



Republic of Serbia
SUPREME COURT OF CASSATION

ANNUAL REPORT
ON THE WORK OF THE COURTS
IN THE REPUBLIC OF SERBIA
FOR 2019

Belgrade, March 2020

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Republic of Serbia
SUPREME COURT OF CASSATION
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**ANNUAL REPORT ON THE WORK OF ALL COURTS
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Courts are autonomous and independent state authorities that protect the freedom and rights of citizens, legally determined rights and interest of all legal entities and ensure constitutionality and legality.

**I
INTRODUCTION**

The judicial power is unique and 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 the law, generally accepted rules of international law and ratified international treaties.

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

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

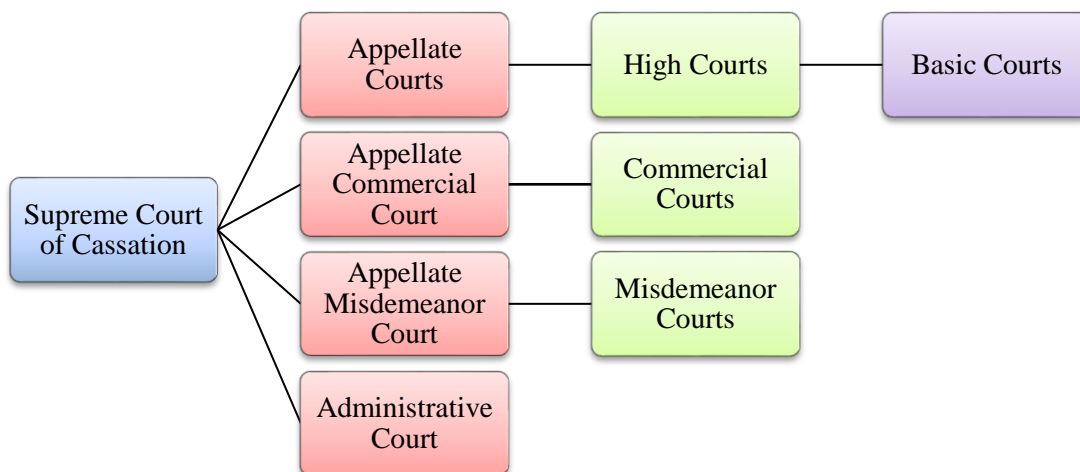
Courts of special jurisdiction are commercial courts, Commercial Appellate Court, misdemeanor courts, Misdemeanor Appellate Court and Administrative Court.

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.

As of January 1, 2014, in the Republic of Serbia there is the total of 159 courts, out 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 and second instance courts.

On the territory of the AP Kosovo and Metohija, until the adoption of special regulations, three courts operated: Misdemeanor Court in Kosovska Mitrovica, Higher Court in Kosovska Mitrovica and Basic Court in Kosovska Mitrovica.



According to data of the High Court Council as of December 31, 2019, the total number of all judicial positions in all courts in the Republic of Serbia, determined by the Decision of the HCC was **3,022** of which **2,703** positions were filled, while **2,531** judges were effectively working.

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 01 - December 31, 2019
Supreme Court of Cassation	46	44	33
Administrative Court	51	50	41
Commercial Appellate Court	41	39	31
Misdemeanor Appellate Court	65	58	58
Appellate Courts	240	231	199
Higher Courts	413	375	340
Basic Courts	1,446	1,243	1,168
Commercial Courts	179	148	152
Misdemeanor Courts	541	515	509
TOTAL:	3,022	2,703	2,531

Table 1

In 2019, as in the previous two years, once again there were vacant judiciala posts in the judicial system (264 - 2017, 411 – 2018 and 319 in 2019), first as a consequence of the Constitutional Court's ban on the election of new judges and harmonization of regulations for the election of judges, and then due to the implementation of the amended rules on the election of judges for a three-year period, the passing of test by a large number of candidates, etc.

COMPARATIVE OVERVIEW OF THE NUMBER OF JUDGES FOR THE PERIOD 2018-2019

Court	Number of judges according to the decision of the High Court Council		Number of filled positions		Number of judges in the report on the work of the court	
	2018	2019	2018	2019	2018	2019
Supreme Court of Cassation	46	46	41	44	34	33
Administrative Court	51	51	45	50	36	41
Commercial Appellate Court	41	41	41	39	34	31
Misdemeanor Appellate Court	65	65	62	58	54	58
Appellate Courts	240	240	216	231	200	199
Higher Courts	399	413	356	375	308	340
Basic Courts	1,438	1,446	1,206	1,243	1,140	1,168
Commercial Courts	178	179	162	148	147	152
Misdemeanor Courts	541	541	456	515	465	509
TOTAL:	2,999	3,022	2,588	2,703	2,418	2,531

Table 2

The average age of judges in Serbia is **52**. There was the total of **762** male and **1,941** female judges (in total 2,703 judges). There were **321** judges that were 40 years old or younger, **752** judges from 40 to 50 years of age, **1,164** judges from 50 to 60, and **466** judges that were older than 60.

The unfavorable age structure of judges should be eliminated through future systemic solutions, by regularly filling vacant judicial positions in a timely manner, in order to ensure professional continuity and continuity in experience in the performance of judicial functions.

OVERVIEW OF THE NUMBER OF JUDGES EFFECTIVELY WORKING IN COURTS IN THE
REPUBLIC OF SERBIA – FROM THE REPORT ON THE WORK OF THE COURTS

	2012	2013	2014	2015	2016	2017	2018	2019
TOTAL NUMBER OF JUDGES	2,380	2,652	2,595	2,522	2,569	2,586	2,418	2,531
NUMBER OF JUDGES - EXCLUDING JUDGES IN THE ENFORCEMENT MATTER	2,165	2,365	2,331	2,256	2,299	2,301	2,135	2,240
NUMBER OF JUDGES IN THE ENFORCEMENT MATTER	215	287	264	266	270	285	283	391

Table 3

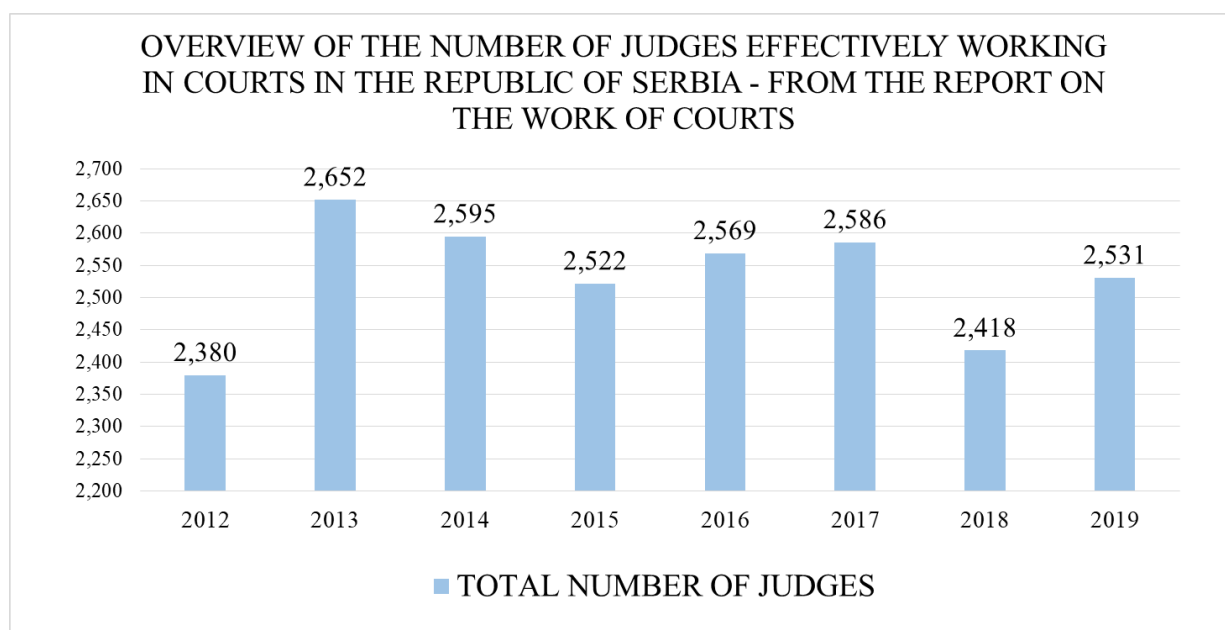


Chart 1

According to the High Court Council, there was a total of **10,685** court staff in the judiciary, of the average age of **44**. Out of that, there were: **1,634** judicial assistants (average age 39 years), **6,055** civil servants (average age 45 years) and **2,996** general service employees (average age 47 years).

Reduction in the number of staff in courts is the result of years-long employment ban that is still in force, as well as slow filling of vacant positions according to the current systematizations, which additionally increased the volume of work performed those employees that remain in the system.

According to the Law on Budget for 2019, all courts were financed from the budget with RSD **24,506,060,000.00**. Compared to the total budget of the Republic of Serbia amounting to RSD **1,269,091,337,000.00** for 2019, the expenditures for courts constitute **1.93%**, which is an increase compared to 2018 when the total budget allocated for courts was **1.89%**, and out of the total budget, the Supreme Court of Cassation received RSD **533,607,000.00** from the budget.

II DISPOSED CASES IN 2019

During 2019, all courts in the Republic of Serbia disposed **2,268,769** cases, while **2,531** judges effectively worked.

In comparison with 2018, the total number of disposed cases dropped by **30,101** cases as a consequence of the smaller number of resolved “Iv” cases, due to the expected systemic measures from the Law on Amendments and Supplements to the Law on Enforcement and Security, which came into force on August 3, 2019, and its implementation started on January 1, 2020.

Increased number of disposed cases in the previous period (since 2012 onward) was the result of systemic legal interventions in enforcement proceedings, harmonization of case law in repetitive cases (through the resolution of disputable legal matters by the Supreme Court of Cassation and harmonization of work among the judges of appellate courts during joint meetings), as well as an increased engagement of judges in disposition of particularly old cases.

In **2019**, the total number of disposed enforcement cases dropped, since the full effect of the new extraordinary systemic interventions regarding the disposition of these cases is expected in 2020, but, **without the enforcement cases, the total number of disposed cases remained at the level of the previous year, which is a positive trend, although the number of incoming cases was above the 2018 level, and the court system had less judges than the number defined by the High Court Council.**

OVERVIEW OF THE NUMBER OF DISPOSED CASES IN ALL COURTS IN THE REPUBLIC OF SERBIA

	2012	2013	2014	2015	2016	2017	2018	2019
TOTAL IN THE REPUBLIC OF SERBIA - ALL CASES	2,156,958	2,084,768	1,793,212	2,087,332	2,953,921	2,335,760	2,298,870	2,268,769
TOTAL IN THE REPUBLIC OF SERBIA - WITHOUT ENFORCEMENT CASES	1,534,706	1,536,355	1,409,886	1,706,704	1,922,470	1,932,366	2,077,174	2,068,435
Basic courts - I-IV	532,377	484,446	326,400	322,994	970,292	350,008	169,745	147,171
Commercial courts - all enforcement cases	89,875	63,967	56,926	57,634	61,159	53,386	51,951	53,163

Table 4

The table provides a comparative overview of the trends in the number of disposed cases in all courts in the Republic of Serbia from 2012 to 2019, with and without enforcement cases.

On the chart below there is an obvious trend of constant increase in the number of disposed cases in all courts in the Republic of Serbia, excluding enforcement cases, so in the past three years around 500,000 more cases were disposed than in 2012, when 2,380 judges were adjudicating, while in 2019 the number of judges was 2,531.

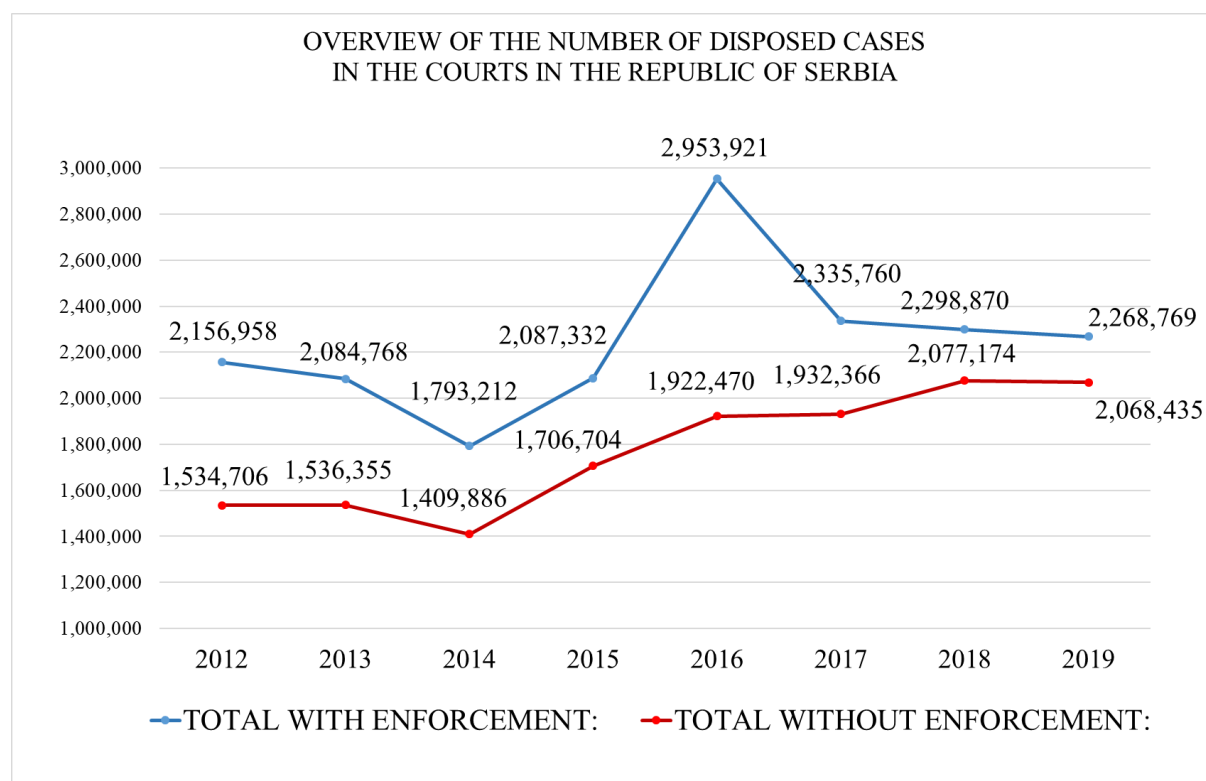


Chart 2

Moreover, in **2019**, basic courts also disposed **401,549** cases based on the citizens' requests for verification of signatures, manuscripts and transcripts (that are not under the jurisdiction of public notaries), issuing certificates and the like, while higher courts disposed additional **33,560** cases of this type. There were **874,728** of such cases in misdemeanor courts. **These cases are resolved by the court administration under the supervision of judges, which creates additional 1,309,837 cases disposed in 2019 that are not shown in the tables as disposed cases.**

Pursuant to the Recommendation of the Committee of Ministers of the Council of Europe No. 86 (12) regarding reduction of workload in courts, Articles 30a and 110a of the Law on Extra-Judicial Proceedings and Article 98 of the Law on Public Notaries, in **2019** basic courts **handed over to public notaries, as entrusted tasks, the total of 122,708 probate proceedings** (out of the total of **134,226** received "O" cases in basic courts) and there were 55,005 cases of providing death certificates and 67,703 cases of implementation of the probate proceedings.

The highest number of cases in 2019 was disposed in basic and misdemeanor courts, while the share of disposed cases by other courts in the total number of disposed cases is significantly lower – followed by higher and commercial courts, as shown in the following chart.

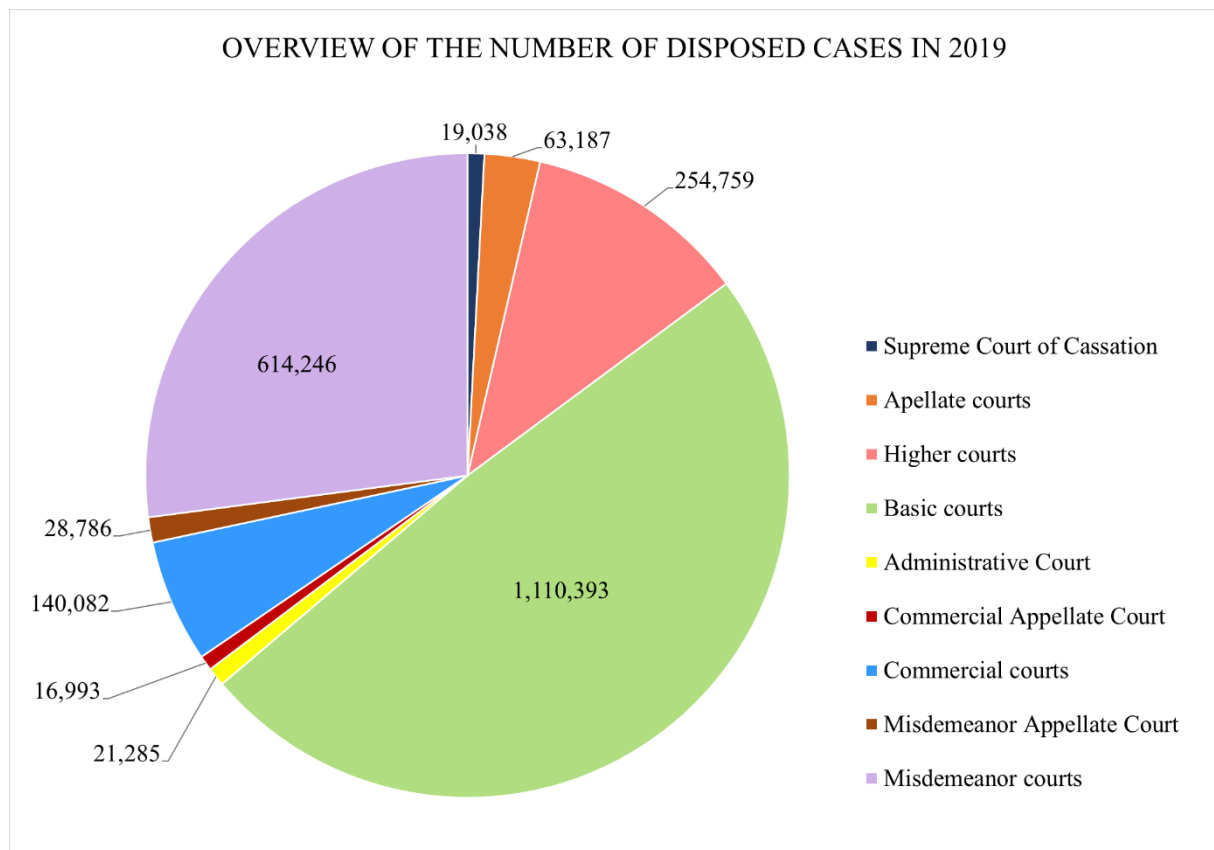


Chart 3

III INCOMING CASES IN 2019

Comparative data on incoming cases in all courts in the Republic of Serbia (the inflow of new cases and cases that are being processed again, but that were previously classified as disposed) indicate a significant increase of inflow in the period from 2015 to 2019.

According to the indicators, the expected inflow in the period from 2012 to 2014, without the enforcement cases, was around 1,500,000 cases a year. However, in 2015 the courts received 1,902,475 cases, which is 415,849 cases more compared to 2014 and compared to the expectations. The inflow in 2016 was, once again, higher than expected, and even above the inflow levels seen in 2015. In 2017, the inflow amounted to 1,918,007 new cases (without enforcement cases) while in 2018 it amounted to 1,983,368, which is the highest number of incoming cases in the observed period, from 2012. In **2019**, all courts in the Republic of Serbia received definitely the largest number of cases so far – **2,116,339**, without the enforcement cases. Thus, when we observe the overall picture, **in the past four years more than two million more cases than expected entered the judicial system**, affecting the achievement of the planned objectives stated in the [strategic documents of the Supreme Court of Cassation](#) related to the backlog reduction (excluding enforcement cases).

In 2019, basic and misdemeanor courts received the highest number of cases, followed by higher, commercial and appellate courts.

Compared to the previous period, the largest workload when it comes to incoming cases was present in basic courts in the Republic of Serbia.

Since 2014, **basic courts** have had an increased inflow, so by 2016 they received around 200,000 cases above the annual plan, and that trend continued in 2017, considering that 949,856 cases were received in 2016, and 1,060,980 in 2017. Also, in 2018 that number remained high at 959,107 cases, regardless of the reduced number of enforcement cases due to the exclusive jurisdiction of public enforcement agents in forced collection of utility bills, while in **2019** basic courts received the total of **1,067,405** new cases, more than 100,000 cases more than in 2018.

In the period from 2014 to 2016 **misdemeanor courts** also received 200,000 cases more, however, that trend stopped in 2017. In 2018, all misdemeanor courts in the Republic of Serbia received 597,666 cases, and in **2019** – **632,715**, which was additional increase of cases and increased workload for judges.

In 2017, **higher courts** received the highest number of cases compared to the previous period. In 2016, higher courts received 147,977 cases, while in 2017 they received 212,212 cases. The increased inflow was mainly caused by the first instance civil matter, because 56,342 lawsuits were filed before higher courts in the Republic of Serbia by reservists that were mobilized as members of the armed forces during the state of war in 1999, challenging the Government Conclusion on assistance to reservists from the territory of seven underdeveloped municipalities in Southern Serbia. Although those are repetitive cases that may be disposed based on the so-called *pilot decision*, it was necessary, due to the harmonized application of rights, and in

accordance with the rules stipulated in Article 180 of the Law on Civil Procedure, to resolve these disputed legal issues in terms of legal nature of these cases and courts jurisdiction to solve them, in cases where there is no determined request for payment of military *per diem* or remuneration for non-material damages.

In 2018 higher courts received substantial number of cases – **255,040**, which was 42,828 cases more than in 2017, and the total of 352 judges effectively worked on them. The judges of higher courts managed to clear the incoming cases, and in **2019** the judges of higher courts also managed to clear the incoming cases although they, once again, received 248,561 cases.

Repetitive cases in the appeal procedure burdened the **appellate courts** as well, but the appellate courts – that received **65,946** cases, managed to clear these cases and decrease the number of pending cases transferred to 2019.

A special category of cases within the 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...) and the increased number of regular cases of administrative law. **Therefore, systemic measures need to be undertaken in order to reform the administrative judiciary and introduce two/several instance in the system of administrative and legal protection in order to make it more efficient.**

OVERVIEW OF THE NUMBER OF INCOMING CASES IN ALL COURTS IN THE REPUBLIC OF SERBIA

	2012	2013	2014	2015	2016	2017	2018	2019
TOTAL IN THE REPUBLIC OF SERBIA - ALL CASES	1,969,270	1,800,746	1,752,185	2,136,483	2,111,944	2,202,692	2,089,237	2,224,102
TOTAL IN THE REPUBLIC OF SERBIA - WITHOUT ENFORCEMENT	1,440,611	1,477,986	1,486,626	1,902,475	1,962,045	1,918,007	1,983,368	2,116,339
Basic Courts - I-IV	457,757	261,695	212,516	181,211	104,648	241,677	61,409	62,689
Commercial Courts - all enforcements	70,902	61,065	53,043	52,797	45,251	43,008	44,460	45,074

Table 5

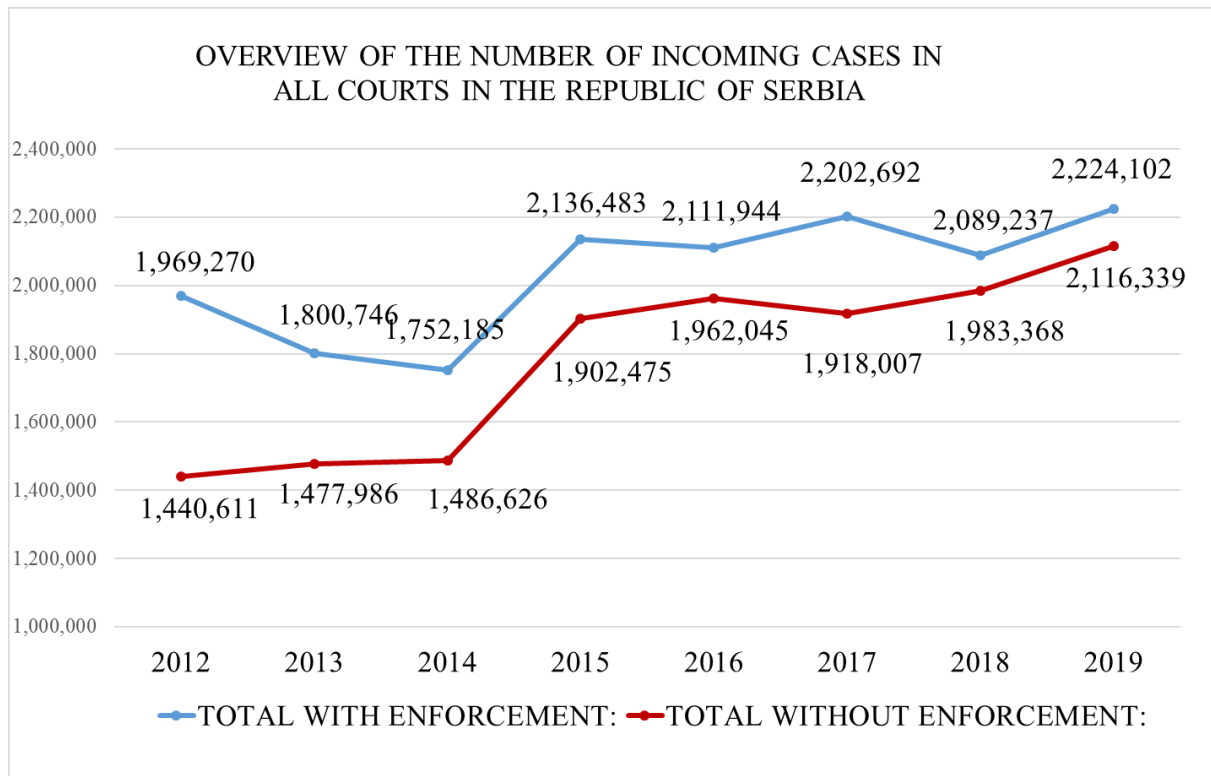


Chart 4

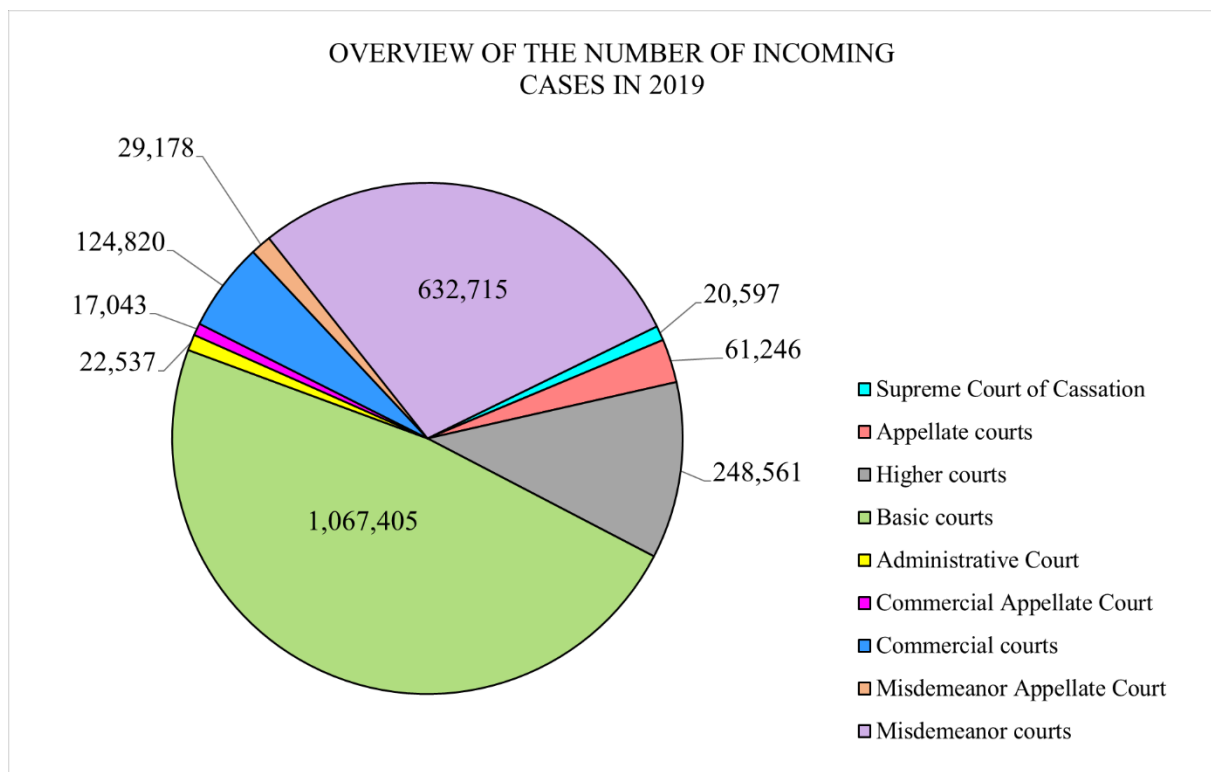


Chart 5

Clearance rate in 2019 in all matters - 102.01 % and around 97.74% in trial matters indicates that the judicial system managed to absorb the unexpected increased inflow of cases, even with the existing capacities, especially in basic and misdemeanor courts, although less judges were appointed compared to the number defined in the decisions of the HCC. However, in order to additionally increase efficiency of work of the courts, especially when it comes to the backlog reduction, it would be necessary to remove system deficiencies hindering the work of courts and judges. Timely selection of judges, filling vacant judicial positions and abolishing the employment ban in courts would help achieve much better results.

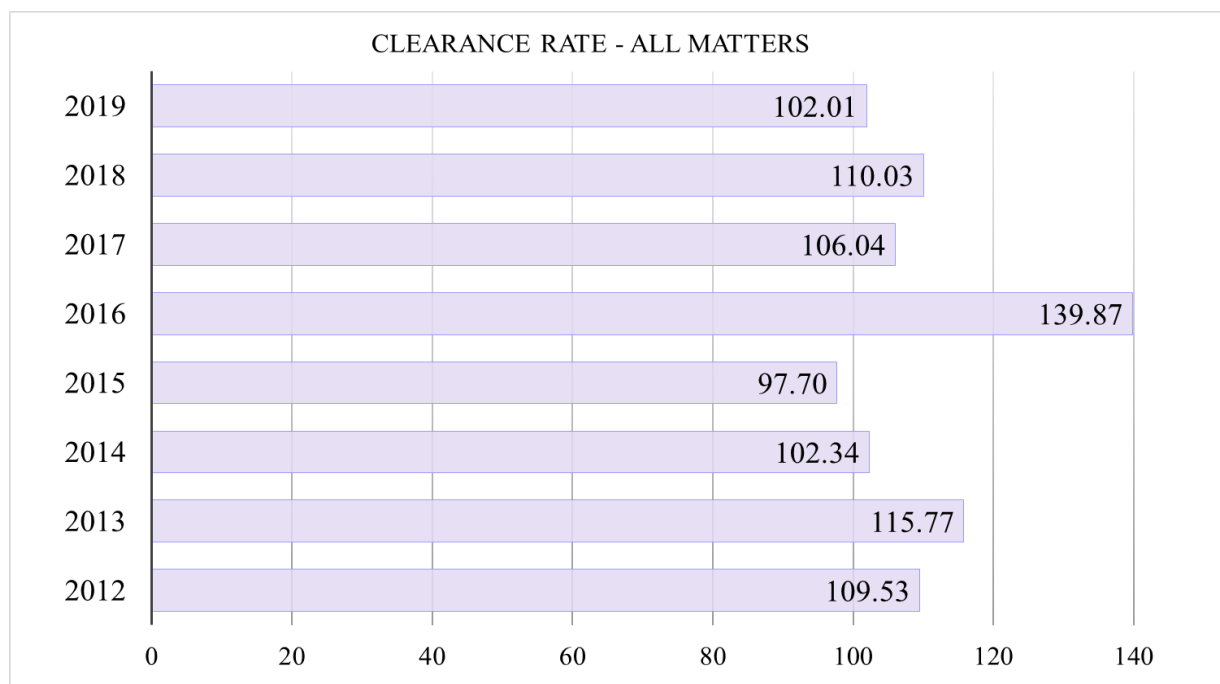


Chart 6

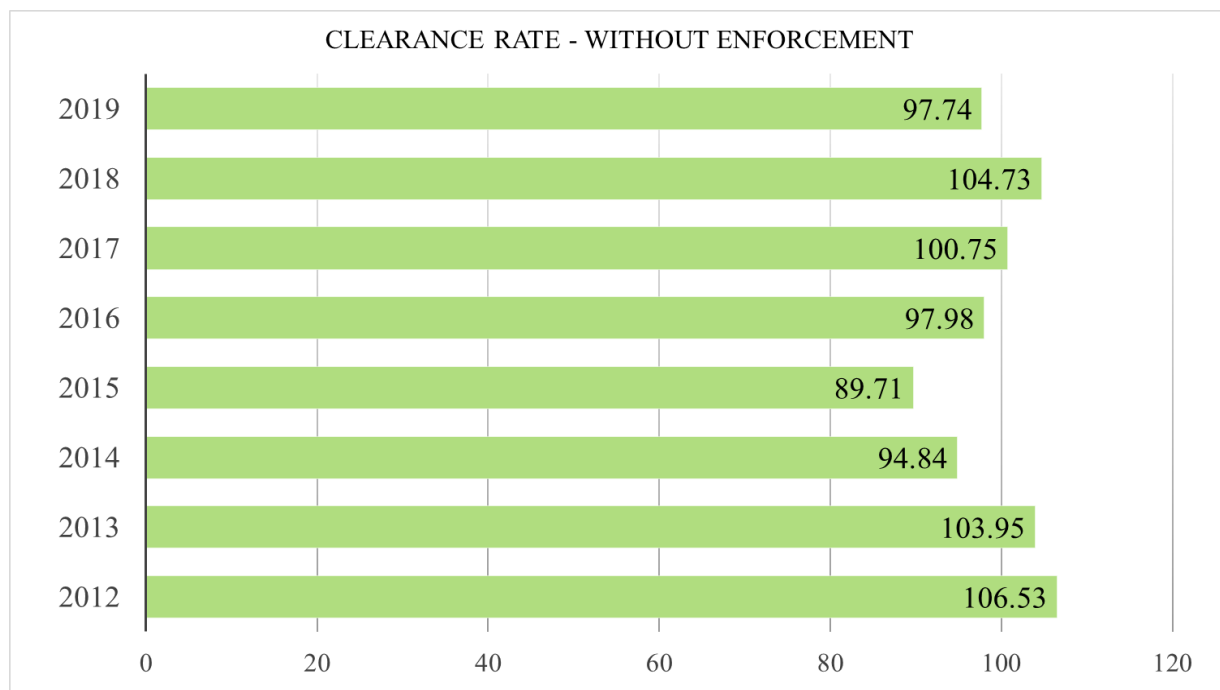


Chart 7

IV PENDING CASES AT THE END OF 2019

Comparative indicators for the period 2012-2019 show a significant decrease in the number of pending cases in all courts in the Republic of Serbia, and compared to 2012, there is **1,501,755 pending cases less**.

In 2012, there were 3,158,400 pending cases, and at the end of 2019 there were **1,656,645** pending cases, including enforcement cases.

OVERVIEW OF THE NUMBER OF PENDING CASES IN COURTS IN THE REPUBLIC OF SERBIA

	2012	2013	2014	2015	2016	2017	2018	2019
TOTAL IN THE REPUBLIC OF SERBIA - ALL CASES	3,158,400	2,874,782	2,849,360	2,886,619	2,043,925	1,911,086	1,701,580	1,656,645
*TOTAL IN THE REPUBLIC OF SERBIA - WITHOUT ENFORCEMENT	872,831	815,178	898,204	1,093,432	1,132,331	1,118,201	1,024,521	1,072,156

**Figures for basic courts include I, Iv cases, while commercial courts include all enforcements*

Table. 6

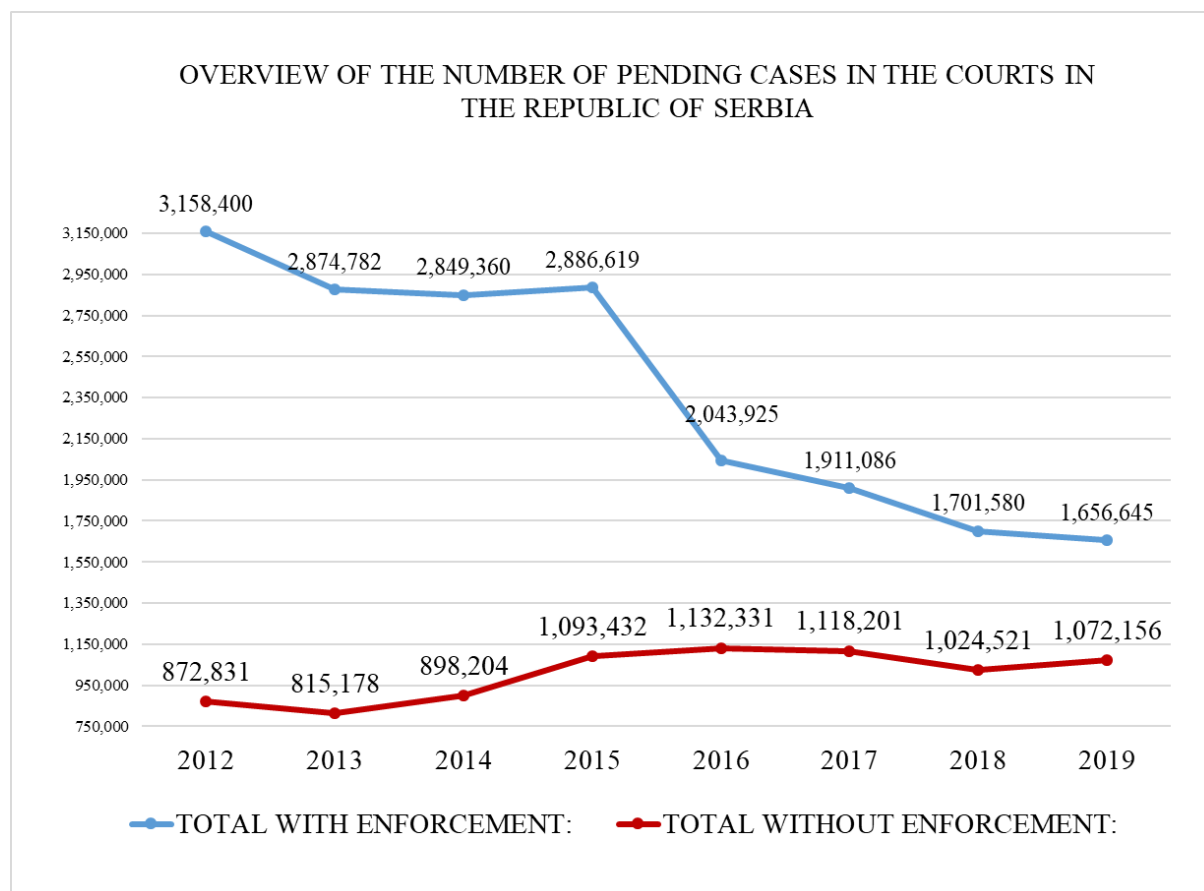


Chart 8

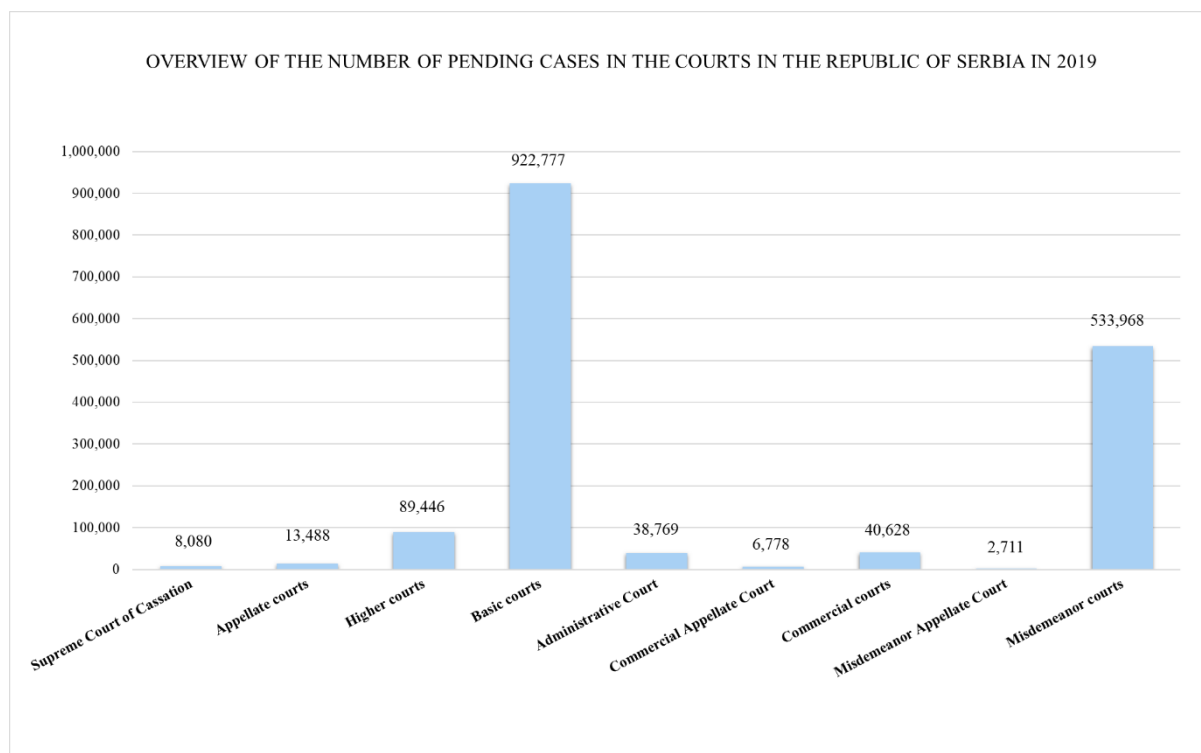


Chart 9

The number of pending cases for mainly trial cases – without enforcement – increased when compared to 2012, as a result of **the increased number of cases received in the last four years** (more than two million cases) that the judicial system couldn't absorb completely. Although there was no timely systemic reaction to the enormously increased number of incoming cases, while **at the same time, the number of court staff decreased and new employment was banned**, courts managed to stop the trend of constant increase of the number of pending cases in trial matters, so **at the end of 2018, the number of these pending cases was smaller when compared to the end of 2017 by 93,680 cases**. In 2019, the number of pending cases slightly increased, but it remained smaller compared to the period from 2015 - 2017.

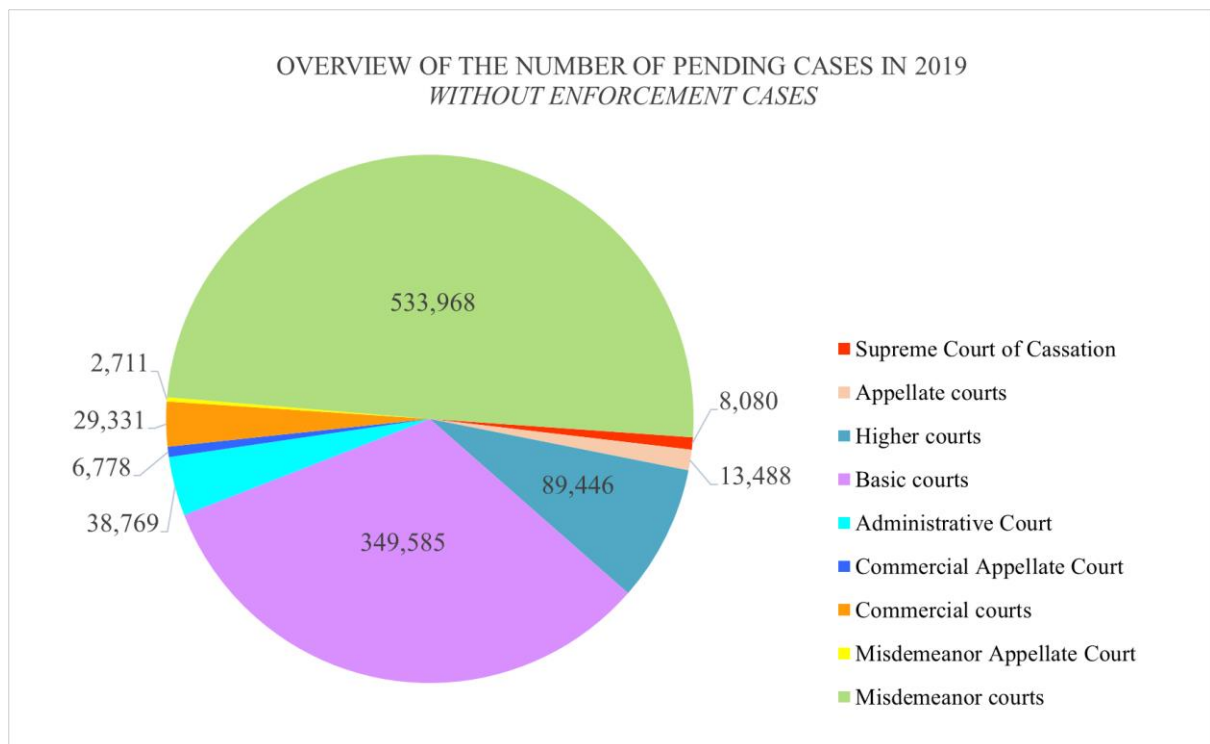
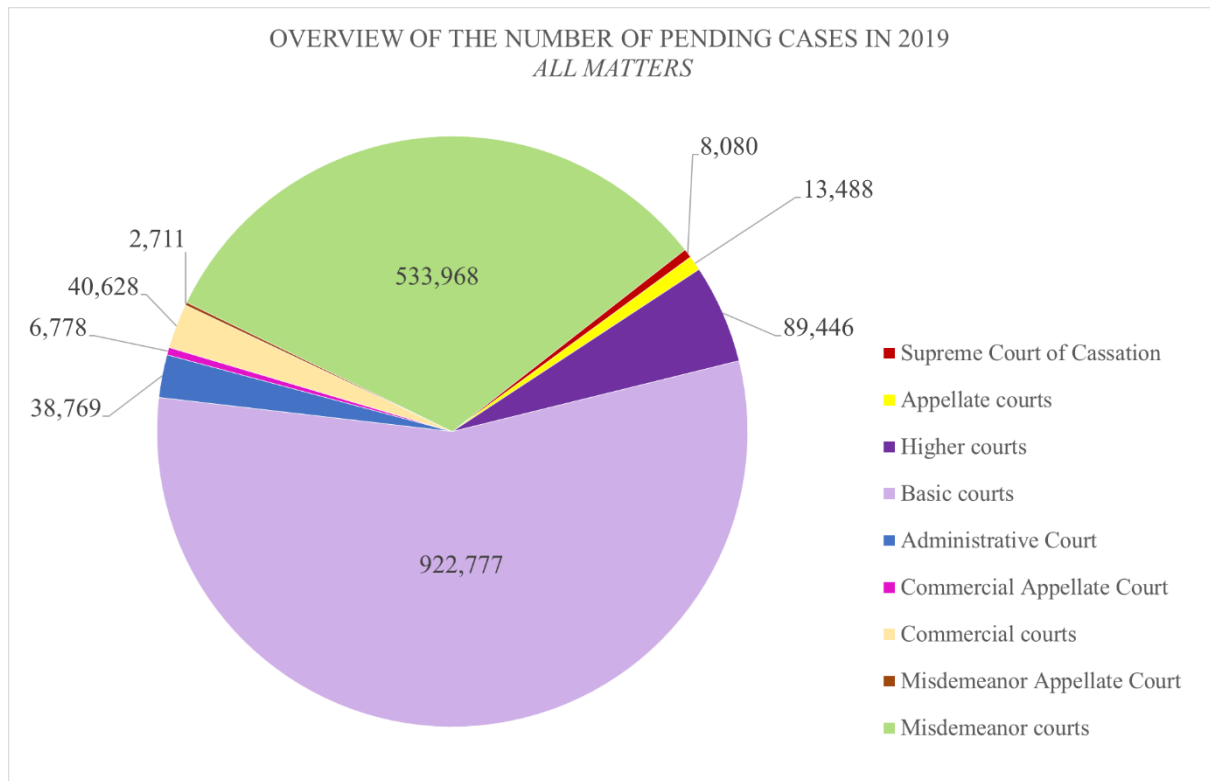


Chart 10

V

THE RATIO OF INCOMING, DISPOSED AND PENDING CASES

The ratio of incoming, disposed and pending cases in the period from 2012 to 2019 shows a decreased number of pending caseload at the end of the reporting period, regardless of the enormous increase of inflow, which is the consequence of the increased total number of disposed cases, resulting from the increased engagement of judges and undertaken systemic measures for backlog reduction.

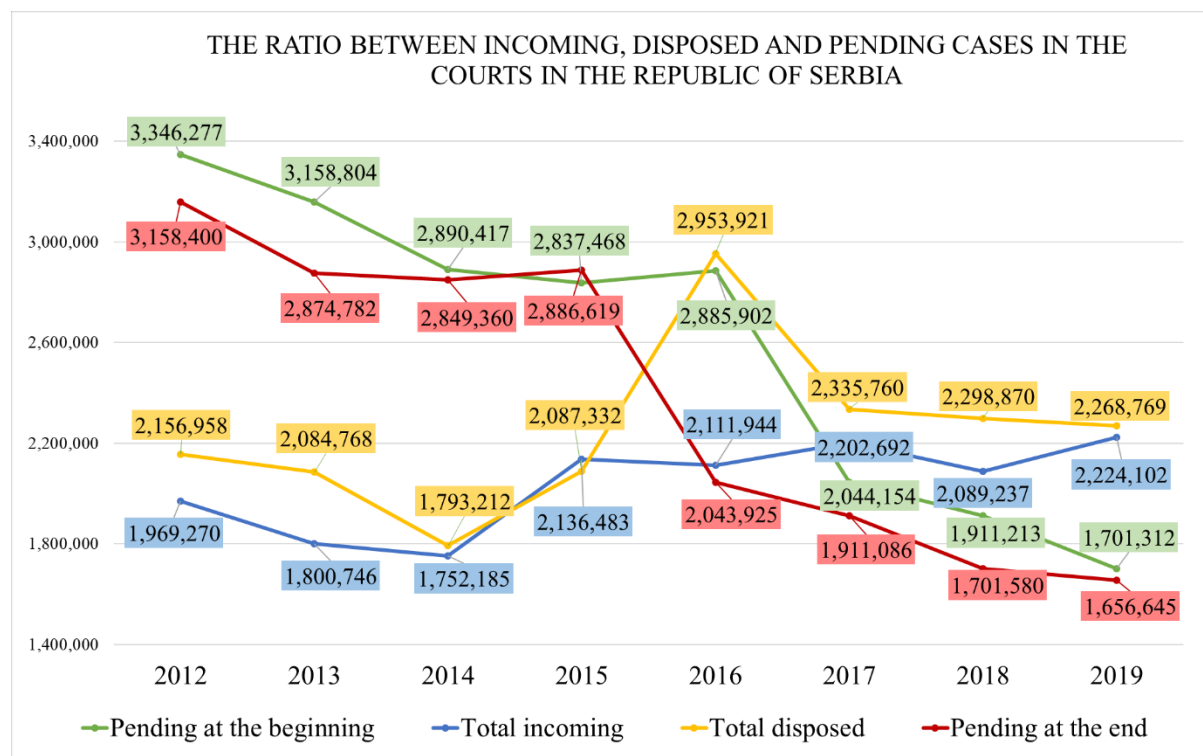


Chart 11

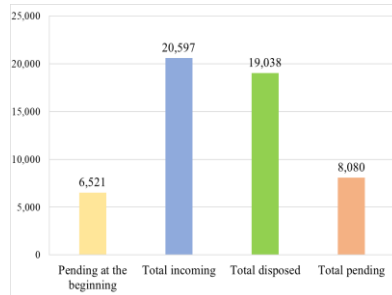
The ratio of incoming, disposed and pending cases by type of court at the end of 2019 indicated the problem with workload of the Administrative Court, higher, basic and misdemeanor courts, as well as commercial courts due to the increased inflow of pending cases in the Administrative Court and commercial courts, and basic and higher courts, even though they have good clearance rates, cannot resolve the problem of lengthy procedures, which is the consequence of vacant judicial positions. The inflow increased in 2019, especially in basic and misdemeanor courts.

Commercial courts received a significantly higher number of cases in 2018 – **128,681**, compared to 2017 when the total number of incoming cases was 99,903. The difference was 28,778 cases, so it was **necessary to conduct an analysis of the structure of these cases and react with timely systemic measures so that the commercial courts wouldn't start losing track with the caseload, having in mind its particular importance.** In **2019**, commercial courts received **124,820** cases, but they managed the clear this inflow and reduce the number of pending cases by more than 15,000 cases.

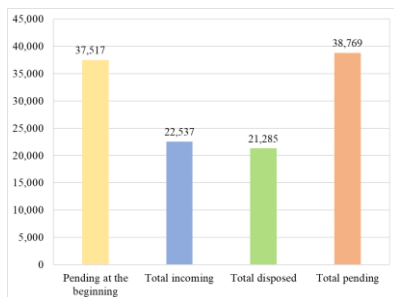
Due to constant expansion of the jurisdiction with new regulations, which require urgent and particularly urgent actions, especially during electoral process, the Administrative Court does not act promptly, since the trend of increased inflow and number of pending cases is continuous, it would be necessary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

RATIO OF INCOMING, DISPOSED AND PENDING CASES BY TYPES OF COURTS IN 2019

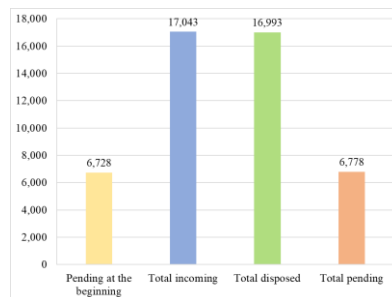
Supreme Court of Cassation



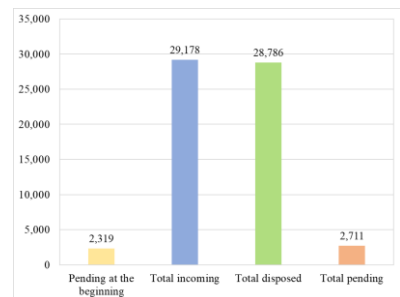
Administrative Court



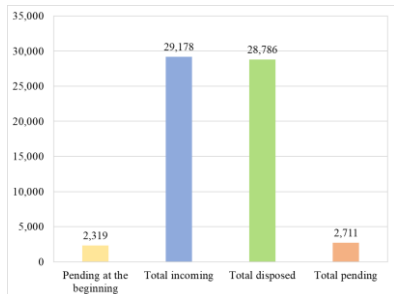
Commercial Appellate Court



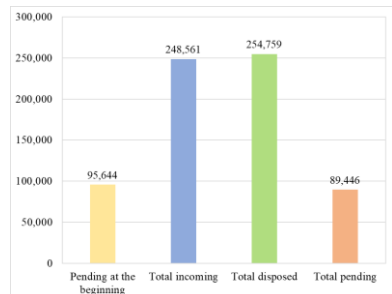
Misdemeanor Appellate Court



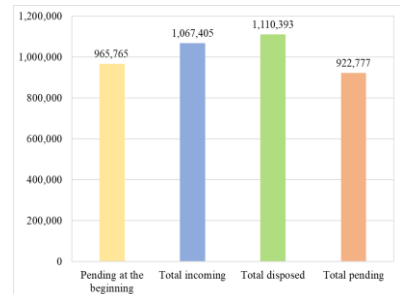
Appellate Courts



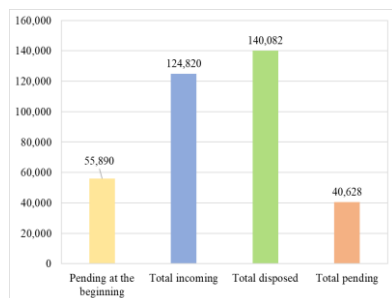
Higher Courts



Basic Courts



Commercial Courts



Misdemeanor Courts

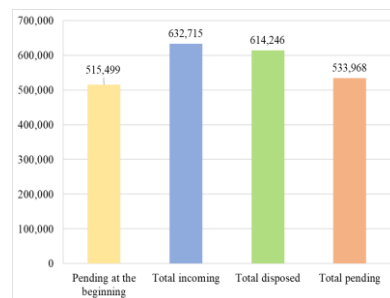


Chart 12

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 rulings of the courts in the Republic of Serbia and in other matters stipulated by the law (Article 30 paragraph 1 of 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 jurisdictions, stipulated by the law, outside of trials (Article 31 of the Law on Court Organization).

In the period from 2012 to 2019, 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, 2015, 2017 and 2019 (5,000+7,000+5,000+6,200), as a consequence of changes in regulation on the jurisdiction of the Supreme Court of Cassation, reduction of the review threshold to EUR 40,000 € in RSD equivalent, introduction of a special revision as a new extraordinary legal remedy (several thousands of the so-called *special revisions*), 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. Increase in the number of pending cases was particularly pronounced in civil matter in the period from 2014-2019.

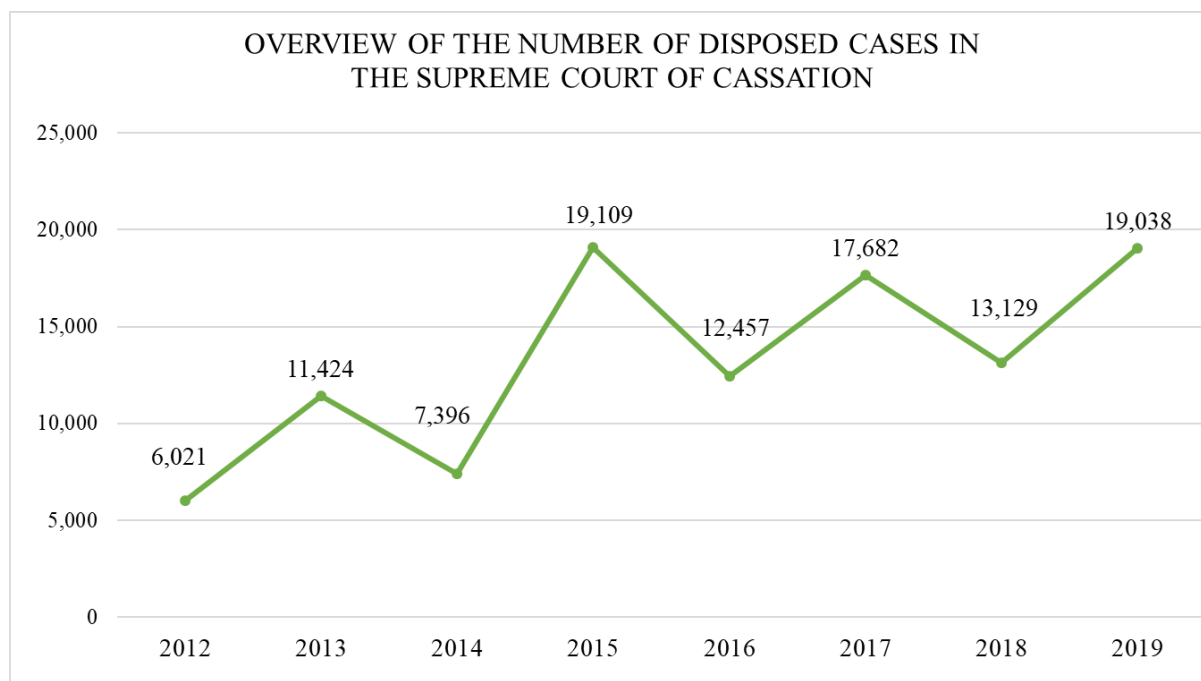


Chart 13

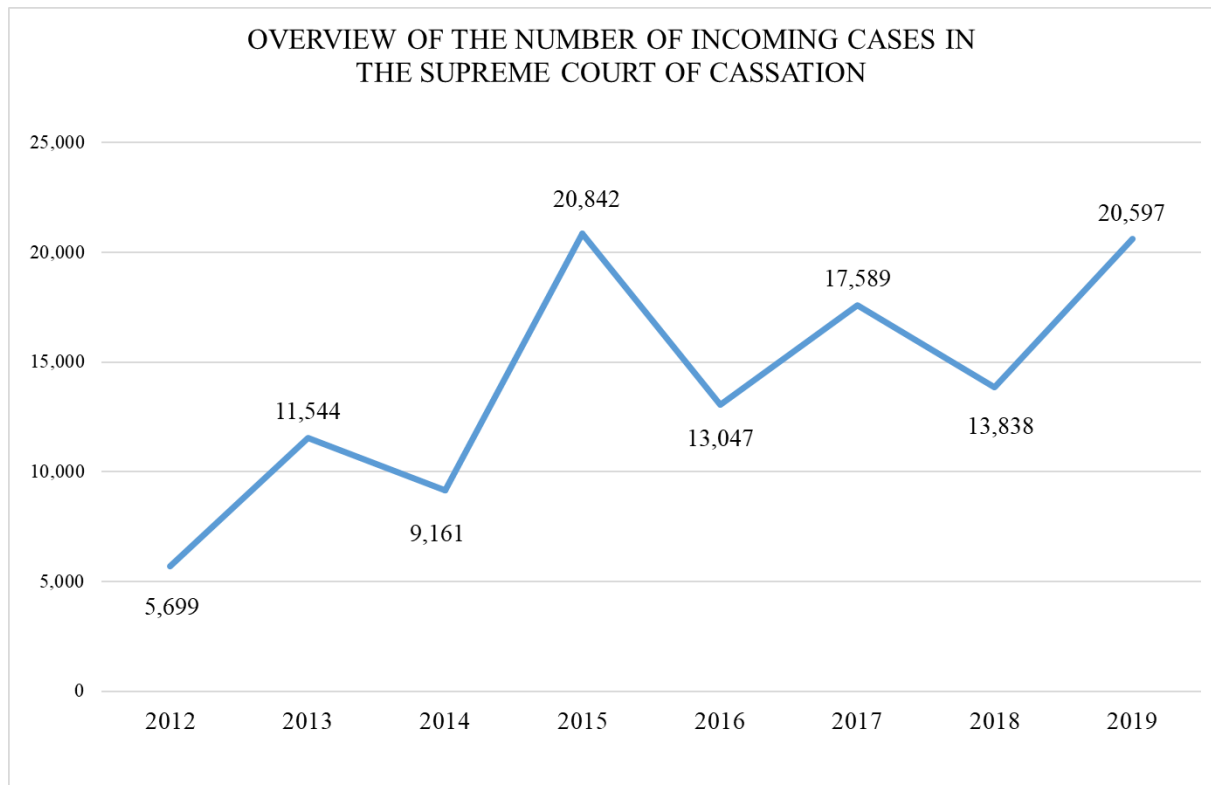


Chart 14

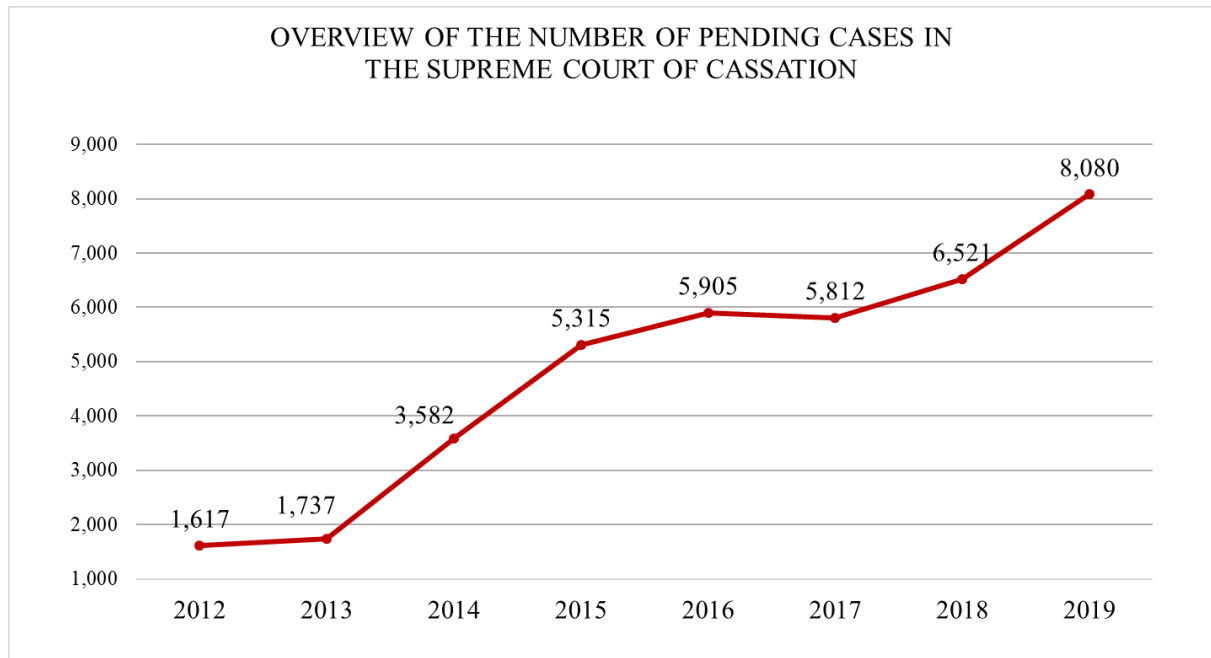


Chart 15

OVERVIEW OF THE WORK OF THE SUPREME COURT OF CASSATION FOR THE PERIOD 2012 - 2019

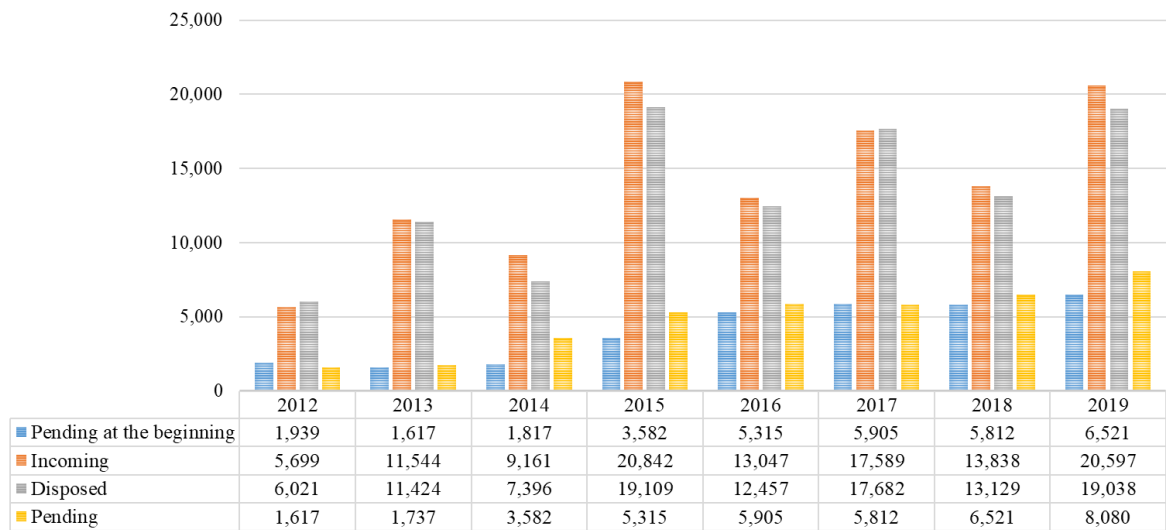
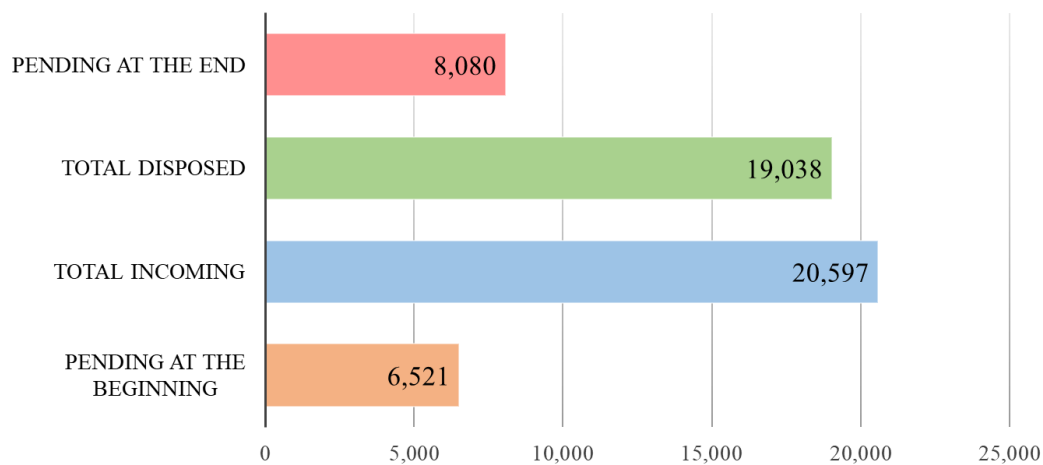


Chart 16

OVERVIEW OF THE WORK OF THE SUPREME COURT OF CASSATION IN 2019



* In 2019, 33 judges were disposing

Chart 17

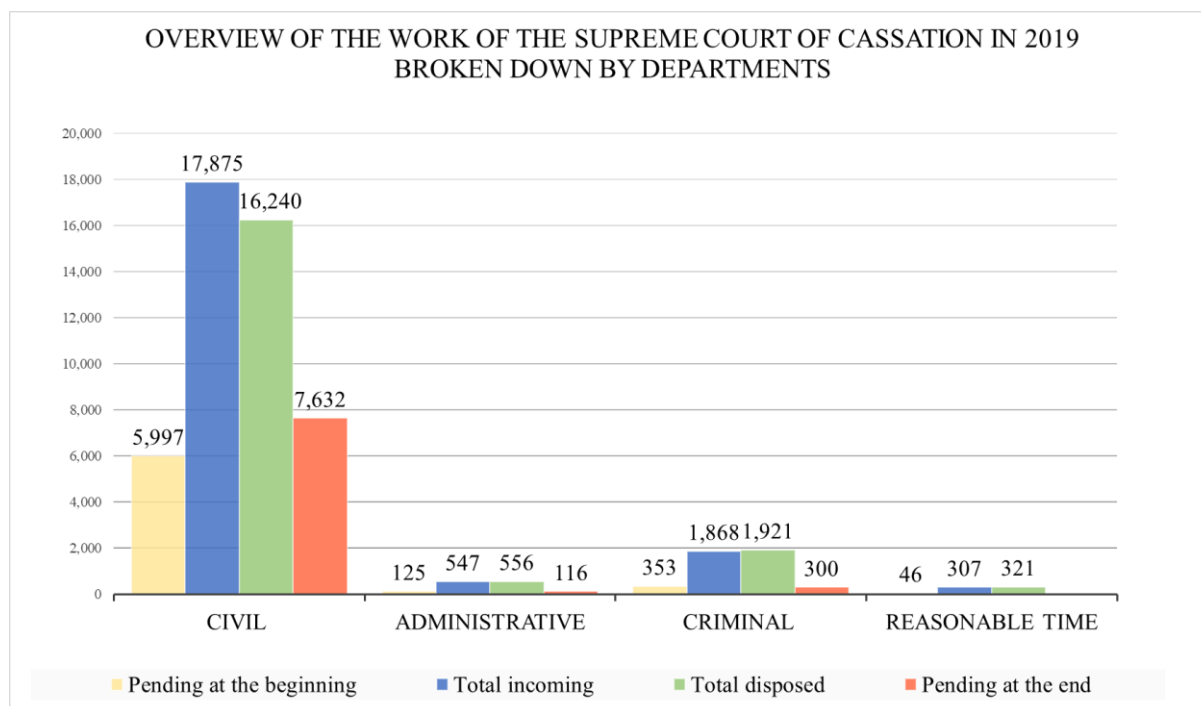


Chart 18

The busiest department of the Supreme Court of Cassation was the Civil Department, where the largest increase of inflow happened. The Civil Department, with the existing number of judges and judicial assistants that are assigned to this Department, was not able to absorb the inflow of cases recorded in the last four years, which 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.

It would be necessary to conduct a comparative analysis of eligible extraordinary legal remedies decided by the Supreme Court of Cassation, reexamine the rules based on which the Court decides and update them, in order to allow modification of the organization of operations of the Supreme Court of Cassation – by establishing special preparatory departments, that would, depending on the matter, decide on eligible extraordinary legal remedies, fulfillment of conditions for deciding, timeliness of legal remedies and prepare draft decisions in repetitive cases.

It would also be necessary to increase the number of judges in the Civil Department and to undertake systemic measures in order to exclude the Supreme Court of Cassation from the ban on employment of judicial staff in 2020 and onwards.

In 2019, the Supreme Court of Cassation published 38 public announcements. They were published on the Court's website, and some announcements were forwarded to the printed and electronic media.

Pursuant to the Law on Free Access to Information of Public Importance and Guidelines on Preparation and Disclosure of Information on the Work of State Authorities, it prepares and discloses the Information Booklet. Updating of data disclosed in the Information Booklets was

conducted five times in 2019. The current and previous Information Booklets are published on the Court's website (<http://www.vk.sud.rs>).

During 2019, the Court's website (<http://www.vk.sud.rs>) was updated and supplemented on a daily basis (topicalities, information on public procurements, passed general acts, normative acts, legal opinions, positions and conclusions, selected rulings, activities aimed at harmonizing case law, case law data base). In 2019, 1,747 anonymized rulings of the Supreme Court of Cassation were disclosed on the website, of which 848 in criminal matter, 807 in civil matter, 52 in administrative matter and 40 in matters regarding protection of right to a trial within reasonable time.

In 2019, the Supreme Court of Cassation published three Case Law Bulletins, as well as following publications: Annual report on the work of the courts in the Republic of Serbia for 2018 and the Report on the work of all courts in the Republic of Serbia for the period January – June 2019 in cooperation EU through EU for Serbia - Support to the Supreme Court of Cassation project as well as with the World Bank and the MDTF; the Court also published the Guidelines for improving court practice in compensation proceedings for victims of serious crime in criminal proceedings in cooperation with the OSCE Mission in Serbia and the European Union, while the judges of the SCC participated in the drafting of the Anticorruption Practicum with the USAID Government Accountability Project and the Judicial Academy, as well as other publications published in cooperation with international organizations that are the partners of the Supreme Court of Cassation.

The Supreme Court of Cassation establishes, maintains and improves relations and cooperation with other bodies and institutions, so on September 19, 2019 the acting President of the Supreme Court of Cassation and the President of the High Court Council, judge Dragomir Milojević signed a Memorandum of Understanding between these supreme courts with the President of the Supreme Court of the People's Republic of China Zhou Qiang.

On October 10, 2019, the acting President of the Supreme Court of Cassation and the President of the High Court Council, and the Minister of Justice endorsed the Instructions for the implementation of the Law on Amendments and Supplements to the Law on Enforcement and Security which came into force on August 3, 2019, and which, except for the cases referred to in Article 166 paragraphs 5 and 6 of these amendments, will be implemented as of January 1, 2020.

The Annual Conference of Judges of the Republic of Serbia "Judges' Days 2019" organized by the Supreme Court of Cassation, was held from October 10-12, 2019 in Vrnjačka Banja. The Conference was attended by the representatives of the highest courts from Montenegro, Slovenia, Bosnia and Herzegovina, representatives of state authorities and institutions, professors of law schools, representatives of international organizations, NGOs, professional associations and eminent legal experts.

The organization of the Conference was supported by the European Union, Multidonor Trust Fund (MDTF) managed by the World Bank in Serbia, the OSCE Mission in Serbia, the Council of Europe and the US Agency for International Development (USAID).

Supported by the MDTF, on October 10, 2019 at the Annual Judges' Conference in Vrnjačka Banja, the Supreme Court of Cassation awarded and recognized courts for accomplished results

and progress year-over-year. The awards were provided in two categories *The largest improvement in backlog reduction in a court compared to the same period of the previous year* and *the largest improvement in the number of disposed cases compared to the same period of the previous year*.

Meeting of the President and judges of the Supreme Court of Cassation with presidents of all courts in Serbia was held on March 15, 2019 in the Palace of Serbia in Belgrade, and it was organized with the support of the USAID – Rule of Law Project. During the Judges’ Conference in Vrnjačka Banja, the President of the Supreme Court of Cassation held a meeting with presidents of all courts of general and special jurisdiction on October 11, 2019 and during the Annual Judges’ Conference in Vrnjačka Banja, in cooperation with the Project EU for Serbia – Support to the Supreme Court of Cassation.

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 and 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 is 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 measures – 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 2012-2018 and it separates the indicators that include all pending backlog cases and the indicators on the number of backlog cases without the enforcement cases, since **based on the Instructions from the previous Book of Court Rules that define a backlog case as a case that was not disposed in two years from the date of filing the initial act.**

Compared to 2012, at the end of 2018 there were 948,631 less pending backlog cases. However, counting the number of cases without enforcement cases – compared to 2012, there are more cases now, due to the increased inflow of cases in the past four years, as well as vacant judicial positions, which is why some of these cases became backlog cases in which the proceedings take more than two years from the date of filing of the initial act.

As the amendments to the Book of Court Rules¹ – that came into force on June 27, 2019, stipulate that a backlog case is condered as a case that has not been resolved within three years, counting from the date the initial act was submitted, at the end of 2019 there were 621,324 pending backlog cases – together with enforcement cases, and the number of backlog cases in trial matters, in which the proceedings were not completed within three years from the date of the initial act was 86,962 cases at the end of 2019.

¹ Book of Court Rules on the amendments and supplements to the Book of Court Rules („Official Gazette of the Republic of Serbia“ No. 43/19)

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

	2012	2013	2014	2015	2016	2017	2018	2019
TOTAL IN THE REPUBLIC OF SERBIA - ALL CASES	1,729,768	1,773,475	1,822,001	1,740,400	915,667	859,272	781,137	621,324
* TOTAL IN THE REPUBLIC OF SERBIA - WITHOUT ENFORCEMENT	140,418	127,773	126,878	133,365	125,463	128,661	149,649	86,962
* Commercial courts (all enforcement cases)	22,771	29,872	31,804	32,180	24,303	22,392	17,439	9,427
* Basic courts (I, Iv)	1,566,579	1,615,830	1,663,319	1,574,855	765,901	708,219	614,049	524,935

* Figures for basic courts cover I and Iv cases, while commercial courts cover all enforcement cases

* Reasonable time cases are not included in higher courts in 2014 and 2015

Table 7

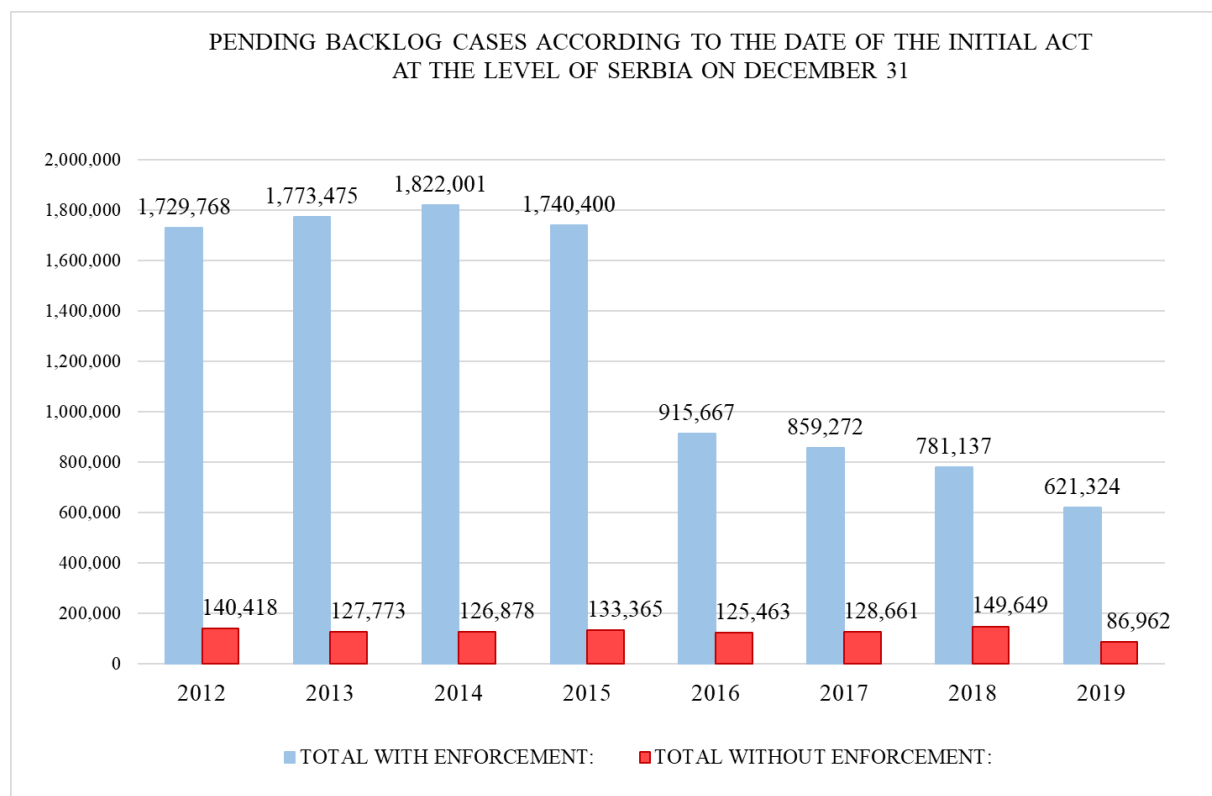


Chart 19

VIII DISPOSED BACKLOG CASES

During the observed period, from 2012 to 2018, there was an upward trend in the number of disposed backlog cases in the Republic of Serbia, except in 2014, when due to the changes in the “court network” there was a justified delay in the functioning of courts.

Due to the undertaken systemic measures and the adoption of the new Law on Enforcement and Security in 2016, there was a significant increase in the total number of disposed backlog cases (for example, in 2012, the total number of disposed backlog cases was 413,186, while in 2016 that number was 1,068,063), mostly in the enforcement matter.

In 2018, less backlog cases were disposed overall (311,018), while in the trial matter less cases were disposed than in 2017 (2018 - 170,566, and in 2017 – 184,718 of these cases), which is the result of the stated systemic deficiencies, especially less judges in the judicial system due to the vacant 411 judicial positions. In 2019, the total of 214,234 of such cases from all matters were disposed, while a total of 106,948 backlog cases were disposed in trial matters.

OVERVIEW OF THE NUMBER OF DISPOSED BACKLOG CASES IN THE COURTS IN THE REPUBLIC OF SERBIA ACCORDING TO THE DATE OF THE INITIAL ACT

	2012.	2013.	2014.	2015.	2016.	2017.	2018.	2019.
TOTAL AT THE LEVEL OF SERBIA - ALL CASES	413,186	487,283	305,512	387,068	1,068,063	495,708	311,018	214,234
*TOTAL AT THE LEVEL OF SERBIA - WITHOUT ENFORCEMENT	192,440	209,984	146,011	192,094	172,879	184,718	170,566	106,948
*Basic Courts - I+IV	216,926	274,837	154,038	190,541	878,576	301,974	131,644	98,351
*Commercial Courts - all enforcement cases	3,820	2,462	5,463	4,433	16,608	9,016	8,808	8,935

** For the period 2012-2018, disposed cases older than 2 years from the date of the initial act are shown, and for 2019, backlog cases older than 3 years from the date of the initial act are shown*

Table 8

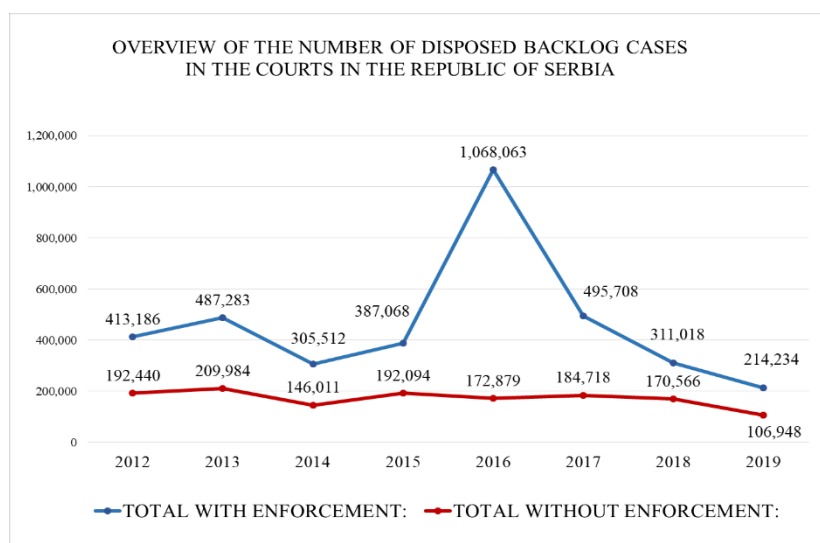


Chart 20

IX THE STRUCTURE OF PENDING BACKLOG CASES IN 2019

The structure of pending backlog cases (at the national level), observed by types 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, 2019 – ACCORDING TO THE DATE OF THE INITIAL ACT, WITH ENFORCEMENT CASES

No.	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING CASES WITH DURATION OF PROCEEDINGS LONGER THAN 36 MONTHS SINCE THE INITIAL ACT on Dec 31, 2019	AGE OF PENDING BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1	Supreme Court of Cassation	33	27,118	4,557	1,880	1,987	690	16.80	138.09

No.	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING BACKLOG CASES on Dec 31, 2019	AGE OF PENDING BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1	Appellate courts	199	76,675	6,788	3,306	2,681	801	8.85	34.11
2	Higher courts	340	344,205	25,530	17,053	7,222	1,255	7.42	75.09
3	Basic courts	1,168	2,033,170	561,142	58,393	250,539	252,210	27.60	480.43
TOTAL:		1,707	2,454,050	593,460	78,752	260,442	254,266	24.18	347.66

No.	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING BACKLOG CASES on Dec 31, 2019	AGE OF PENDING BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1	Administrative Court	41	60,054	738	731	7		1.23	18.00
2	Commercial Appellate Court	31	23,771	1,591	1,271	288	32	6.69	51.32
3	Commercial courts	152	180,710	12,410	4,533	7,559	318	6.87	81.64
4	Misdemeanor Appellate Court	58	31,497	122	122			0.39	2.10
5	Misdemeanor courts	509	1,148,214	8,446	5,639	2,807		0.74	16.59
TOTAL:		791	1,444,246	23,307	12,296	10,661	350	1.61	29.47

TOTAL - SERBIA		2,531	3,925,414	621,324	92,928	273,090	255,306	15.83	245.49
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Table 9

X STRUCTURE OF PENDING BACKLOG CASES BY TYPES OF COURTS AND TRIAL MATTERS

ADMINISTRATIVE COURT REPORT ON PENDING BACKLOG CASES ON 12/31/2019 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING BACKLOG CASES on Dec 31, 2019	AGE OF BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1	U	41	57,486	718	711	7		1.25	17.51
2	UR	40	218	5	5			2.29	0.13
3	UI	41	763	11	11			1.44	0.27
4	UO	41	125						
5	UV	15	756						
6	UP	35	221	4	4			1.81	0.11
TOTAL 1-6		41	59,569	738	731	7		1.24	18.00
7	UVP I								
8	UVP II								
9	UŽ	17	20						
10	UIP								
11	U - uz	17	21						
TOTAL 7-11		17	41						
12	R4 u	1	444						
TOTAL 1-12		41	60,054	738	731	7		1.23	18.00

Table 10

COMMERCIAL APPELLATE COURT REPORT ON PENDING BACKLOG CASES ON 12/31/2019 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	Total number of pending backlog cases on 12/31/2019	AGE OF BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1	Pž	29	12,763	1,445	1,162	258	25	11.32	49.83
2	Pvž	9	871	53	18	28	7	6.08	5.89
3	Iž	30	2,063	6	6			0.29	0.20
4	R	6	173	1	1			0.58	0.17
TOTAL 1-4		30	15,870	1,505	1,187	286	32	9.48	50.17
5	Pkž	1	952	86	84	2		9.03	86.00
TOTAL 5-5		1	952	86	84	2		9.03	86.00
6	R4 p	0	51						
7	R4 st	0	6						
8	R4 i								
9	R4 pp								
10	R4 fi								
11	R4 vr	0	3						
12	Rž p	0	13						
13	Rž st	31	6,797						
14	Rž i	0	77						
15	Rž pp								
16	Rž fi								
17	Rž vr	0	2						
TOTAL 6-17		31	6,949						
TOTAL 1-17		31	23,771	1,591	1,271	288	32	6.69	51.32

Table 11

MISDEMEANOR APPELLATE COURT
REPORT ON PENDING BACKLOG CASES
ON 12/31/2019 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter		Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING BACKLOG CASES on 12/31/2019	AGE OF PENDING BACKLOG CASES		% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
	Classification	Registry				3 TO 5	5 TO 10		
1	01-Public order and peace	PRŽ	58	3,673	2	2		0.05	0.03
		PRŽM	58	102					
2	02-Traffic	PRŽ	58	16,642	8	8		0.05	0.14
		PRŽM	58	139					
3	03-Public safety	PRŽ	58	1,156					
		PRŽM	58	69					
4	04-Commercial	PRŽ	58	3,233	7	7		0.22	0.12
		PRŽM	1	1					
5	05-Finance and customs	PRŽ	58	3,393	99	99		2.92	1.71
		PRŽM	4	3					
6	06-Labor, labor relations and protection at work	PRŽ	58	714	1	1		0.14	0.02
		PRŽM							
7	07-Education, science, culture and information	PRŽ	58	707	1	1		0.14	0.02
		PRŽM							
8	08-Health and social protection, health insurance and environmental protection	PRŽ	58	503					
		PRŽM	0						
9	09-Defense - Military	PRŽ	58	91					
		PRŽM	2	2					
10	10-Administration	PRŽ	58	76	4	4		5.26	0.07
		PRŽM	1	1					
TOTAL 1-10		PRŽ	58	30,188	122	122		0.40	2.10
		PRŽM	58	318					
11	PRŽU		10	10					
TOTAL 1-11			58	30,516	122	122		0.40	2.10

Table 12

APPELLATE COURTS
REPORT ON PENDING BACKLOG CASES
ON 12/31/2019 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning+ total incoming) 01/01- 12/31/2019	TOTAL PENDING BACKLOG CASES on 12/31/2019	AGE OF PENDING BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1	Kž1	59	5,053	189	69	98	22	3.74	3.20
2	Kž2	59	6,069	10	1	6	3	0.16	0.17
3	Kžm1	15	426						
4	Kžm2	22	203						
5	Gž	92	33,986	4,123	1,860	1,697	566	12.13	44.82
6	Gž1	47	22,159	2,225	1,249	784	192	10.04	47.34
7	Gž2	82	2,711	51	37	14		1.88	0.62
TOTAL FOR PREDOMINANTLY TRIAL MATTERS		198	70,607	6,598	3,216	2,599	783	9.34	33.32
TOTAL FOR ALL MATTERS		199	76,675	6,788	3,306	2,681	801	8.85	34.11

Table 13

HIGHER COURTS
REPORT ON PENDING BACKLOG CASES ON 12/31/2019 -
ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING BACKLOG CASES on 12/31/2019	AGE OF BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1	P	116	37,565	2,188	1,363	647	178	5.82	18.86
2	P1	84	4,443	249	149	94	6	5.60	2.96
3	P2	72	952	20	14	6		2.10	0.28
4	GŽ	125	126,129	20,856	14,385	5,573	898	16.54	166.85
5	GŽ1	100	4,200	400	169	190	41	9.52	4.00
6	GŽ2	78	1,414	18	14	4		1.27	0.23
7	K	79	4,724	631	273	303	55	13.36	7.99
8	K-Po1	17	318	66	19	43	4	20.75	3.88
9	K-Po2	7	29	8	3	5		27.59	1.14
10	K-Po3	12	95	8	2	5	1	8.42	0.67
11	K-Po4	20	666						
12	KŽ1	68	7,619	107	85	21	1	1.40	1.57
13	KIM	40	4,014	3	3			0.07	0.08
14	KM	41	2,292						
TOTAL FOR PREDOMINANTLY TRIAL MATTERS		318	194,460	24,554	16,479	6,891	1,184	12.63	77.21
TOTAL FOR ALL MATTERS		340	344,205	25,530	17,053	7,222	1,255	7.42	75.09

Table 14

In the first instance criminal matter in the period from 2012 to 2018, higher courts reduced the number of pending backlog cases. In 2019, the number of pending backlog cases in the first instance criminal matter was **631**. Individual measures need to be undertaken in order to reduce the number of these backlog cases in higher courts, since in these cases the proceedings last longer than three years starting from the date of the filing of the initial act.

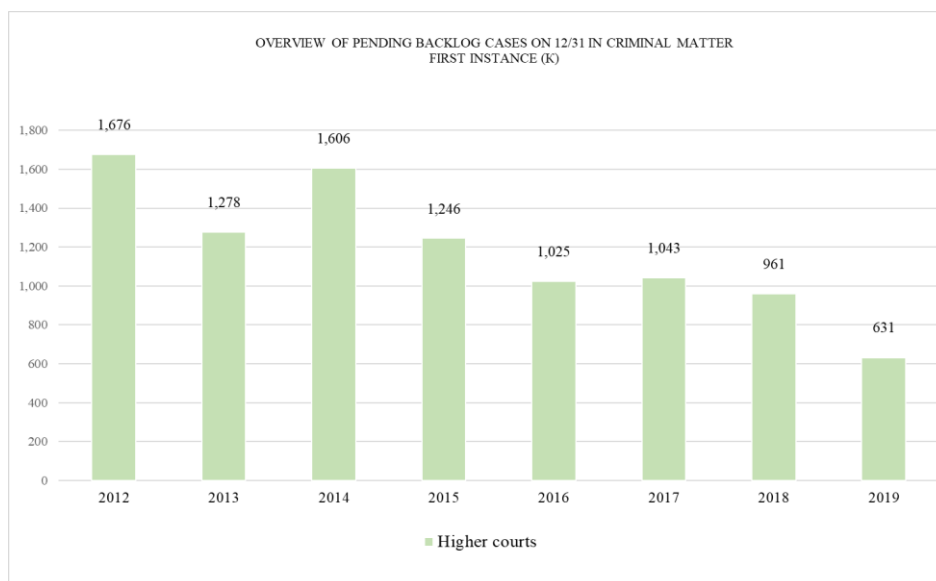


Chart 21

The number of backlog cases in civil matter in higher courts is growing, which is a direct consequence of the amended regulations on actual jurisdiction of higher courts and decreased revision threshold which is related to the value of disputes before higher courts of EUR 40,000 € in RSD equivalent.

An analysis of these indicators should be conducted and the number of judges in higher courts should be increased, for civil matter, given the enormous inflow of new cases and a large number of cases which were transferred from basic to higher courts due to the new threshold, where the proceedings, at the end of 2019, already take more than three years starting from the date of filing of the initial act. A large inflow of cases that higher courts are unable to absorb prolongs the duration of proceedings in other cases, which, in large part, then fall into the category of backlog cases.

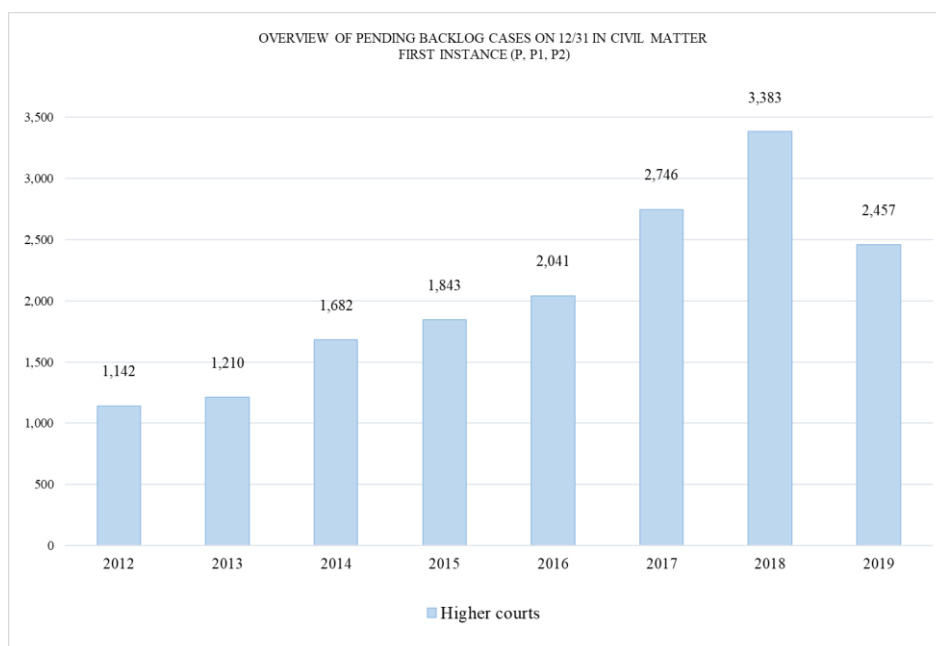


Chart 22

BASIC COURTS

The structure of pending backlog cases in all basic courts in the Republic of Serbia indicates that in 2019 the largest number of backlog cases is in enforcement, and that in **trial matters (P, P1, P2, K) there are 22,741 pending backlog cases, where the proceedings take more than three years starting from the date of the initial act, with 1,576 cases where the proceedings last more than 10 years in trial matters** (there were 1,624 of such cases in 2018).

1,117 judges worked effectively in basic courts. Each judge that adjudicated in the “P” matter (565) had an average of 32 pending backlog cases at the end of 2019. In “P1” matter where 286 judges adjudicated there was an average of 15 pending backlog cases, while in “K” matter 252 judges adjudicated, with the average of eight cases where the proceedings last more than three years, starting from the date of the initial act.

The court presidents are therefore obliged to undertake additional special measures, referred to in the Amended Single Backlog Reduction Program, in order to resolve old cases (P, P1, P2 and K), where the proceedings take more than three years, or more than five or ten years starting from the date of the initial act, in order to expedite their disposition.

BASIC COURTS REPORT ON PENDING BACKLOG CASES ON 12/31/2019 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING BACKLOG CASES on 12/31/2019	AGE OF PENDING BACKLOG CASES			% OF BCKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1	P	565	297,247	18,208	10,382	6,601	1,225	6.13	32.23
2	P1	286	70,741	4,296	2,648	1,397	251	6.07	15.02
3	P2	266	50,022	237	201	35	1	0.47	0.89
4	K	252	61,309	2,047	1,185	763	99	3.34	8.12
TOTAL 1-4		933	479,319	24,788	14,416	8,796	1,576	5.17	26.57
5	Iv	191	549,635	472,084	16,844	209,279	245,961	85.89	2,471.64
6	I	173	170,728	52,851	20,100	28,380	4,371	30.96	305.50
TOTAL 5-6		208	720,363	524,935	36,944	237,659	250,332	72.87	2,523.73
ALL ENFORCEMENT		412	1,044,213	532,951	42,067	240,532	250,352	51.04	1,293.57
TOTAL FOR ALL MATTERS		1,168	2,033,170	561,142	58,393	250,539	252,210	27.60	480.43

Table 15

In criminal matter in basic courts (K) compared to 2012, the number of pending backlog cases has been continuously dropping, from 18,206 cases to **2,047** cases, while the number of backlog cases also dropped from 703 in 2015, to **107** cases in 2019.

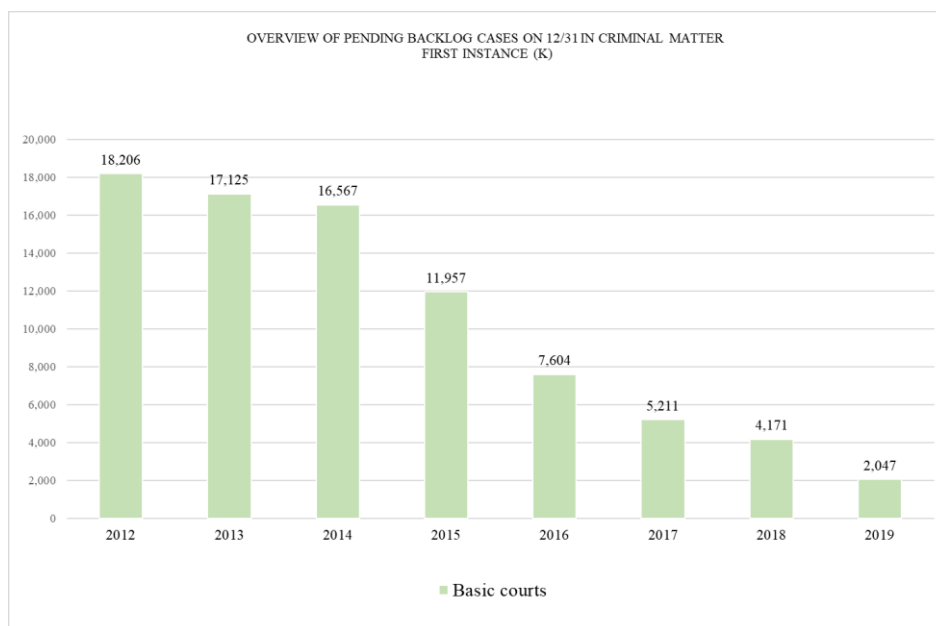


Chart 23

In civil matter, due to exceptional workload in basic courts and enormously increased inflow of urgent, i.e. priority cases, the number of cases in matters P, P1 and P2 has been growing since 2012 (except in 2016), but that number is lower now than in 2012, so from 41,604 in 2012 it dropped to **22,741 cases** in 2019. The upward trend of backlog pending cases in these trial matters, including backlog cases with proceedings longer than two years – was stopped in 2018, and the backlog was reduced, and the same trend continued in 2019, regardless of the amendments to the Book of Court Rules regarding backlog cases, that came into force on June 27, 2019.

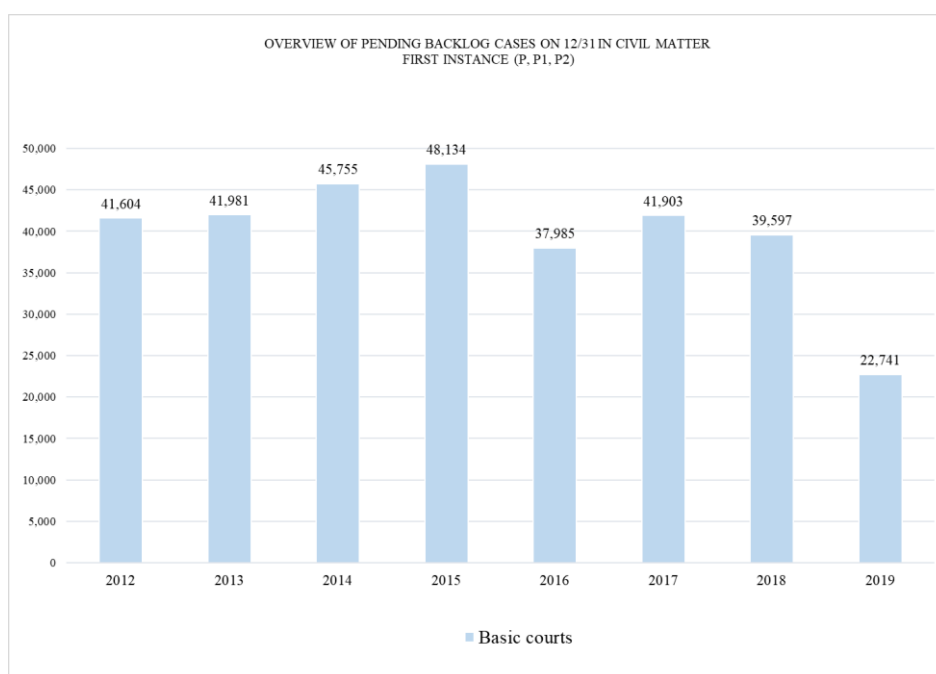


Chart 24

COMMERCIAL COURTS

In the period from 2012 to 2014, commercial courts had an increased number of pending backlog cases. In 2015, the downward trend of pending backlog cases appeared for the first time, and then, compared to 2015, the number of pending backlog cases was reduced in 2016 to 27,973 cases. At the end of 2017, the number of pending backlog cases dropped even more – 26,082, and for the first time, the number was below the number of pending backlog cases recorded in 2012. That trend continued in 2018, so at the end of this year the total number of pending backlog cases was 22,073, while in 2019 there was the total of pending **12,410** backlog cases, from all matters, where the proceedings were not completed in more than three years from the date of the initial act.

Commercial courts still have some pending backlog cases with proceedings longer than 10 years – 318 in all matters.

Due to the importance of cases in this special type of disputes, it would be necessary to reexamine the organization of these courts, and the number of judges in them, as well as the competence to make decisions before this special type of courts, and some individual measures that the court presidents are undertaking due to the increased number of incoming cases, in order to avoid prolonging the duration of proceedings in the oldest cases.

COMMERCIAL COURTS REPORT ON PENDING BACKLOG CASES ON 12/31/2019 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING BACKLOG CASES on 12/31/2019	AGE OF BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					3 TO 5	5 TO 10	MORE THAN 10		
1.	Commercial offences	67	45,779	246	229	17		0.54	3.67
2.	Bankruptcy	55	2,959	1,251	420	660	171	42.28	22.75
a	I	35	6,985	1,852	807	1,023	22	26.51	52.91
b	Iv	35	15,785	7,513	2,134	5,355	24	47.60	214.66
c	Total (a+b)	38	22,770	9,365	2,941	6,378	46	41.13	246.45
d	Other enforcement	81	41,690	62	39	22	1	0.15	0.77
3.	All enforcement (c+d)	83	64,460	9,427	2,980	6,400	47	14.62	113.58
4.	Payment order	53	805						
5.	Litigation	90	24,321	1,476	899	482	95	6.07	16.40
6.	Non-litigious	69	8,335	10	5		5	0.12	0.14
7.	Reasonable time	66	34,051						
TOTAL 1-7		152	180,710	12,410	4,533	7,559	318	6.87	81.64

Table 16

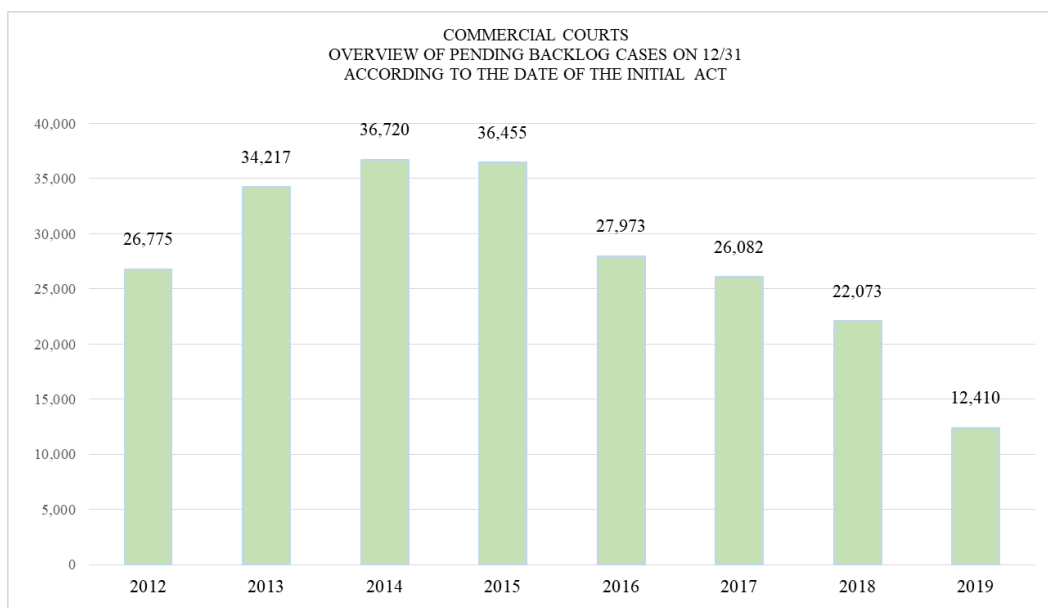


Chart 25

COMMERCIAL APPELLATE COURT

Reducing the number of backlog cases in commercial courts impacted the increase in the number of backlog cases in the Commercial Appellate Court in 2017, since this court 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 increasing). In 2018, that trend was stopped, the clearance rate was good, backlog was reduced, so this trend needs to be maintained in the future period as well, while in 2019 this court had the total of 1,591 cases, which are considered as backlog cases, according to the current Book of Court Rules.

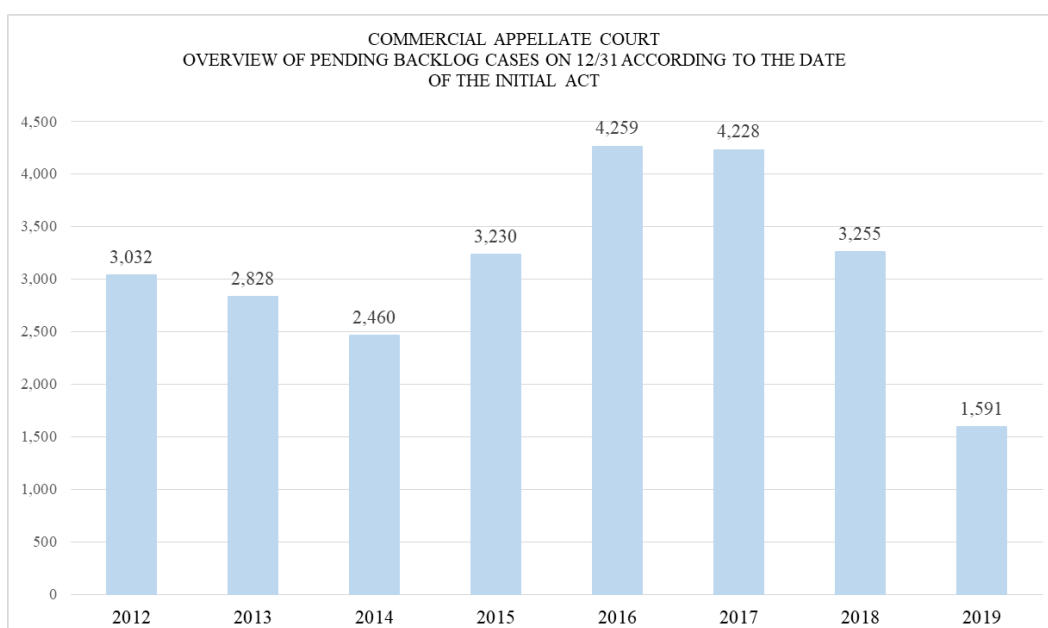


Chart 26

MISDEMEANOR COURTS

In misdemeanor courts in the period from 2012 to 2016, due to the introduction of the misdemeanor reports in the system – in accordance with the new Law on Misdemeanors in 2014 – there has been a constant increase of incoming cases and the number of pending cases in these courts until 2016, as well as pending backlog cases.

There has been an increased number of cases disposed through suspension due to the statute of limitations – from 97,332 in 2016 from the total number of 786,261 disposed cases, to 129,671 in 2017 from the total number of 696,607 disposed cases, with the overall decrease in the number of disposed cases compared to 2016. In 2018, the total number of disposed cases was 676,361 which is less than in 2017, and out of that number the procedure was suspended in 110,173 cases, while additional 1,746 cases were reversed due to the statute of limitations.

In 2019, **614,246** cases were resolved, and there was a total of **533,968** pending cases. The number of cases disposed through suspension due to the statute of limitations has been reduced to **55,400**, and there are **8,412** cases where the proceedings last more than three years, while in **2,807** cases the proceedings last more than 10 years.

A separate analysis of the causes that led to significant increase in the number of disposed cases through suspension due to the statute of limitations should be conducted, since the increase in the number of cases disposed this way cannot be considered as efficient action of courts, as well as the analysis of the excessive duration of the misdemeanor procedure of more than three, or more than 10 years.

MISDEMEANOR COURTS
REPORT ON PENDING CASES
ON 12/31/2019 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter		Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2019	TOTAL PENDING BACKLOG CASES on 12/31/2019	AGE OF PENDING BACKLOG CASES		% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
	Classification	Registry				3 TO 5	5 TO 10		
1	01-Public order and peace	PR	486	45,626	143	143		0.31	0.29
		PRM	417	2,163	10	10		0.46	0.02
2	02-Traffic	PR	488	293,554	1,232	1,232		0.42	2.52
		PRM	417	4,587	18	18		0.39	0.04
3	03-Public safety	PR	488	35,406	63	63		0.18	0.13
		PRM	408	2,462	5	5		0.20	0.01
4	04-Commercial	PR	472	50,536	683	535	148	1.35	1.45
		PRM	24	35					
5	05-Finance and customs	PR	488	44,129	6,129	3,470	2,659	13.89	12.56
		PRM	27	31					
6	06-Labor, labor relations and protection at work	PR	487	10,565	36	36		0.34	0.07
		PRM							
7	07-Education, science, culture and information	PR	473	8,433	21	21		0.25	0.04
		PRM	5	8					
8	08-Health and social protection, health insurance and environmental protection	PR	476	6,294	53	53		0.84	0.11
		PRM	5	5					
9	09-Defense - Military	PR	482	12,847	34	34		0.26	0.07
		PRM	326	2,066					
10	10-Administration	PR	160	715	18	18		2.52	0.11
		PRM	2	2					
TOTAL 1-10		PR	489	508,105	8,412	5,605	2,807	1.66	17.20
		PRM	422	11,359	33	33		0.29	0.08

Table 17

XI SPECIAL TYPES OF DISPUTES

PROTECTION OF THE RIGHT TO A TRIAL WITHIN REASONABLE TIME

Amendments to the Law on Court Organization and the new Law on Protection of the right to a trial within 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 damages.

The upward trend in new cases in 2015 continued throughout 2016, 2017, 2018 and 2019, therefore the total number of pending cases at the national level increased from 13,178 at the beginning of reporting period to **23.479** pending cases.

In 2018, the total of 68,720 incoming cases were received, which has been the largest real increase of inflow in the system, but the inflow of incoming cases in this matter was even bigger in 2019, since the total number of received **incoming cases was 100,600, which are considered to be urgent, according to the Law, and are therefore urgently resolved, and even though the total of 90,299 cases were disposed, the overall inflow was not resolved.**

The largest inflow was present in basic courts, followed by commercial and higher courts, which means tha the courts presidents need the increase the number of judges in the Annual Work Plans who will, aside from them, decide on claims for protection of right to a trial within reasonable time.

PROTECTION OF THE RIGHT TO A TRIAL WITHIN REASONABLE TIME
TOTAL FOR ALL COURTS

		01/01 - 12/31/2016					01/01 - 12/31/2017				
No.	Court	Number of judges in matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end of the reporting period	Number of judges in matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end of the reporting period
1	Supreme Court of Cassation	30	1,297	3,465	3,991	771	24	771	498	1,190	79
2	Appellate courts	121	1,254	934	1,837	351	72	351	356	633	74
3	Higher courts	123	4,632	3,198	6,972	858	84	858	4,377	4,646	589
4	Basic courts	236	1	12,364	9,811	2,554	390	2,554	19,049	15,398	6,205
TOTAL 1-4		510	7,184	19,961	22,611	4,534	570	4,534	24,280	21,867	6,947
5	Administrative Court	1		225	210	15	1	15	267	259	23
6	Commercial Appellate Court	30	2,766	1,114	3,744	136	34	136	1,750	1,637	249
7	Commercial courts	63		4,305	4,150	155	71	155	8,549	7,224	1,480
8	Misdemeanor Appellate Court	4	11	69	78	2	4	2	76	67	11
9	Misdemeanor courts	44		180	173	7	33	7	170	154	23
TOTAL 5-9		142	2,777	5,893	8,355	315	143	315	10,812	9,341	1,786
TOTAL 1-9		652	9,961	25,854	30,966	4,849	713	4,849	35,092	31,208	8,733

Table 18

		01/01 - 12/31/2018					01/01 - 12/31/2019				
No.	Court	Number of judges in matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end of the reporting period	Number of judges in matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end of the reporting period
1	Supreme Court of Cassation	23	79	319	352	46	16	46	307	321	32
2	Appellate courts	117	74	677	672	79	128	79	1,385	1,336	128
3	Higher courts	101	586	7,690	6,692	1,584	127	1,584	15,169	13,730	3,023
4	Basic courts	500	6,205	27,874	25,437	8,642	555	8,644	43,821	35,278	17,187
TOTAL 1-4		741	6,944	36,560	33,153	10,351	826	10,353	60,682	50,665	20,370
5	Administrative Court	1	23	353	320	56	1	54	390	410	34
6	Commercial Appellate Court	34	250	3,813	3,778	285	31	285	6,664	6,340	609
7	Commercial courts	56	1,480	27,536	26,581	2,435	66	2,435	31,616	31,702	2,349
8	Misdemeanor Appellate Court	4	11	138	138	11	4	11	424	410	25
9	Misdemeanor courts	32	23	320	303	40	43	40	824	772	92
TOTAL 5-9		127	1,787	32,160	31,120	2,827	145	2,825	39,918	39,634	3,109
TOTAL 1-9		868	8,731	68,720	64,273	13,178	971	13,178	100,600	90,299	23,479

Table 19

A total of **21,078** cases in which the parties claimed fair compensation for intangible damage in the amount between EUR 300 and EUR 3,000 were received pursuant to the decisions of court presidents upholding objections requesting acceleration of proceedings, as well as rulings establishing infringement of the right to trial within reasonable time before basic courts in the Republic of Serbia (in 2017 the number of incoming cases was 5,545, and in 2018 – 11,111 cases related to the right to a trial within reasonable time in basic courts).

The most obvious increase in inflow comes from the claims for compensation of material damages. In 2018, there were 2,148 of such lawsuits, and in 2019 – **10,747**. The inflow was not resolved, so 8,364 cases for compensation of material damages remained unresolved. That is why court presidents are obliged to undertake measures to resolve these cases as soon as possible, since this represents failure to enforce final and enforceable court decisions where the proceedings already took a lot of time.

Most of these cases refer to the enforcement of effective court decisions, in which the enforced collection of claims from labor relations was suspended due to imperative norms of the Law on Privatization, and this legal solution could not be affected by the courts, and due to the insolvency of debtors in restructuring preceding privatization, the claims were transferred to the state (*Kačapor vs. Serbia, Vlahović vs. Serbia...*). The amounts paid to parties instead of these insolvent debtors, which are socially or state-owned and privatized by the state, are heavily burdening the budget, so public criticism cannot be accepted - that the budget is burdened only because of the poor and inefficient work of the courts.

Since these are all urgent cases that include compensation of material and non-material damage due to the infringement of right to a trial within reasonable time, and having in mind the workload of basic courts, individual measures need to be undertaken and an additional number of judges should be assigned to these cases, through annual work plans, since the current number is insufficient.

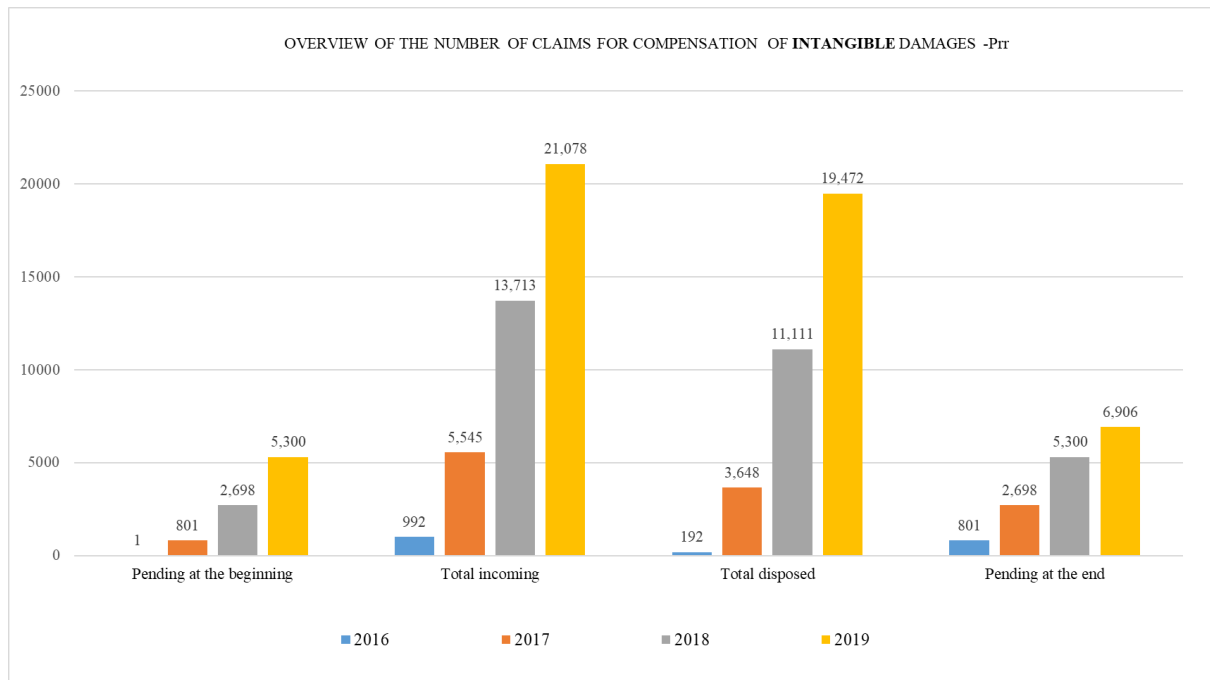


Chart 27-a.

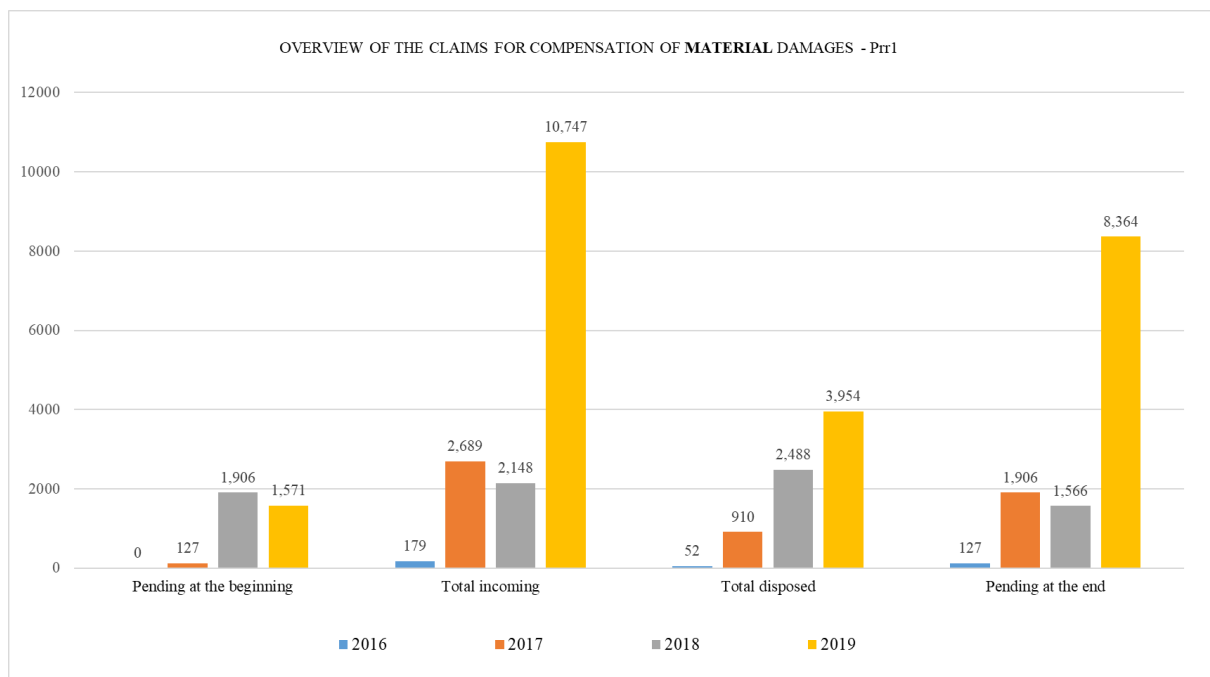


Chart 27-b

DOMESTIC VIOLENCE CASES

According to the positive legislation, and especially after the adoption of the Law on the Prevention of Domestic Violence, first instance courts received and disposed an increased number of these cases. In 2019, the total of **32,146** cases were received, while **31,920** cases were resolved, with pending **3,110** cases. Most of the pending cases are in basic courts, so the court presidents have the obligation to undertake additional measures to speed up the resolution of these urgent cases.

DOMESTIC VIOLENCE CASES 01/01/2019 – 12/31/2019

No.	Court	Pending at the beginning	Incoming	Total caseload	Disposed	Pending at the end
1.	Supreme Court of Cassation	22	120	142	116	26
2	Appellate courts	46	671	717	677	40
3	Higher courts	122	3,457	3,579	3,420	159
4	Basic courts	2,620	25,669	28,289	25,507	2,782
5	Misdemeanor Appellate Court	3	221	224	218	6
6	Misdemeanor courts	71	2,008	2,079	1,982	97
TOTAL		2,884	32,146	35,030	31,920	3,110

Table 20

CORRUPTION CASES AND PROTECTION OF WHISTLEBLOWERS

According to the court reports on cases regarding criminal offences with corruption elements in 2019 the total of **1,516** cases were received, **1,792** cases were disposed, and **1,290** cases remained pending. The number of these pending cases went down, and in the total number of pending cases in 498 backlog cases the proceedings are taking more than three years, from the date of the initial act.

CASES REGARDING CRIMINAL OFFENCES FROM ARTICLE 194, ARTICLE 344-a and 388 OF THE CC OF THE RoS

No.	Court Name	Pending at the beginning			Incoming		Total caseload		Total disposed				Pending at the end	
		Total	Backlog cases according to the date of the initial	Number of indicted persons	Total	Number of indicted persons	Number of cases	Number of indicted persons	In merits	In other way	Total disposed	Backlog cases according to the date of the initial act	Remaining caseload as pending	Backlog cases according to the date of the initial
1	Appellate courts	27	6	31	219	245	246	276	226	3	229	36	17	3
2	Higher courts	69	19	139	69	85	138	224	70	10	80	8	58	17
3	Basic courts	1,738	63	1,753	4,003	4,050	5,741	5,803	3,466	547	4,013	57	1,728	39
TOTAL:		1,834	88	1,923	4,291	4,380	6,125	6,303	3,762	560	4,322	101	1,803	59

Table 21

CORRUPTION

No.	Court Name	Pending at the beginning			Incoming		Total caseload		Total disposed				Pending at the end	
		Total	Backlog cases according to the date of the initial act	Number of indicted persons	Total	Number of indicted persons	Number of cases	Number of indicted persons	In merits	In other way	Total disposed	Backlog cases according to the date of the initial act	Remaining caseload as pending	Backlog cases according to the date of the initial act
1	Appellate courts	89	52	305	467	936	556	1,241	469	8	477	180	79	46
2	Higher courts	759	350	2,350	687	1,039	1,446	3,389	456	203	659	210	787	332
3	Basic courts	718	213	1,059	362	494	1,080	1,553	500	156	656	163	424	120
TOTAL:		1,566	615	3,714	1,516	2,469	3,082	6,183	1,425	367	1,792	553	1,290	498

Table 21a

OFFENCES ACCORDING TO THE LAW ON THE ANTI-CORRUPTION AGENCY

No.	Court Name	Pending at the beginning			Incoming		Total caseload		Total disposed				Pending at the end	
		Total	Backlog cases according to the date of the initial act	Number of indicted persons	Total	Number of indicted persons	Number of cases	Number of indicted persons	In merits	In other way	Total disposed	Backlog cases according to the date of the initial act	Remaining caseload as pending	Backlog cases according to the date of the initial act
1	Misdemeanor Appellate Court	3		3	34	34	37	37	16	16	32		5	
2	Misdemeanor courts	48		48	51	51	99	99	42	8	50		49	
TOTAL:		51		51	85	85	136	136	58	24	82	0	54	

Table 21b

In the courts in the Republic of Serbia, at the end of 2019, there was a total of **60** pending cases regarding the protection of whistleblowers from retaliation for disclosure of information in accordance with the Law on the Protection of Whistleblowers. In 2019, **152** incoming cases were received. The courts disposed **160** cases out of the total caseload of 220 cases.

Although these cases are not numerous, their importance is significant, given the fact that the protection of the whistleblowing right, as a human right for protection of the freedom of speech, is important for the rule of law and the development of any democratic society. **Regardless of the urgency of these cases, at the end of 2019, 13 cases remained in which the proceedings were not completed even after three years, counting from the date of the filing of the initial act. Therefore, the court presidents need to take special measures to speed up the proceedings in these old cases.**

REPORT ON THE CASES REGARDING WHISTLEBLOWING PROTECTION
FOR THE PERIOD 01/01 - 12/31/2019

No.	Court name	Matter	Number of judges in matter	Pending at the beginning	Total incoming	Total caseload	Total disposed	Pending at the end	
								Remaining caseload as pending	Duration of the procedure from the initial act, longer than 36 months
1	Supreme Court of Cassation	Rev-uz	6	2	6	8	2	6	1
		Rev2-uz	2	3	4	7	5	2	1
TOTAL				5	10	15	7	8	2
1	Appellate courts	Gž-uz	22	1	41	42	36	6	3
		Gž1-uz	16		17	17	17		
2	Higher courts	P-uz	17	37	35	72	43	29	7
		Ppr-uz	1	4	19	23	21	2	
3	Basic courts	P1-uz	4	13	5	18	13	5	1
4	Administrative Court	U-uz	17	4	17	21	14	7	
5	Misdemeanor Appellate Court	Prž-uz	4		5	5	4	1	
6	Misdemeanor courts	Pr-uz	2	4	3	7	5	2	
TOTAL FOR ALL COURTS WITHOUT THE SUPREME COURT OF CASSATION:				63	142	205	153	52	11
TOTAL FOR ALL COURTS:				68	152	220	160	60	13

Table 21v

STATUTE OF LIMITATIONS IN CRIMINAL MATTER
(criminal, misdemeanor, commercial)

A comparative overview of the cases disposed through suspension due to the statute of limitations in criminal proceedings, misdemeanor proceedings and proceedings in commercial offences indicates that the number of such cases before general jurisdiction courts and commercial courts is decreasing. In misdemeanor courts, in 2017, the suspension due to the statute of limitations was imposed in 129,671 cases out of the total of 696,607 disposed cases. In 2018, out of the total number of 676,361 disposed misdemeanor cases, the procedure was suspended due to the statute of limitations in 110,173 cases, while in additional 1,746 cases the first instance decision was reversed due to the statute of limitations. In 2019, out of the total number of disposed cases (1,229,418), misdemeanor courts had the highest number of cases with imposed statute of limitations (55,400). It would be necessary to do the analysis of the sample of cases with imposed statute of limitations in misdemeanor courts, although in 2019 the number of such cases was cut in half compared to 2018.

STATUTE OF LIMITATIONS IN 2019 (PREDOMINANTLY TRIAL MATTERS)

No.	Court	Total number of disposed cases	Decision on suspension due to the statute of limitations	Reversed decision due to the statute of limitations	Total statute of limitations
1	Appellate courts	57,541		3	3
2	Higher courts	116,202	50	12	62
3	Basic courts	255,568	40	67	107
4	Commercial Appellate Court	16,993			
5	Commercial courts	140,082	8		8
6	Misdemeanor Appellate Court	28,786	2,443	14	2,457
7	Misdemeanor courts	614,246	54,445	955	55,400
TOTAL		1,229,418	56,986	1,051	58,037

Table 22

XII

APPLICATION OF THE NEW LAW ON ENFORCEMENT AND SECURITY FROM 2016 AND THE LAW ON AMENDMENTS AND SUPPLEMENTS TO THE LAW ON ENFORCEMENT AND SECURITY THAT CAME INTO FORCE ON AUGUST 3, 2019

Through the implementation of systemic measures defined in the special program for reduction of backlog of enforcement cases, with the adoption of the new Law on Enforcement and Security, the Republic of Serbia has enabled 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 enforcement agents in enforcement and security proceedings and stipulate the obligations of enforcement creditors, courts, the Chamber of Enforcement Agents and public enforcement agents 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. In 2017, the total number of disposed enforcement cases is smaller, however, the total number of enforcement cases decreased by 143,519 cases. The greatest delay in the implementation of the plans for reduction of backlog enforcement cases was caused by the division of a large number of pending cases between the First, the Second and the Third Basic Court in Belgrade, however, the work on these cases will be expedited in 2018 with the assistance of the EU funded “Judicial Efficiency Project”, since the project was extended for additional three months in 2018.

In 2019, the total number of incoming new enforcement cases was **396,233**, and **475,702** cases were disposed, with the remaining **632,791** cases. The number of pending enforcement cases was decreased in 2019 compared to 2018, although the inflow of the new enforcement cases was greater than in 2018, since at the end of 2019 the inflow of cases where the enforcement debtor is the Republic of Serbia increased, since the enforcement creditors wanted to avoid the implementation of the amendments to the Law on Enforcement and Security that came into force on January 1, 2020 and the notification of the Ministry of Finance on the intention to submit a request for enforcement against the state (Article 300 of the Law on Enforcement and Security).

All enforcement	Pending at the beginning	Total incoming	Total disposed	Pending at the end
2016	1,855,129	352,207	1,225,471	981,865
2017	982,162	491,659	635,178	838,643
2018	838,643	337,760	463,964	712,439
2019	712,440	396,233	475,702	632,971

Table 23

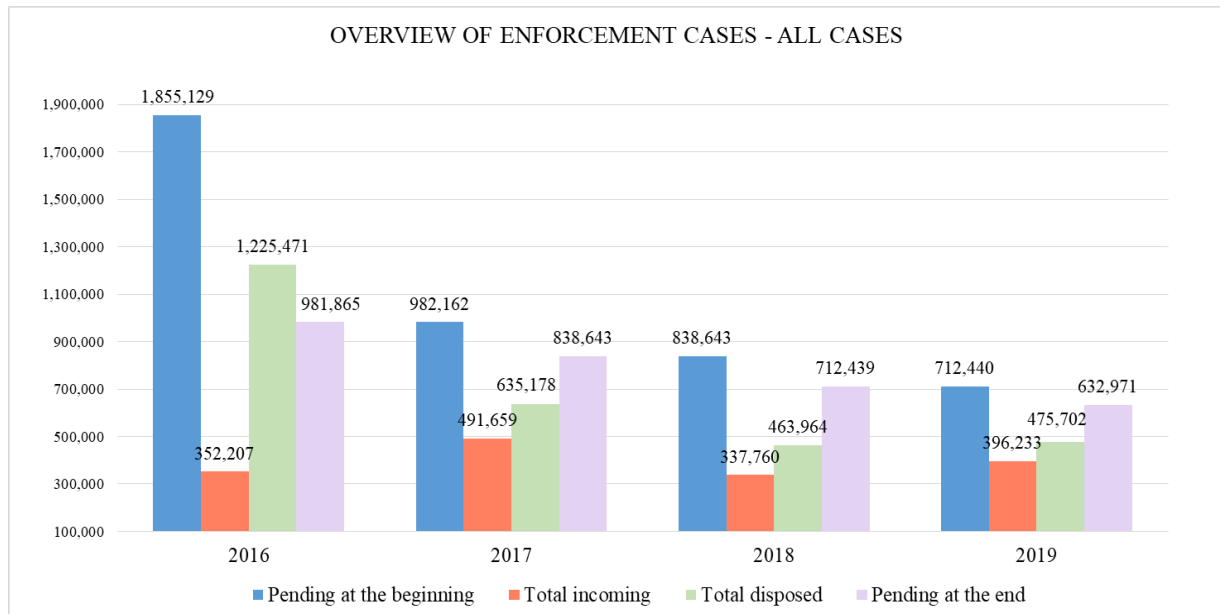


Chart 28

OVERVIEW OF ENFORCEMENT CASES
TOTAL FOR ALL BASIC AND COMMERCIAL COURTS IN 2019

2019	Matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end
BASIC COURTS	I	121,051	49,677	72,917	97,811
	Iv	536,623	13,012	74,254	475,381
	Total (I+Iv)	657,674	62,689	147,171	573,192
COMMERCIAL COURTS	I	4,456	2,529	4,284	2,701
	Iv	14,025	1,760	8,154	7,631
	Total (I+Iv)	18,481	4,289	12,438	10,332
TOTAL (BASIC + COMMERCIAL)	I	125,507	52,206	77,201	100,512
	Iv	550,648	14,772	82,408	483,012
	Total	676,155	66,978	159,609	583,524

Table 24

Comparative indicators of the structure of backlog enforcement cases (“I”, “Iv” and “Other”) indicate that the total number of backlog enforcement cases is 583,524.

The total number of pending enforcement and pending backlog enforcement “I” and “Iv” cases, especially in basic courts, indicate the need for application of all systemic and individual measures stipulated by the Amended Single Backlog Reduction Program in order to resolve all pending backlog enforcement cases, and above all, those cases in which the proceedings take more than five or more than 10 years, since these cases could not be disposed in regular court enforcement proceedings.

BASIC COURTS
SYTRUCTURE OF PENDING BACKLOG ENFORCEMENT CASES
ACCORDING TO THE DATE OF INITIAL ACT ON 12/31

Year	Matter	Total number of pending backlog 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
2017	I	96,872	25,054	38,419	27,290	6,109
	Iv	611,347	14,802	27,420	426,943	142,182
	TOTAL:	708,219	39,856	65,839	454,233	148,291
2018	I	80,459	13,456	31,362	30,007	5,634
	Iv	533,590	6,661	22,638	319,073	185,218
	TOTAL:	614,049	20,117	54,000	349,080	190,852
2019	I	52,851		20,100	28,380	4,371
	Iv	472,084		16,844	209,279	245,961
	TOTAL:	524,935		36,944	237,659	250,332

Table 25

COMMERCIAL COURTS**STRUCTURE OF PENDING BACKLOG ENFORCEMENT CASES
ACCORDING TO THE DATE OF THE INITIAL ACT ON 12/31**

Year	Matter	Total number of pending backlog 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
2017		22,392	4,847	8,986	8,533	26
2018		17,439	2,012	6,445	8,954	28
2019		9,427		2,980	6,400	47

Table 26

All strategic documents of the SCC, MoJ and HCC indicated the need to take new systemic measures and activities to reform the enforcement procedure, which is why the Law on Amendments and Supplements to the Law on Enforcement and Security (“Official Gazette of the Republic of Serbia” No. 54/2019 from July 26, 2019) which came into force on August 3, 2019, while most provisions come into force on January 1, 2020, defines certain responsibilities of courts and public enforcement agents in the enforcement and security proceedings, defines the demarcation of powers that they have in the procedure and precludes parallel execution of enforcement procedures, prescribes obligations of enforcement creditors, court, court presidents and public enforcement agents in enforcement cases where there is a change of jurisdiction, sanctions omission of mandatory action of enforcement creditors and prescribes measures for acting in certain enforcement cases.

Enforcement system for enforcement of claims, effective from January 1, 2020, is designed according to the rules on the exclusive jurisdiction of courts or public enforcement agents to make decisions on enforcement and implementation of enforcement, i.e. on their exclusive responsibility to carry out certain enforcement procedures.

As of January 1, 2020, public enforcement agents will be assigned to all cases that fall under their jurisdiction according to the Law on Enforcement and Security (“Official Gazette of the Republic of Serbia”, No. 106/15, 106/16, 113/17 and 54/19), namely, not only the cases in which they became competent for enforcement under the amendments to the Law from 2019, but also those cases for which the public enforcement agents were competent to enforce based on the Law on Enforcement and Security from 2016, which, pursuant to Article 547 of the Law remained in courts.

This means that as of January 1, 2020 the following enforcements will remain in courts: enforcement of decisions regarding family relations, except legal support, enforcement of actions that can only be undertaken by the debtor, negligence and endurance, return of the employee to work and those means of enforcement for which the court has jurisdiction under the provisions of a separate law.

At the same time, the transitional and final provisions in Article 166 paragraphs 5 and 6 of the Law prescribe the conditions and terms within which certain enforcement proceedings will be suspended.

In order to implement these amendments, the SCC, HCC and MoJ have issued the previously mentioned Instructions on October 10, 2019, which is implemented in cooperation with the Project EU for Serbia – Support to the Supreme Court of Cassation and the USAID Project – Rule of Law, and it is expected that in most enforcement cases the procedure will be either suspended or the enforcement will be transferred to public enforcement agents. With the support of these project, preparatory actions, education, electronic forms for decision drafting and transfer of enforcement cases to public enforcement agents were done, and the first measurable results of the implementation of this Law can be expected at the end of the first half of 2020.

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 COURT DECISIONS IN 2019

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 review 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	199	63,187	59,398	5,521	263	0.42	0.44	8.74	9.29	4.76
2	Higher courts	340	254,759	133,512	15,988	1,793	0.70	1.34	6.28	11.97	11.21
3	Basic courts	1,168	1,110,393	721,254	105,464	14,381	1.30	1.99	9.50	14.62	13.64
4	Administrative Court	41	21,285	20,756	329	20	0.09	0.10	1.55	1.59	6.08
5	Commercial Appellate Court	31	16,993	16,395	453	37	0.22	0.23	2.67	2.76	8.17
6	Commercial courts	152	140,082	103,161	15,242	1,722	1.23	1.67	10.88	14.77	11.30
7	Misdemeanor Appellate Court	58	28,786	24,566	50	16	0.06	0.07	0.17	0.20	32.00
8	Misdemeanor courts	509	614,246	477,892	25,539	5,486	0.89	1.15	4.16	5.34	21.48
TOTAL:		2,498	2,249,731	1,556,934	168,586	23,718	1.05	1.52	7.49	10.83	14.07

Table 27

PERCENTAGE OF REVOKED DECISIONS IN 2019

No.	Court name	Number of judges	Number of reviewed appeals	Total number of revoked	% of revoked decisions compared to the no. of reviewed appeals
1	Appellate courts	199	5,521	263	4.76
2	Higher courts	340	15,988	1,793	11.21
3	Basic courts	1,168	105,464	14,381	13.64
4	Administrative Court	41	329	20	6.08
5	Commercial Appellate Court	31	453	37	8.17
6	Commercial courts	152	15,242	1,722	11.30
7	Misdemeanor Appellate Court	58	50	16	32.00
8	Misdemeanor courts	509	25,539	5,486	21.48
TOTAL:		2,498	168,586	23,718	14.07

Table 28

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 decreases.

AGE OF DISPOSED CASES FOR PREDOMINANTLY TRIAL MATTERS IN 2019

Number	Court	Total number of disposed cases	DURATION OF PROCEEDINGS					
			Up to 1 year	1 to 2 years	2 to 3 years	2 to 5 years	5 to 10 years	More than 10 years
1	Appellate courts	57,541	54,454	2,614	439	34		
2	Higher courts	116,202	82,085	27,170	6,381	438	120	8
3	Basic courts	255,568	188,923	43,466	14,288	6,970	1,918	3
4	Administrative Court	21,285	7,652	5,919	5,991	1,722	1	
5	Commercial Appellate Court	16,993	13,449	3,447	97			
6	Commercial courts	140,082	118,811	10,014	3,313	2,946	4,969	29
7	Misdemeanor Appellate Court	28,786	28,733	52	1			
8	Misdemeanor courts	614,246	282,010	290,170	35,942	4,428	1,696	
TOTAL:		1,250,703	776,117	382,852	66,452	16,538	8,704	40

Table 29

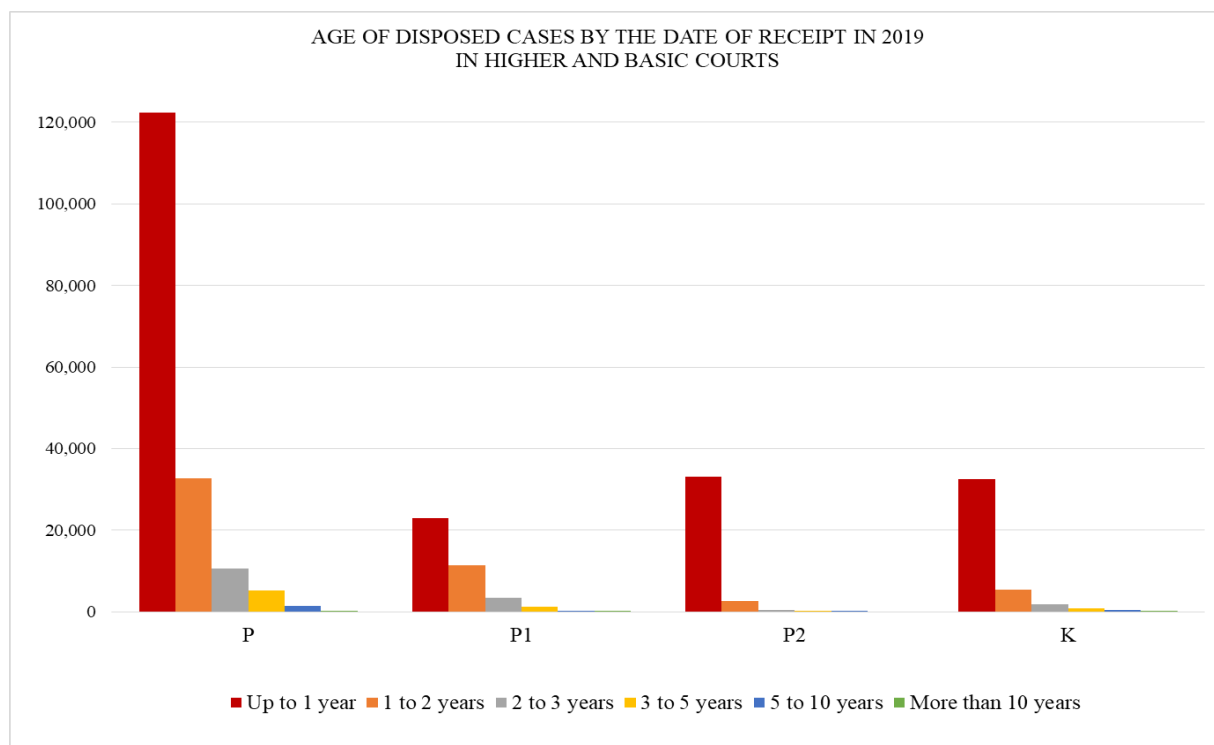


Chart 29

AGE OF DISPOSED CASES IN PREDOMINANTLY TRIAL MATTERS IN 2019

BASIC COURTS

No.	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS					
			Up to 1 year	1 to 2 years	2 to 3 years	3 to 5 years	5 to 10 years	More than 10 years
1	P	145,827	104,677	25,741	9,084	5,002	1,321	2
2	P1	35,788	20,863	10,251	3,261	1,149	263	1
3	P2	35,518	32,577	2,479	356	96	10	0
4	K	38,435	30,806	4,995	1,587	723	324	0
Total 1-4		255,568	188,923	43,466	14,288	6,970	1,918	3

HIGHER COURTS

No.	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS					
			Up to 1 year	1 to 2 years	2 to 3 years	3 to 5 years	5 to 10 years	More than 10 years
1	P	26,316	17,630	6,874	1,508	246	53	5
2	P1	3,446	2,110	1,200	97	28	11	0
3	P2	597	497	78	16	5	1	0
4	K	2,452	1,766	442	134	58	49	3
Total 1-4		32,811	22,003	8,594	1,755	337	114	8

TOTAL BASIC + HIGHER

No.	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS					
			Up to 1 year	1 to 2 years	2 to 3 years	3 to 5 years	5 to 10 years	More than 10 years
1	P	172,143	122,307	32,615	10,592	5,248	1,374	7
2	P1	39,234	22,973	11,451	3,358	1,177	274	1
3	P2	36,115	33,074	2,557	372	101	11	0
4	K	40,887	32,572	5,437	1,721	781	373	3
Total 1-4		288,379	210,926	52,060	16,043	7,307	2,032	11

Table 30

XV

PERFORMANCE INDICATORS ACCORDING TO THE CEPEJ

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 the **annual basis**, and it is determined based on the following formula:

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

Another important performance indicator, clearance rate, is also calculated on the **annual basis**, according to 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.

The average duration of court proceedings in Serbia for the period 2012 – 2019 is shown in the following table:

TIME TO DISPOSITION IN DAYS

	2012	2013	2014	2015	2016	2017	2018	2019
Number of pending cases at the end	3,158,400	2,874,782	2,849,360	2,886,619	2,043,925	1,911,086	1,701,580	1,656,645
Number of disposed cases	2,156,958	2,084,768	1,793,212	2,087,332	2,953,921	2,335,760	2,298,870	2,268,769
Time to disposition of cases	534	503	580	505	253	299	270	267

Table 31

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

CLEARANCE RATE AND AVERAGE TIME TO DISPOSITION IN DAYS

Court type	Clearance rate	Time to disposition	Clearance rate	Time to disposition	Clearance rate	Time to disposition	Clearance rate	Time to disposition
	2012		2014		2016		2018	
	%	in days	%	in days	%	in days	%	in days
Supreme Court of Cassation	105,65	98	80,73	176	95,48	173	94,88	181
Administrative Court	80,64	496	103,74	439	89,45	534	73,41	734
Appellate courts	99,39	116	109,02	111	102,05	88	99,71	86
Higher courts	105,92	134	96,6	121	87,52	179	102	134
Basic courts	111,44	810	110,29	901	191,09	254	113,98	323
Commercial Appellate Court	105,55	190	103,9	210	109,71	245	111,68	159
Commercial courts	120,01	207	100,64	337	109,95	227	99,25	160
Misdemeanor Appellate Court	98,24	13	96,06	25	99,80	22	97,15	29
Misdemeanor courts	107,72	257	92,67	290	98,32	278	113,17	278
TOTAL	109,53	534	102,34	580	139,87	253	110,03	270

Table 32

The data on the average clearance rate and the average time to disposition by types of courts in 2019 are shown in the following table and chart:

CLEARANCE RATE AND AVERAGE TIME TO DISPOSITION IN DAYS IN 2019

Court type	Clearance rate	Time to disposition in days
Misdemeanor courts	97,08	317
Misdemeanor Appellate Court	98,66	34
Commercial courts	112,23	106
Commercial Appellate Court	99,71	146
Basic courts	104,03	303
Higher courts	102,49	128
Appellate courts	103,17	78
Administrative Court	94,44	665
Supreme Court of Cassation	92,43	155
TOTAL	102,01	267

Table 33

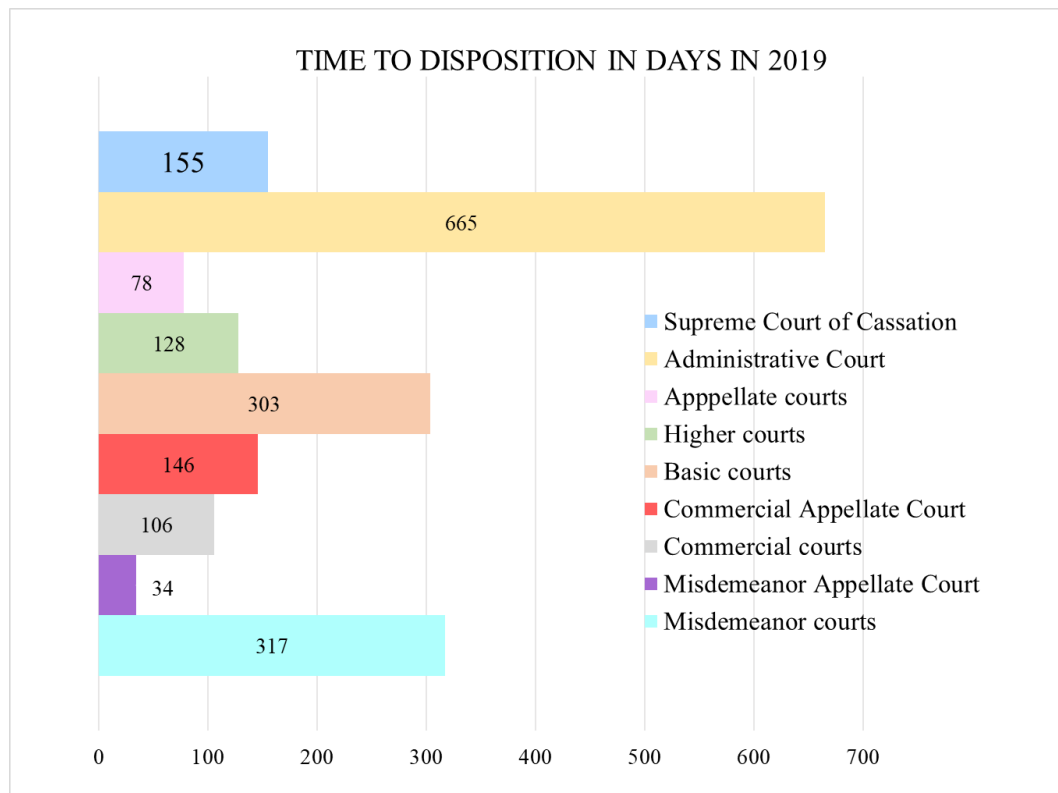


Chart 30

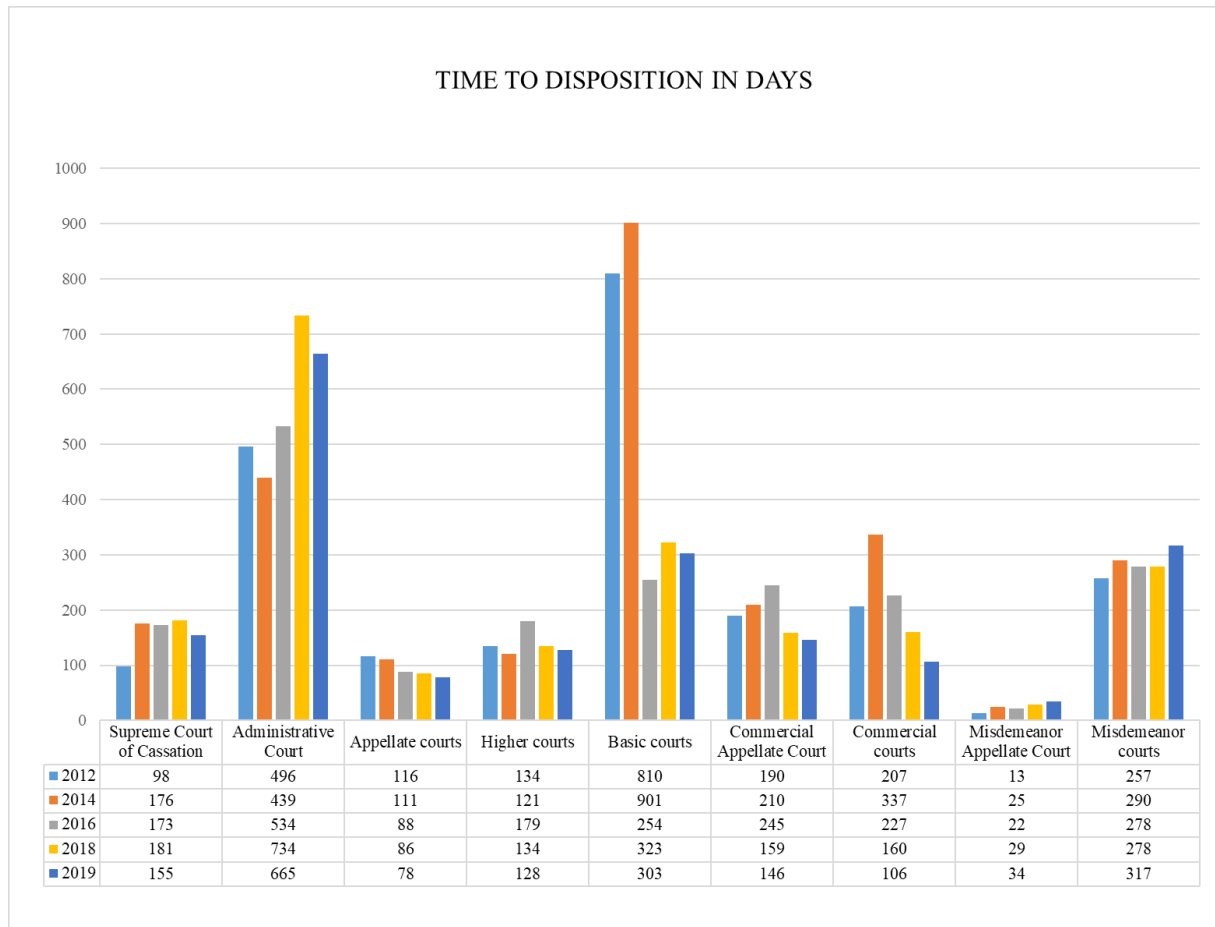


Chart 31

The above tables show that in the courts of the Republic of Serbia, regardless of the vacancy of judicial posts and the unexpected increase in the inflow, especially in basic courts and special types of cases for protection of the right to a trial within reasonable time, the inflow in all matters was disposed by 102,01%, and the time to disposition was reduced to 267 days.

CONCLUSIONS

1.

In 2019, the judicial system had a total of 319 vacant judicial positions – which resulted from the ban of election of new judges promulgated by the Constitutional Court and harmonization of the regulations on the election of judges, which supplemented the election procedure with new elements, testing, mandatory interviews, as well as a non-timely election of judges for a three-year term in office, sending back the HCC proposals from the Parliament procedure, and the fact that judges left the system because of retirement or a decision to work in other fields.

In addition, the reduction in the number of court staff, as a result of a long-standing employment ban, further increases the amount of work performed by employees who remained in the system, the structure of employees is therefore not always adequate, and the number of judicial assistants is inadequate, although the number of court staff in the system should at least be equal to the number of judges.

The unfavorable age structure of judges and court staff should be eliminated through future systemic solutions, by filling vacancies regularly and in a timely manner, in order to provide professional continuity and necessary experience in performing judicial tasks.

2.

In all courts in Serbia, the total of 2,268,769 cases were disposed, so the increase in the number of disposed cases since 2012 has been constant, which is especially pronounced in the trial matters, since in the last four years approximately 500,000 more cases were resolved than in 2012, regardless of the constantly decreasing number of filled judicial positions.

In 2019, the courts in the Republic of Serbia disposed 1,309,837 cases that are not shown in the tables of this Report as disposed cases (verifications, certifications, etc. that are not under the jurisdiction of public notaries), so basic courts disposed 401,549 of such cases, higher courts disposed 33,560 cases and misdemeanor courts 874,728 cases. They are handled by the court administration under the supervision of judges, and thus the disposition of these cases burdens the courts.

Of the 134,226 cases of probate proceedings submitted to courts, the courts have assigned 122,708 of these cases to public notaries (55,005 for the purpose of issuing a death certificate and 67,703 for conducting the probate proceedings).

3.

Clearance rate in all matters was 102.02%, slightly worse than in 2018, which is a consequence of the unexpected increase in inflow in 2019, compared to 2018, since in 2018 2,089,237 cases were received, and in 2019 – 2,224,102 cases in trial matters, mostly in basic courts.

A significant increase of inflow is present in the matter of protection of right to a trial within reasonable time, since in 2019 a total of 100,600 of such cases were received, out of which more than 30,000 cases were litigated for compensation of non-material and material damages, which the basic courts could not resolve due to the increased inflow in other matters and vacant judicial posts.

4.

Comparative indicators for the period 2012 to 2019 indicate a constant decrease in the number of pending cases in the system. In 2012, there was a total of 3,158,400 pending cases in Serbia, and at the end of 2019 that number decreased to 1,656,645 or 1,501,755 cases less than in 2012.

The number of pending cases in trial matters increased compared to 2012, as a result of the steady increase of inflow in recent years, which this number of judges, despite their increased engagement, has not managed to dispose.

5.

Fewer backlog cases were disposed in 2019, as a result of an increased number of urgent cases, unexpected increase of inflow and vacant judicial posts, so the increase in the number of judicial posts will not affect the overall results, since in the election year we can expect to fill vacant judicial posts only in the second half of 2020.

However, with the implementation of the Law on Amendments and Supplements to the Law on Enforcement and Security that came into force on August 3, 2019, and are effective as of January 1, 2020, and the implementation of the Instructions endorsed by the SCC, HCC and MoJ, in cooperation with the Project EU for Serbia – Support to the Supreme Court of Cassation and the USAID – Rule of Law Project, we can expect final resolution of the backlog enforcement cases in the courts.

6.

The problem of enormous workload of the Administrative Court, higher courts or uneven workload of judges in the courts in Serbia must be resolved based on the analysis that should be carried out by the SCC, HCC and MoJ, in order to allow the courts to act more effectively in all instances through an adequate amendments of the legal framework.

7.

According to the CEPEJ comparative indicators, there is an obvious increase of efficiency in clearance rates and time to disposition in the courts in Serbia (in 2019, clearance rate was 102.01% in all matters, and time to disposition was 267 days), compared to the previous period when basic courts needed 901 days in 2014, 323 days in 2018 and 303 days in 2019 for case disposition.

8.

The presented results indicate good performance of courts.

These results wouldn't have been achieved if the judges and court staff hadn't invested maximum efforts during the reporting period to reduce the number of backlog and pending cases, especially the old ones, regardless of the circumstances that they worked in (fewer judges and fewer court staff).

Judges are also expected to invest maximum efforts in the upcoming period in order to reduce the number of pending backlog cases, since the improvement of efficiency and good quality work of courts is the only path toward increasing the citizens' trust in the work of courts.

Our goal is to create an independent, impartial and efficient judiciary, based on respect and protection of human rights and freedoms. In order to accomplish this, it is necessary for the judges to provide contribution to this goal through their expertise, competence and dedication.

I need to emphasize that efficiency must not be detrimental to the quality of court decisions, and the term itself: the quality of justice is a complex term and doesn't depend solely on the judiciary. It is linked to the quality of the laws that are passed and enforced, the degree of independence and impartiality of the court, the quality and quantity of funds needed for the court operations, as well as the integrity and responsibility of the holders of judicial functions, especially in the implementation of anti-corruption measures in the judiciary.

Once the aforementioned goals and principles are fulfilled in the mentioned period, we will be in a situation to not only resolve backlog cases, but to prevent their occurrence and, with the harmonized court practice, we will then be able to raise the quality of justice to the level our citizens deserve.

**ACTING PRESIDENT OF THE
SUPREME COURT OF CASSATION
JUDGE
Dragomir Milojević**

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.

P1 – 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

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