

## *The Law on the Organization of Courts ("Official Gazette of RS", no. 10/2023)*

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In the Official Gazette of the Republic of Serbia, number 10 of 9 February 2023, the Law on the Organization of Courts (hereinafter: the "Law") was published, which entered into force on the day of its publication in the Official Gazette of the Republic of Serbia, i.e. on **9 February 2023**, and is applied from the day of the constitution of the High Council of the Judiciary. At that point the Law on the Organization of Courts ("Official Gazette of RS", no. 116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15, 106/15, 13/16, 108/16, 113/17, 65/18, 87/18 and 88/18) will cease to be valid. In addition, the provisions regulating the position of court personnel are valid until the entry into force of a special law regulating the position of court personnel.

In addition to the Law on the Organization of Courts, the National Assembly of the Republic of Serbia adopted a whole set of judicial laws, including the Law on Judges, the Law on the High Council of the Judiciary, the Law on the Public Prosecution and the Law on the High Council of the Prosecution. The adoption of new judicial laws followed last year's referendum vote on amendments to the Constitution related to the judiciary.

One of the most significant novelties of the Law is the change in the name of the highest court in the Republic of Serbia, which will be called the Supreme Court instead of the Supreme Court of Cassation.

Furthermore, paragraph 1 of article 8 of the Law specifies what is considered undue influence on the court, while paragraph 2 of the same article of the Law prescribes that "reporting on the work of the court and commenting on ongoing court proceedings or court decisions shall

not be considered undue influence, in accordance with the regulations governing public information, as well as expert analysis of court proceedings and court decisions".

Other novelties introduced by the Law primarily concern the internal organization of the court.

The annual working schedule in the court will be decided by the president of the court, without previously obtaining an opinion from the judges (as it was the practice until now), and a judge who is dissatisfied with the adopted schedule can file a complaint to the High Council of the Judiciary (previously, the president of the higher court decided on the complaint).

The novelty is also that the Supreme Court will appoint five judges of the Constitutional Court, in the selection among 10 candidates proposed by the High Council of the Judiciary and the High Council of the Prosecution.

Furthermore, additional clarification of the tasks that fall under the jurisdiction of the judicial administration was carried out, and additional criteria were prescribed for the selection of a judicial adviser in the Supreme Court - passing the bar exam and at least 9 years of experience, of which at least 6 years spent in the judiciary.

In addition to the obligation to keep an identity list for judges, the court will also be obliged to keep an identity list for court personnel employed in the court.

Finally, articles 77-80 of the Law additionally regulate the supervision of the implementation of the Court's Rules of Procedure, which will be carried out by the High Council of the Judiciary in addition to the Ministry of Justice.

**For any additional consultation or legal assistance, you can contact the Tasić & Partners team by email:**

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& PARTNERS  
ADVOKATI · ATTORNEYS AT LAW

[office@tasiclaw.com](mailto:office@tasiclaw.com) or by phone:  
+381116302233.