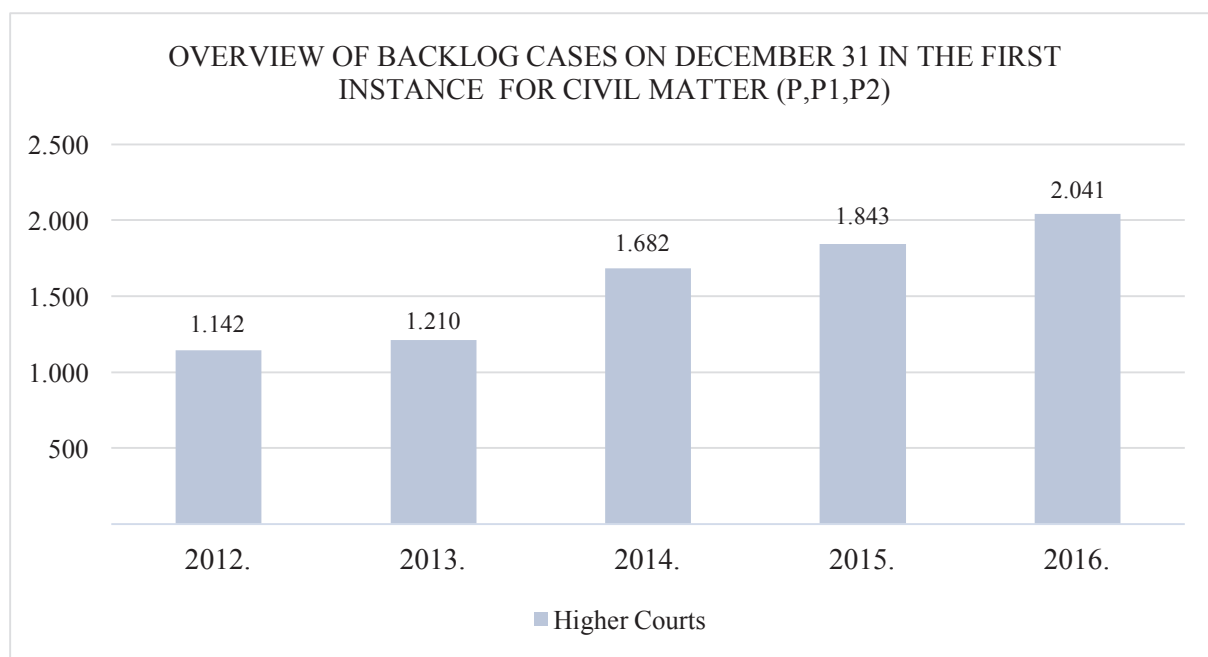


Chart 22

The structure of pending backlog cases in all basic courts in the Republic of Serbia indicates that the largest number of backlog cases is in enforcement. In the category of trial cases there are 1.854 cases with more than 10 years of duration, from the date of the filing of the initial act.

There is a trend of reducing the number of pending cases that are the oldest, but the court presidents were obliged, for this type of backlog cases, to implement additional measures from the Amended Single Backlog Reduction Program, in order to expedite their disposition.

In criminal matter, compared to 2012, the number of pending backlog cases has been continuously dropping, from 18.206 cases it was reduced to 7.604 cases, while the number of backlog cases was also reduced from 703 in 2015 to 195 in 2016. In civil matter, despite exceptional workload due to the enormously increased inflow of urgent, i.e. priority cases, the number of backlog cases was reduced from 41.604 in 2012 to 37.985 in 2016, which stopped the three-year growth in the number of pending backlog cases in this matter, which included 48.134 cases in 2015.

BASIC COURTS
REPORT ON PENDING BACKLOG CASES
ON DECEMBER 31, 2016 - ACCORDING TO THE DATE OF INITIAL ACT

Number	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 12/31/2016	TOTAL PENDING BACKLOG CASES on December 31, 2016	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO THE TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	P	558	336.162	28.814	10.087	11.089	6.568	1.070	8,57	51,64
2	P1	293	70.055	8.469	3.582	2.466	2.122	299	12,09	28,90
3	P2	268	53.611	702	470	195	35	1	1,31	2,62
4	K	292	74.460	7.604	2.302	3.415	1.403	484	10,21	26,04
TOTAL 1-4		967	534.288	45.589	16.441	17.165	10.128	1.854	8,53	47,14
5	Iv	197	1.528.649	661.644	17.172	103.844	428.929	111.692	43,28	3.358,60
6	I	189	315.982	104.257	31.452	40.495	26.162	6.148	32,99	551,62
TOTAL 5-6		205	1.844.631	765.901	48.624	144.339	455.091	117.840	41,52	3.736,10
TOTAL ENFORCEMENT		457	2.108.922	782.835	59.973	149.437	455.504	117.914	37,12	1.712,99
TOTAL FOR ALL MATTERS		1.255	3.080.183	836.513	79.793	169.324	467.192	120.183	27,16	666,54

Table 14

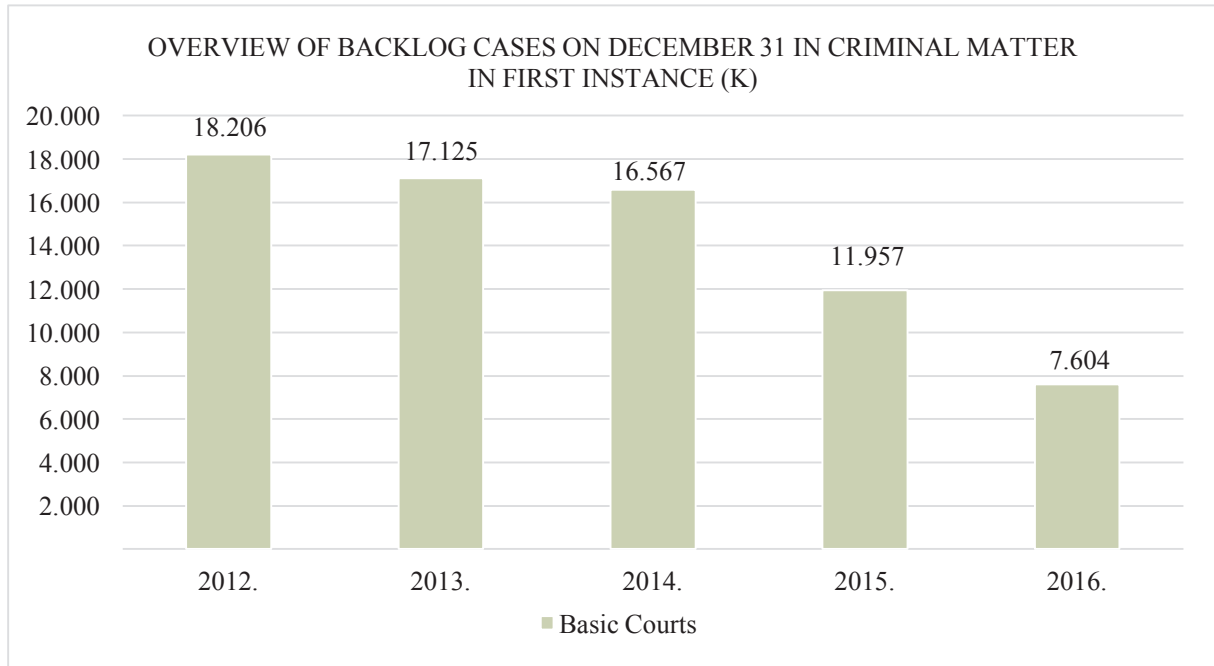


Chart 23

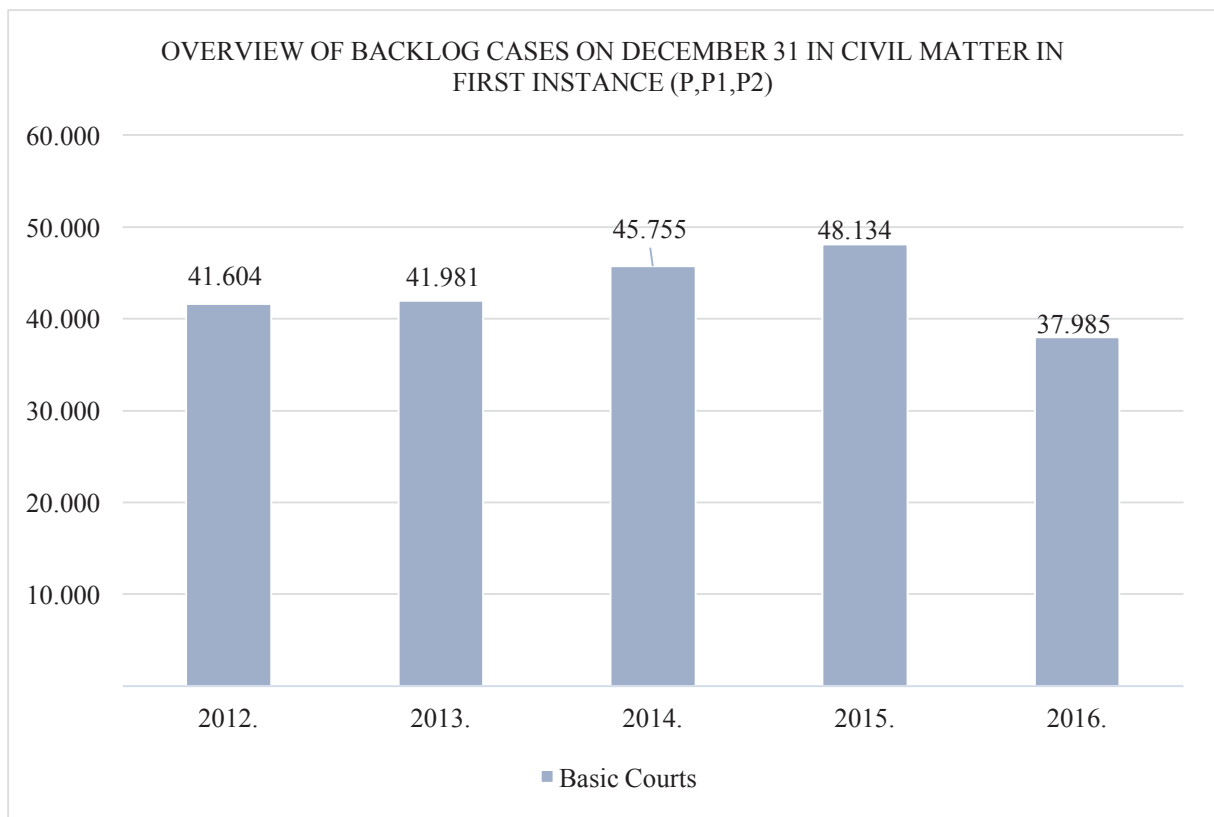


Chart 24

In the period from 2012 to 2016, commercial courts had an increase in the number of pending backlog cases, mostly from 2012 to 2014. In 2015, the trend of reduction in the number of pending backlog cases appeared for the first time, and the number of pending backlog cases in 2015 was reduced from 36.455 cases to 27.973, however, commercial courts still have pending backlog cases with proceedings lasting more than 10 years (in 2012 there were 214, and now

there are 198). Due to the importance of cases in this special type of disputes, it would be necessary to reexamine the organization of these courts, as well as some individual measures by the court presidents aimed at reducing the number of pending backlog cases.

COMMERCIAL COURTS
REPORT ON PENDING BACKLOG CASES
ON DECEMBER 31, 2016 - ACCORDING TO THE DATE OF INITIAL ACT

Number	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2016	TOTAL PENDING BACKLOG CASES on Dec 31, 2016.	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	Commercial offences	35	15.772	351	236	95	19	1	2,23	10,03
2	Bankruptcy (St)	61	3.024	1.294	179	282	772	61	42,72	21,21
3	Enforcement	65	98.414	24.303	6.399	11.192	6.694	18	24,69	373,89
4	Payment order	50	622	0	0	0	0	0	0,00	0,00
5	Litigation	100	26.281	1.972	708	704	449	111	7,50	19,72
6	Non-litigation	81	5.833	53	20	25	1	7	0,91	0,65
7	Reasonable time	63	4.305	0	0	0	0	0	0,00	0,00
TOTAL 1-7		156	154.251	27.973	7.542	12.298	7.935	198	18,13	179,31

Табела 15

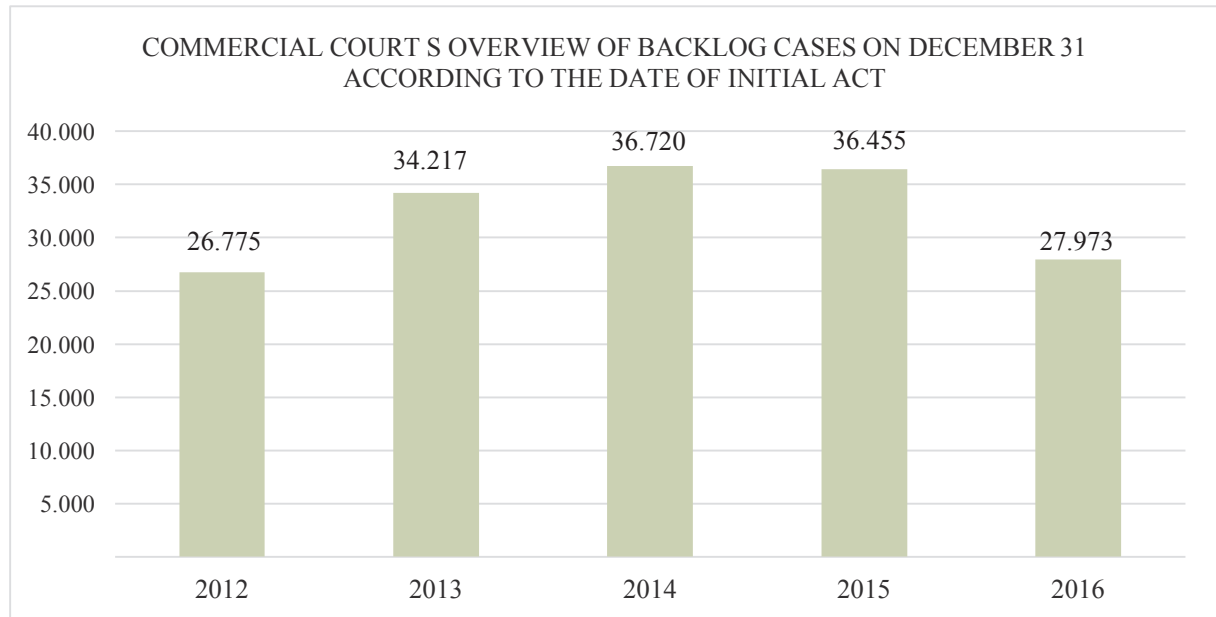


Chart 25

Reducing the number of backlog cases in commercial courts reflected on the increase in the number of backlog cases in the Commercial Appellate Court which decides on the appeals against the first instance decisions rendered by commercial courts in backlog cases (the trend of disposition of backlog cases in the first instance is present).

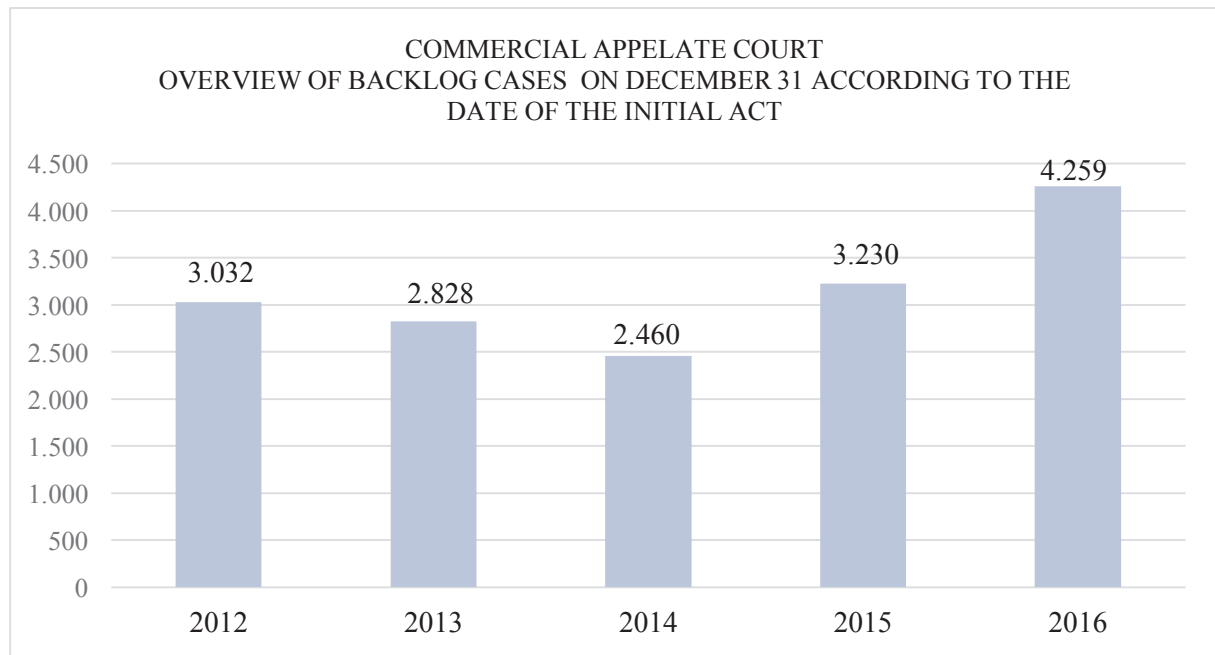


Chart 25a

In misdemeanor courts in the period from 2012 to 2016, due to the introduction of the misdemeanor reports in the system, according to the new Law on Misdemeanors since 2014, there has been a constantly increased inflow of cases and the number of pending cases in these courts, including pending backlog cases. There has been an increased number of cases resolved through suspension due to the statute of limitations - 97.332 from the total number of 786.261 disposed cases.

MISDEMEANOR COURTS

Report on pending cases on Dec 31, 2016 - according to the date of initial act

Number	MATTER	PENDING CASES ON DECEMBER 31, 2016		
	Classification	REGISTRY	TOTAL PENDING	PENDING BACKLOG CASES ACCORDING TO THE DATE OF INITIAL ACT
1	04-Commercial	PR	53.710	259
		PRM	276	57
2	05-Finance and customs	PR	32.341	9.300
		PRM	14	
3	08-Health and social protection, health insurance and environmental protection	PR	4.465	20
		PRM	3	
	TOTAL	PR	90.516	9.579
		PRM	293	57
		TOTAL	90.809	9.636

Table 16

XI SPECIAL TYPES OF DISPUTES

Protection of the Right to a Trial within a Reasonable Time

Amendments to the Law on the Court Organization and the new Law on Protection of the Right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction. This has led to the filing of a large number of motions to that effect with all Serbian courts, including objections requesting acceleration of proceedings and claims for compensation for both tangible and intangible damage. The upward trend in new cases, first seen in 2015, continued into 2016, with a total of 35.815 such cases heard by all Serbian courts. Of these, 30.966 were disposed, whereas the number of pending cases fell from 9.961 at the beginning of the reporting period to 4.849 at year-end.

PROTECTION OF RIGHT TO TRIAL WITHIN REASONABLE TIME							
TOTAL FOR ALL COURTS					Period	01/01 - 12/31/2016	
Number	Court	Number of judges in matter	Pending at the beginning	Total incoming	Total caseload	Total disposed	Pending at the end of reporting period
1	Supreme Court of Cassation	30	1.297	3.465	4.762	3.991	771
2	Appellate Courts	121	1.254	934	2.188	1.837	351
3	Higher Courts	123	4.632	3.198	7.830	6.972	858
4	Basic Courts	236	1	12.364	12.365	9.811	2.554
TOTAL 1-4		510	7.184	19.961	27.145	22.611	4.534
5	Administrative Court	1		225	225	210	15
6	Commercial Appellate Court	30	2.766	1.114	3.880	3.744	136
7	Commercial Courts	63		4.305	4.305	4.150	155
8	Misdemeanor Appellate Court	4	11	69	80	78	2
9	Misdemeanor Courts	44		180	180	173	7
TOTAL 5-9		142	2.777	5.893	8.670	8.355	315
TOTAL 1-9		652	9.961	25.854	35.815	30.966	4.849

Table 17

A total of 992 cases in which the parties claimed fair compensation for intangible damage amounting to between EUR 300 and EUR 3000 were received pursuant to ruling of court presidents upholding objections requesting acceleration of proceedings, as well as rulings establishing infringement of the right to trial without undue delay before basic courts. The courts were unable to cope with the inflow of these small claims cases, many of which were brought in the second half of 2016.

A total of 179 claims for compensation for intangible damage due to infringement of the right to trial without undue delay were lodged in 2016 (most of these were brought before basic courts, whilst some are being heard by higher courts due to the amount of the claim in question).

These are all urgent cases, and basic courts are already facing a high caseload. Individual measures must be taken and the number of dedicated basic court judges hearing these cases must be increased, as, according to the 2016 data, as few as 236 basic court judges are tasked with hearing cases under the Law on Protection of the Right to a Trial within a Reasonable Time.

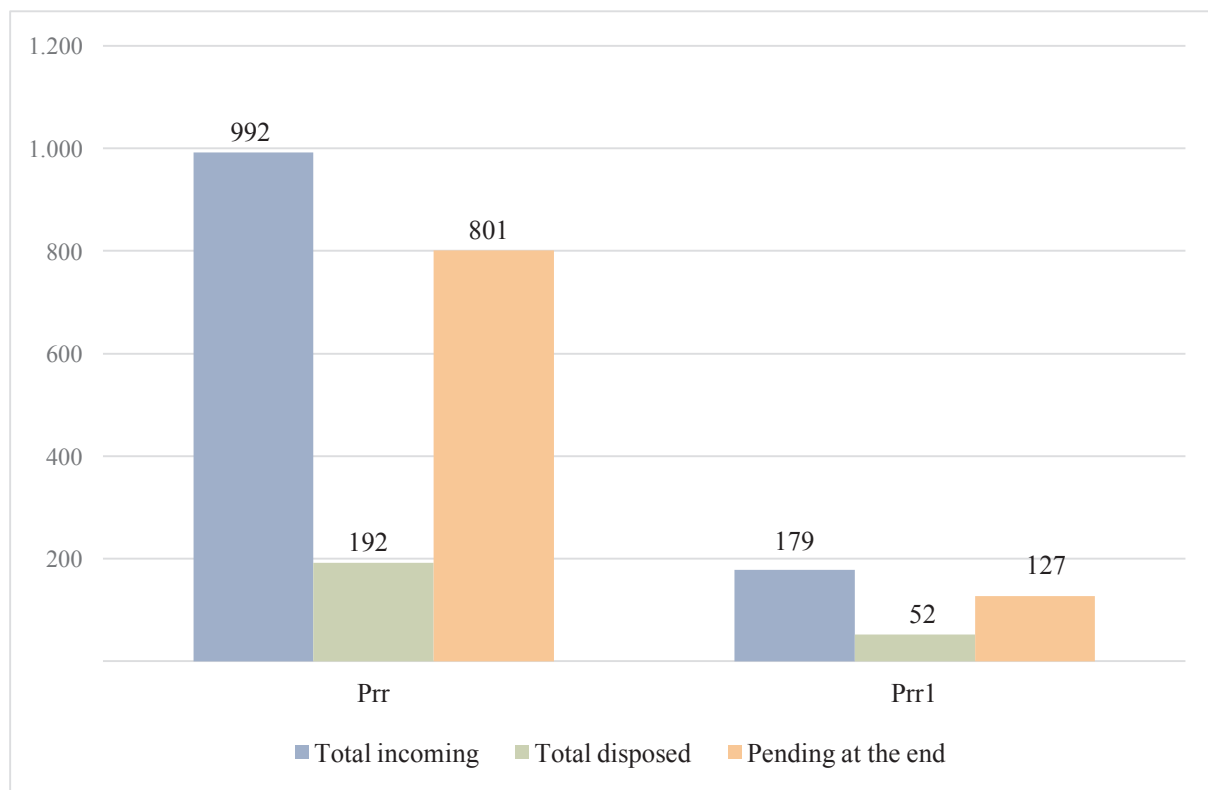


Chart 26

Protection of Whistleblowers

Compared to 2015, when the total of 71 cases concerning the protection of whistleblowers pursuant to the Law on Protection of Whistleblowers was received, in 2016 all Serbian courts received the total of 295 cases. The number of received motions for temporary measures according to this law increased from 16 to 36. Courts decide on temporary measures in a timely manner, within the prescribed time limit, so at the end of the reporting period there were only three pending motions for temporary measures. At the end of 2016, there was the total of 80 pending cases of this type.

In 2016 higher courts received the largest number of these cases (lawsuits referred to in Article 26 of the Law), although it was expected that most of these cases will be received by basic courts in relation to cases and disputes from labor relations (received only 14).

REPORT ON CASES REGARDING THE PROTECTION OF WHISTLEBLOWERS FOR THE PERIOD 01/01/2016 TILL 12/31/2016

NUMBER	COURT NAME	MATERIJA	PENDING AT THE BEGINNING	TOTAL INCOMING	TOTAL CASELOAD	TOTAL DISPOSED	PENDING AT THE END
1	Supreme Court of Cassation	Rev-uz					
		Rev2-uz		5	5	1	4
1	Appellate Courts	Gž-uz		45	45	40	5
		Gž1-uz	4	37	41	40	1
2	Higher Courts	P-uz	17	149	166	106	60
		Ppr-uz	4	36	40	37	3
3	Basic Courts	P1-uz	1	14	15	9	6
4	Administrative Court	U-uz		5	5	5	
5	Misdemeanor Appellate Court	Pž-uz		1	1	1	
6	Misdemeanor Courts	Pr-uz		3	3	2	1
	TOTAL FOR ALL COURTS:		26	295	321	241	80

Table 18

XII

APPLICATION OF THE NEW LAW ON ENFORCEMENT AND SECURITY

Through the implementation of systemic measures defined in the special program for reduction of backlog enforcement cases, with the adoption of the new Law on Enforcement and Security, the Republic of Serbia has enabled a comprehensive disposition of backlog cases in the enforcement matter, since previously, the cases in this matter prevented the normal functioning of the judiciary.

The Supreme Court of Cassation, the Ministry of Justice and the High Court Council have jointly drafted and adopted the Instructions for the implementation of the new Law on Enforcement and Security which contain measures that determine the jurisdiction of courts and public bailiffs in enforcement and security proceedings and stipulate the obligations of enforcement creditors, courts, the Chamber of Bailiffs and public bailiffs in enforcement cases where there is a change of jurisdiction pursuant to this new Law, sanction the failure of mandatory action of enforcement creditors and action in individual enforcement cases pursuant to the new Law, as well as in ongoing cases.

Implementation of the Instructions in basic courts was supported by the European Union through the IPA funded project "Judicial Efficiency".

The implementation of these measures and with this support, great results have been achieved and the number of enforcement cases was reduced by 811.322 cases only in 2016.

	Pending at the beginning	Total incoming	Total disposed	Pending at the end
2015	1.939.807	234.008	380.628	1.793.787
2016	1.855.129	352.207	1.225.471	981.865

Table 19

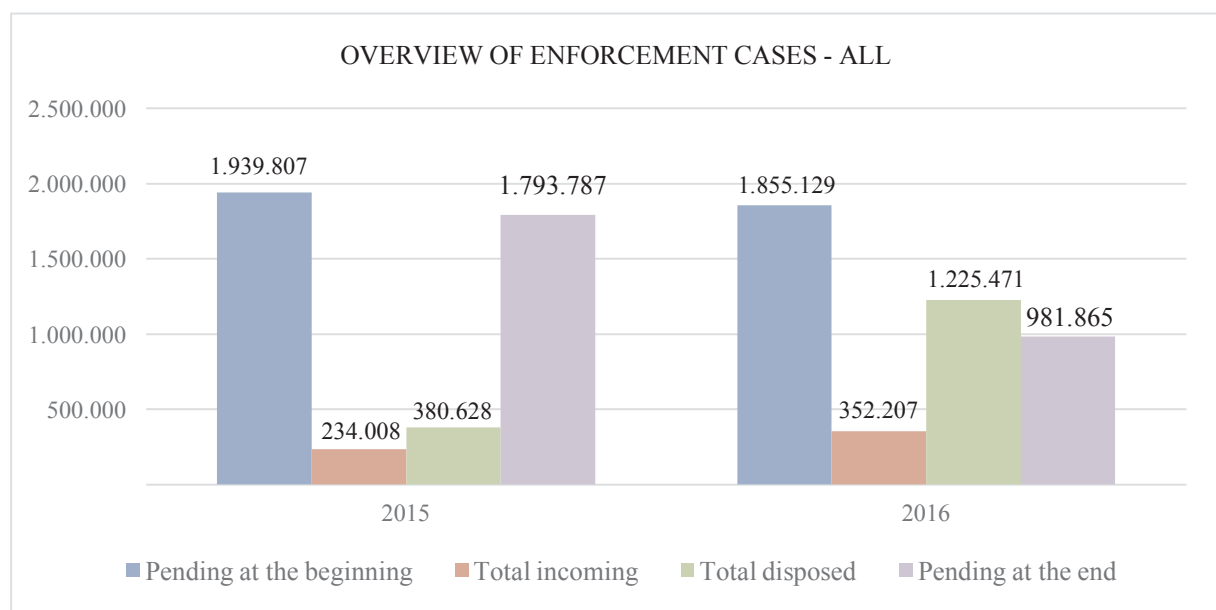


Chart 27

2016	Matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end
Total for all Basic Courts	I	239.939	76.043	134.445	181.537
	Iv	1.500.044	28.605	835.847	692.802
	Total (I+Iv)	1.739.983	104.648	970.292	874.339
Total for all Commercial Courts	I	9.209	3.824	5.673	7.360
	Iv	42.787	13.178	28.047	27.918
	Total (I+Iv)	51.996	17.002	33.720	35.278
TOTAL (BASIC + COMMERCIAL)	I	249.148	79.867	140.118	188.897
	Iv	1.542.831	41.783	863.894	720.720
	Total	1.791.979	121.650	1.004.012	909.617

Table 20

Comparative indicators of the structure of backlog enforcement cases (I, Iv and „Others“) indicate that the total number of backlog enforcement cases was reduced from 1.566.579 in 2012 to 765.901 in 2016. However, the total number of pending enforcement cases (909.617 cases at the end of 2016) and pending backlog enforcement cases (765.901 at the end of 2016), points to the need of application of all systemic and individual measures defined in the amended Single Backlog Reduction Program in order to dispose all pending backlog enforcement cases, and above all those cases in which the proceedings take more than five (455.091 cases), or more than 10 years (117.840 cases), since these cases cannot be disposed in regular court proceedings.

The number of pending backlog enforcement cases and their age structure point to the necessity to undertake extraordinary systemic measures and support to the judicial enforcement system, given that the court enforcement proceedings does not have the same logistical and other support as the ones used by the public bailiffs (records, registers, access to databases of other state bodies and institutions...). In order to improve the enforcement system in courts, a cost analysis should be done that would determine the individual costs of disposition of backlog cases and compare it with the value of claims for which the enforced collection is required through a court enforcement proceedings, based on which it would be possible to propose changes in the Law on Enforcement and Security and suspension of enforcement proceedings with very low amounts (100,00 RSD – 500,00 RSD), particularly if the creditors in these cases are public enterprises controlled by the state, legal entities founded by the state or the Republic of Serbia.

Basic Courts

Structure of backlog enforcement cases according to the date of initial act

Year	Matter	Total number of backlog pending cases	AGE OF PENDING BACKLOG CASES			
			2 TO 3	3 TO 5	5 TO 10	MORE THAN 10
2012	I	124.488	34.462	44.312	36.013	9.701
	Iv	1.442.091	375.378	400.205	490.168	176.340
	TOTAL:	1.566.579	409.840	444.517	526.181	186.041
2013	I	105.966	24.549	36.408	34.553	10.456
	Iv	1.509.864	274.377	550.596	551.111	133.780
	TOTAL:	1.615.830	298.926	587.004	585.664	144.236
2014	I	115.555	31.333	33.614	40.009	10.599
	Iv	1.547.764	217.535	455.952	650.371	223.906
	TOTAL:	1.663.319	248.868	489.566	690.380	234.505
2015	I	124.246	36.518	37.899	40.298	9.531
	Iv	1.450.609	24.126	331.134	811.610	283.739
	TOTAL:	1.574.855	60.644	369.033	851.908	293.270
2016	I	104.257	31.452	40.495	26.162	6.148
	Iv	661.644	17.172	103.844	428.929	111.692
	TOTAL:	765.901	48.624	144.339	455.091	117.840

Table 21

Commercial Courts

Structure of backlog enforcement cases according to the date of initial act

Year	Matter	Total number of backlog pending cases	AGE OF PENDING BACKLOG CASES			
			2 TO 3	3 TO 5	5 TO 10	MORE THAN 10
2012	All enforcement	22.771	21.942	714	107	8
2013		29.872	13.685	15.996	183	8
2014		31.804	10.052	21.341	401	10
2015		32.180	7.936	16.273	7.951	20
2016		24.303	6.399	11.192	6.694	18

Table 22

XIII QUALITY

The ratio between the total number of disposed cases, the number of appealed cases in relation to the number of revoked decisions, expressed in total and through the decisions on the merits indicates the number of cases that were, based on the legal remedy, returned to a lower instance court for retrial.

It would be necessary to monitor the trends in the number of revoked decisions, since they burden the work of courts, which is why professional training and examination of contentious issues should be used to decrease the number of revoked decisions in cases so that the case wouldn't have to be decided on again, and the decreased number of revoked decisions will allow judges to devote more time to incoming cases. Reducing the number of revoked decisions affects the increase of legal certainty and citizens' confidence in the judiciary.

OVERVIEW OF THE QUALITY OF DECISIONS IN 2016

No.	Court name	Number of judges	Total disposed	Adjudicated on the merits	Number of reviewed appeals	Total number of revoked	% of revoked decisions compared to the total number of disposed	% of revoked decisions compared to the total number of decisions on the merits	% of reviewed appeals compared to the total number of disposed	% of reviewed appeals compared to the number of decisions on the merits	% of revoked decisions compared to the number of reviewed appeals
1	Appellate Courts	202	61.191	56.003	4.291	381	0,62	0,68	7,01	7,66	8,88
2	Higher Courts	310	125.132	94.762	10.347	1.628	1,30	1,72	8,27	10,92	15,73
3	Basic Courts	1.255	1.815.045	1.469.985	92.005	13.899	0,77	0,95	5,07	6,26	15,11
4	Administrative Court	38	19.274	18.845	337	24	0,12	0,13	1,75	1,79	7,12
5	Commercial Appellate Court	30	12.805	11.739	1.744	39	0,30	0,33	13,62	14,86	2,24
6	Commercial Courts	156	95.152	47.293	7.487	1.310	1,38	2,77	7,87	15,83	17,50
7	Misdemeanor Appellate Court	61	26.604	22.720	36	14	0,05	0,06	0,14	0,16	38,89
8	Misdemeanor Courts	485	786.261	582.884	23.564	4.181	0,53	0,72	3,00	4,04	17,74
TOTAL:		2.569	2.941.464	2.304.231	139.811	21.476	0,73	0,93	4,75	6,07	15,36

Table 23

PERCENTAGE OF REVOKED DECISIONS

No.	Court name	Number of judges	Number of reviewed appeals	Total number of revoked	% of revoked decisions compared to the number of reviewed appeals
1	Appellate Courts	202	4.291	381	8,88
2	Higher Courts	310	10.347	1.628	15,73
3	Basic Courts	1.255	92.005	13.899	15,11
4	Administrative Court	38	337	24	7,12
5	Commercial Appellate Court	30	1.744	39	2,24
6	Commercial Courts	156	7.487	1.310	17,50
7	Misdemeanor Appellate Court	61	36	14	38,89
8	Misdemeanor Courts	485	23.564	4.181	17,74
TOTAL:		2.569	139.811	21.476	15,36

Table 24

* Data are shown in accordance with the Rules of Procedure of the Court

** The data for all matters are shown for Higher Courts (I, II instance)

XIV DURATION OF COURT PROCEEDINGS IN THE INSTANCE

The assessment of the quality of courts is also affected by the duration of disposed cases in trial matters.

These indicators suggest that in all trial matters, most cases are disposed within one year, and then the number of disposed cases reduces.

DURATION OF DISPOSED CASES FOR PREDOMINANTLY TRIAL CASES

Number	Court	Total number of disposed cases	DURATION OF PROCEEDINGS				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	Appellate Courts	52.325	48.544	1.641	2.140		
2	Higher Courts	75.607	67.673	6.688	1.082	149	15
3	Basic Courts	296.749	215.427	49.297	31.944	75	6
4	Administrative Court	19.274	8.647	5.881	4.746		
5	Commercial Appellate Court	12.805	9.644	2.881	280		
6	Commercial Courts	62.623	41.178	5.457	8.260	7.721	7
7	Misdemeanor Appellate Court	26.603	24.361	1.787	436	19	
8	Misdemeanor Courts	786.259	219.390	200.653	173.713	192.503	
TOTAL:		1.332.245	634.864	274.285	222.601	200.467	28

Table 25

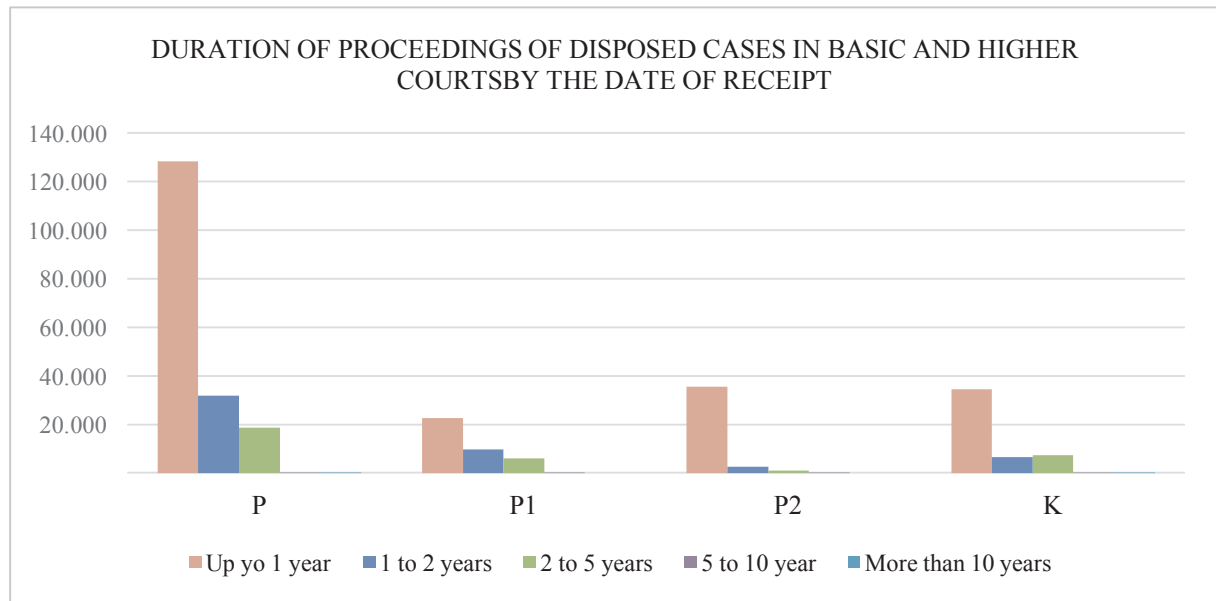


Chart 28

BASIC COURTS

DURATION OF PROCEEDINGS FOR DISPOSED CASES IN PREDOMINANT TRIAL MATTERS

Number	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	P	174.583	125.291	31.066	18.175	45	6
2	P1	37.467	22.208	9.424	5.822	13	
3	P2	38.563	35.093	2.561	907	2	
4	K	46.136	32.835	6.246	7.040	15	
Total 1-4		296.749	215.427	49.297	31.944	75	6

HIGHER COURTS

DURATION OF PROCEEDINGS FOR DISPOSED CASES IN PREDOMINANT TRIAL MATTERS

Number	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	P	4.318	3.116	724	391	81	6
2	P1	842	509	211	122		
3	P2	677	589	57	30	1	
4	K	2.575	1.715	410	374	67	9
Total 1-4		8.412	5.929	1.402	917	149	15

TOTAL BASIC + HIGHER

DURATION OF PROCEEDINGS FOR DISPOSED CASES IN PREDOMINANT TRIAL MATTERS

Number	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	P	178.901	128.407	31.790	18.566	126	12
2	P1	38.309	22.717	9.635	5.944	13	
3	P2	39.240	35.682	2.618	937	3	
4	K	48.711	34.550	6.656	7.414	82	9
Total 1-4		305.161	221.356	50.699	32.861	224	21

Table 26

XV

PERFORMANCE INDICATOR ACCORDING TO THE C E P E J

According to the methodology of statistical reporting to the European Commission for the Efficiency of Justice – CEPEJ (Commission Européen pour l’Efficacité de la Justice), which is unique for all member states and all parts of the justice system (courts, prosecution, prisons), a set of indicators was defined in order to evaluate the performance of the system, i.e. parts of the system. Main performance indicators of this methodology have been accepted in the domestic regulatory framework and practice, and they were previously presented in this report: number of pending cases at the beginning of the reporting period, number of incoming cases during the reporting period, number of disposed cases during the reporting period and number of pending cases at the end of the reporting period.

In addition to these, important performance indicators based on which judicial systems of the member states of the Council of Europe are compared every two years are the time to disposition (in days) and clearance rate.

The average length of proceedings is calculated on an **annual basis**, and it is determined based on the following formula:

$$\text{Average duration} = \frac{\text{number of pending cases at the end}}{\text{number of cases disposed during the year}} \times 365$$

The average duration of court proceedings in Serbia for the period 2012-2016 is shown in the following table:

Time to disposition in days

	2012	2013	2014	2015	2016
Number of pending cases at the end	3.158.400	2.874.782	2.849.360	2.886.619	2.043.925
Number of disposed cases	2.156.958	2.084.768	1.793.212	2.087.332	2.953.921
Time to disposition of cases	534	503	580	505	253

Table 27

The data on the average duration of proceedings by types of courts in 2016 are shown in the following table and chart:

Court type	Clearance rate	Time to disposition in days
Misdemeanor Courts	98,32	278
Misdemeanor Appellate Court	99,80	22
Commercial Court	109,95	227
Commercial Appellate Court	109,71	245
Basic Courts	191,09	254
Higher Courts	87,52	179
Appellate Courts	102,05	88
Administrative Court	89,45	534
Supreme Court of Cassation	95,48	173
TOTAL	139,87	253

Table 28

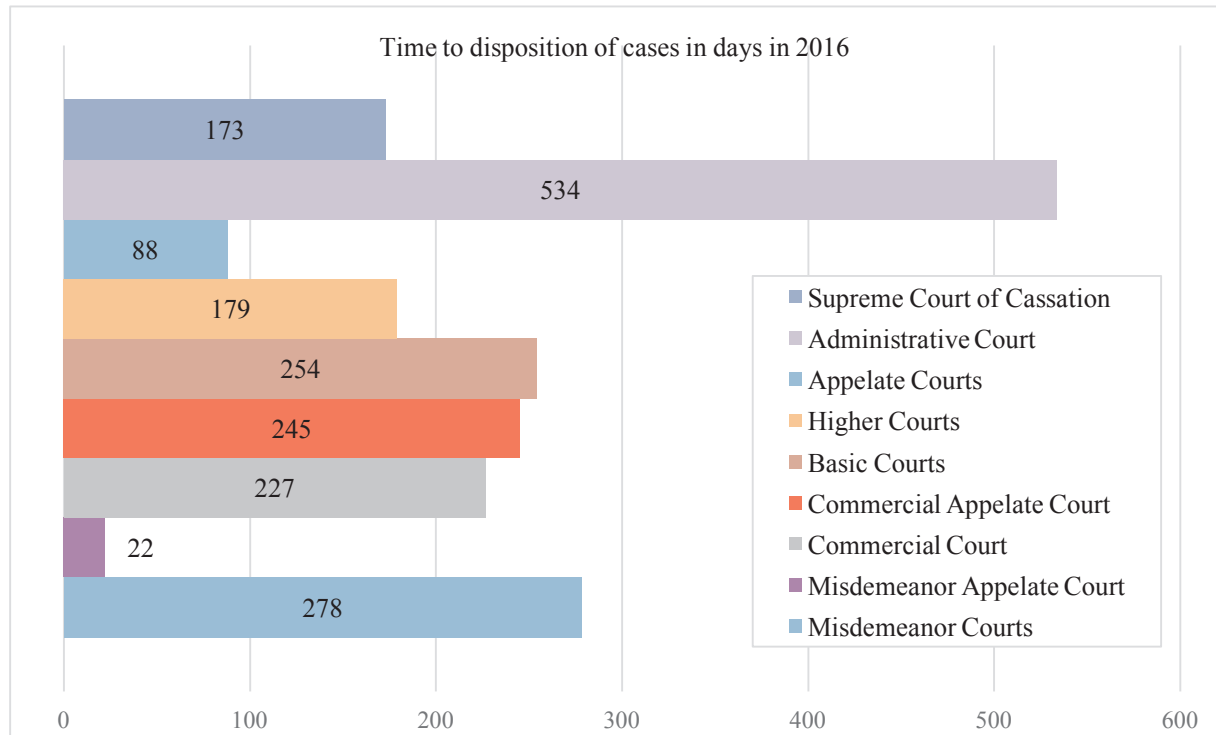


Chart 29

Another important performance indicator, clearance rate, is also calculated on an **annual basis** based on the following formula:

$$\text{Clearance rate} = \frac{\text{number of disposed cases in a year}}{\text{number of incoming cases in a year}} \times 100$$

This indicator is an integral part of the statistical reports of courts in Serbia, and it was discussed in more detail in Section III of this Report.

The following table provides comparative (every two years as the reporting for CEPEJ) indicators for clearance rate and time to disposition for all types of courts in Serbia.

Court type	Clearance rate	Time to disposition	Clearance rate	Time to disposition	Clearance rate	Time to disposition
	2012.		2014.		2016.	
	%	in days	%	in days	%	in days
Supreme Court of Cassation	105,65	98	80,73	176	95,48	173
Administrative Court	80,64	496	103,74	439	89,45	534
Appellate Courts	99,39	116	109,02	111	102,05	88
Higher Courts	105,92	134	96,6	121	87,52	179
Basic Courts	111,44	810	110,29	901	191,09	254
Commercial Appellate Court	105,55	190	103,9	210	109,71	245
Commercial Courts	120,01	207	100,64	337	109,95	227
Misdemeanor Appellate Court	98,24	13	96,06	25	99,80	22
Misdemeanor Courts	107,72	257	92,67	290	98,32	278
TOTAL	109,53	534	102,34	580	139,87	253

Table 29

CONCLUSIONS

1.

Annual report on the work of courts in the Republic of Serbia for 2016 points out the exceptional results that the courts have achieved, having solved **2,953,921** cases from trial matter and enforcement, as well as the additional **1,829,054** cases regarding the verification of signatures, manuscripts and transcripts, and other cases in which they adjudicated based on the citizens' requests – that are not recorded in the official statistics (since these are not trial or enforcement cases).

These impressive results were achieved by 2,569 dedicated judges and 10,563 court staff – working in courts, as civil servants and employees.

Systematic legislative measures, measures and commitments from the strategic documents of the Supreme Court of Cassation, especially in enforcement matter, with the support of the European Union through the Pre-accession Assistance project „Judicial Efficiency“, enables the decrease in the number of enforcement cases in 2016 compared to 2015 – by 811,322 cases. Thus, after many years when the number of enforcement cases increased, there was finally a reduction in the backlog in this matter, since this caseload in courts could not be eliminated through introduction of the new system of enforcement through public bailiffs.

The overall number of backlog cases in Serbia, compared to 2012, decreased in all matters by 814,101 cases, without the enforcement cases where the number decreased by 14,955.

2.

Comparative data on incoming cases in all courts in the Republic of Serbia (influx of new cases) indicates a significant increase in influx in 2015 and 2016. The expected influx, according to the indicators for the period 2012 to 2014, without enforcement cases, was 1,500,000 cases per year. However, in 2015 the courts received 1,902,475 cases, which is 415,840 cases more compared to 2014, that is, compared to the expectations. The influx in 2016 was once again higher than expected, and even above the one from 2015. Therefore, during 2015 and 2016, the court system received 850,000 cases more than the expected annual influx, which affected the achievement of planned targets from the strategic documents of the Supreme Court of Cassation dealing with backlog reduction.

A special category of cases with increased influx are the cases of the Administrative Court, due to the continuous expansion of jurisdiction through new laws (restitution – civil and confessional, protection of labor rights of the employees in local self-governments, electoral cases...).

Clearance rate, without the enforcement cases, which is below 100% indicates that the judicial system is unable to absorb the increased influx of cases with existing capacities and this requires systemic measures to eliminate the above mentioned issues.

3.

Comparative indicators for the period 2012 – 2016 indicate a significant decrease in the number of pending cases in all courts in the Republic of Serbia, and compared to 2012 there is 1,100,000 less pending cases.

In 2012, there were 3,158,400 cases, and at the end of 2016 the total of 2,043,925 pending cases remained, including enforcement cases.

The number of pending cases in trial matters – without enforcement – increased in 2016, which is the direct consequence of the increased number of incoming cases in 2015 and 2016 (more than 850,000 cases) which the court system couldn't absorb. There was no systemic reaction to the enormously increased influx of new cases, while, at the same time, the number of court staff was reduced and new employment was banned.

4.

The ratio of incoming, disposed and pending cases by type of court at the end of 2016 indicates the workload of the Supreme Court of Cassation, Administrative court, higher courts and misdemeanor courts, since the stock of pending cases is growing due to the increase influx.

Due to the constant expansion of jurisdictions stipulated by new laws, which require urgent and particularly urgent action, especially during elections, the Administrative Court does not act promptly, since there is a constant upward trend of increasing influx and number of pending cases. It would, therefore, be necessary to undertake systemic organizational measures for regulation of jurisdictions of this court (two instances, increasing the number of judges, increasing the number of court staff and reviewing the jurisdictions of this court under current legislation).

5.

I would also like to point out the data regarding the statute of limitations for criminal prosecution. In 2014, out of the total of 6664 disposed cases, 29 cases were outdated, while in 2015 out of the total of 9,066 cases, 27 were outdated, and in 2016 the total number of disposed cases was 14,322 while 22 were outdated. As for the basic courts, in 2014, the statute of limitations was applied to 726, in 2015 to 827 cases and in 2016, out of the total number of 46,136 disposed cases, 192 cases were outdated.

In my opinion, these facts confirm the above mentioned statement about the good performance of judges, and in particular that the number of outdated cases is not worrisome, since it is obvious, as in previous years, that for the largest number of cases, the statute of limitations is applied to cases in basic courts, which adjudicate for offences with more lenient sentences, and therefore the statutes of limitation are shorter. Also, statutes of limitation exist in all modern legal systems.

Good performance of our judicial system, in my view, influenced the number of application before the European Court of Human Rights to be drastically reduced, since in 2013 there were 5,058 accepted applications, while in 2016 that number was 1,336.

Not only that, but I am sure that this good work has contributed to the opening of Chapter 23 related to judiciary.

Therefore, given all of the above, the conclusion is that the courts, i.e. the judges have worked well during this reporting period and that they have invested maximum efforts to reduce the backlog of pending cases, especially the aged ones, under these circumstances.

In the future period, judges are expected to invest maximum effort to reduce the backlog of pending cases, since the increase of promptness, efficient and quality work of courts are the only things that can restore the confidence of citizens in the courts.

This is the case, since, by the nature and importance of the tasks they carry out, the judges should be the cardinals of the state administration, however, they are often its unknown heroes. Long ago it was said that the judicial profession is the aristocracy of jurists, which on the other hand, obliges the judges to work in line with that.

On the other hand, in order to achieve our goal, and that is independent, impartial and efficient judiciary, that is based on respect and protection of human rights and freedoms, the judges themselves need to contribute to this goal, with their expertise, capability and commitment, because, as the old Latin proverb says: “A judge ought to have two salts – the salt of wisdom, lest he be insipid, and the salt of conscience, lest he be devilish.”

If we stand by those principles, we will be in a position not only to resolve backlog cases, but also to prevent their occurrence, and with uniform case law we will be able to improve the quality of justice to the level that our citizens deserve, which will restore the shaken confidence of public in the judiciary.

However, I need to stress that efficiency must be improved to the expense of quality. In order to achieve this, I expect that all competent authorities and institutions that are designated for holder of the measures defined in the Action Plan for Chapter 23, will implement all the activities and that, by working together, we will achieve the desired results and thus get closer to the European standards regarding human rights and freedoms, and that we will create an independent, efficient, impartial and accountable judiciary. This will also contribute to the rule of law, which is an essential precondition for any peaceful and sustainable development of a society.

PRESIDENT
OF THE SUPREME COURT OF
CASSATION
Dragomir Milojevic

ANNEX

LABELS IN COURT REGISTERS

Registers of Basic Courts

K – label for criminal cases

P, P1, P2,... – labels for civil matter cases (litigious cases, labor and family disputes, etc.)

P1-Uz – label for labor disputes regarding whistleblowing

I – label for enforcement cases based on the writ of execution

Iv – label for enforcement cases based on an authentic document

R4p, R4i, R4k, R4r and R4v – labels for cases in the proceedings for protection of right to a trial within a reasonable time

Prr – label for cases regarding claims for compensation of non-pecuniary damages for the violation of the right to a trial within reasonable time

Prr1 – label for cases on claims for compensation of material damages for violation of the right to a trial within reasonable time

Registers of Higher Courts

K, K1, K2, K3 – labels for first instance criminal cases

Km – label for cases regarding juveniles

Kž, Kž1 – labels for criminal cases on appeal („small appeals“)

P, P1... – labels for civil litigious cases

P3 – label for civil media cases

P4 – label for copyrighting disputes

P-uz – label for cases on lawsuits regarding whistleblowing

Ppr-uz – label for temporary measures before the initiation of proceedings in the lawsuit regarding whistleblowing

Gž, Gž1... – labels for civil cases on appeal („small appeal“)

Registers of Appellate Courts

Kž1 – label for criminal cases in which the decision on appeal against the first instance decision is made

Kž2 – label for criminal cases in which a decision is made on appeal against a decree

Kž3 – label for criminal cases in which a decision is made on the appeal against the second instance decision

Kžm1 – label for criminal cases in which a decision is made on appeal against the first instance decision on the merits in proceedings against juveniles

Gž – label for civil cases in which a decision is made on appeal against the decisions of the first instance courts in litigious proceedings

Gž1 – label for civil cases in which a decision is made on appeal against the decisions of the first instance courts in labor disputes

Gž2 – label for civil cases in which a decision is made on appeal against the decisions of the first instance courts in family disputes

Gž-uz – label for civil cases on appeals against the decisions of higher courts on claims for protection regarding whistleblowing cases

Gž1-uz – label for civil cases on appeal in labor disputes containing allegation that it was retaliation for whistleblowing

Registers of Commercial Courts

P, P1, P2, P3, P4, P5 – labels for litigious cases of privatization, status disputes, banking disputes, construction disputes, copyright disputes, disputes on industrial property, etc.

Pl – label for payment orders

R – label for different civil cases

Pk – label for commercial offences

St – label for bankruptcy proceedings

L – label for liquidation

I – label for cases of enforcement based on the writ of execution

Iv – label for cases of enforcement based on an authentic document

Registers of Misdemeanor Courts

Pr – label for misdemeanors

Prm – label for juvenile offenders

Ipr, Ipr1, Ipr2, Ipr3 – labels for enforcement

R4p-01, 02, 03 – labels for cases in the procedure of protection of the right to a trial within reasonable time

Registers of the Misdemeanor Appellate Court

Prž – label for appeals

Pržm – label for appeals in procedures against juveniles

Registers of the Commercial Appellate Court

Pkž – label for second instance cases of criminal offences

Pž – label for second instance litigious cases

Iž – label for second instance enforcement cases

R – label for cases of conflict and delegation of jurisdiction

Registers of the Administrative Court

U – label for administrative disputes

Uo – label for delay of enforcement before the lawsuit is filed

Up – label for the reopening of administrative-court proceedings

Ui – label for enforcement of the decision of the Administrative Court

Už – label for appeals in electoral disputes

U-uz – label for cases related to the protection of whistleblowers

Registers of the Supreme Court of Cassation

Kzz – label for criminal cases regarding the request for protection of legality

Rev, Rev1, Rev2, Prev, Drev, Rev-uz, Rev2-uz – labels for civil cases regarding revision, direct revision, revision with regard to whistleblowers

Gzz, Gzz1, Pzz, Pzz1 – labels for civil cases regarding the request for protection of legality

Gzp1, Gzp2, Pzp1, Pzp2 – labels for civil cases regarding the review of a final court decision

Spp, Spp1 – label for civil cases regarding a disputed legal issue

Uzp – label for administrative cases regarding the request for review of the court decision

Przp – label for administrative disputed regarding the request for review of the final judgements of the misdemeanor court

Uzz – label for administrative cases regarding the request for protection of legality

Už – label for administrative cases on appeals

