



Republic of Serbia
SUPREME COURT OF CASSATION

ANNUAL REPORT
ON THE WORK OF THE COURTS
IN THE REPUBLIC OF SERBIA
FOR 2020

Belgrade, February 2021



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Republic of Serbia
SUPREME COURT OF CASSATION
Su I-1 16/2021
February 2nd, 2021
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**ANNUAL REPORT ON THE WORK OF ALL COURTS IN THE REPUBLIC OF
SERBIA FOR 2020**

Judicial power is unique, and courts are autonomous and independent 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.

I
INTRODUCTION

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.

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.

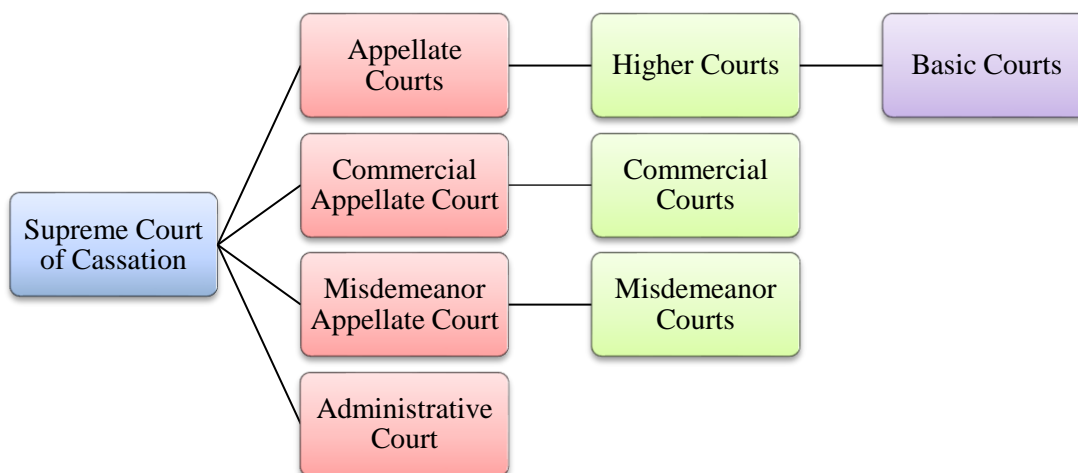
Courts of special jurisdiction are commercial courts, Commercial Appellate Court, misdemeanor courts, Misdemeanor Appellate Court and Administrative Court.

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 four 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 the date of the High Court Council as of December 31, 2020, the total number of all judicial positions in all courts in the Republic of Serbia, determined by the Decision of the HCC was **3,038** of which **2,652** positions were filled, while **2,570** judges were effectively working.

NUMBER OF JUDGES IN COURTS ON DECEMBER 31, 2020

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 court for the period 01.01. – 31.12.2020
Supreme Court of Cassation	50	42	37
Administrative Court	51	49	45
Commercial Appellate Court	41	36	34
Misdemeanor Appellate Court	65	56	56
Appellate Courts	240	228	210
Higher Courts	420	360	350
Basic Courts	1,451	1,222	1,181
Commercial Courts	179	168	168
Misdemeanor Courts	541	491	489
TOTAL:	3,038	2,652	2,570

Table 1

In 2020, as in the previous two years, once again there were vacant judicial posts in the judicial system (264 – 2017, 411 - 2018, 319 – 2019, and in 2020 - 386), 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, regular parliamentary elections in 2020, etc.

COMPARATIVE OVERVIEW OF THE NUMBER OF JUDGES IN 2019-2020

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	
	2019	2020	2019	2020	2019	2020
Supreme Court of Cassation	46	50	44	42	33	37
Administrative Court	51	51	50	49	41	45
Commercial Appellate Court	41	41	39	36	31	34
Misdemeanor Appellate Court	65	65	58	56	58	56
Appellate Courts	240	240	231	228	199	210
Higher Courts	413	420	375	360	340	350
Basic Courts	1,446	1,451	1,243	1,222	1,168	1,181
Commercial Courts	179	179	148	168	152	168
Misdemeanor Courts	541	541	515	491	509	489
TOTAL:	3,022	3,038	2,703	2,652	2,531	2,570

Table 2

The average age of judges in Serbia is **52**. There was a total of **743** male and **1,909** female judges. There were **300** judges that were 40 years old or younger, **736** judges from 40 to 50 years of age, **1,080** judges from 50 to 60, and **536** 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.

According to the High Court Council, there was a total of **10,795** court staff in the judiciary, of the average age of **46**. Of that, there were: **1,704** judicial assistants (average age 41 years) and **2,938** general service employees (average age 49 years).

In 2019, the number of judicial assistants was 1,634, while in 2020 that number amounted to 1,704, which is still insufficient for efficient performance of judicial function, especially when it comes to the drafting of court decisions, which facilitates the work of judges in individual cases.

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 2020, all courts were financed from the budget with RSD **27,524,826,000.00**. Compared to the total budget of the Republic of Serbia for 2020 amounting to RSD **1,318,418,831,000.00**, the expenditures for courts constitute **2.08 %**, of which the Supreme Court of Cassation received RSD **568,931,000.00**. In the previous period, less than 2% of the overall national budget was allocated for judiciary.

The Law on Amendments and Supplements to the Law on Budget increased the entire budget envelope of the Republic of Serbia for expenditures increased to RSD 1,728,205,379,826.00, while expenditures for courts increased to RSD 27,862,986,000.00, of which the SCC budget increased to RSD 597,790,000.00, but the percentage of allocations from the budget for courts in 2020 was lower after the amendment of the Budget Law and it is – **1.61%**, given the extraordinary allocations from the budget due to the COVID-19 pandemic.

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	2020
TOTAL NUMBER OF JUDGES	2,380	2,652	2,595	2,522	2,569	2,586	2,418	2,531	2,570
NUMBER OF JUDGES - EXCLUDING JUDGES IN ENFORCEMENT	2,165	2,365	2,331	2,256	2,299	2,301	2,135	2,240	2,314
NUMBER OF JUDGES IN ENFORCEMENT	215	287	264	266	270	285	283	391	256

Table 3

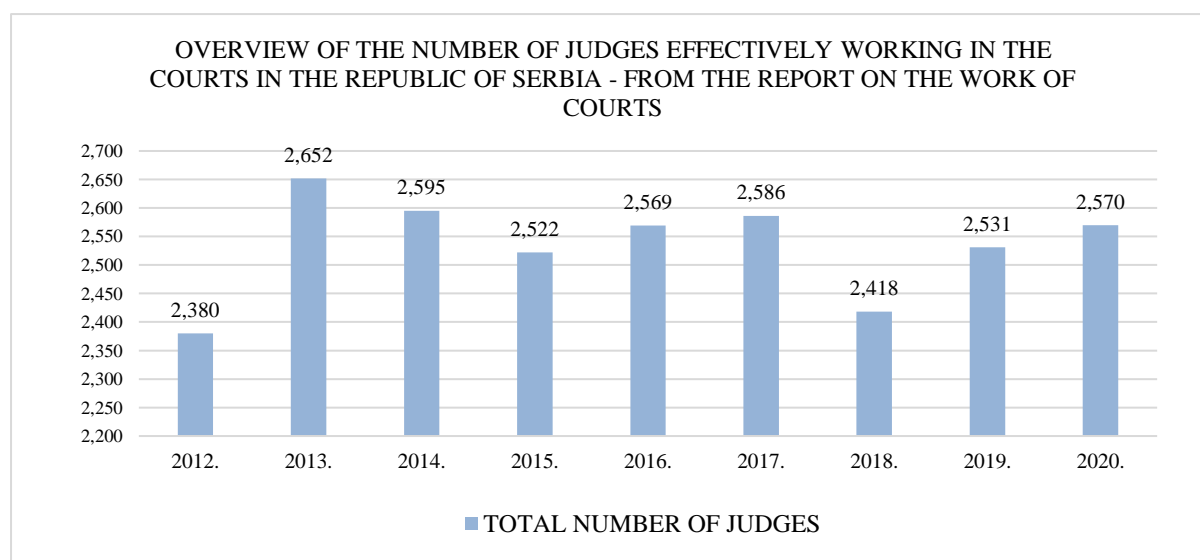


Chart.1

II DISPOSED CASES IN 2020

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

Compared to 2019, *the total number of disposed cases in 2020 dropped by 254,940 cases, as a consequence of reduced court activity and failure to hold hearing during the state of emergency and measures to protect the population due to the COVID-19 pandemic*, as well as due to vacant judicial positions in 2020 (386).

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 **2020**, the total number of disposed enforcement cases was **343,411**, which is the effect of the new extraordinary systemic interventions regarding the disposition of these cases¹ that came into force on January 1st, 2020, but, **without the enforcement cases, the total number of disposed cases in 2020 in trial matters declined from 2,068,435 to 1,670,418 cases as a direct consequence of the emergency circumstances, and the court system had less judges than the number defined by the High Court Council.**

The table below provides a comparative overview of the trends in the number of disposed cases in all courts in the Republic of Serbia from 2012 to 2020, 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 period from 2017 to 2019 the total number of annually disposed cases was 500,000 cases more than in 2012. Due to the COVID-19 pandemic, the proclamation of the emergency situation and the measures of protection of the population due to pandemic, the results in courts, when it comes to the number of disposed cases, are in 2020 below planned, but even in these conditions, the courts disposed cases in matter in which this was possible, given that numerous hearing were postponed or not held, i.e. they could not be scheduled due to the epidemics.

¹ Law on Amendments and Supplements to the Law on Enforcement Proceedings that came into force on August 3rd, 2019.

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

	2012	2013	2014	2015	2016	2017	2018	2019	2020
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	2,013,829
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	1,670,418
Basic courts - I-IV	532,377	484,446	326,400	322,994	970,292	350,008	169,745	147,171	302,747
Commercial courts - all enforcement cases	89,875	63,967	56,926	57,634	61,159	53,386	51,951	53,163	40,664

Table 4

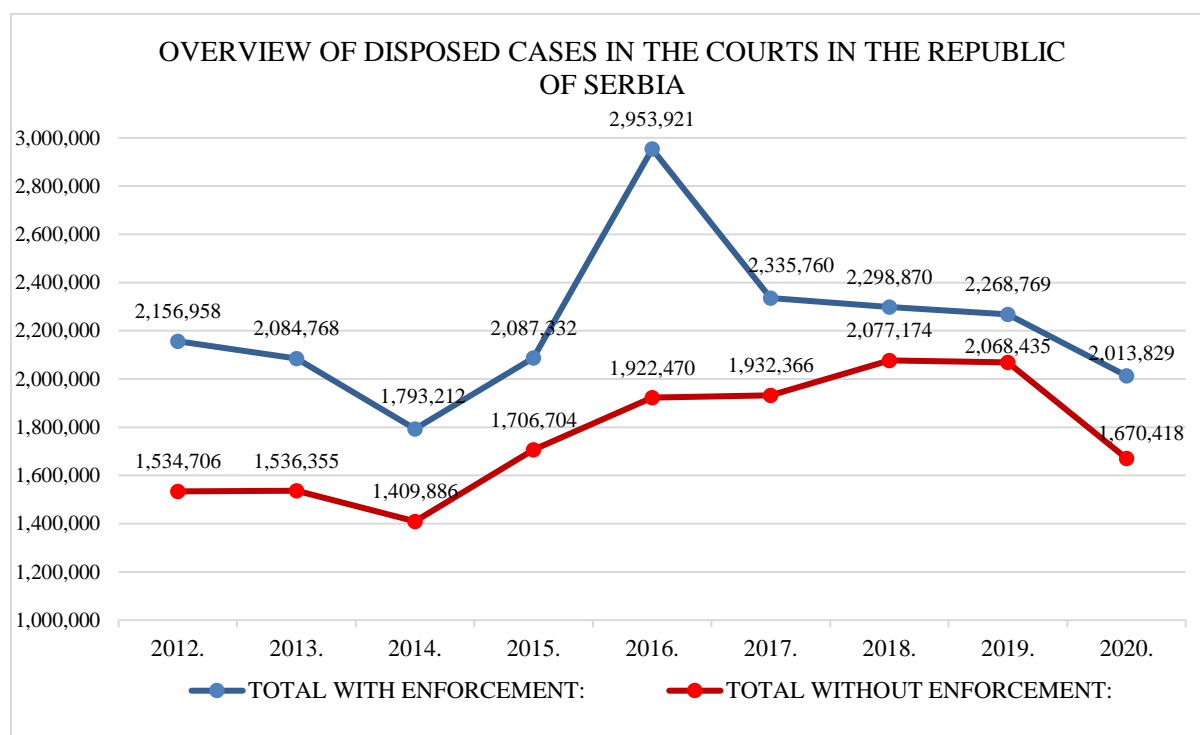


Chart 2

Moreover, in **2020**, basic courts also disposed **355,280** 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 **55,450** cases of this type. There were **711,799** of such cases disposed in misdemeanor courts. **These cases are resolved by the court administration under the supervision of judges, which creates additional 1,122,529 cases disposed in 2020 by the courts that are not shown in the tables in this report 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 **2020** basic courts **handed over to public notaries, as entrusted tasks, the total of 91,430 requests** for providing death certificates and **87,871 cases** (out of the total of 136,534 received "O" cases in basic courts in 2020) in order to implement probate proceedings.

The highest number of cases in **2020** 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 courts and commercial courts, as shown in the following chart.

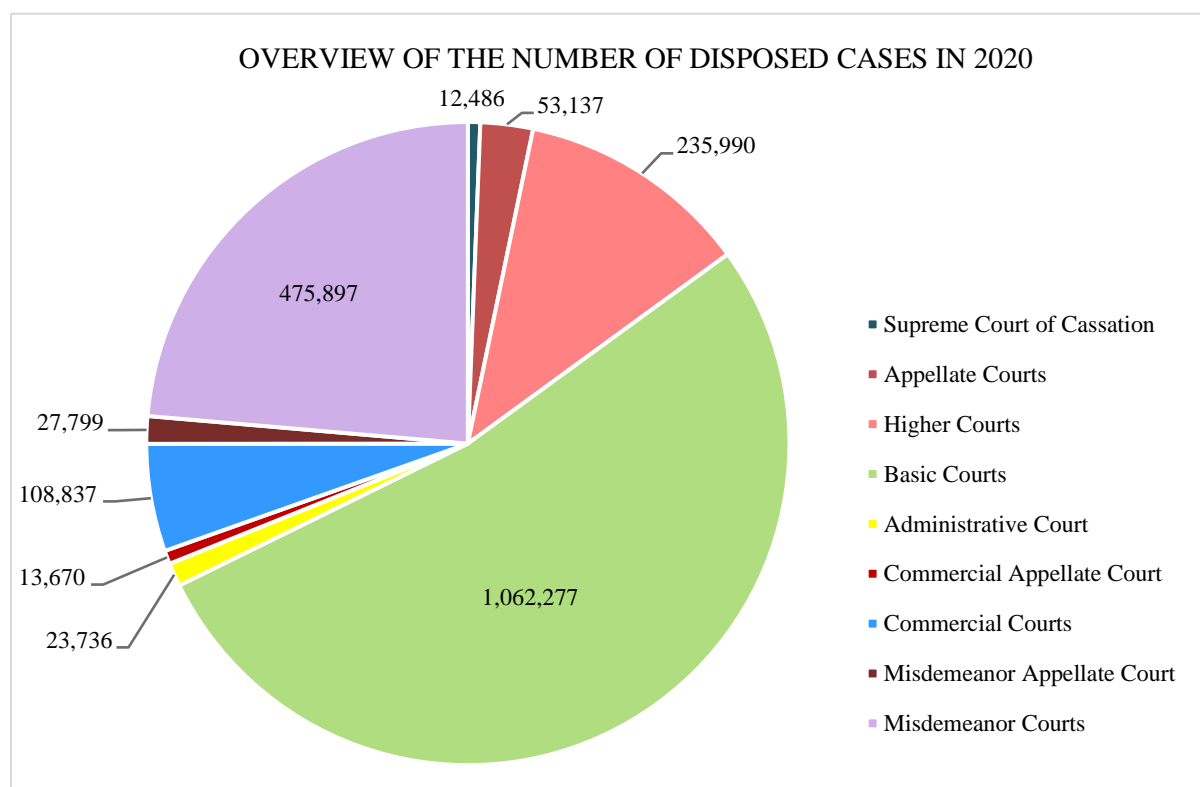


Chart 3

III INCOMING CASES IN 2020

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 **2,116,339** cases.

In **2020**, regardless of the *COVID-19 pandemic*, all courts in the Republic of Serbia received **1,867,911** new cases.

Thus, when we observe the overall picture, **in the past five 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 2020, basic and misdemeanor courts received the highest number of cases.

Compared to the previous period, the largest workload when it comes to incoming cases was present in basic courts in the Republic of Serbia (883,416 new cases).

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 **2020**, basic courts received less cases than in 2019, which is a direct consequence of the above mentioned emergency circumstances due to the pandemic.

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 and 522 judges adjudicated in these cases, and in 2019 – 632,715 cases with 509 judges, while in **2020** they received 501,547 of new cases, and 489 judges adjudicated in these cases.

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. In 2019 the higher courts received 248,561 cases, while in **2020** the total of **incoming cases was 246,293**.

Repetitive cases in the appeal procedure burdened the **appellate courts** as well, but the appellate courts – that received 52,244 cases, managed to clear these cases with 101.71%, although fewer judges (210) acted in these cases compared to 2019 when there were 216 judges effectively working on these cases.

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. The Administrative Court was particularly burdened with electoral cases in 2020, which is why **systemic measures need to be undertaken in order to reform administrative judiciary and introduce several instances 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	2020
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	1,867,911
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	1,808,149
Basic Courts - I-IV	457,757	261,695	212,516	181,211	104,648	241,677	61,409	62,689	29,391
Commercial Courts - all enforcements	70,902	61,065	53,043	52,797	45,251	43,008	44,460	45,074	30,371

Table 5

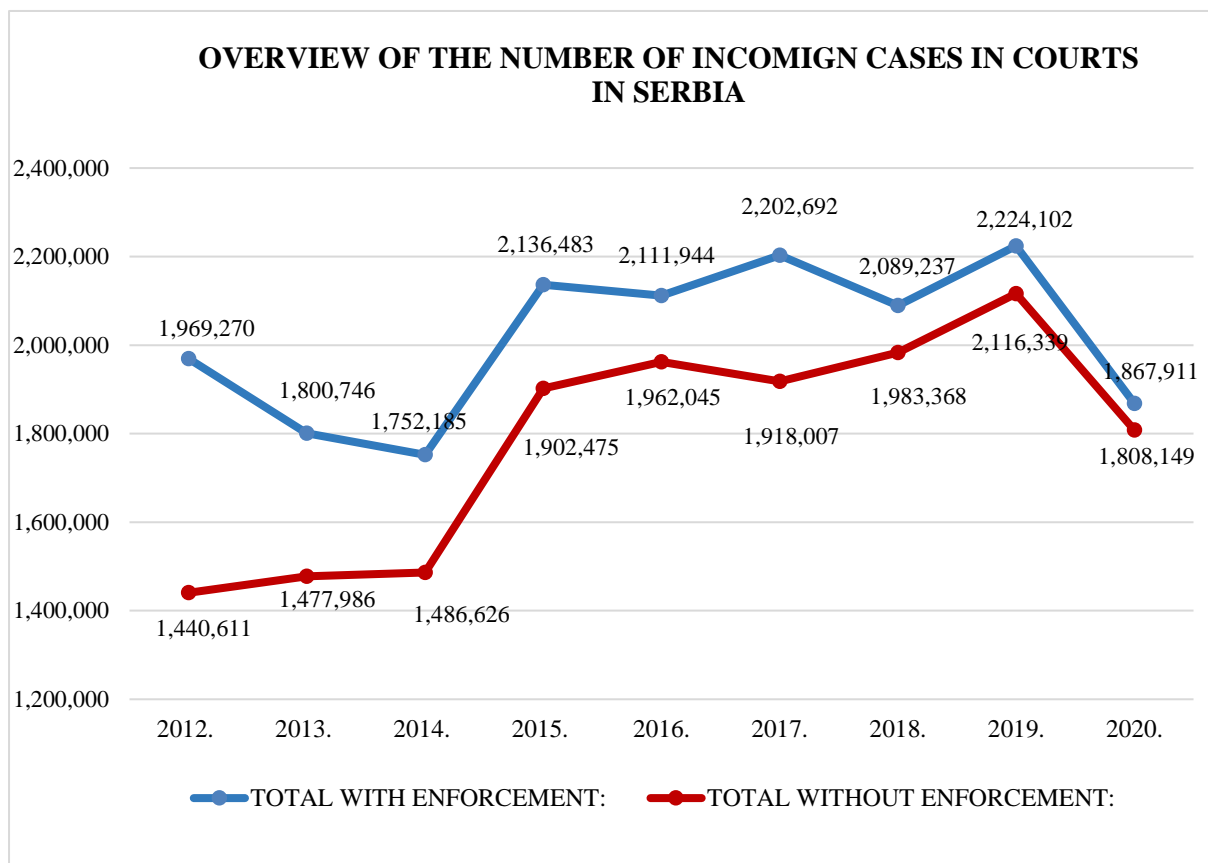


Chart 4

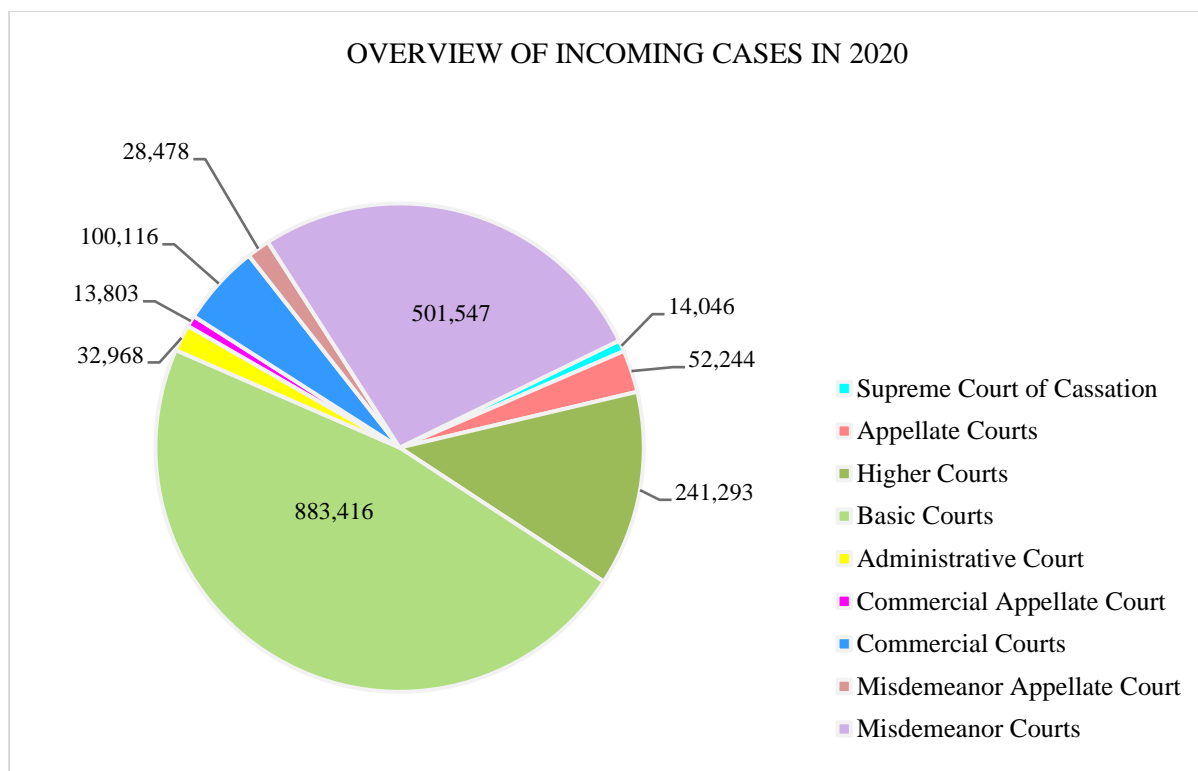


Chart 5

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, although less judges were appointed compared to the number defined in the decisions of the HCC.

In 2020, the clearance rate in all matters was 107.81%, however the complete clearance in judicial matters was hindered by objective circumstances: suppression of the COVID-19 pandemic. For even more efficient court proceedings, especially for disposition of pending cases, it would be necessary to eliminate the above mentioned systemic shortcomings that hinder the work of courts and judges by timely selection of judges, filling vacant judicial positions and more careful employment of court staff in courts, even better results would be achieved.

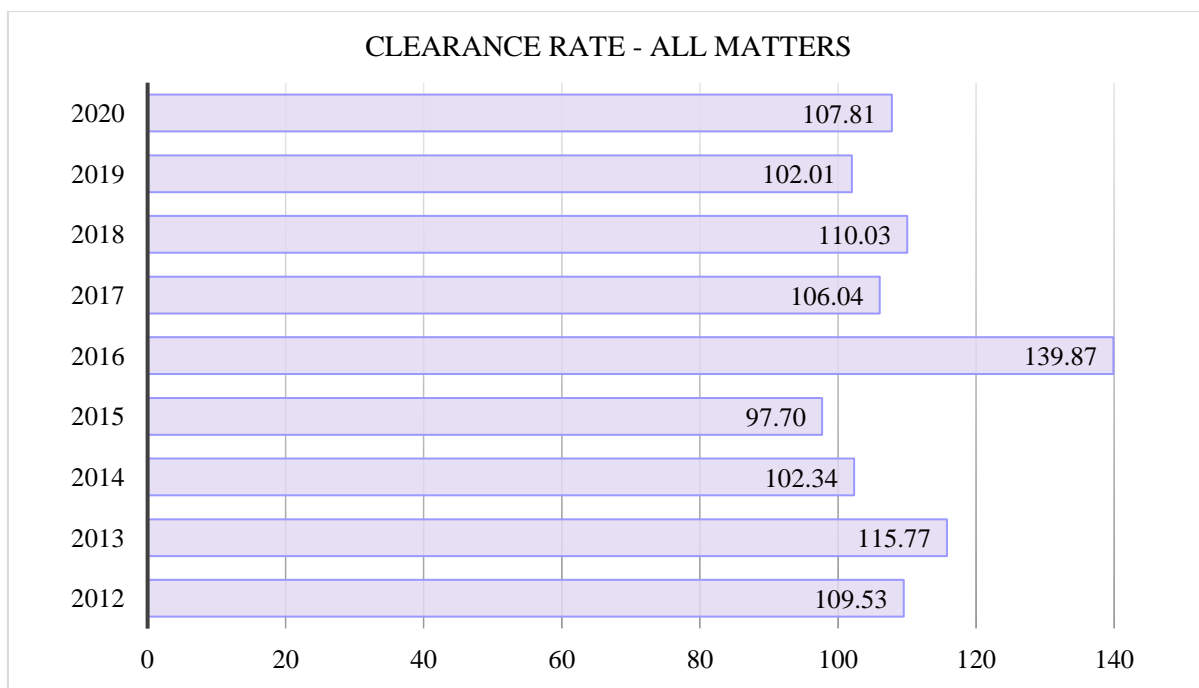


Chart 6

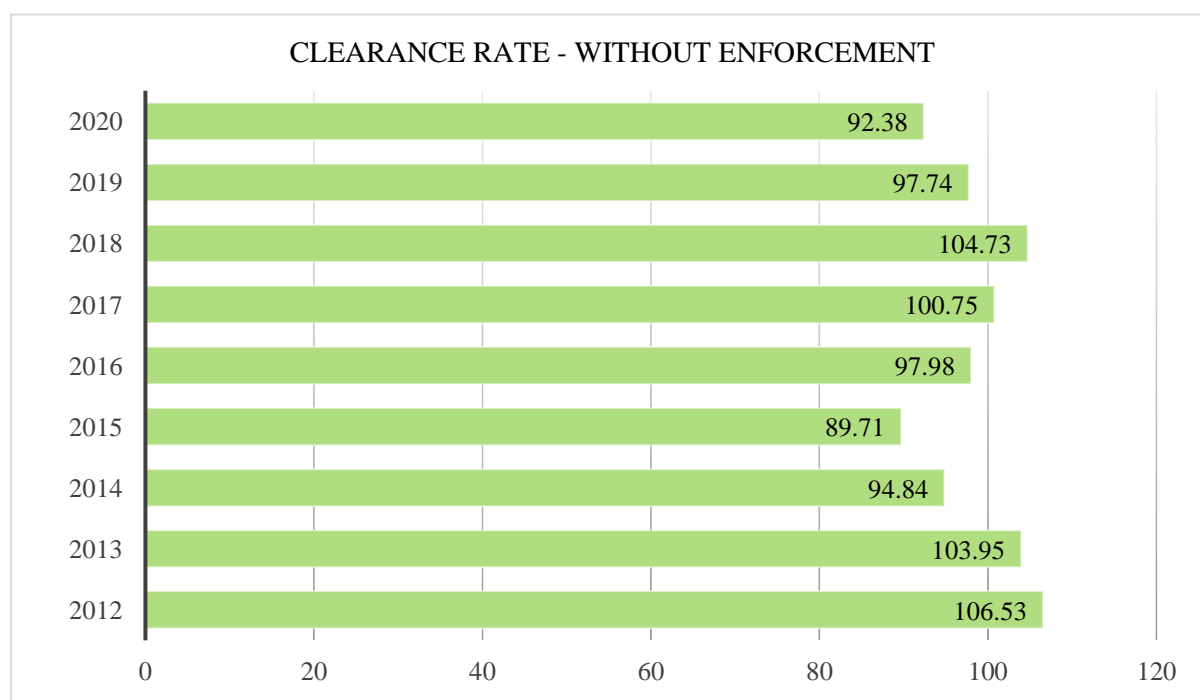


Chart 7

IV PENDING CASES AT THE END OF 2020

Comparative indicators for the period 2012-2020 show a significant decrease in the number of pending cases in all courts in the Republic of Serbia, and compared to 2012, there is **1,647,928 pending cases less at the end of 2020**.

In 2012, there were 3,158,400 pending cases, and at the end of 2020 there were **1,510,472** pending cases, including enforcement cases.

OVERVIEW OF THE NUMBER OF PENDING CASES IN COURTS IN SERBIA

	2012	2013	2014	2015	2016	2017	2018	2019	2020
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	1,510,472
*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	1,209,631

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

Table 6

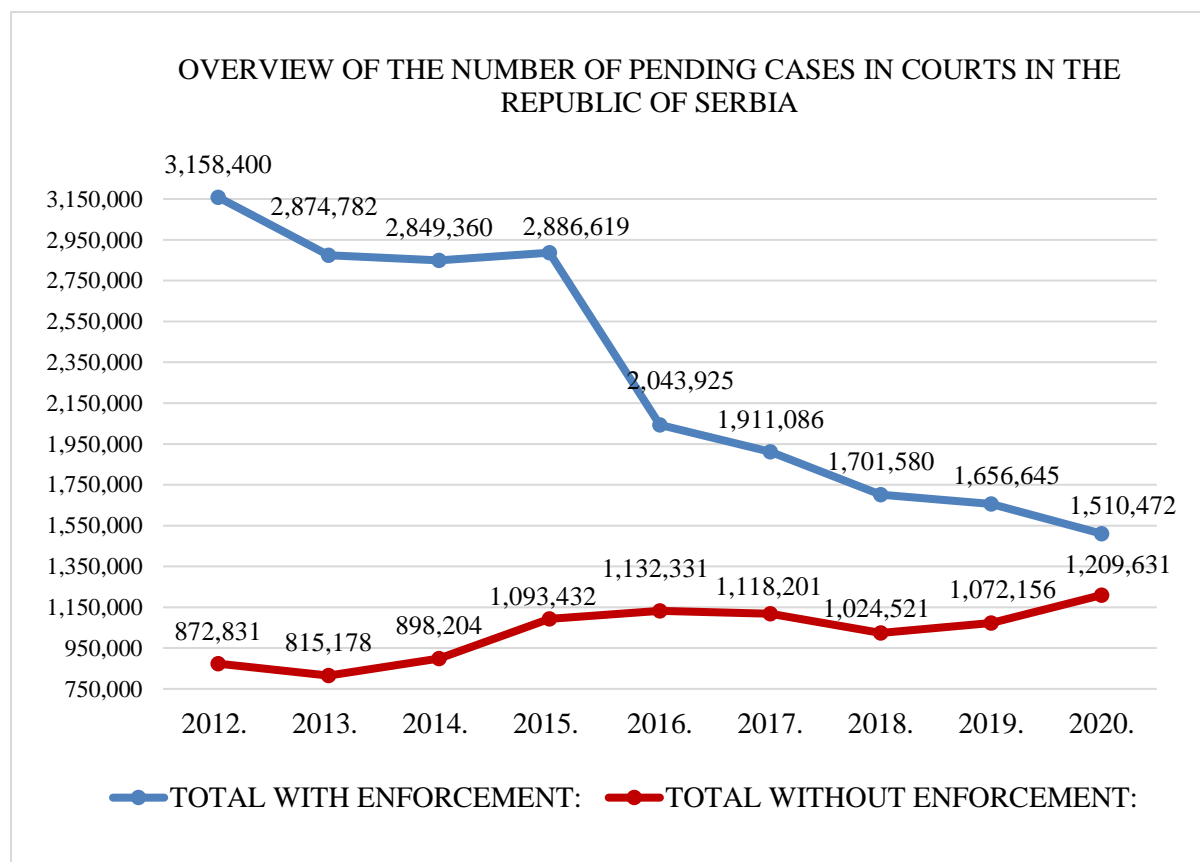


Chart 8

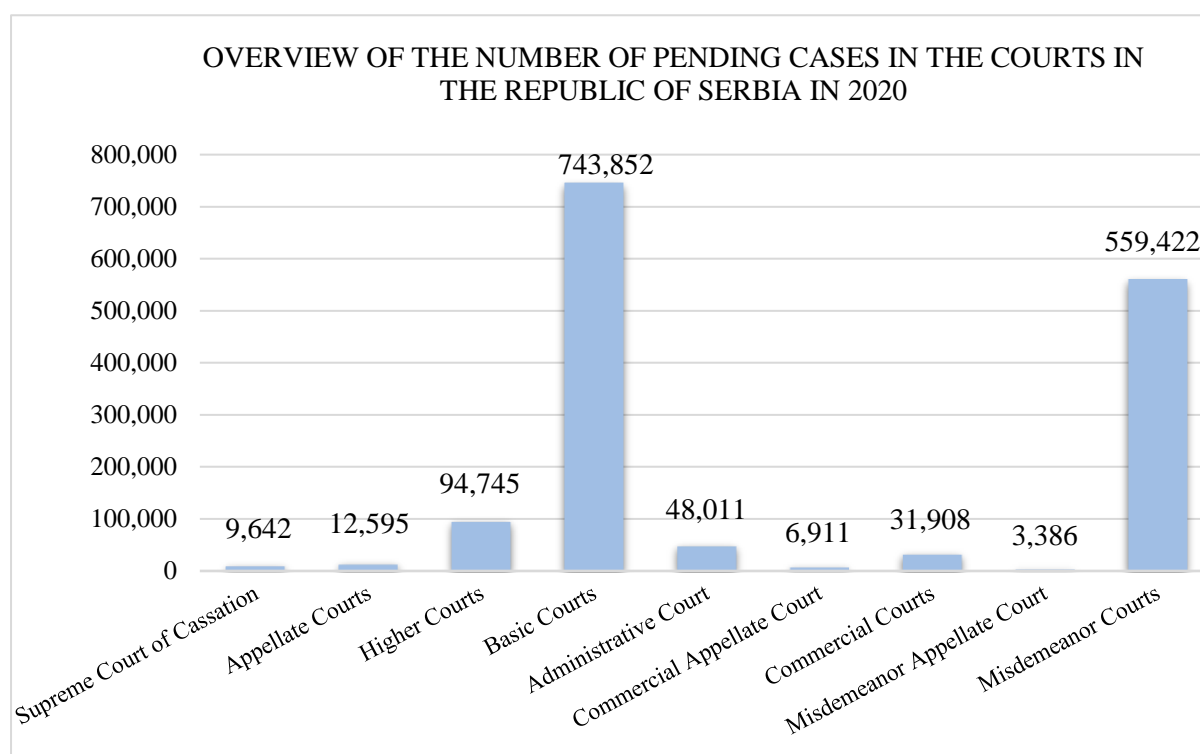


Chart 9

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 above the expected inflow) 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, however, in **2020 there was a significant increase of pending cases in trial matters due to extraordinary circumstances and implementation of measures for protection of population from the pandemic, which is why the courts in the Republic worked with significantly reduced capacities.**

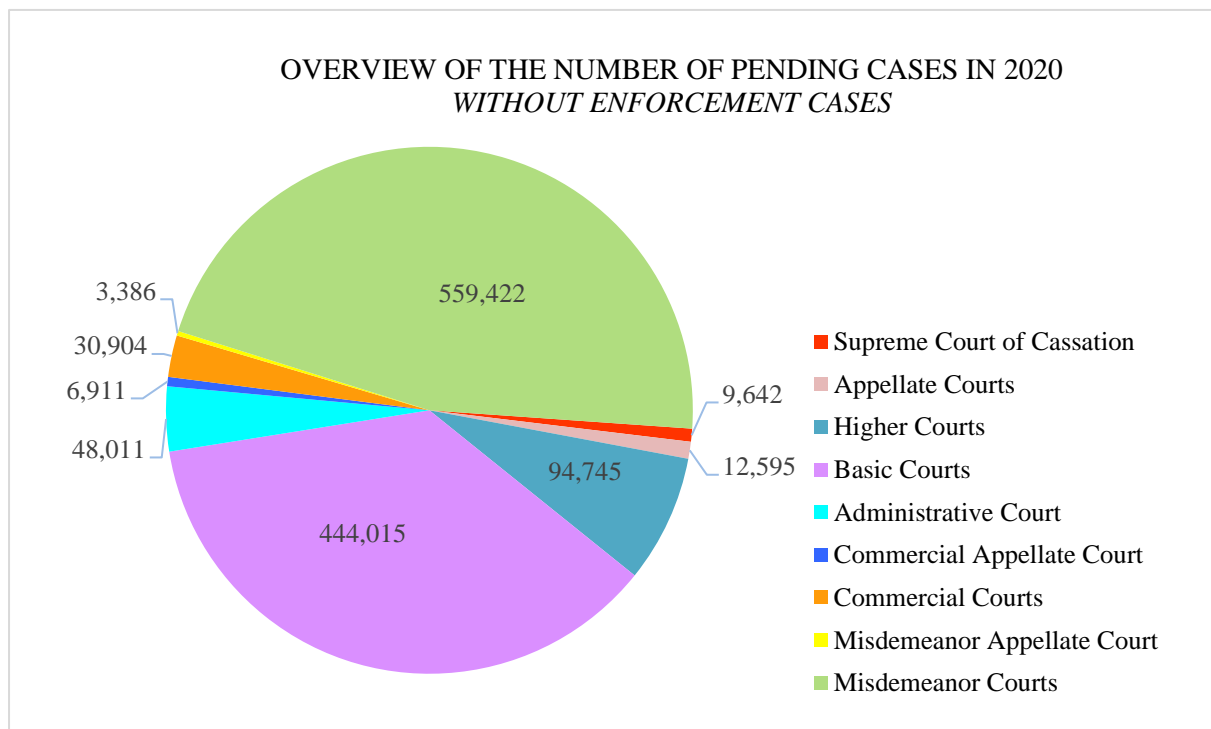
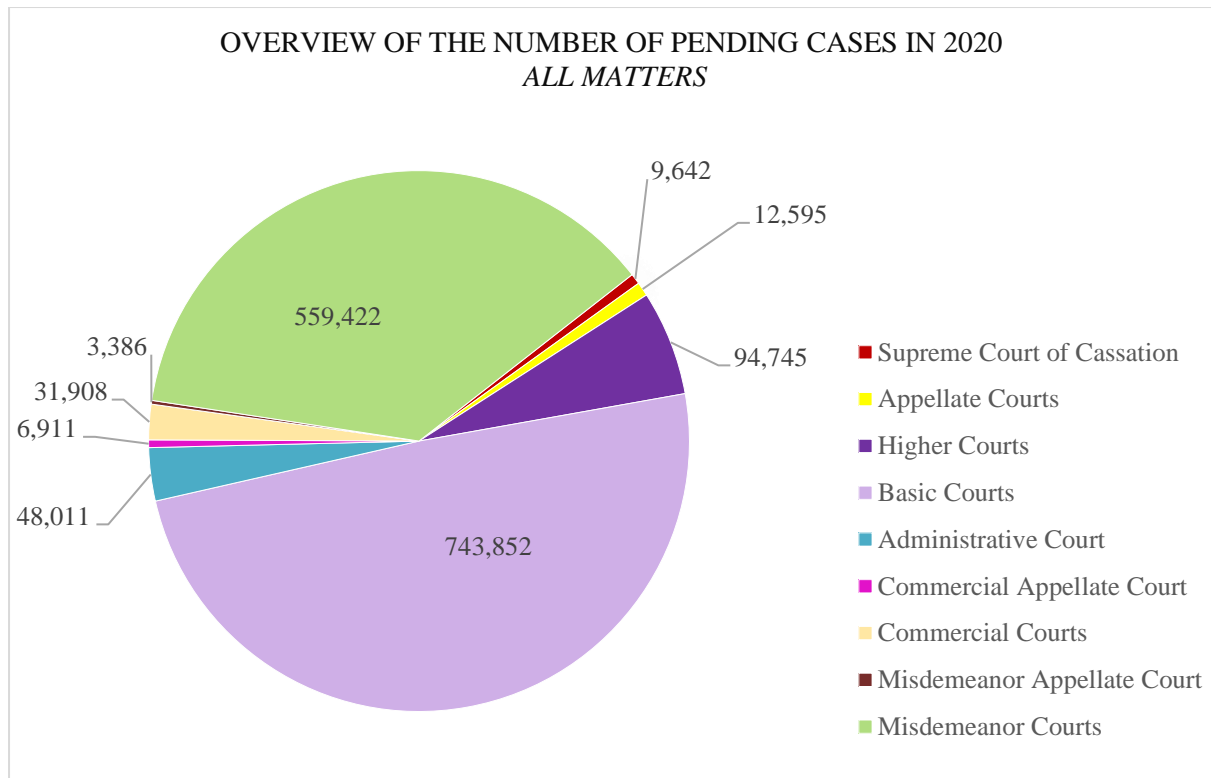


Chart 10

V

THE RATIO OF INCOMING, DISPOSED AND PENDING CASES

The ratio of incoming, disposed and pending cases in the period from 2012 to 2020 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.

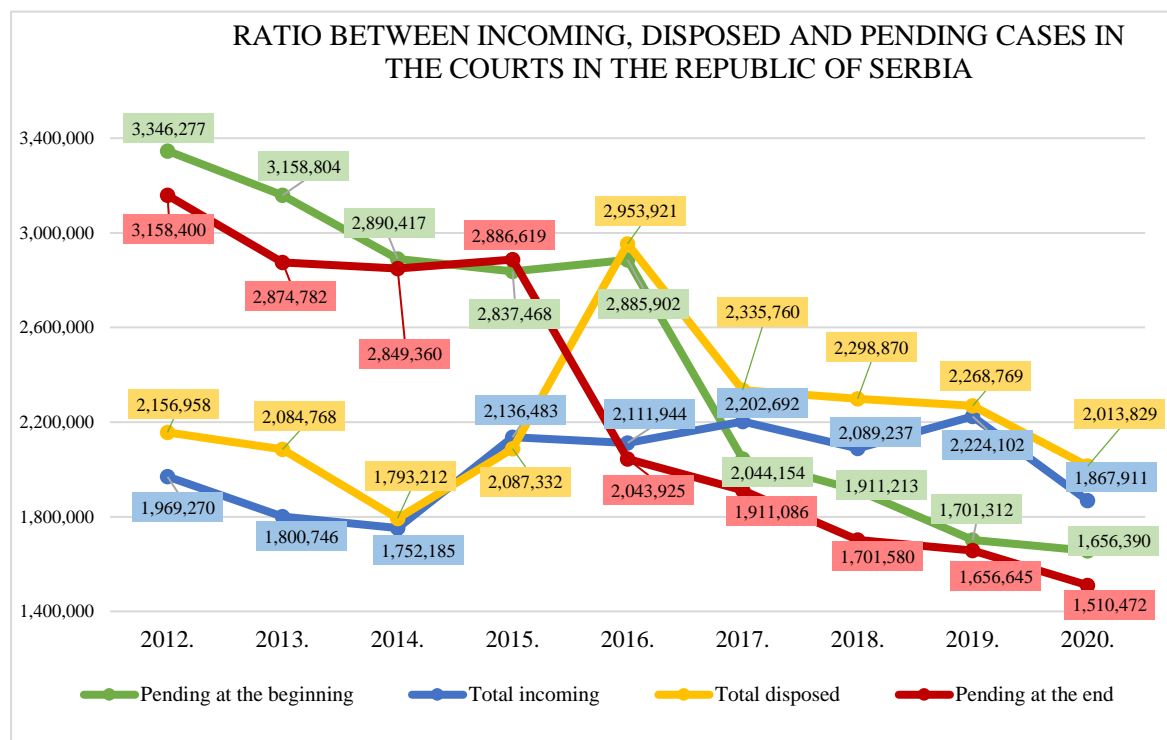


Chart 11

The ratio of incoming, disposed and pending cases by type of court at the end of 2020 indicated the problem with workload of the Administrative Court, higher and basic 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 rate, they cannot resolve the problem of lengthy proceedings, which is the consequence of vacant judicial positions.

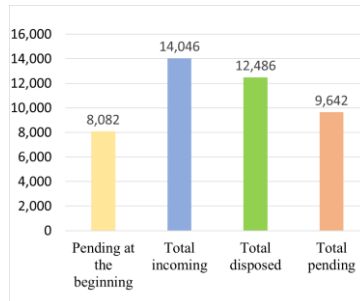
Commercial courts received a significantly higher number of cases in 2018 – **128,681**, compared to 2017 when the total number of incoming cases was 99,903. The difference was 28,778 cases, so it was **necessary to conduct an analysis of the structure of these cases and react with timely systemic measures 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.

In 2020, the commercial courts again showed good results and reduced the number of pending cases from 40,639 to 31,908 cases, regardless of the emergency situation that affected the court system due to the pandemic.

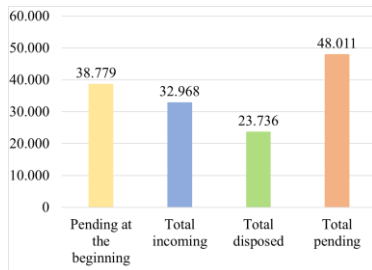
Due to constant expansion of the jurisdiction with new regulations, which require urgent and particularly urgent actions, especially during electoral process, the Administrative Court does not act promptly, since the trend of increased inflow and number of pending cases is continuous, it would be necessary to undertake systematic organizational measures in order to organize the jurisdictions of this courts (two 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 2020

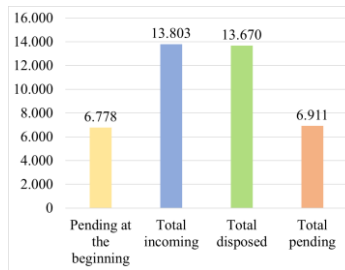
Supreme Court of Cassation



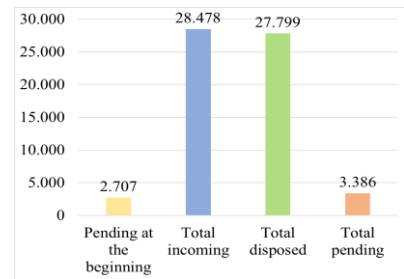
Administrative Court



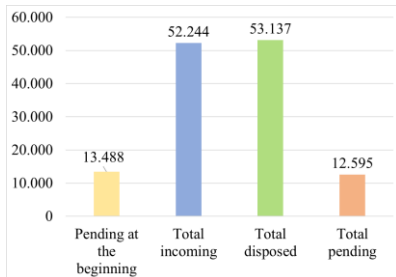
Commercial Appellate Court



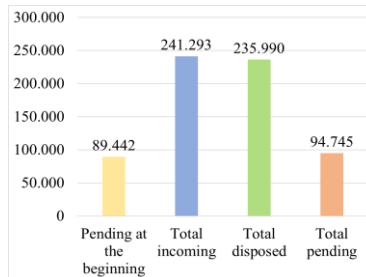
Misdemeanor Appellate Court



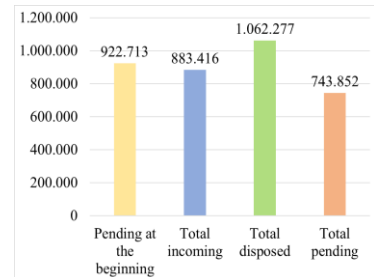
Appellate Courts



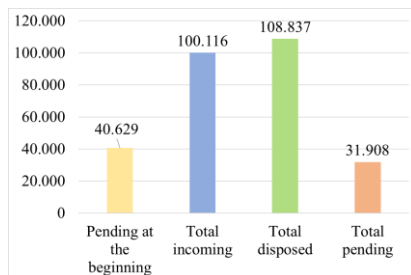
Higher Courts



Basic Courts



Commercial Courts



Misdemeanor Courts

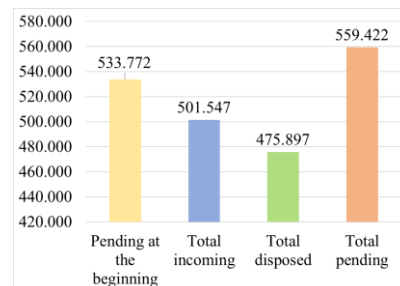


Chart 12

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 2020, 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, 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 in each of the years in the period from 2014-2016. Increase in the number of pending cases was particularly pronounced in civil matter in the period from 2014-2020.

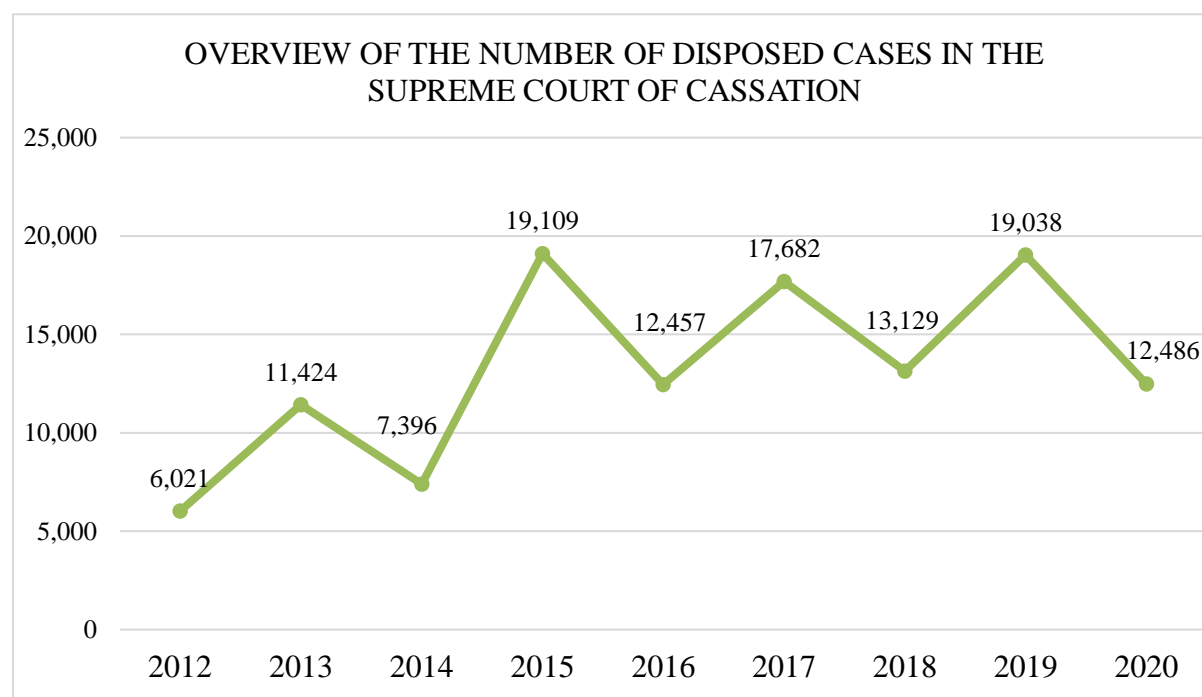


Chart 13

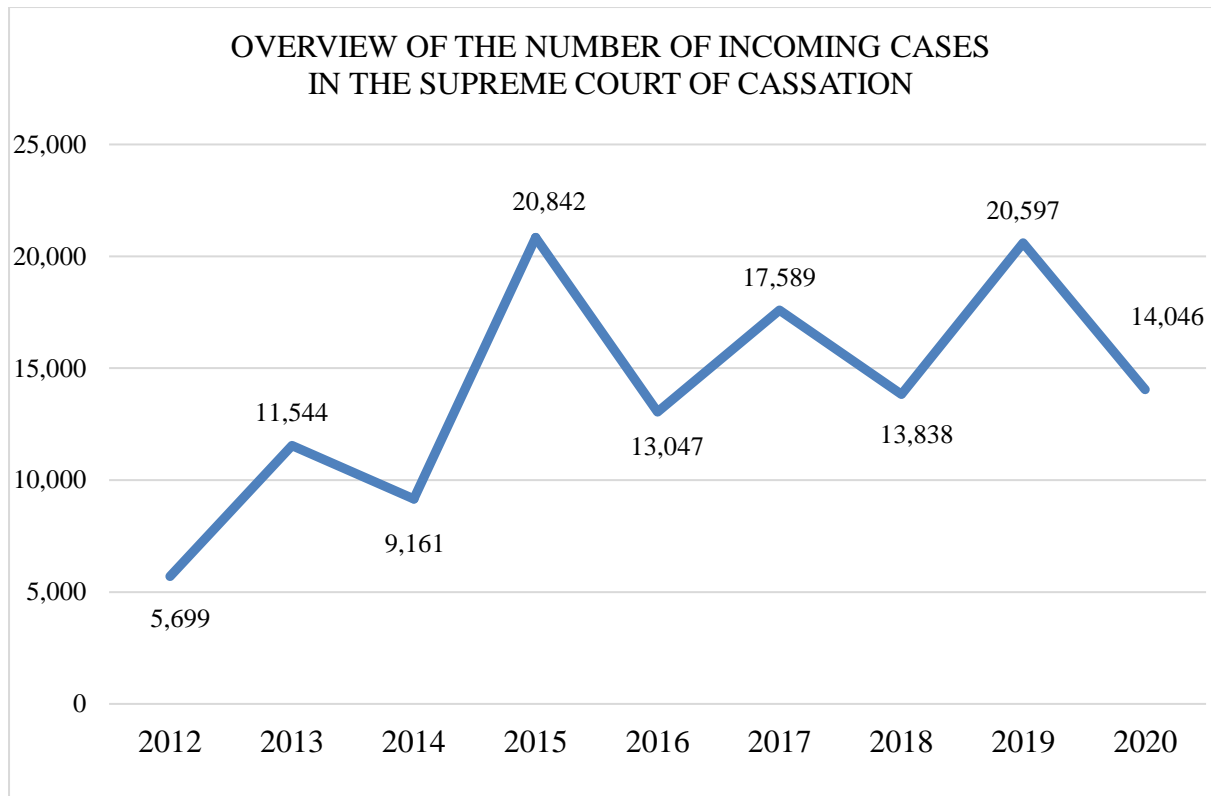


Chart 14

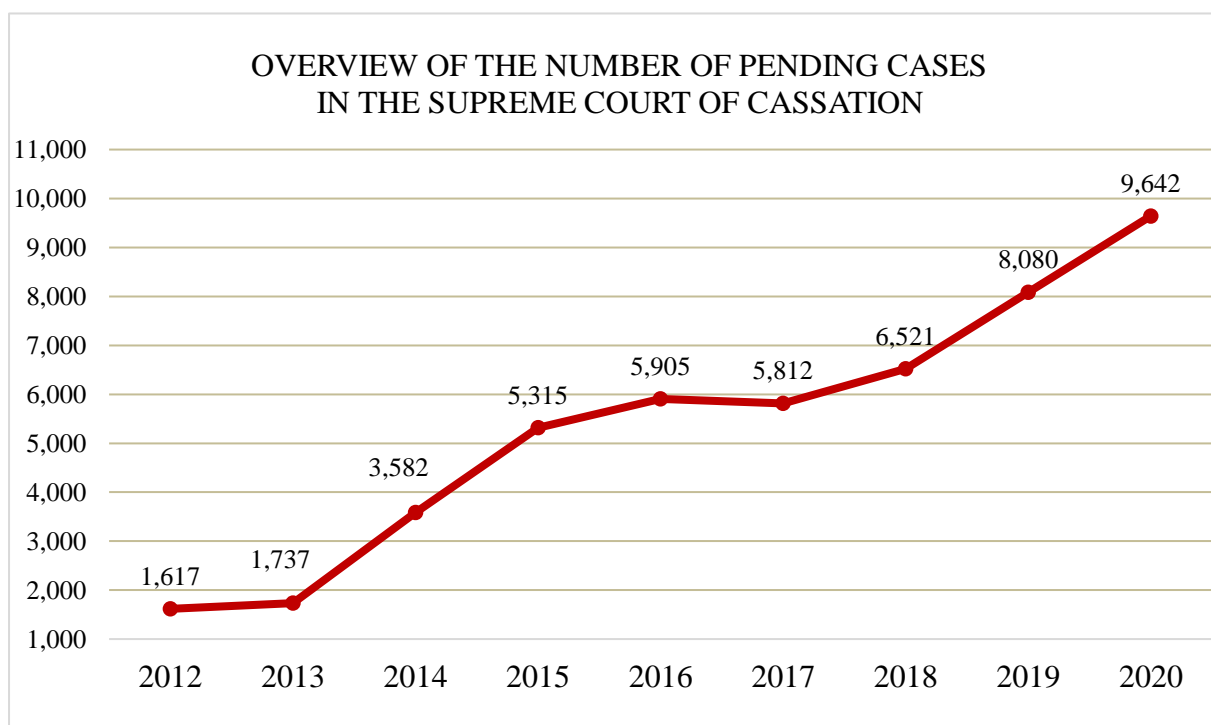


Chart 15

OVERVIEW OF THE WORK OF THE SUPREME COURT OF CASSATION FOR THE PERIOD 2012 - 2020

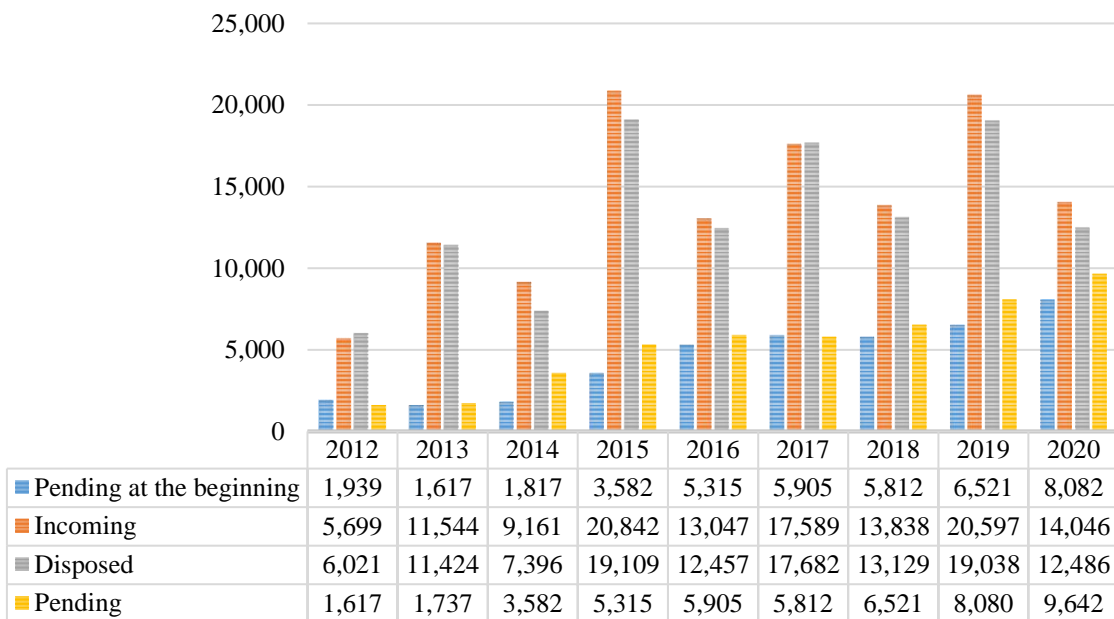
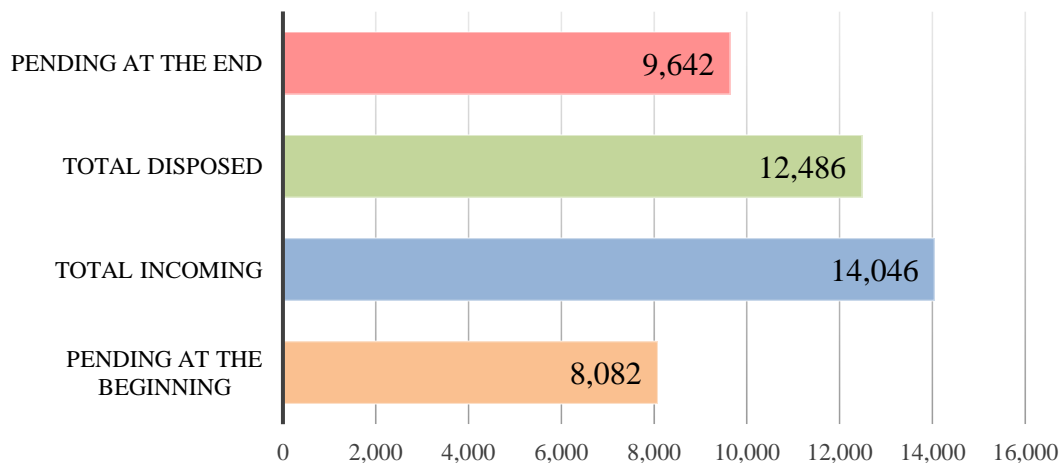


Chart 16

OVERVIEW OF THE WORK OF THE SUPREME COURT OF CASSATION IN 2020



* 37 judges worked effectively in 2020

Chart 17

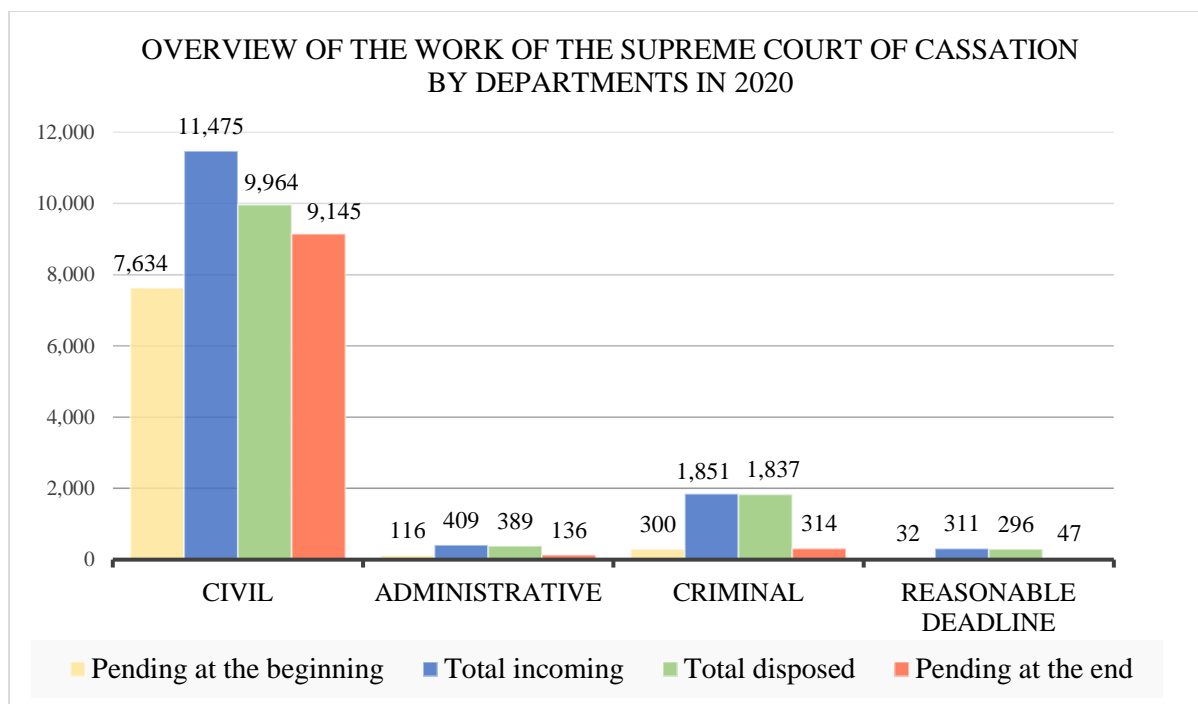


Chart 18

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 so that the Supreme Court of Cassation can fill in vacant positions faster in the future.

In 2020, the Supreme Court of Cassation once again² received the Recognition for contribution to the affirmation of the right to access to the information of public importance in the category of the highest public authorities, which is awarded by the Commissioner for Information of Public Importance and Personal Data Protection, on the occasion of the International Right to Know Day.

² The Court received its first recognition in this category in 2018.

In 2020, the Supreme Court of Cassation published 30 public announcements, that 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 four times in 2020. The current and previous Information Booklets are published on the Court's website (<http://www.vk.sud.rs>).

During 2020, the Court's website (<http://www.vk.sud.rs>) was updated and supplemented on a daily basis (topicalities, case law database, the database of the decisions of the European Court of Human Rights, information on public procurements, legal opinions, positions and conclusions, selected rulings, disputed legal issues, activities aimed at harmonizing case law, adopted general and normative acts...). In 2018, 4916 anonymized rulings were disclosed on the website, of which 734 from the criminal matter, and 3,987 from the civil matter, 51 from the administrative matter and 144 in matters regarding protection of the right to a trial within reasonable time.

In 2020, the Supreme Court of Cassation published four Case Law Bulletins, as well as following publications: Annual report on the work of the courts in the Republic of Serbia for 2019; Report on the work of all courts in the Republic of Serbia for the period January – June 2020.

The Supreme Court of Cassation establishes, maintains and improves relations and cooperation with other bodies and institutions, so on October 10th, 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, as well as the Plan for eliminating the consequences in the work of the courts after the end of the declared state of emergency measures to protect the population due to the pandemic of COVID-19, which was passed by the acting President of the SCC and the President of the HCC on November 16, 2020.

The Supreme Court of Cassation also organized a meeting of the working group for backlog reduction, in order to review the achieved results, and adopted the Analysis of the implementation of the Unified Backlog Reduction Program for the period 2016 – 2020, which assessed the results of the courts in the period from 2012 to 2020 and the implementation of the Amended Unified Backlog Reduction Program for the period 2016-2020, in accordance with the obligations from the new Judicial Development Strategy and the Revised Action Plan for Chapter 23.

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 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.

At the end of 2020, there were 382,646 pending backlog cases, which is 1,347,122 backlog cases less than in 2012. The number of pending backlog cases without enforcement cases, in trial matters, decreased when compared to 2012 from 140,418 to 95,173 cases, which is less than expected, given that due to the increased inflow of cases in the last five years, which could not be cleared and the number of vacant judicial positions, part of these cases moved into the category of backlog cases in which the proceedings last longer than three years from the date of submission of the initial act. The disposition of backlog cases was also affected by extraordinary circumstances, because the courts practically didn't hold hearings during 2020.

As the amendments of the Book of Court Rules that came into force on June 27, 2019, stipulate that a backlog case is considered 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, while at the end of 2020 the total number of pending backlog cases in all matters was 382,646, with 95,173 cases in trial matters.

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

	2012	2013	2014	2015	2016	2017	2018	2019	2020
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	382,646
* TOTAL IN THE REPUBLIC OF SERBIA - WITHOUT ENFORCEMENT	140,418	127,773	126,878	133,365	125,463	128,661	149,649	86,962	95,173
* Commercial courts (all enforcement cases)	22,771	29,872	31,804	32,180	24,303	22,392	17,439	9,427	55
* Basic courts (I, Iv)	1,566,579	1,615,830	1,663,319	1,574,855	765,901	708,219	614,049	524,935	287,418

* 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

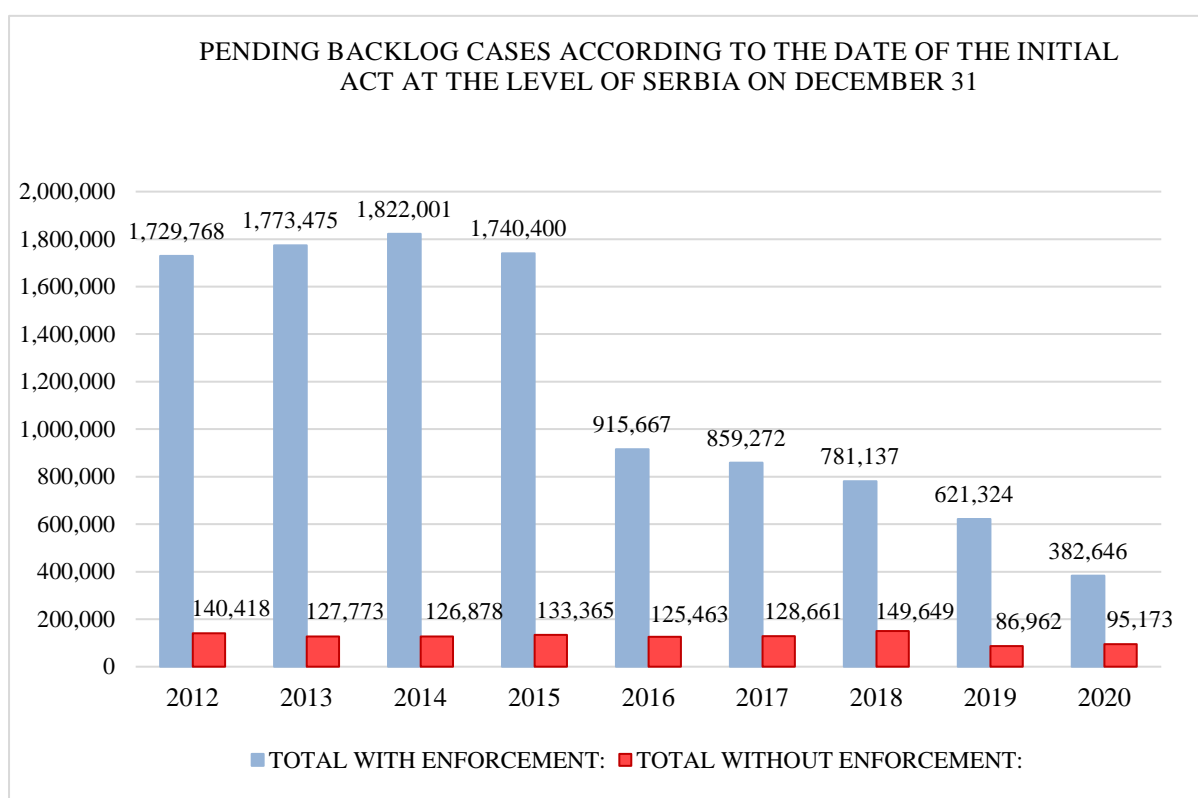


Chart 19

VIII DISPOSED BACKLOG CASES

During the observed period, from 2012 to 2020, 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 2020, the total of **353,563** backlog cases were disposed, which is an increase compared to 2019, while in the trial matters 91,919 cases were disposed – which is 15,000 cases less than in 2019, but this was a consequence of the above mentioned extraordinary circumstances.

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

	2012	2013	2014	2015	2016	2017	2018	2019	2020
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	353,563
*TOTAL AT THE LEVEL OF SERBIA - WITHOUT ENFORCEMENT	192,440	209,984	146,011	192,094	172,879	184,718	170,566	106,948	91,919
*Basic Courts - I+IV	216,926	274,837	154,038	190,541	878,576	301,974	131,644	98,351	251,529
*Commercial Courts - all enforcement cases	3,820	2,462	5,463	4,433	16,608	9,016	8,808	8,935	10,115

Table 8

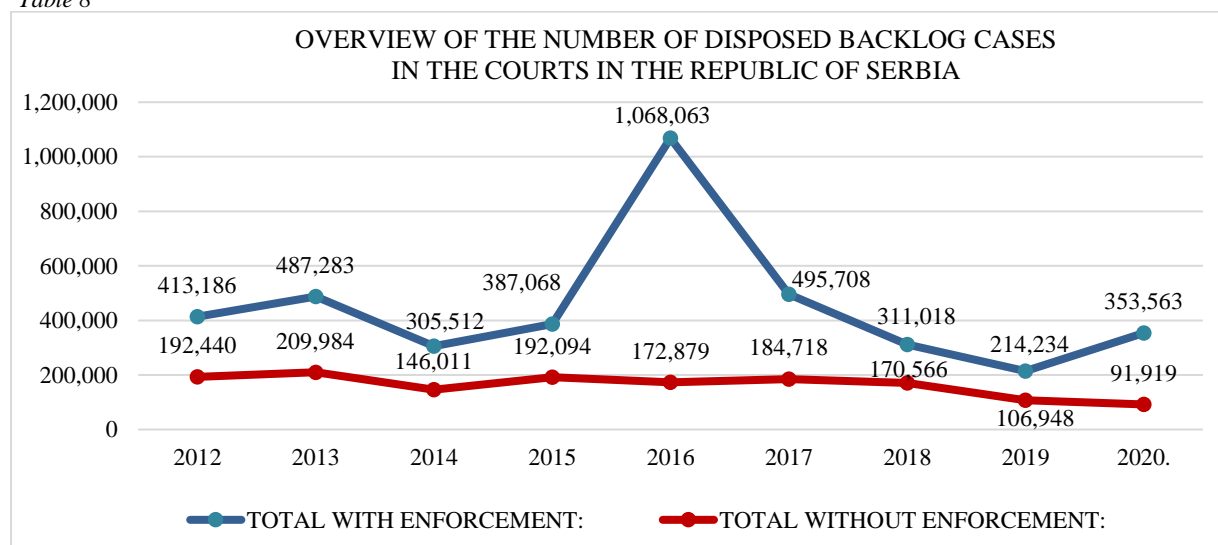


Chart 20

IX THE STRUCTURE OF PENDING BACKLOG CASES IN 2020

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 31.12.2020. – 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 - 12/31/2020	TOTAL PENDING CASES WITH DURATION OF PROCEEDINGS LONGER THAN 36 MONTHS SINCE THE INITIAL ACT on Dec 31, 2020	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	37	22,128	6,211	3,162	2,182	867	28.07	167,86

No.	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	TOTAL PENDING BACKLOG CASES on Dec 31, 2020	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	210	65,732	7,102	3,615	2,701	786	10.80	33,82
2	Higher courts	350	330,735	26,287	16,013	8,837	1,437	7.95	75,11
3	Basic courts	1,181	1,806,129	328,883	27,315	114,477	187,091	18.21	278,48
TOTAL:		1,741	2,202,596	362,272	46,943	126,015	189,314	16.45	208,08

No.	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	TOTAL PENDING BACKLOG CASES on Dec 31, 2020	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	45	71,747	2,101	2,086	15	0	2.93	46,69
2	Commercial Appellate Court	34	20,581	1,656	1,212	395	49	8.05	48,71
3	Commercial courts	168	140,745	3,233	1,706	1,082	445	2.30	19,24
4	Misdemeanor Appellate Court	56	31,185	111	69	42		0.36	1,98
5	Misdemeanor courts	489	1,035,319	7,062	4,241	2,821		0.68	14,44
TOTAL:		792	1,299,577	14,163	9,314	4,355	494	1.09	17,88

TOTAL - SERBIA		2,570	3,524,301	382,646	59,419	132,552	190,675	10.86	148,89
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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 12/31/2020 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	TOTAL PENDING BACKLOG CASES on Dec 31, 2020	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	45	64,051	2,059	2,044	15		3.21	45,76
2	UR	45	208	7	7			3.37	0,16
3	UI	45	1,063	16	16			1.51	0,36
4	UO	43	99					0.00	0,00
5	UV	14	646	3	3			0.46	0,21
6	UP	43	196	16	16			8.16	0,37
TOTAL 1-6		45	66,263	2,101	2,086	15	0	3.17	46,69
7	UVP I								
8	UVP II								
9	UŽ	42	4,933					0.00	0,00
10	UIP								
11	U - uz	10	18					0.00	0,00
TOTAL 7-11		42	4,951	0	0	0	0	0.00	0,00
12	R4 u	1	533					0.00	0,00
TOTAL 1-12		45	71,747	2,101	2,086	15	0	2.93	46,69

Table 10

COMMERCIAL APPELLATE COURT REPORT ON PENDING BACKLOG CASES ON 12/31/2020 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	Total number of pending backlog cases on 12/31/2020	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	31	11,738	1,519	1,119	362	38	12.94	49,00
2	Pvž	12	634	49	8	30	11	7.73	4,08
3	Iž	33	1,881	6	5	1		0.32	0,18
4	R	7	36	1		1		2.78	0,14
TOTAL 1-4		33	14,289	1,575	1,132	394	49	11.02	47,73
5	Pkž	2	978	81	80	1		8.28	40,50
TOTAL 5-5		2	978	81	80	1	0	8.28	40,50
6	R4 p		51					0.00	
7	R4 st		1					0.00	
8	R4 i		3					0.00	
9	R4 pp								
10	R4 fi								
11	R4 vr		4					0.00	
12	Rž p		49					0.00	
13	Rž st	34	5,168					0.00	0,00
14	Rž i		37					0.00	
15	Rž pp								
16	Rž fi								
17	Rž vr		1					0.00	
TOTAL 6-17		34	5,314	0	0	0	0	0.00	0,00
TOTAL 1-17		34	20,581	1,656	1,212	395	49	8.05	48,71

Table 11

MISDEMEANOR APPELLATE COURT
REPORT ON PENDING BACKLOG CASES
ON 12/31/2020 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter		Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	TOTAL PENDING BACKLOG CASES on 12/31/2020	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	56	2,988	0			0.00	0,00
		PRŽM	56	74	0			0.00	0,00
2	02-Traffic	PRŽ	56	15,747	5	4	1	0.03	0,09
		PRŽM	56	156	0			0.00	0,00
3	03-Public safety	PRŽ	56	2,551	0			0.00	0,00
		PRŽM	56	60	0			0.00	0,00
4	04-Commercial	PRŽ	56	2,340	7	5	2	0.30	0,13
		PRŽM	2	2	0			0.00	0,00
5	05-Finance and customs	PRŽ	56	2,806	97	59	38	3.46	1,73
		PRŽM	3	3	0			0.00	0,00
6	06-Labor, labor relations and protection at work	PRŽ	56	713	0			0.00	0,00
		PRŽM		0	0				
7	07-Education, science, culture and information	PRŽ	56	1,696	0			0.00	0,00
		PRŽM		0	0				
8	08-Health and social protection, health insurance and environmental protection	PRŽ	56	508	1	1		0.20	0,02
		PRŽM		0	0				
9	09-Defense - Military	PRŽ	56	105	0			0.00	0,00
		PRŽM	14	14	0			0.00	0,00
10	10-Administration	PRŽ	40	40	0			0.00	0,00
		PRŽM		0	0				
TOTAL 1-10		PRŽ	56	29,504	110	69	41	0.37	1,96
		PRŽM	56	309	0	0	0	0.00	0,00
11	PRŽU		10	10	1		1	10.00	0,10
TOTAL 1-11			56	29,823	111	69	42	0.37	1,98

Table 12

APPELLATE COURTS
REPORT ON PENDING BACKLOG CASES
ON 12/31/2020 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning+ total incoming) 01/01-12/31/2020	TOTAL PENDING BACKLOG CASES on 12/31/2020	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	57	4,416	189	76	89	24	4.28	3,32
2	Kž2	57	6,479	19	3	13	3	0.29	0,33
3	Kžm1	15	335					0.00	0,00
4	Kžm2	28	227	1	1			0.44	0,04
5	Gž	99	23,890	4,035	1,736	1,748	551	16.89	40,76
6	Gž1	53	20,873	2,590	1,651	748	191	12.41	48,87
7	Gž2	89	2,267	49	35	13	1	2.16	0,55
TOTAL FOR PREDOMINANTLY TRIAL MATTERS		209	58,487	6,883	3,502	2,611	770	11.77	32,93
TOTAL FOR ALL MATTERS		210	65,732	7,102	3,615	2,701	786	10.80	33,82

Table 13

HIGHER COURTS
REPORT ON PENDING BACKLOG CASES ON 12/31/2020 -
ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	TOTAL PENDING BACKLOG CASES on 12/31/2020	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	114	16,983	2,701	1,642	888	171	15.90	23,69
2	P1	100	1,505	226	113	105	8	15.02	2,26
3	P2	87	970	22	17	5		2.27	0,25
4	GŽ	130	123,080	21,174	13,140	7,069	965	17.20	162,88
5	GŽ1	102	3,632	280	131	102	47	7.71	2,75
6	GŽ2	75	1,289	14	11	3		1.09	0,19
7	K	81	4,328	634	281	280	73	14.65	7,83
8	K-Po1	18	239	67	25	36	6	28.03	3,72
9	K-Po2	7	27	8	2	5	1	29.63	1,14
10	K-Po3	14	101	11	7	4		10.89	0,79
11	K-Po4	19	676	1	1			0.15	0,05
12	KŽ1	73	7,108	142	112	30		2.00	1,95
13	KIM	42	3,720	5	3	1	1	0.13	0,12
14	KM	35	2,185					0.00	0,00
TOTAL FOR PREDOMINANTLY TRIAL MATTERS		330	165,843	25,285	15,485	8,528	1,272	15.25	76,62
TOTAL FOR ALL MATTERS		350	330,735	26,287	16,013	8,837	1,427	7.95	75,11

Table 14

In the first instance criminal matter, higher courts reduced the number of pending backlog cases since 2012. In 2020, the number of pending backlog cases in the first instance criminal matter was **634**. Individual measures need to be undertaken in order to reduce the number of these backlog cases in higher courts.

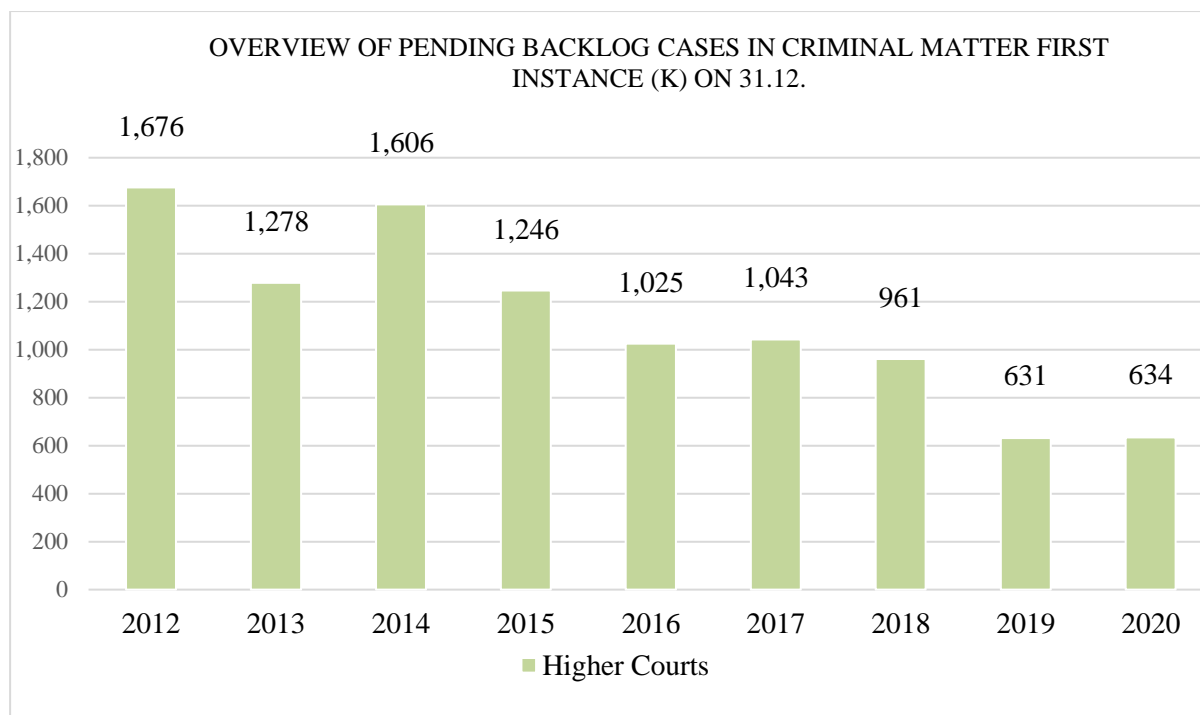


Chart 21

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 already take more than two 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.

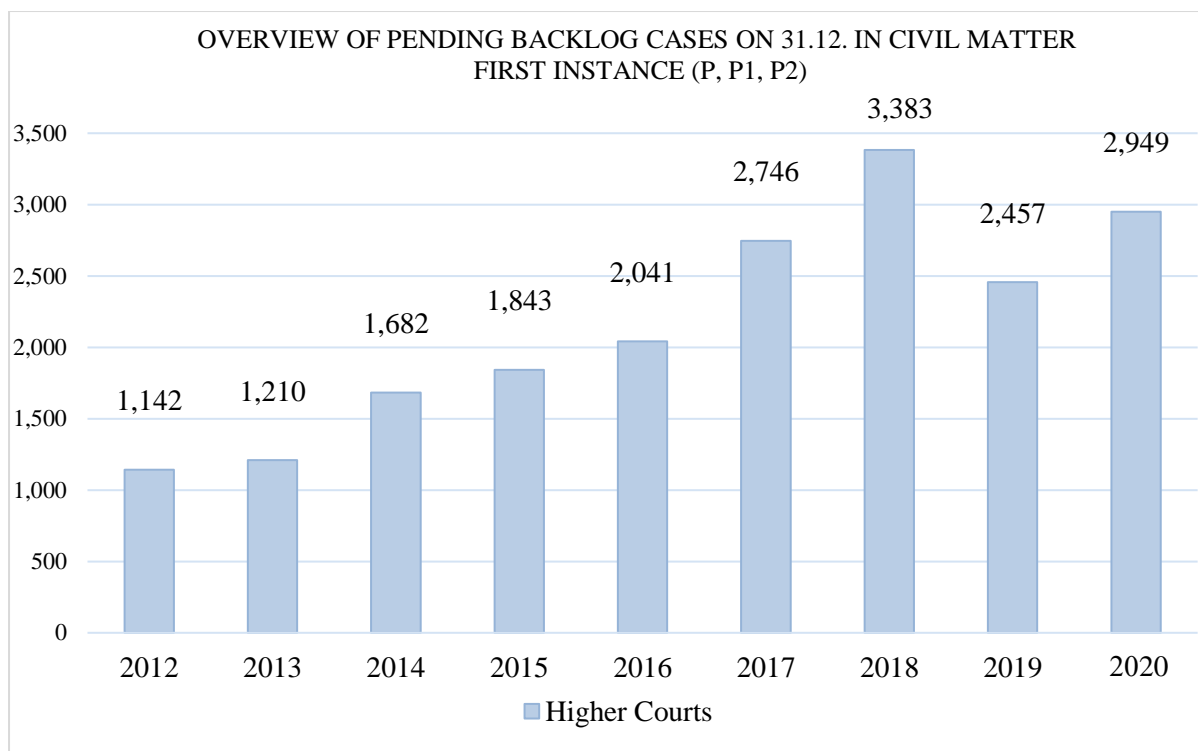


Chart 22

BASIC COURTS

The structure of pending backlog cases in all basic courts in the Republic of Serbia indicates that in 2020 the largest number of backlog cases is in enforcement, and that in **trial matters (P, P1, P2, K) there are 29,958 pending backlog cases, where proceedings take more than 10 years, starting from the date of the initial acts in 1,708 cases.**

988 judges worked effectively in basic courts, in trial matters, and each judge had the average of 30.32 pending backlog cases at the end of 2020.

The court presidents are therefore obliged to undertake additional special measures to dispose backlog cases (P, P1, P2 and K) referred to in the Single Backlog Reduction Program for the period 2021-2025, in order to expedite their disposition.

BASIC COURTS**REPORT ON PENDING BACKLOG CASES**

ON 12/31/2020 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	TOTAL PENDING BACKLOG CASES on 12/31/2020	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	p	604	422,141	20,993	12,257	7,425	1,311	4.97	34,76
2	P1	306	67,737	6,420	4,557	1,556	307	9.48	20,98
3	P2	300	45,074	320	277	42	1	0.71	1,07
4	K	258	56,292	2,225	1,389	747	89	3.95	8,62
TOTAL 1-4		988	591,244	29,958	18,480	9,770	1,708	5.07	30,32
5	Iv	168	484,764	281,818	1,489	96,029	184,300	58.14	1,677,49
6	I	147	117,820	5,600	1,514	3,383	703	4.75	38,10
TOTAL 5-6		193	602,584	287,418	3,003	99,412	185,003	47.70	1,489,21
ALL ENFORCEMENT		393	799,365	295,558	7,002	103,518	185,038	36.97	752,06
TOTAL FOR ALL MATTERS		1,181	1,806,129	328,883	27,315	114,477	187,091	18.21	278,48

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 **2,225** cases, while the number of backlog cases also dropped from 703 in 2015 to **79** in 2020.

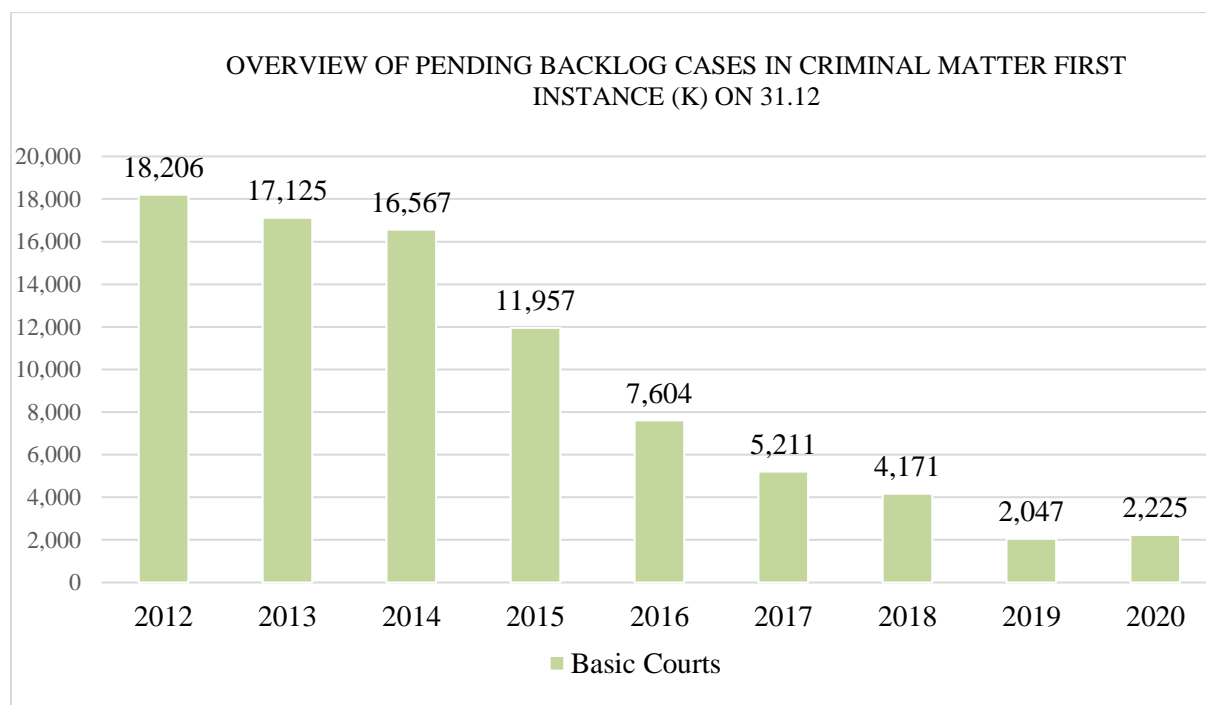


Chart 23

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, which means that the upward trend of pending backlog cases in these trial matters was halted, and the backlog was reduced. However, in 2020, there was an increase in the number of pending backlog cases to 27,733 cases as a consequence of the pandemic and untimely filling of vacant judicial positions.

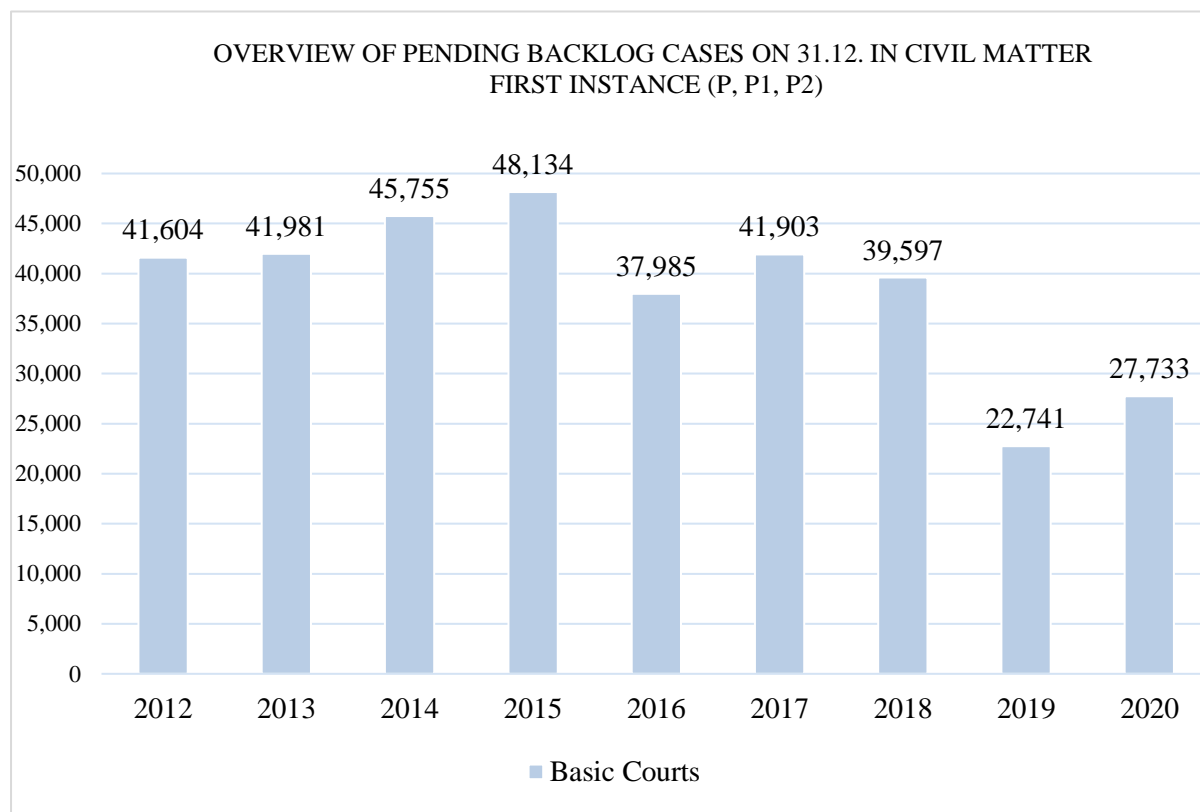


Chart 24

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 2020, so at the end of this year the total number of pending cases in commercial courts was **3,233 backlog** cases, 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 (in 2012 - 214, now there are 445 – including the bankruptcy cases).

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 12/31/2020 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	TOTAL PENDING BACKLOG CASES on 12/31/2020	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	56	38,686	515	507	8		1.33	9,20
2.	Bankruptcy	71	2,624	1,234	294	597	343	47.03	17,38
a	I	29	3,387	26	11	14	1	0.77	0,90
b	Iv	29	7,947	10		9	1	0.13	0,34
c	Total (a+b)	31	11,334	36	11	23	2	0.32	1,16
d	Other enforcement	62	30,334	19	6	12	1	0.06	0,31
3.	All enforcement (c+d)	63	41,668	55	17	35	3	0.13	0,87
4.	Payment order	51	733					0.00	0,00
5.	Litigation	109	24,533	1,427	887	442	98	5.82	13,09
6.	Non-litigious	63	4,645	2	1		1	0.04	0,03
7.	Reasonable time	61	27,856					0.00	0,00
TOTAL 1-7		168	140,745	3,233	1,706	1,082	445	2.30	19,24

Table 16

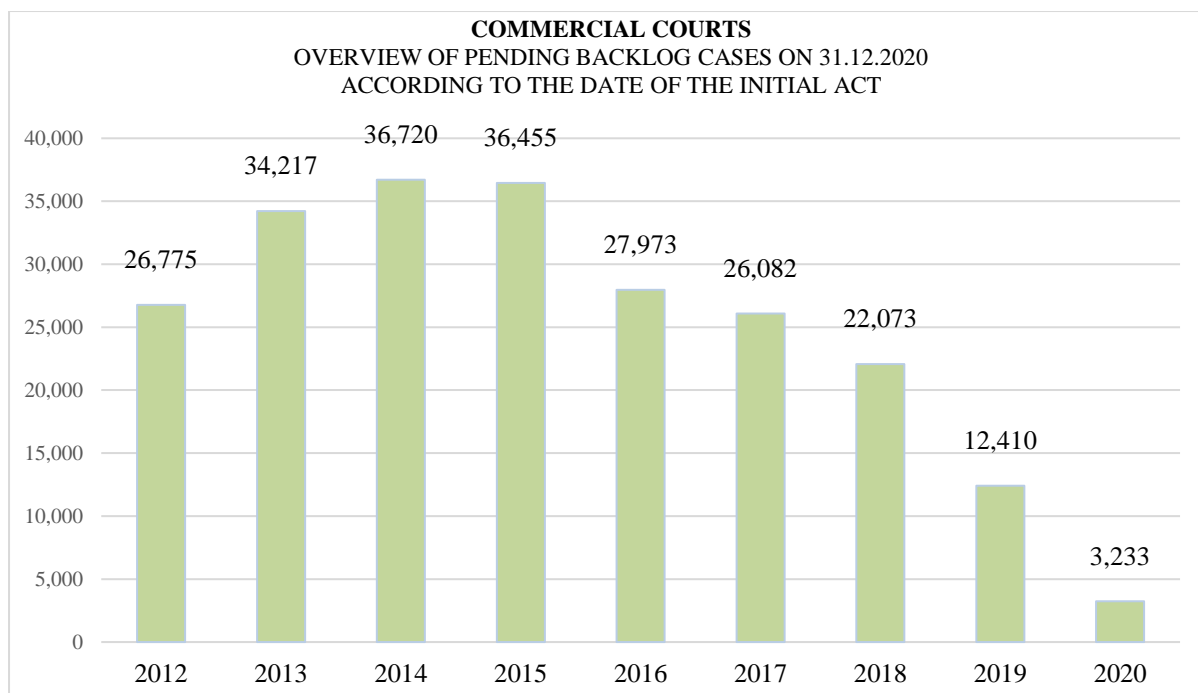


Chart 25

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). The number of pending backlog cases in this court at the end of 2020 was **1,656**.

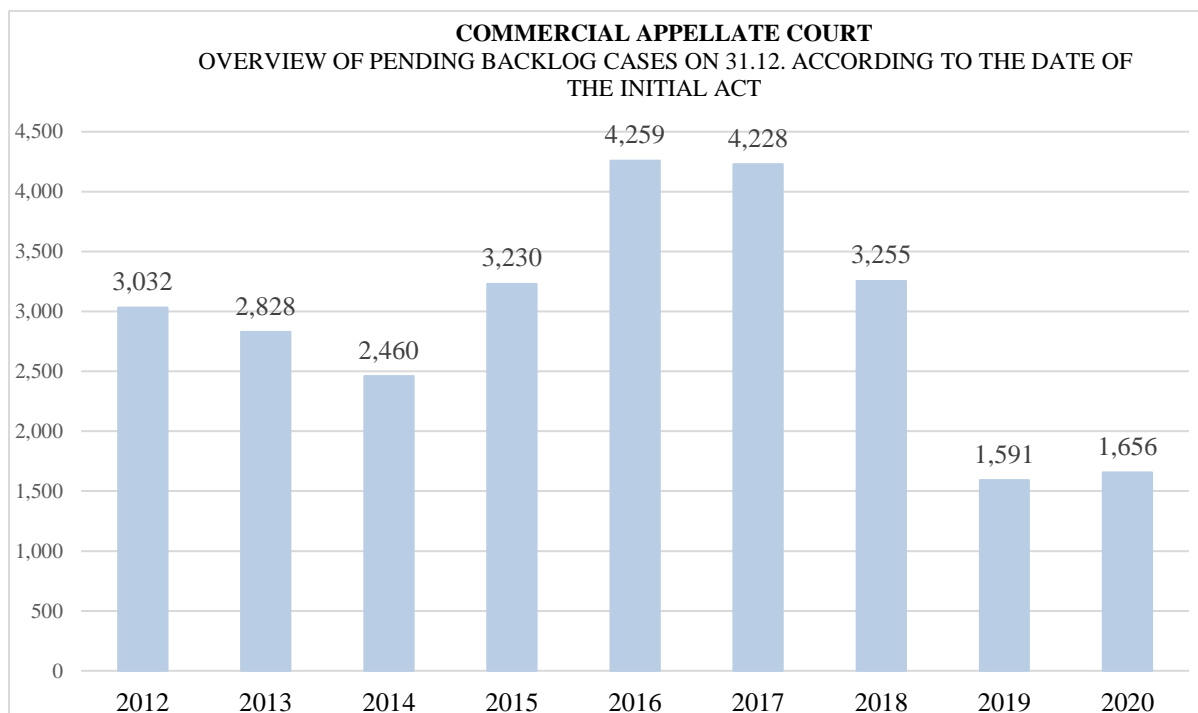


Chart 26

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.

Until 2019, 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, there were less suspensions due to the statute of limitations 56,986+1,051, but in 2020 there was an increase in these numbers 65,660+876 (of the total of 475,897 disposed cases).

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 misdemeanor courts.

MISDEMEANOR COURTS REPORT ON PENDING CASES ON 12/31/2020 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter		Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2020	TOTAL PENDING BACKLOG CASES on 12/31/2020	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	472	43,778	42	42	0	0.10	0,09
		PRM	403	2,021	0	0	0	0.00	0,00
2	02-Traffic	PR	474	268,430	596	596	0	0.22	1,26
		PRM	406	4,624	0	0	0	0.00	0,00
3	03-Public safety	PR	473	42,365	30	30	0	0.07	0,06
		PRM	404	2,019	0	0	0	0.00	0,00
4	04-Commercial	PR	473	40,357	410	209	201	1.02	0,87
		PRM	20	31	0	0	0	0.00	0,00
5	05-Finance and customs	PR	473	37,908	5,868	3,248	2,620	15.48	12,41
		PRM	17	23	0	0	0	0.00	0,00
6	06-Labor, labor relations and protection at work	PR	473	8,654	21	21	0	0.24	0,04
		PRM	0	0	0	0	0		
7	07-Education, science, culture and information	PR	464	9,619	27	27	0	0.28	0,06
		PRM	5	8	0	0	0	0.00	0,00
8	08-Health and social protection, health insurance and environmental protection	PR	471	7,263	45	45	0	0.62	0,10
		PRM	11	17	0	0	0	0.00	0,00
9	09-Defense - Military	PR	467	8,702	16	16	0	0.18	0,03
		PRM	277	896	0	0	0	0.00	0,00
10	10-Administration	PR	185	964	7	7	0	0.73	0,04
		PRM	0	0	0	0	0		
TOTAL 1-10		PR	474	468,040	7,062	4,241	2,821	1.51	14,90
		PRM	409	9,639	0	0	0	0.00	0,00

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 from 2015 continued until 2020, therefore the total number of pending cases at the national level increased from 23,480 at the beginning of reporting period to 26,214 pending cases at the end of 2020.

PROTECTION OF THE RIGHT TO A TRIAL WITHIN REASONABLE TIME BY PERIODS

		01/01 - 12/31/2016					01/01 - 12/31/2017				
N ^o	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

		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 18

PROTECTION OF THE RIGHT TO A TRIAL WITHIN REASONABLE TIME

2020

No.	Court	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	13	32	311	296	47
2	Appellate courts	132	128	2,715	2,613	230
3	Higher courts	144	3,023	16,722	16,806	2,939
4	Basic courts	616	17,187	38,706	35,837	20,056
TOTAL 1-4		905	20,370	58,454	55,552	23,272
5	Administrative Court	1	34	499	507	26
6	Commercial Appellate Court	34	609	4,705	4,645	669
7	Commercial courts	61	2,350	25,506	25,862	1,994
8	Misdemeanor Appellate Court	4	25	569	547	47
9	Misdemeanor courts	94	92	1,244	1,130	206
TOTAL 5-9		194	3,110	32,523	32,691	2,942
TOTAL 1-9		1,099	23,480	90,977	88,243	26,214

Table 19

A total of **19,262** cases in which the parties claimed fair compensation for non-property damage in the amount of 300 to 3,000 € were received pursuant to the decisions of court presidents upholding objections requesting acceleration of proceedings, as well as ruling establishing infringement of the right to a trial within reasonable time before basic courts in the Republic of Serbia, as well as **10,079** new lawsuits for compensation of property damage, due to the infringement of the right to a trial within reasonable 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.

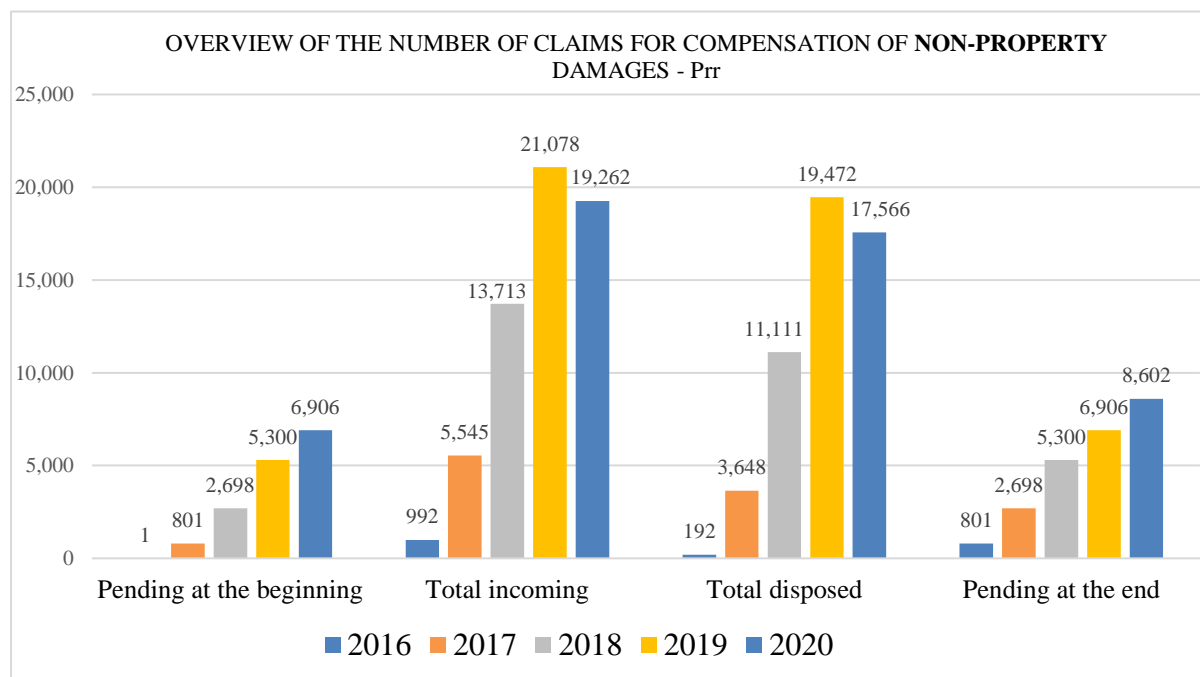


Chart 27a

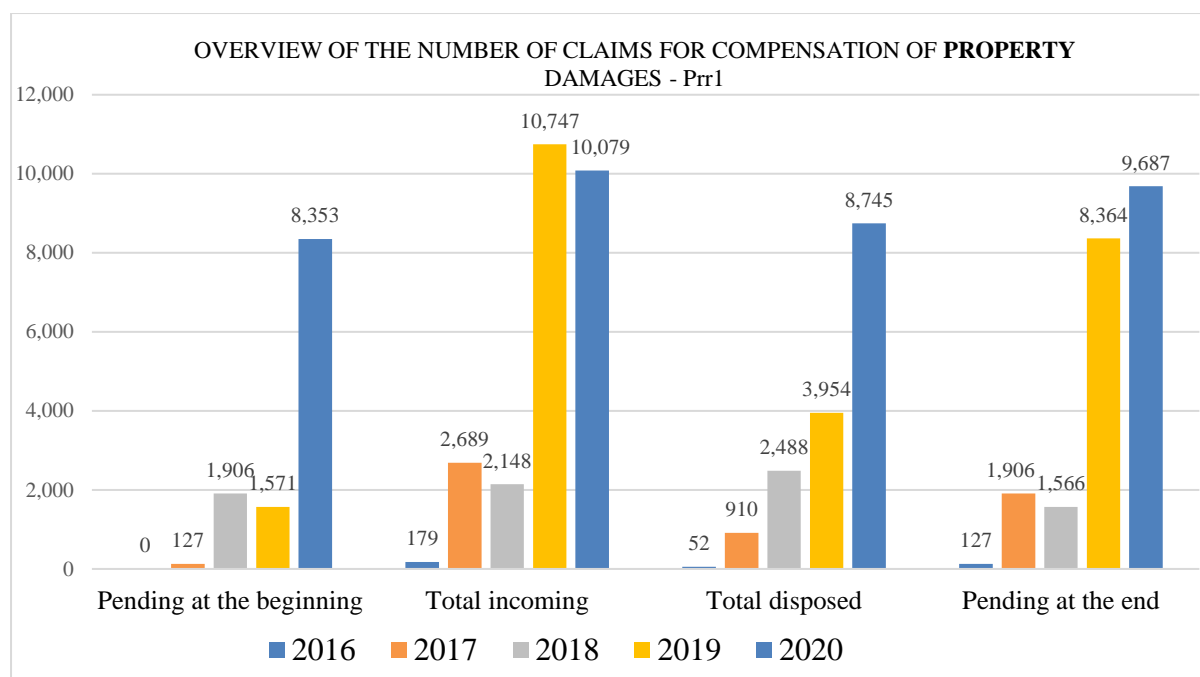


Chart 27b

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 and they practically managed to dispose a huge number of these cases, managing to reach the clearance rate of 99.45%. In 2020, the total of 30,536 cases was received, 30,369 cases were disposed, and 3,172 cases remained pending.

DOMESTIC VIOLENCE CASES 01.01.2020. - 31.12.2020.

No.	Court	Pending at the beginning	Incoming	Total caseload	Disposed	Pending at the end
1.	Supreme Court of Cassation	26	136	162	142	20
2	Appellate courts	40	611	651	618	33
3	Higher courts	160	3,494	3,654	3,492	162
4	Basic courts	2,676	24,220	26,896	24,074	2,822
5	Misdemeanor Appellate Court	6	175	181	174	7
6	Misdemeanor courts	97	1,900	1,997	1,869	128
TOTAL		3,005	30,536	33,541	30,369	3,172

Table 20

PROTECTION OF WHISTLEBLOWERS AND CORRUPTION CASES

According to the court reports on cases regarding criminal offences with corruption elements in 2020, the courts disposed cases at the level of the number of incoming cases, and cases were disposed in cases of corruption and offences pursuant to the Law on the Anti-Corruption Agency.

CASES REGARDING CRIMINAL ACTS FROM ARTICLE 194, ARTICLES 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 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	17	3	23	212	228	229	251	205	4	209	35	20	2
2	Higher courts	59	18	110	63	93	122	203	51	14	65	12	57	17
3	Basic courts	1,711	40	1,552	3,332	3,371	5,043	4,923	2,929	385	3,314	48	1,729	58
TOTAL:		1,787	61	1,685	3,607	3,692	5,394	5,377	3,185	403	3,588	95	1,806	77

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	79	46	266	302	539	381	805	302	5	307	129	74	33
2	Higher courts	788	332	2,344	503	812	1,291	3,156	394	114	508	136	783	329
3	Basic courts	429	123	649	212	309	641	958	217	76	293	97	348	155
TOTAL:		1,296	501	3,259	1,017	1,660	2,313	4,919	913	195	1,108	362	1,205	517

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	5		5	32	32	37	37	28	4	32		5	
2	Misdemeanor courts	49		49	35	35	84	84	32	21	53		31	
TOTAL:		54		54	67	67	121	121	60	25	85	0	36	

Table 21b

In the courts of the Republic of Serbia, at the end of 2020, there was a total of 49 pending cases regarding the protection of whistleblowers from retaliation for disclosure of information in accordance with the Law on the Protection of Whistleblowers. In 2020, **117** incoming cases were received, of the total workload courts disposed **128** cases, with **49** pending cases. Although these cases are not numerous, their importance is significant, given the fact that the protection of whistleblowing right, as a human right for protection of 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 2020, 16 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 – 31/12/2020

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 procedur from the initial act, longer than 36 months
1	Supreme Court of Cassation	Rev-uz	5	6	5	11	8	3	2
		Rev2-uz	5	2	5	7	5	2	2
TOTAL				8	10	18	13	5	4
1	Appellate courts	Gž-uz	23	6	28	34	29	5	1
		Gž1-uz	16		18	18	15	3	2
2	Higher courts	P-uz	18	29	23	52	31	21	7
		Ppr-uz	1	2	17	19	17	2	
3	Basic courts	P1-uz	2	5	7	12	6	6	2
4	Administrative Court	U-uz	10	7	11	18	11	7	
5	Misdemeanor Appellate Court	Prž-uz	3	1	2	3	3		
6	Misdemeanor courts	Pr-uz	1	2	1	3	3		
TOTAL FOR ALL COURTS WITHOUT THE SUPREME COURT OF CASSATION:				52	107	159	115	44	12
TOTAL FOR ALL COURTS:				60	117	177	128	49	16

Table 21v

APPLICATION OF THE SO-CALLED MISSING BABIES ACT

The Law on determining facts on the status of newborn infants missing at the maternity ward³ in the Republic of Serbia was adopted after the European Court of Human Rights ruling in the case of *Zorica Jovanovic vs. Serbia* (Application No. 21794/08, dated 26 March 2013, became final on 9 September 2013).

THE LAW ON DETERMINING FACTS ON THE STATUS OF NEWBORN INFANTS MISSING AT THE MATERNITY WARD IN THE REPUBLIC OF SERBIA REPORT FOR THE PERIOD 11.03. - 31.12.2020.

	Court type	Registry	Number of judges	Incoming	Total disposed	Pending at the end
1	Higher courts	R5	33	695	37	658
2	Appellate courts	Gž5	1	1	1	0

Table 22

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, while the number of cases before misdemeanor courts is increasing. 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 – 614,246, 58,037 cases were suspended due to the statute of limitations. In 2020, out of the total number of disposed misdemeanor cases in misdemeanor courts – 475,897 and 27,799 in Misdemeanor Appellate Court, the total number of suspended cases due to the statute of limitations was 65,660+876 cases, which is more than in 2019, when much more misdemeanor cases were disposed.

³ “Official Gazette of the Republic of Serbia” 18/2020, the Law was adopted in the National Assembly on 29 February 2020. The President of the Republic passed a Decree on this Law on 3 March 2020, and the Law was published on the same day. It came into force on 11 March 2020.

STATUTE OF LIMITATIONS IN 2020 (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	46,469		2	2
2	Higher courts	81,806	3	7	10
3	Basic courts	254,206	32	47	79
4	Commercial Appellate Court	13,670			
5	Commercial courts	108,837	3	30	33
6	Misdemeanor Appellate Court	27,799	1,850	29	1,879
7	Misdemeanor courts	475,897	65,660	876	66,536
TOTAL		1,008,684	67,548	991	68,539

Table 23

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 2020, the total number of incoming new enforcement cases was **208,059**, and **515,385** were disposed, and **325,648** cases remained pending.

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
2020	632,974	208,059	515,385	325,648

Table 24

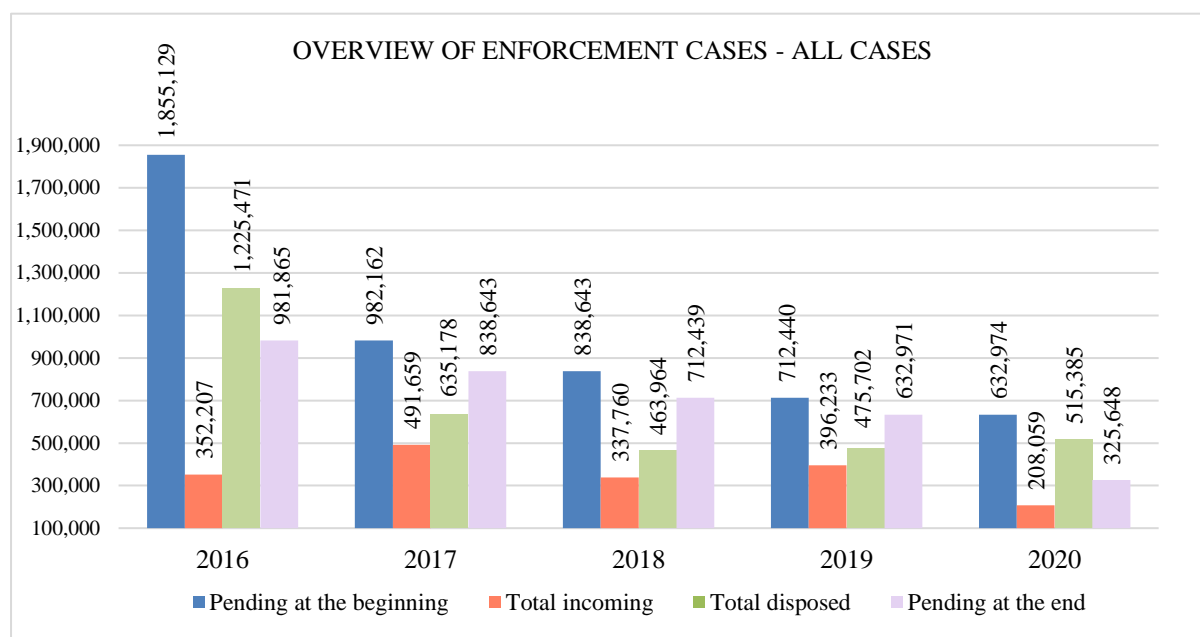


Chart 28

**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	97,811	20,009	100,294	17,526
	Iv	475,382	9,382	202,453	282,311
	Total (I+Iv)	573,193	29,391	302,747	299,837
COMMERCIAL COURTS	I	2,701	686	3,023	364
	Iv	7,631	316	7,935	12
	Total (I+Iv)	10,332	1,002	10,958	376
TOTAL (BASIC + COMMERCIAL)	I	100,512	20,695	103,317	17,890
	Iv	483,013	9,698	210,388	282,323
	Total	583,525	30,393	313,705	300,213

Table 25

Comparative indicators of the structure of enforcement cases ("I", "Iv") indicate that the total number of enforcement cases that the courts transferred to 2020 were reduced from 583,525 to 300,213 cases at the end of 2020.

However, the total number of pending enforcement cases at the end of 2020 and pending enforcement cases "I" and "Iv" in basic courts, indicate the need for application of all systemic and individual measures stipulated in the Amended Law on Enforcement and Security that came into force on 3 August 2019 and the Single Backlog Reduction Program for the period 2021-2025, in order to dispose all those pending backlog enforcement cases, and primarily those in which the proceedings take more than five years (99,412), and more than 10 years (185,003).

This number of pending backlog enforcement cases indicates that the implementation of the Amended Law on Enforcement and Security from 2019, that came into force on 1 January 2020 has not been fully realized and that the implementation activities must end in 2021. The Supreme Court of Cassation expects to continue receiving the support from the project “EU for Serbia – Support to the Supreme Court of Cassation”.

BASIC COURTS
SYTRUCTURE OF PENDING BACKLOG ENFORCEMENT CASES
ACCORDING TO THE DATE OF INITIAL ACT ON 31.12.

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
2020	I	5,600		1,514	3,383	703
	Iv	281,818		1,489	96,029	184,300
	TOTAL:	287,418		3,003	99,412	185,003

Table 26

COMMERCIAL COURTS

STRUCTURE OF PENDING BACKLOG ENFORCEMENT CASES ACCORDING TO THE DATE OF THE INITIAL ACT ON 31.12.

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
2020		55		17	35	3

Table 27

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 2020

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	210	53,137	49,524	5,592	546	1.03	1.10	10.52	11.29	9.76
2	Higher courts	350	235,990	114,685	12,598	1,435	0.61	1.25	5.34	10.98	11.39
3	Basic courts	1,181	1,062,277	569,602	97,387	12,809	1.21	2.25	9.17	17.10	13.15
4	Administrative Court	45	23,736	23,277	279	35	0.15	0.15	1.18	1.20	12.54
5	Commercial Appellate Court	34	13,670	13,067	508	48	0.35	0.37	3.72	3.89	9.45
6	Commercial courts	168	108,837	82,582	11,668	1,203	1.11	1.46	10.72	14.13	10.31
7	Misdemeanor Appellate Court	56	27,799	23,803	27	14	0.05	0.06	0.10	0.11	51.85
8	Misdemeanor courts	489	475,897	338,367	24,974	5,294	1.11	1.56	5.25	7.38	21.20
TOTAL:		2,533	2,001,343	1,214,907	153,033	21,384	1.07	1.76	7.65	12.60	13.97

Table 28

PERCENTAGE OF REVOKED DECISIONS IN 2020

No.	Court name	Number of judges	Number of reviewed appeals	Total number of revoked	% of revoked decisions compared to the number of reviewed appeals
1	Appellate courts	210	5,592	546	9.76
2	Higher courts	350	12,598	1,435	11.39
3	Basic courts	1,181	97,387	12,809	13.15
4	Administrative Court	45	279	35	12.54
5	Commercial Appellate Court	34	508	48	9.45
6	Commercial courts	168	11,668	1,203	10.31
7	Misdemeanor Appellate Court	56	27	14	51.85
8	Misdemeanor courts	489	24,974	5,294	21.20
TOTAL:		2,533	153,033	21,384	13.97

Table 29

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 2020

Number	Court	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	Appellate courts	46,469	41,137	4,859	403	70		
2	Higher courts	81,806	59,666	14,334	6,655	933	206	12
3	Basic courts	254,206	190,842	43,173	12,740	5,879	1,550	22
4	Administrative Court	23,736	11,288	5,815	4,649	1,984		
5	Commercial Appellate Court	13,670	10,310	3,086	274			
6	Commercial courts	108,837	89,983	6,841	2,327	2,648	6,889	149
7	Misdemeanor Appellate Court	27,799	27,770	29				
8	Misdemeanor courts	475,897	253,401	169,508	47,492	4,007	1,489	
TOTAL:		1,032,420	684,397	247,645	74,540	15,521	10,134	183

Table 30

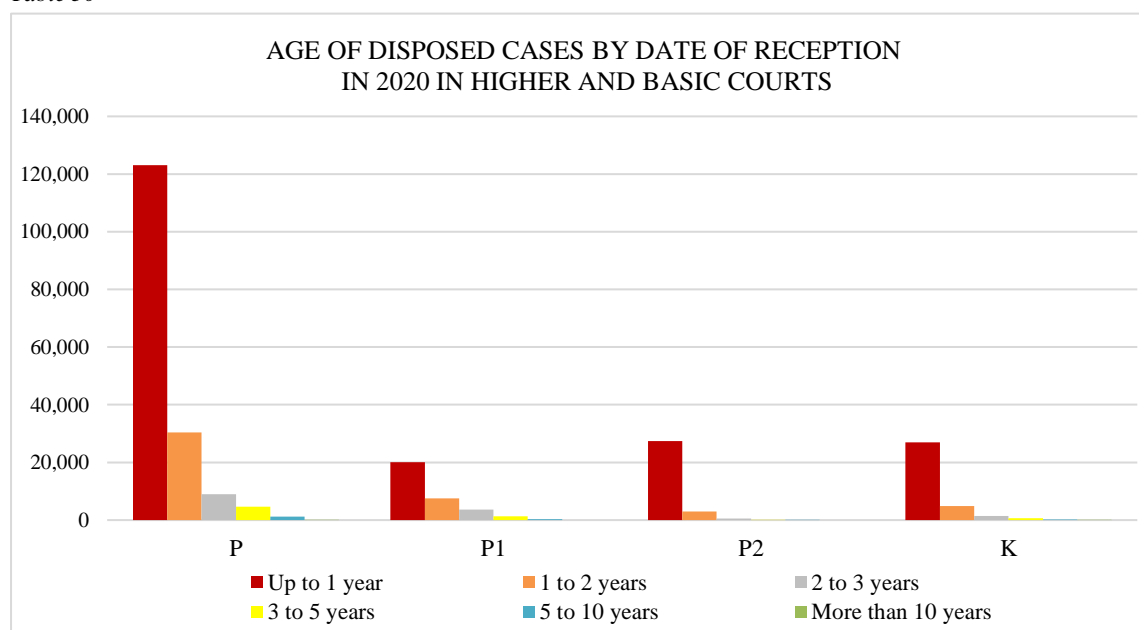


Chart 29

AGE OF DISPOSED CASES IN PREDOMINANTLY TRIAL MATTERS IN 2020**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	159,626	118,761	28,391	7,400	3,954	1,117	3
2	P1	32,082	19,715	7,342	3,541	1,242	242	0
3	P2	30,351	26,867	2,910	459	108	7	0
4	K	32,147	25,499	4,530	1,340	575	184	19
Total 1-4		254,206	190,842	43,173	12,740	5,879	1,550	22

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	8,647	4,290	1,992	1,594	638	125	8
2	P1	735	402	176	88	49	20	0
3	P2	623	510	73	29	9	2	0
4	K	2,057	1,411	377	126	84	55	4
Total 1-4		12,062	6,613	2,618	1,837	780	202	12

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	168,273	123,051	30,383	8,994	4,592	1,242	11
2	P1	32,817	20,117	7,518	3,629	1,291	262	0
3	P2	30,974	27,377	2,983	488	117	9	0
4	K	34,204	26,910	4,907	1,466	659	239	23
Total 1-4		266,268	197,455	45,791	14,577	6,659	1,752	34

Table 31

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 – 2020 is shown in the following table:

TIME TO DISPOSITION IN DAYS

	2012	2013	2014	2015	2016	2017	2018	2019	2020
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	1,510,472
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	2,013,829
Time to disposition of cases	534	503	580	505	253	299	270	267	274

Table 32

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	Clearance rate	Time to disposition
	2012		2014		2016		2018		2020	
	%	in days	%	in days	%	in days	%	in days	%	in days
Supreme Court of Cassation	105.65	98	80.73	176	95.48	173	94.88	181	88.89	282
Administrative Court	80.64	496	103.74	439	89.45	534	73.41	734	72.00	738
Appellate courts	99.39	116	109.02	111	102.05	88	99.71	86	101.71	87
Higher courts	105.92	134	96.6	121	87.52	179	102	134	97.80	147
Basic courts	111.44	810	110.29	901	191.09	254	113.98	323	120.25	256
Commercial Appellate Court	105.55	190	103.9	210	109.71	245	111.68	159	99.04	185
Commercial courts	120.01	207	100.64	337	109.95	227	99.25	160	108.71	107
Misdemeanor Appellate Court	98.24	13	96.06	25	99.80	22	97.15	29	97.62	44
Misdemeanor courts	107.72	257	92.67	290	98.32	278	113.17	278	94.89	429
TOTAL	109.53	534	102.34	580	139.87	253	110.03	270	107.81	274

Table 33

The data on the average clearance rate and the average time to disposition by types of courts in 2020 are shown in the following table and chart:

CLEARANCE RATE AND AVERAGE TIME TO DISPOSITION IN DAYS IN 2019 AND 2020

Court type	Clearance rate	Time to disposition in days	Clearance rate	Time to disposition in days
	2019		2020	
	%	In days	%	In days
Supreme Court of Cassation	92.43	155	88.89	282
Administrative Court	94.44	665	72.00	738
Appellate Courts	103.17	78	101.71	87
Higher Courts	102.49	128	97.80	147
Basic Courts	104.03	303	120.25	256
Commercial Appellate Court	99.71	146	99.04	185
Commercial Courts	112.23	106	108.71	107
Misdemeanor Appellate Court	98.66	34	97.62	44
Misdemeanor Courts	97.08	317	94.89	429
TOTAL:	102.01	267	107.81	274

Table 34

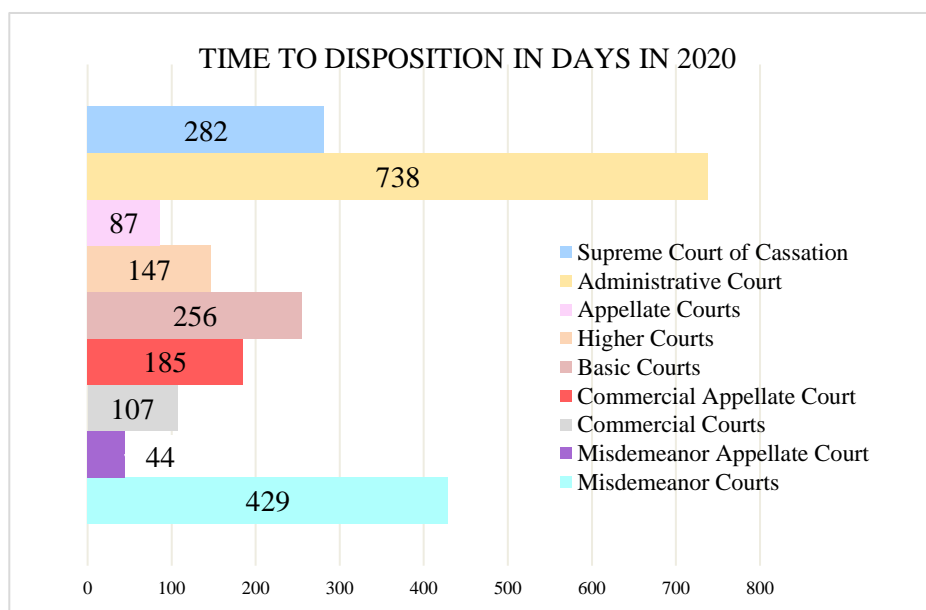


Chart 30

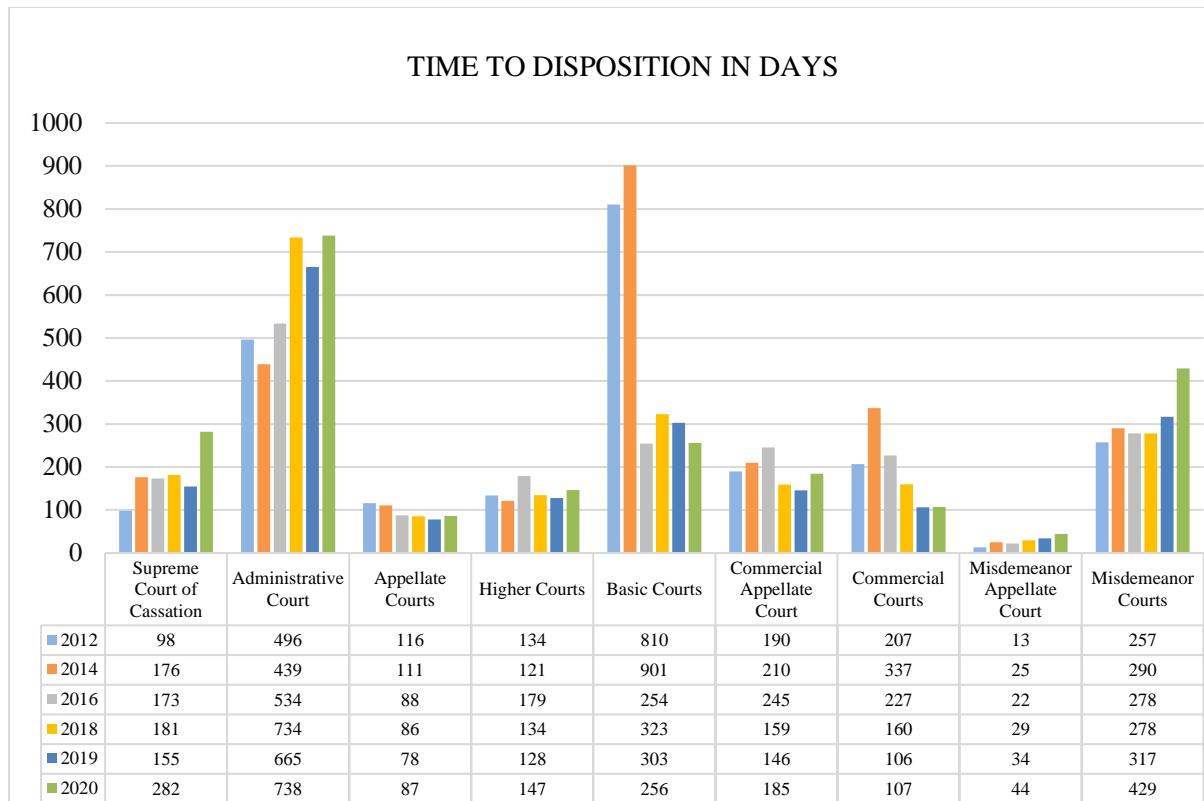


Chart 31

CONCLUSIONS

1.

The Annual Report on the work of all courts in the Republic of Serbia for 2020 indicates the exceptional results of the courts that disposed 2,013,829 cases in extraordinary conditions, caused by the COVID-19 pandemic.

These impressive results were achieved by 2,570 judges, and a total of 386 judicial positions remained vacant in the court system – since out of 3,038 judicial positions based on the Decisions of the HCC 2,652 judicial positions were filled, meaning that 2,570 judges acted effectively.

2.

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 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.

It is necessary to urgently announce public ads for trainees and introduce a system of career advancement for judicial assistants, with appropriate financial support and parallel separation of the entire court administration from the public administration system.

In addition, the reform of judicial system is needed, both in organizational terms and in terms of legislation, taking into account the inflow of cases in the courts, the number of judges acting in matters, the existing network of courts and the extreme workload of the judiciary produced by the lawsuits against the Republic of Serbia (for example, in 2019 and 2020 in higher courts these cases in matters “P” and “P1” have the share of 72%).

3.

In the period from 1 January 2012 to 31 December 2020 all courts in the Republic of Serbia disposed 19,993,419 cases, of which there were 4,035,635 backlog cases, and the number of incoming cases was 18,154,570. At the end of 2020, 1,510,472 cases remained pending, and cases were annually resolved by an average of 2,536 judges.

4.

According to the CEPEJ indicators, there is an obvious increase of efficiency in clearance rates and time to disposition, so in all courts in 2020, clearance rate was 107.81%, and the time to disposition was 274 days, while in 2014 clearance rate was 102.34%, and the time to disposition was 580 days. The best efficiency was achieved in the basic courts: in 2020, the time to disposition was 256 days, while in 2014 it took 901 days.

Since we are mentioning CEPEJ, we must mention that according to the reports of that Commission, the best systems of case weighting were realized in the USA, Israel and the Republic of Serbia, which is why the High Court Council decided to apply the case weighting methodology in the first instance courts in the Republic of Serbia, with the obligation of the Ministry of Justice to make appropriate upgrades to the software programs.

5.

Comparative indicators of the structure of pending backlog cases indicate that the total number of backlog enforcement “I” and “Iv” cases in basic courts decreased from 632,974 at the end of 2019, to 325,648 cases at the end of 2020.

However, the total number of pending enforcement cases at the end of 2020 and pending backlog enforcement cases indicates the need to apply all systemic and individual measures determined by the Single Backlog Reduction Program for the period 2021-2025, in order to resolve all pending backlog enforcement cases, and primarily “I” and “Iv” cases in basic courts where the length of the proceedings is more than five, or even ten years.

This number of pending backlog enforcement cases and their age structure indicate the need to take extraordinary systemic measures and support the judicial enforcement system.

The presented data indicate good results in emergency pandemic conditions and constant number of vacant judicial positions, with insufficient number of court staff.

The number of judicial assistants in the courts in the Republic of Serbia should be equal to the number of judges, and not half the number of judges.

These results wouldn't be achieved if the judges and all court staff hadn't invested maximum efforts in the reporting period in these extraordinary circumstances, in order to reduce the number of backlog and pending cases, especially the backlog cases in the circumstances that they worked in, with special contribution of the project “EU for Serbia – Support to the Supreme Court of Cassation”.

The Supreme Court of Cassation would like to extend gratitude to the World Bank, the Project EU for Serbia – Support to the Supreme Court of Cassation and the USAID.

Judges are expected to make maximum efforts in the coming period in order to reduce the number of pending backlog cases, since increased timeliness, efficient and quality work of courts are the only elements that can restore 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 achieve that, it is necessary for the judges themselves to give their contribution with their expertise, training and dedication.

I must emphasize that efficiency must not be achieved to the detriment of the quality of court decisions, and the concept itself: the quality of justice is a complex concept and does not depend only on the judiciary. It is related to the quality of laws passed and enforced, the degree of independence and impartiality of the court, the quality and quantity of funds needed for the work of the courts, but also the integrity and responsibility of judicial office holders, and especially the implementation of anti-corruption measures in the judiciary.

The fulfillment of the stated goals and postulates in the coming period will create a situation where we can dispose backlog cases, but also prevent their accumulation and with uniform case law we will be able to increase the quality of justice to a 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.

Pl – label for payment orders

R – label for different civil cases

Pk – label for commercial offences

St – label for bankruptcy proceedings

L – label for liquidation

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

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

Registers of Misdemeanor Courts

Pr – label for misdemeanors

Prm – label for juvenile offenders

Ipr, Ipr1, Ipr2, Ipr3 – labels for enforcement

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

Registers of the Misdemeanor Appellate Court

Prž – label for appeals

Pržm – label for appeals in procedures against juveniles

Registers of the Commercial Appellate Court

Pkž – label for second instance cases of criminal offences

PŽ – label for second instance litigious cases

Iž – label for second instance enforcement cases

R – label for cases of conflict and delegation of jurisdiction

Registers of the Administrative Court

U – label for administrative disputes

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

Up – label for the reopening of administrative-court proceedings

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

UŽ – label for appeals in electoral disputes

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

Registers of the Supreme Court of Cassation

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

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

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

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

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

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

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

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

UŽ – label for administrative cases on appeals

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