



Republic of Serbia
Supreme Court of Cassation

**ANNUAL REPORT
ON THE WORK OF THE COURTS
IN THE REPUBLIC OF SERBIA
FOR 2017**

Belgrade, March 2018



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Republic of Serbia
SUPREME COURT OF CASSATION
Su I - 1 52/2018
February 19, 2018
B e l g r a d e

**ANNUAL REPORT ON THE WORK OF THE COURTS IN THE REPUBLIC OF
SERBIA FOR 2017**

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

I
INTRODUCTION

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

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

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

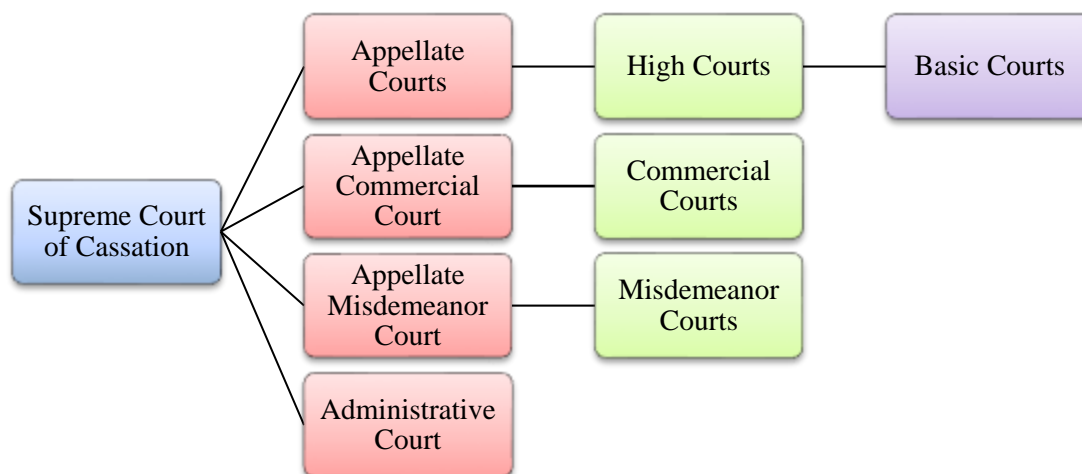
Courts of special jurisdiction are commercial courts, Commercial Appellate Court, misdemeanor courts, Misdemeanor Appellate Court and Administrative Court.

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

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

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

courts, Commercial Appellate and Misdemeanor Appellate Court and second instance courts. On the territory of the AP Kosovo and Metohija three courts continued to operate in 2017: Misdemeanor Court in Kosovska Mitrovica, Higher Court in Kosovska Mitrovica and Basic Court in Kosovska Mitrovica.



According to data of the High Court Council as of December 31, 2017, the total number of all judicial positions in all courts in the Republic of Serbia, determined by the Decision of the HCC was **2,990**, of which **2,626** positions were filled, while **2,586** judges were effectively working.

NUMBER OF JUDGES IN THE REPUBLIC OF SERBIA ON DECEMBER 31, 2017

Court	Number of judges according to the Decision of the High Judicial Council	Number of filled positions	Number of judges in the report on the work of court for the period January 01 - December 31, 2017
Supreme Court of Cassation	41	39	35
Administrative Court	51	40	39
Commercial Appellate Court	41	40	34
Misdemeanor Appellate Court	65	58	58
Appellate Courts	237	228	203
Higher Courts	368	328	317
Basic Courts	1,473	1,267	1,260
Commercial Courts	178	147	154
Misdemeanor Courts	536	479	486
TOTAL:	2,990	2,626	2,586

Table 1

The number of elected judges in 2017 in comparison with 2016, was less by **152**, which was caused by an intervention made by the Constitutional Court in relation to the judge election,

considering the fact that the Constitutional Court issued a temporary injunction initiating a procedure to determine irregularities of the Rulebook on Criteria and Standards for Evaluation of Qualification, Competence and Worthiness of Candidates for Judges to be Elected for the First Time and suspended single acts and actions to be undertaken pursuant to the disputable Rulebook until the final decision is made.

COMPARATIVE OVERVIEW OF THE NUMBER OF JUDGES FOR THE PERIOD 2016-2017

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	
	2016.	2017.	2016.	2017.	2016.	2017.
Supreme Court of Cassation	40	41	37	39	32	35
Administrative Court	41	51	41	40	38	39
Commercial Appellate Court	40	41	38	40	30	34
Misdemeanor Appellate Court	65	65	62	58	61	58
Appellate Courts	237	237	225	228	202	203
Higher Courts	368	368	338	328	310	317
Basic Courts	1,472	1,473	1,373	1,267	1,255	1,260
Commercial Courts	178	178	158	147	156	154
Misdemeanor Courts	536	536	506	479	485	486
TOTAL:	2,977	2,990	2,778	2,626	2,569	2,586

Table 2

The average age of judges in Serbia in 2016 was 52; there was the total of 836 male and 1,942 female judges. There were 244 judges that were 40 years old or younger, 756 judges up to 50 years of age, 1,377 judges that were up to 60, and 401 judges that were older than 60.

The average age of judges in **2017** was higher – **52,93**, and the number of selected judges performing their function was reduced to **2,626**, of which **766** were male and **1,860** female judges. There were **151** judges that were 40 years old or younger, **686** judges in the age group between 40 and 50, **1,213** judges in the age group from 50 to 60 and **576** judges older than 60.

In 2016, there was 10,563 court staff employed, of the average age of 44 years, while in **2017** the total number was **10,541**, and the average age was 44.14.

The court staff structure in **2017** indicated that there were **1,692** judicial assistants (415 men and 1,277 women), **5,662** civil servants (1,125 men and 4,537 women) and **3,187** employees (1,450 men and 1,737 women).

Reduction in the number of staff in courts is the result of years-long employment ban that is still in force, as well as denying approval to fill vacancies determined by the job systematizations in force, additionally increased the workload performed by the current staff.

According to the Law on Budget for 2017 all courts were financed from the budget with RSD **20,985,969,000.00**, while the amount of RSD 18,884,991,000.00 was planned for 2016. In 2016, the Supreme Court of Cassation received RSD 418,148,000.00 – 2.21% of the total budget for the courts, while in 2017, it received RSD **439,791,000.00** or 2.09%, which is less than in 2016. Compared to the total budget of the Republic of Serbia amounting to RSD 1,123,195,679,000.00 for 2017, the expenditures for courts constitute **1.86%** compared to 2016 when courts accounted for 1.74% of the total budget.

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
TOTAL NUMBER OF JUDGES	2,380	2,652	2,595	2,522	2,569	2586
NUMBER OF JUDGES - EXCLUDING JUDGES IN THE ENFORCEMENT MATTER	2,165	2,365	2,331	2,256	2,299	2,301
NUMBER OF JUDGES IN THE ENFORCEMENT MATTER	215	287	264	266	270	285

Table 3

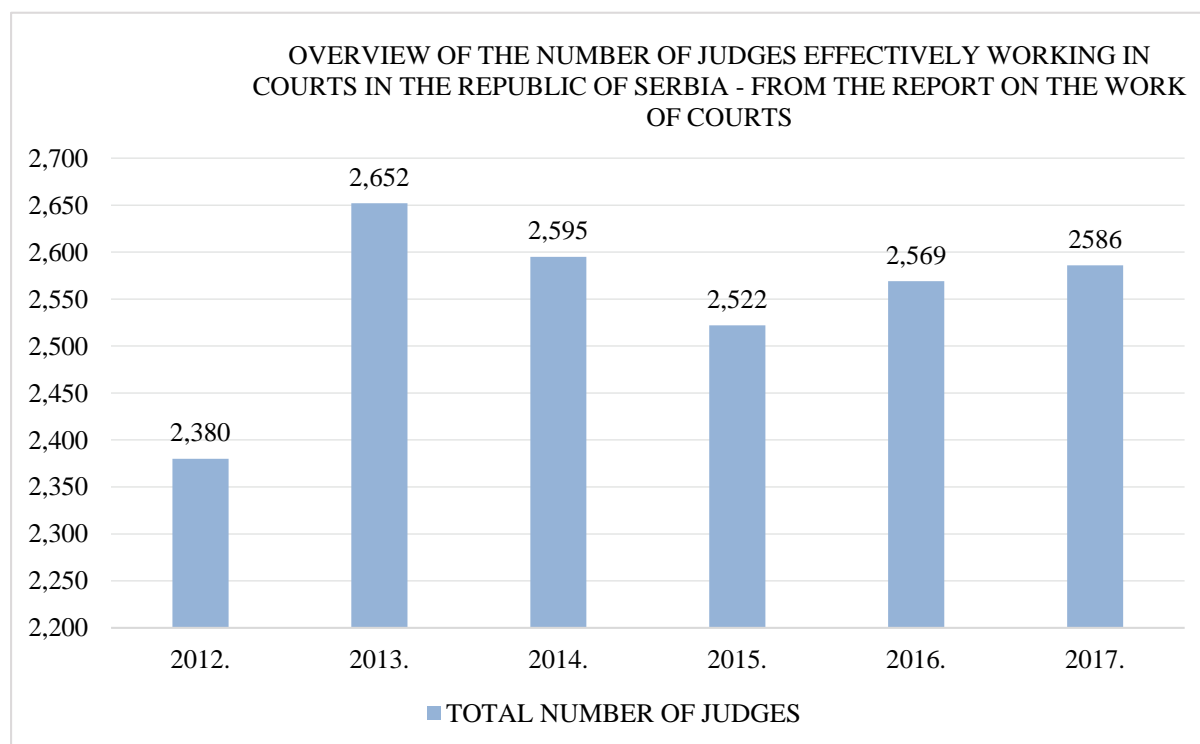


Chart 1

II DISPOSED CASES IN 2017

During 2017, all courts in the Republic of Serbia disposed **2,335,760** cases, while **2,586** judges actually worked.

In comparison with 2016, the total number of cases disposed in 2017 dropped, considering that effects of the new Law on Enforcement and Security are limited to 2016, and do not cover 2017.

Increased number of disposed cases in 2016 was result of undertaken systemic measures – utmost the new Law on Enforcement and Security, the effects of which were restricted to 2016 and harmonization of case law in repetitive vases (through disposition of disputable legal matters).

In **2017**, the total number of disposed enforcement cases dropped significantly, because there are no more extraordinary systemic measures to solve these cases, but, **excluding enforcement cases, the number of disposed cases increased from 1,922,470 to 1,932,366, representing a positive trend, considering the fact that there were 152 judges less in the court system.**

The Table below shows an overview of the number of disposed cases broken down by all courts in the Republic of Serbia from 2012 to 2017, with and without enforcement cases.

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

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

	2012.	2013.	2014.	2015.	2016.	2017.
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
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
Basic courts - I-IV	532,377	484,446	326,400	322,994	970,292	350,008
Commercial courts - all enforcement cases	89,875	63,967	56,926	57,634	61,159	53,386

Table 4

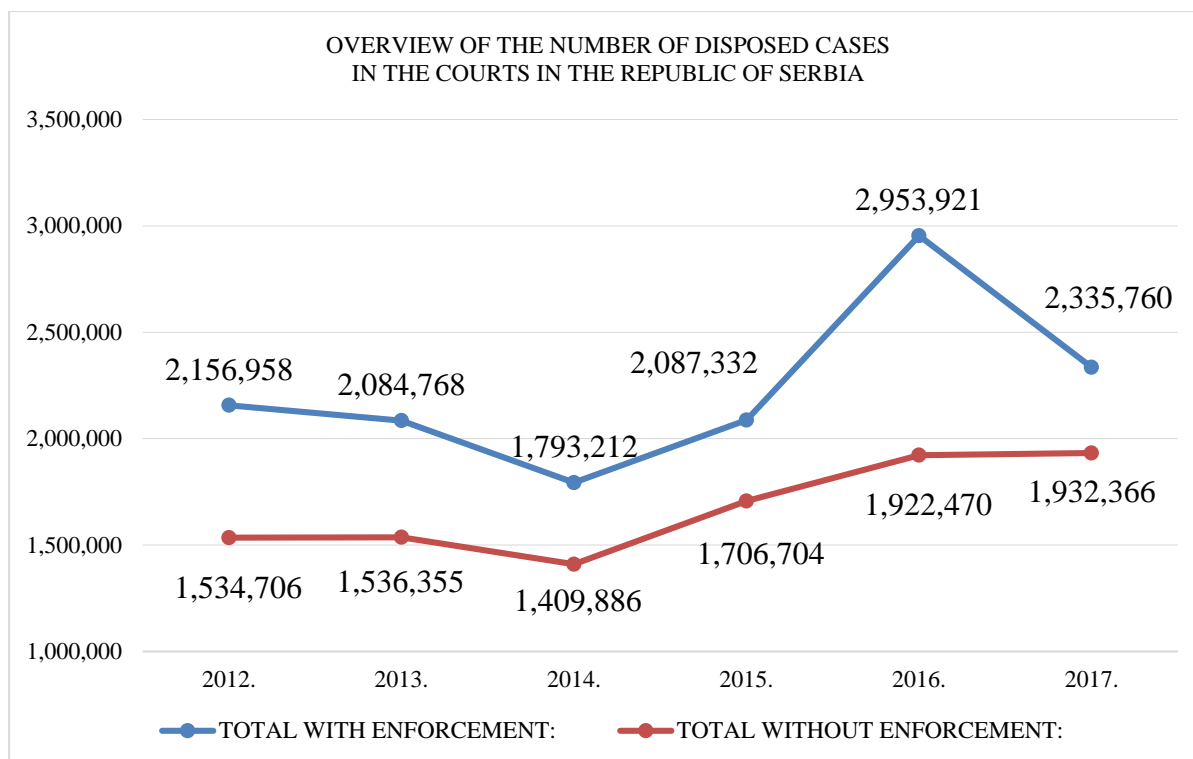


Chart 2

Moreover, in **2017**, basic courts also disposed **464,510** cases upon the requests of citizens for verification of signatures, manuscripts and transcripts (that are not under the jurisdiction of notaries), issuing certificates and other that are not shown in these tables, while higher courts disposed an additional **23,392** cases of this type. There were **815,355** such cases in misdemeanor courts. **Court administration handles these cases, under the supervision of judges, and they account for additional 1,303,257 cases that the courts disposed in 2017, that are not included in tables in this report as disposed cases.**

In line with the Recommendation of the Committee of Ministers of the Council of Europe No. R (86)12 regarding reduction of the workload of courts, in 2017 basic courts handed over, as entrusted tasks, to public notaries 47,572 probate cases pursuant to Articles 30a and 110a of the Law on Non-contentious Proceeding and Article 98 of the Law on Public Notaries (out of the total of 139,263 received "O" cases in basic courts).

In **2017**, the largest number of cases was disposed in basic and misdemeanor courts, while the share of disposed cases by other courts in the total number of disposed cases is significantly lower – followed by higher and commercial courts, as shown in the following chart.

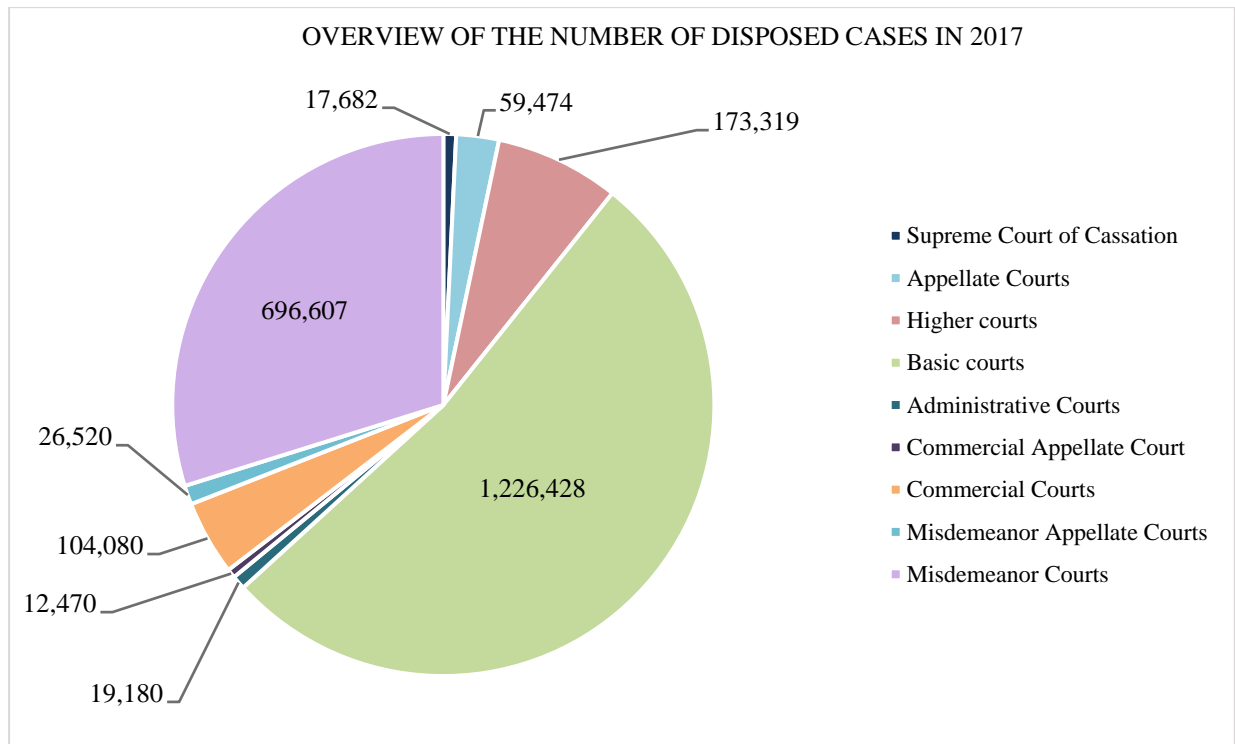


Chart 3

III INCOMING CASES IN 2017

Comparative data on incoming cases in all courts in the Republic of Serbia (the influx of cases and cases being processed again, but previously classified as disposed) indicate a significant increase of influx in 2015, 2016 and 2017.

According to the indicators, the expected inflow in the period 2012 to 2014 was, without enforcement cases, at the level of about 1,500,000 cases per year. However, in 2015, the courts have received 1,902,475 cases, which is 415,840 cases more compared to 2014, i.e. compared to the expectations. The inflow in 2016 was, once again, higher than expected, and even above the inflow seen in 2015. In 2017, the inflow amounted to **2,202,692** incoming cases, which is the highest number of incoming cases from 2012 (although without enforcement cases this number is slightly below the 2016-level), with the largest workload caused by incoming cases compared to the previous period experienced by higher courts. Thus, **in the last three years, over 1,300,000 more cases than expected entered the system**, affecting the achievement of the planned objectives stated in the [strategic documents of the Supreme Court of Cassation](#) related to the backlog reduction.

In 2017, basic and higher courts received the largest number of cases, followed by misdemeanor, commercial and appellate courts.

In basic courts, from 2014 there has been increased inflow, so by 2016 they were receiving over 200,000 of cases more than planned annually, and that trend continued in 2017, as well, considering that 949,856 cases were received in 2016, and 1,060,890 in 2017. In **misdemeanor courts** in the period 2014 to 2016, courts received 200,000 cases more, but that trend was stopped, so in 2017, the inflow dropped compared to 2016.

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 – 212,212** cases. Increased inflow is mainly caused by first instance civil matter cases, because 56,342 lawsuits were filed to higher courts in the Republic of Serbia by reservists that as members of the armed forces were mobilized 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 so-called *pilot decision*, it is necessary aimed at unified law enforcement, to solve those in compliance with rules stipulated in Article 180 of the Law on Civil Procedure, disputable legal matters in terms of legal nature of these cases and court jurisdiction to solve them, in cases when there is no determined request for payment of military per diem or remuneration for non-material damage.

Repetitive cases in the appeal procedure burdened the Appellate Courts, as well; thus the Appellate Court in Niš, beside its current inflow, received also 2,960 of these cases. The Appellate Court in Kragujevac received 1,147, while in the forthcoming period it is expected that the number of such cases will significantly increase in other two appellate courts.

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

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

	2012	2013	2014	2015	2016	2017
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
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
Basic Courts - I-IV	457,757	261,695	212,516	181,211	104,648	241,677
Commercial Courts - all enforcements	70,902	61,065	53,043	52,797	45,251	43,008

Table 5

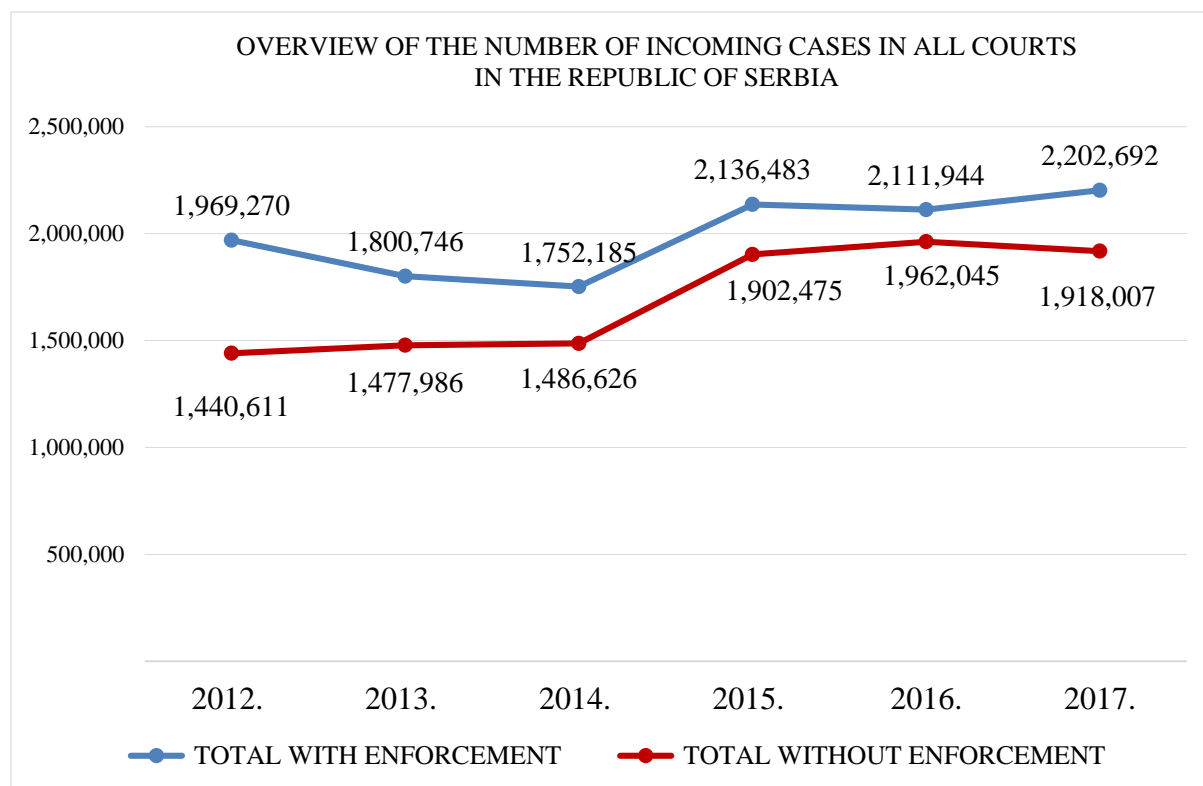


Chart 4

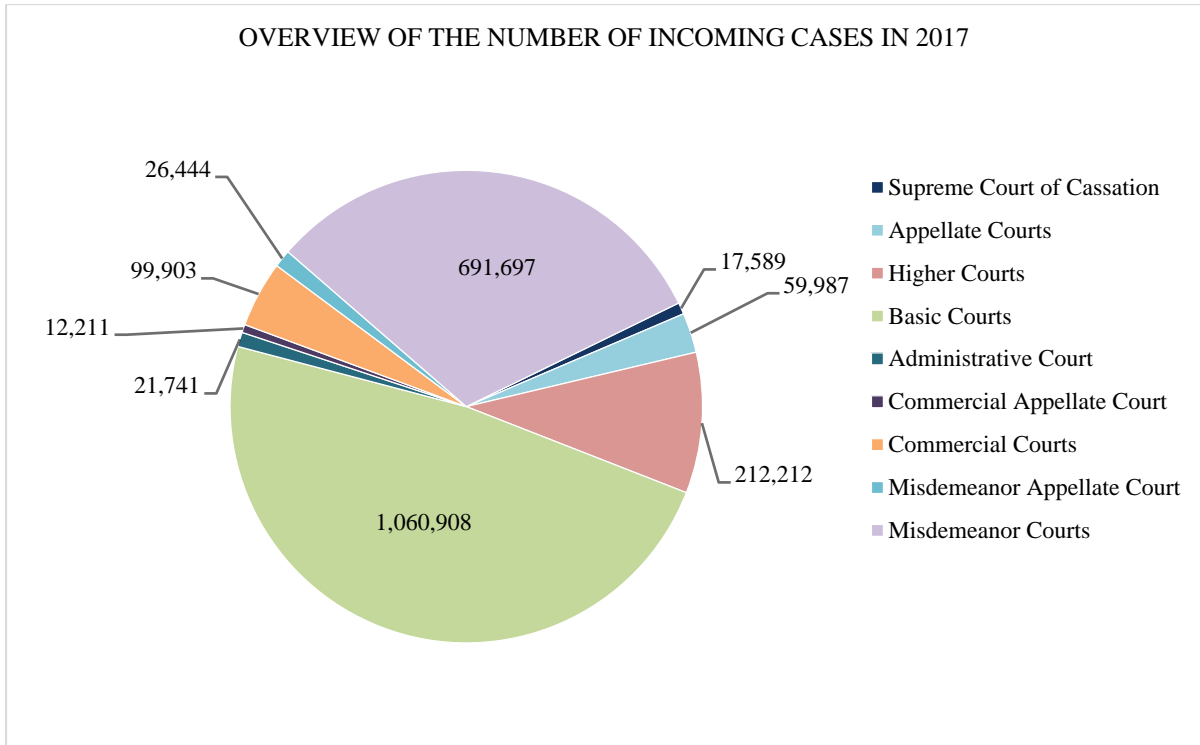


Chart 5

Clearance rate in all matters in 2017, of over 100%, indicated that the judicial system, with the existing capacities, has absorbed the increase inflow of cases, although 152 less judges were appointed; in order to additionally increase efficiency of work of the courts, it is required to remove system deficiencies hindering the work of courts and judges. Timely selection of judges, filling judge position vacancies and abolishing employment ban in courts will contribute to achievement of better results.

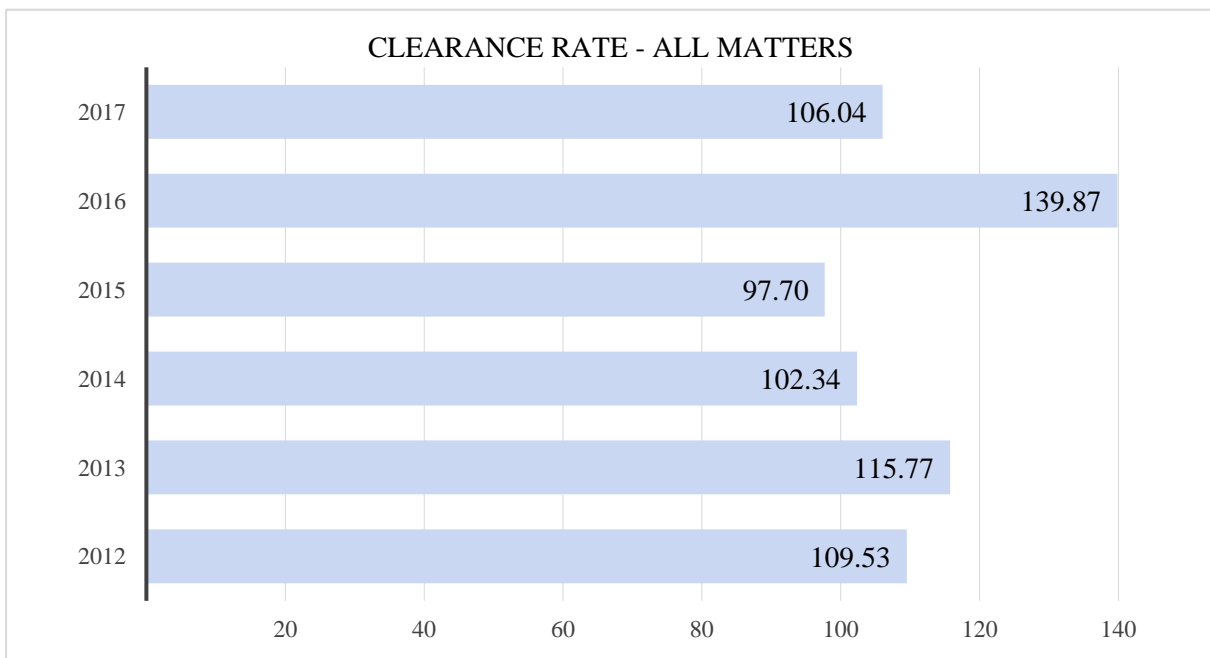


Chart 6

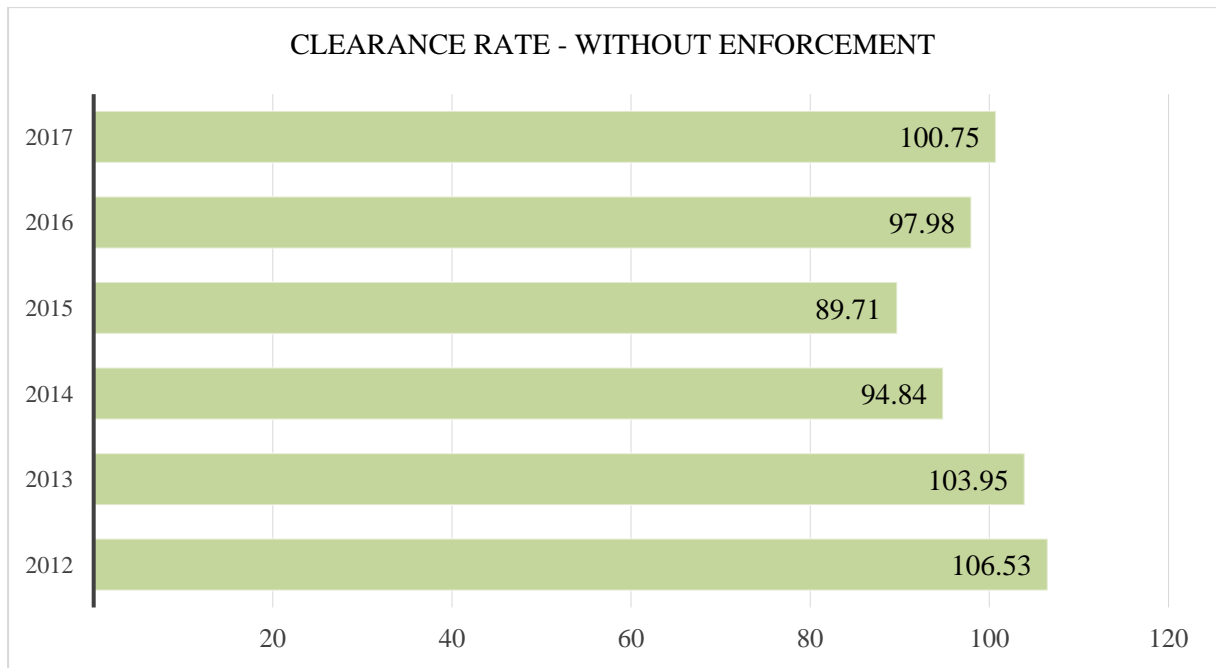


Chart 7

IV PENDING CASES AT THE END OF 2017

Comparative indicators for the period 2012-2017 show a significant decrease in the number of pending cases in all courts in the Republic of Serbia, so in comparison with 2012, there is 1,247,314 pending cases less.

In 2012, there were 3,158,400 cases, and at the end of 2017 there were 1,911,086 pending cases, including enforcement cases.

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

	2012	2013	2014	2015	2016	2017
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
*TOTAL IN THE REPUBLIC OF SERBIA - WITHOUT ENFORCEMENT	872,831	815,178	898,204	1,093,432	1,132,331	1,118,201

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

Table 6

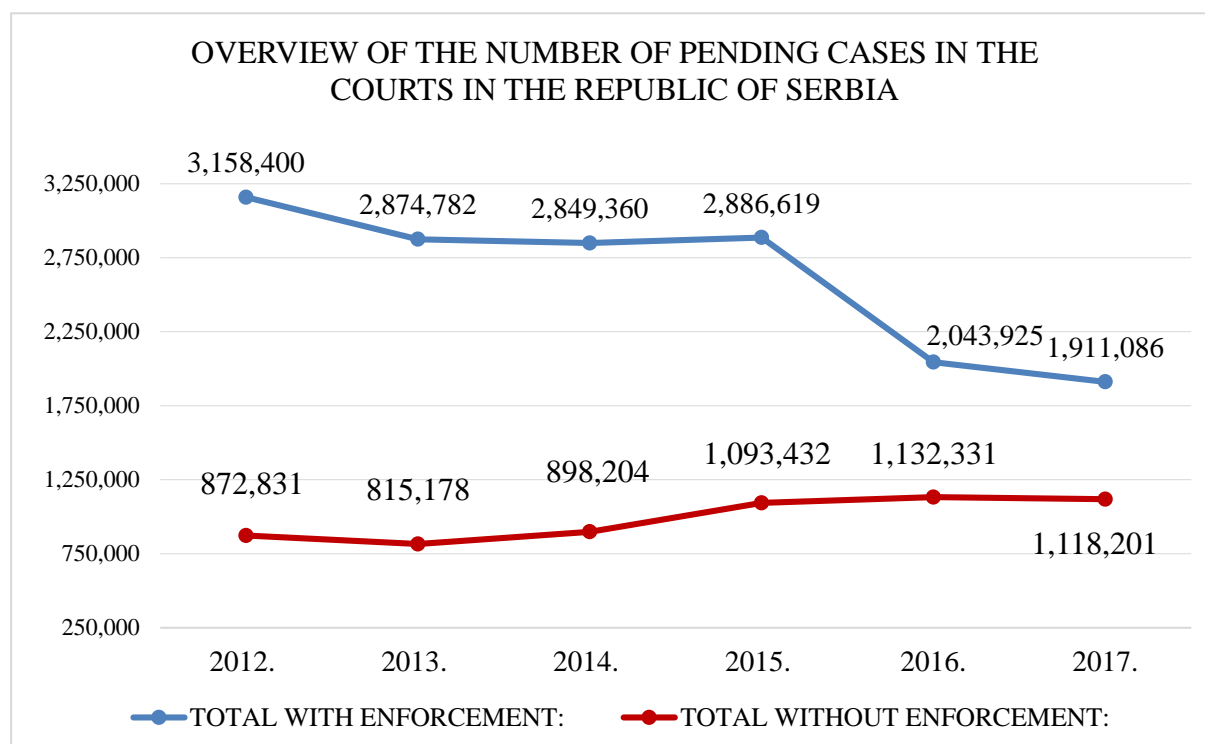


Chart 8

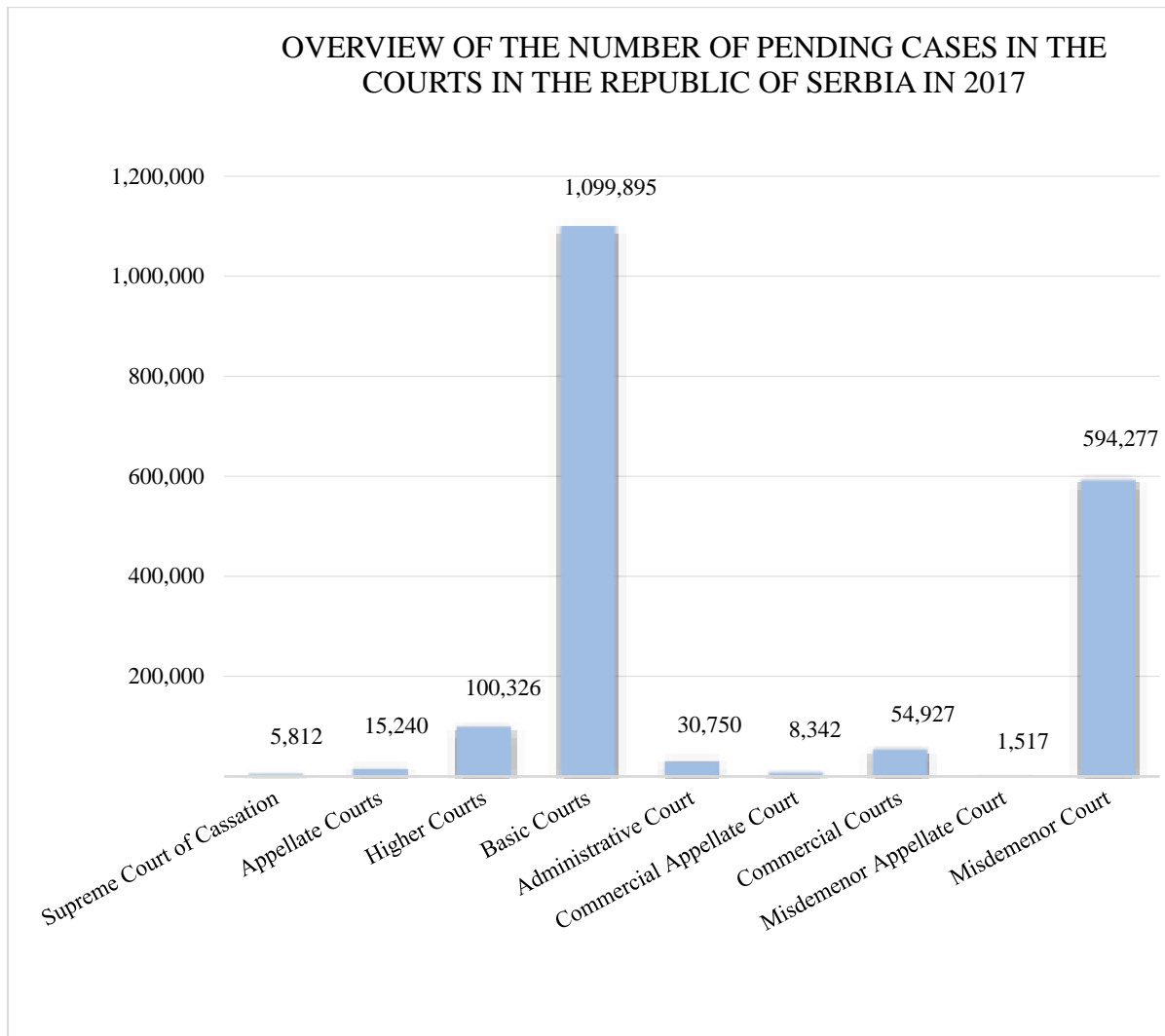


Chart 9

The number of pending cases for mainly trial cases – without enforcement – increased compared to 2012, as a result of **the increased number of cases received in the last three years** (more than 1,300,000 cases) that the judicial system could not absorb. 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 was reduced and new employment was banned**, courts managed to stop the trend of constant increase of the number of pending cases in trial cases, so at the end of 2017, the number of pending cases was slightly below the 2016 level (by 14,130 cases).

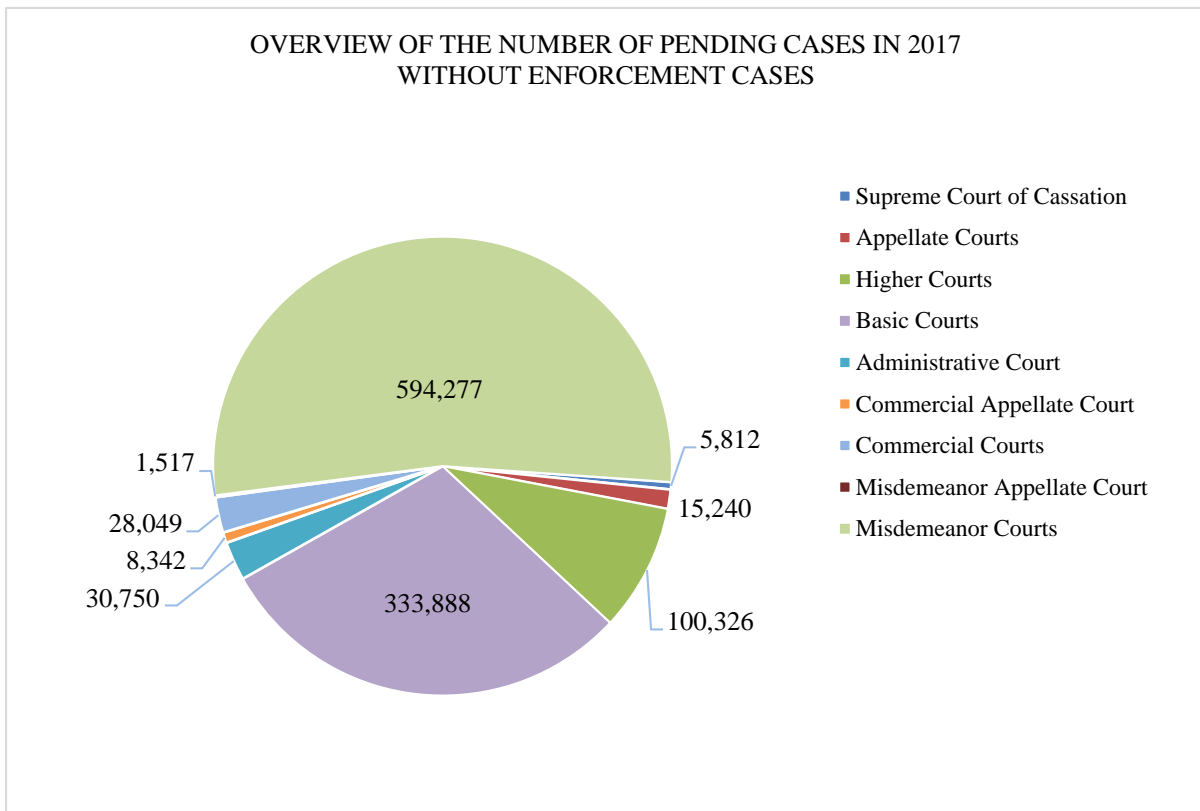
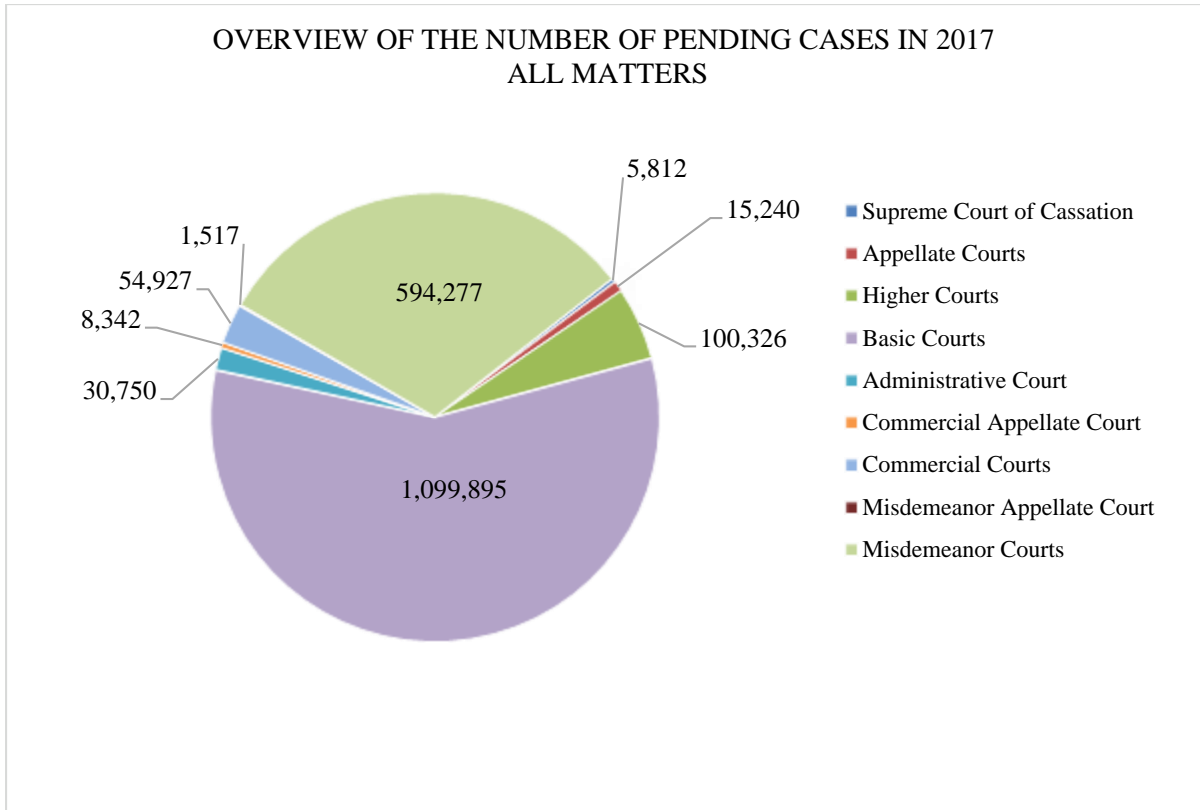


Chart 10

V

THE RATIO OF INCOMING, DISPOSED AND PENDING CASES

The ratio of incoming, disposed and pending cases in the period from 2012 to 2017 shows a decrease in the pending caseload at the end of the reporting period, despite the enormous increase of inflow, which is the consequence of the increased total number of disposed cases, resulting from the increased engagement of judges and undertaken systematic measures for backlog reduction.

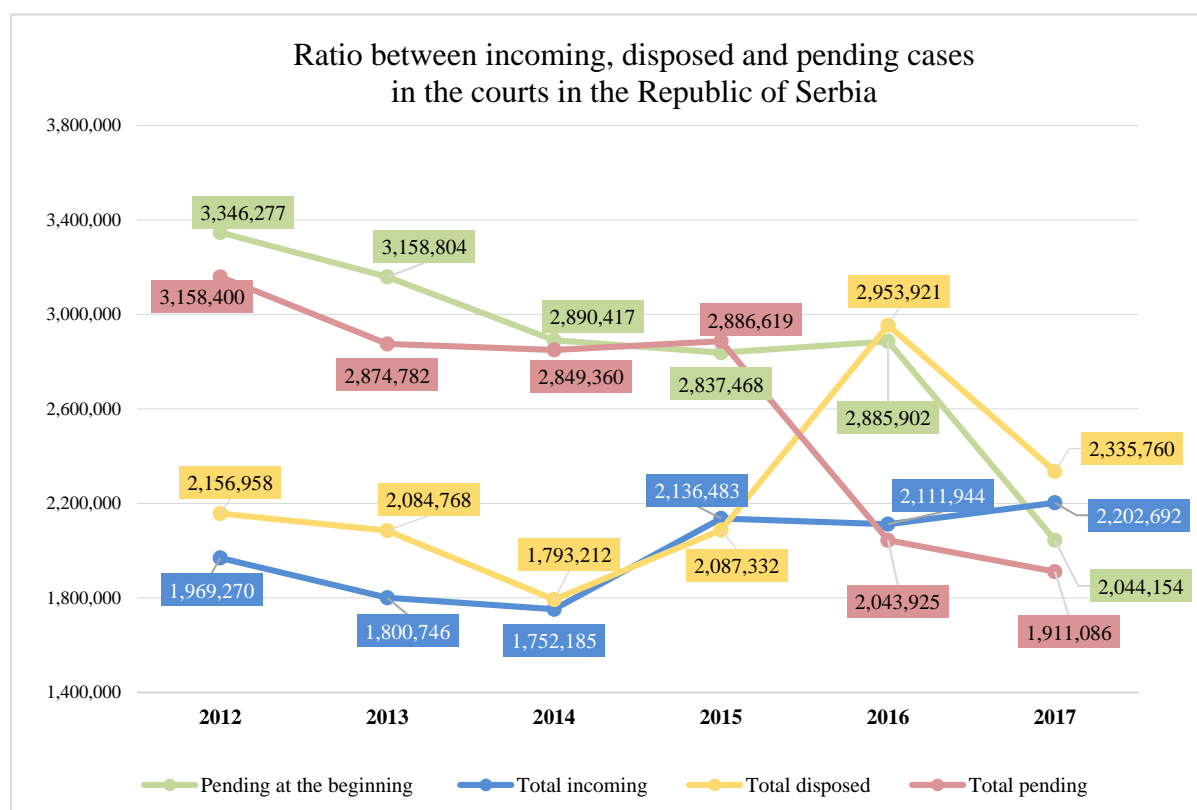


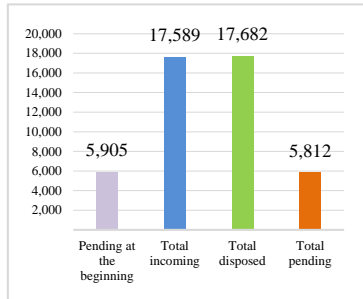
Chart 11

The ratio of incoming, disposed and pending cases by type of court at the end of 2017 indicates the problem with workload of the Administrative Court, higher and basic courts, since due to the increased inflow of cases, the number of pending cases is growing.

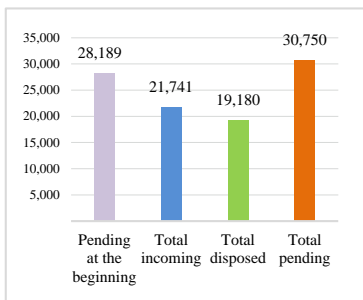
Due to constant expansion of the jurisdiction with new regulations, which require urgent and particularly urgent action, especially during electoral process, the Administrative Court does not act promptly, since the trend of increased inflow and number of pending cases is continuous, it would be necessary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

RATIO OF INCOMING, DISPOSED AND PENDING CASES BY TYPES OF COURTS IN 2017

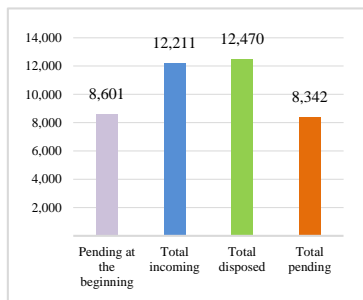
Supreme Court of Cassation



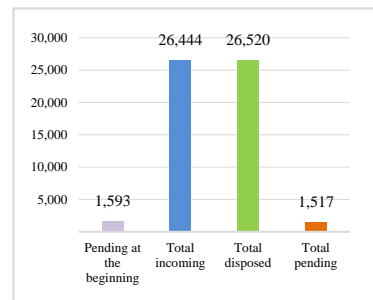
Administrative Court



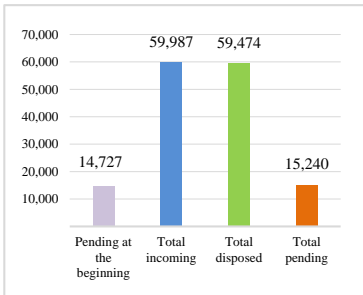
Commercial Appellate Court



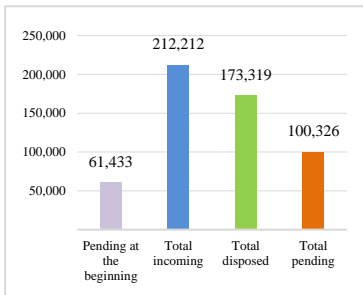
Misdemeanor Appellate Court



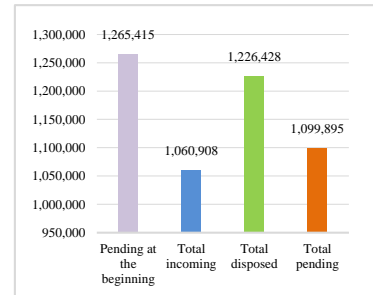
Appellate Courts



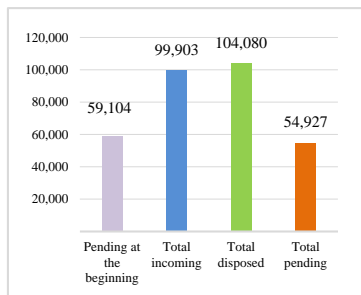
Higher Courts



Basic Courts



Commercial Courts



Misdemeanor Courts

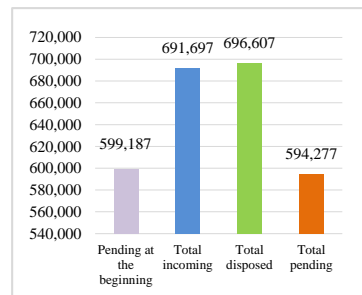


Chart 12

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 decisions of the courts in the Republic of Serbia and in other matters stipulated by the law (Article 30 paragraph 1 the Law on Court Organization).

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

In the period from 2012 to 2017, 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 and 2017 (5,000+7,000+5,000), as a consequence of changes in regulation on the jurisdiction of the Supreme Court of Cassation, reduction of the review threshold to 40,000 € in RSD equivalent, introduction of a special revision as a new extraordinary legal remedy, as well as the expansion of the jurisdiction of the highest court to decide on the revision, i.e. to decide on the new extraordinary legal remedies. The number of disposed cases was, in general, followed by an increased inflow, but the clearance rate was below 100%, so the Supreme Court of Cassation couldn't absorb the increased inflow and reduce its backlog in the period between 2014 and 2016, which is why the number of pending cases continued to grow every year. Increase in the number of pending cases was particularly pronounced in civil matter in the period 2014-2017. **In 2017, the trend of increased number of pending cases was stopped at the level of the court.**

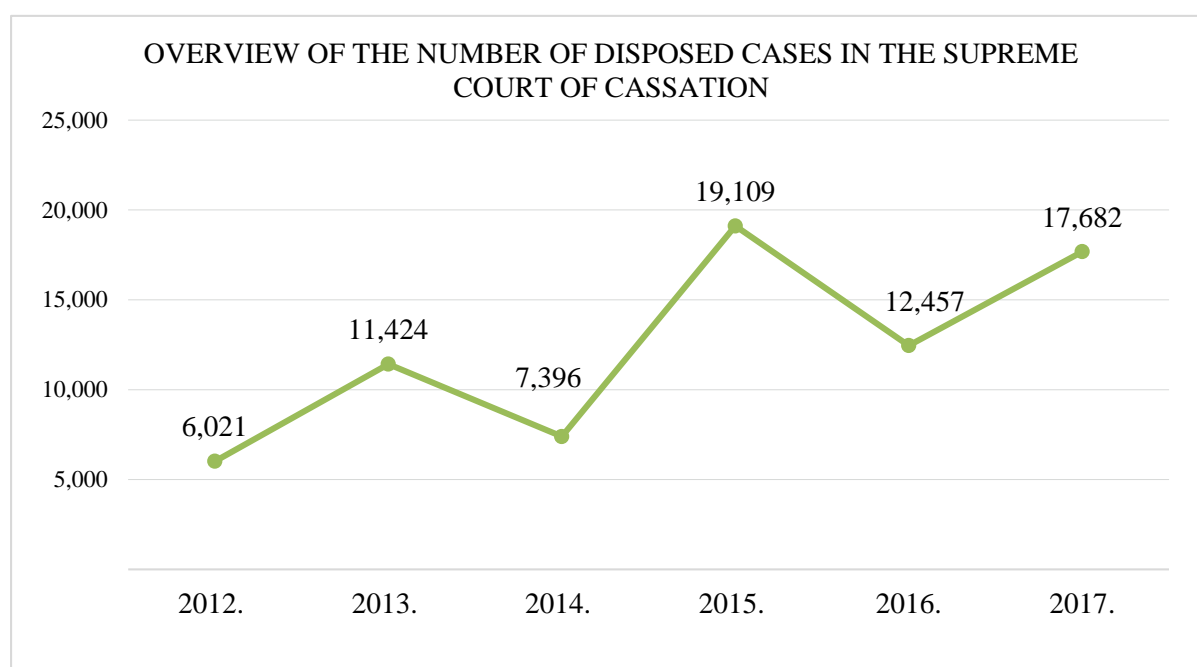


Chart 13

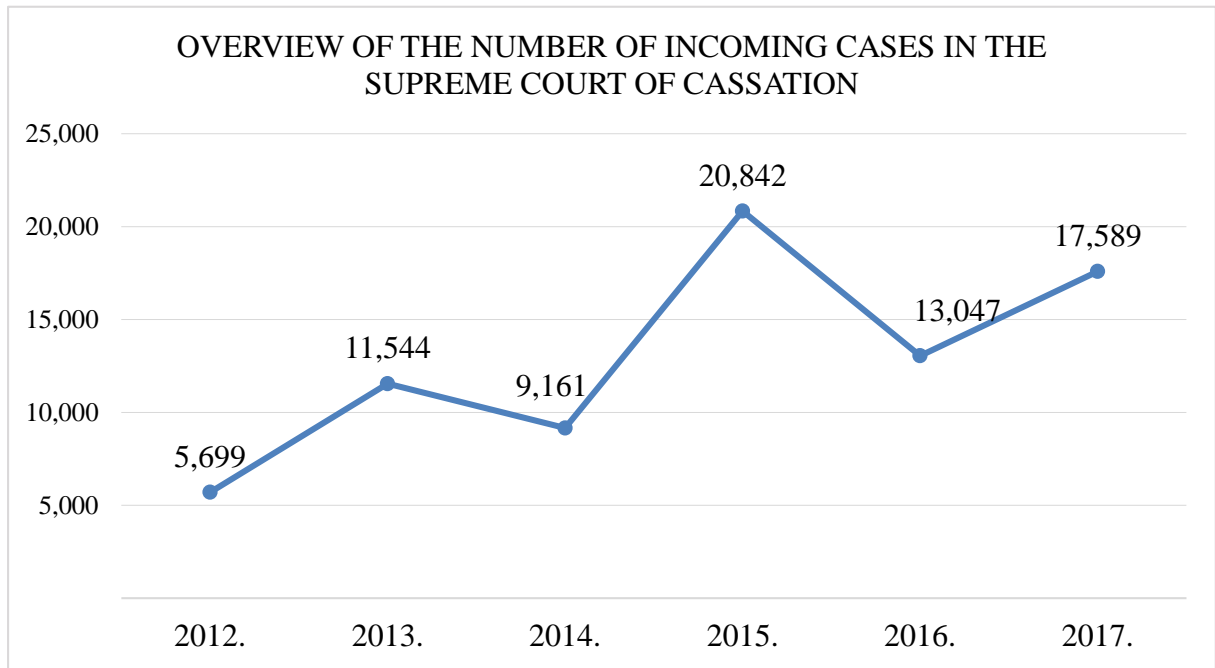


Chart 14

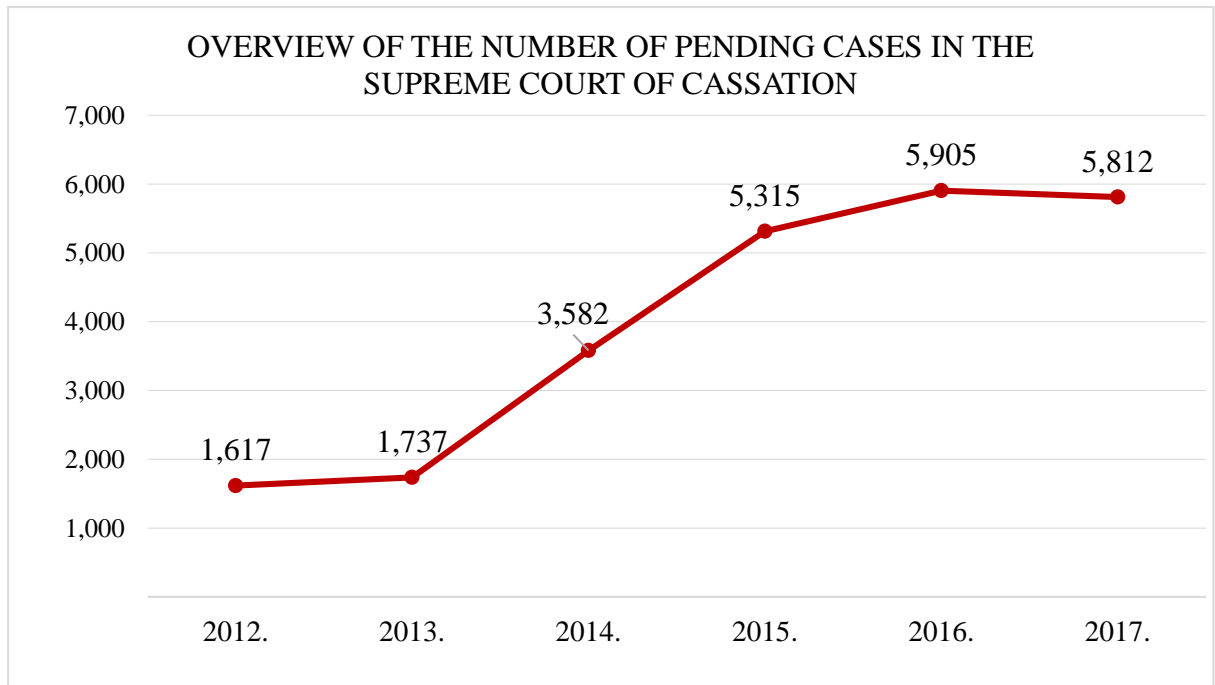


Chart 15

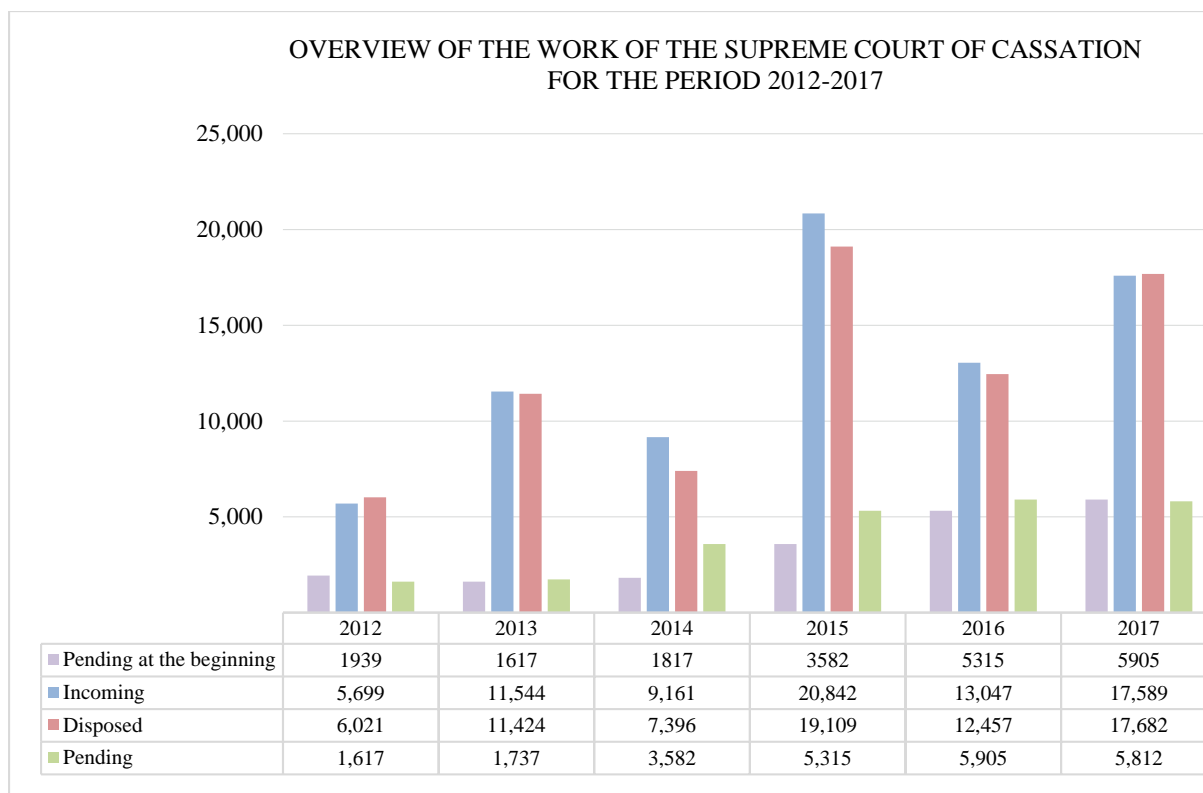


Chart 16

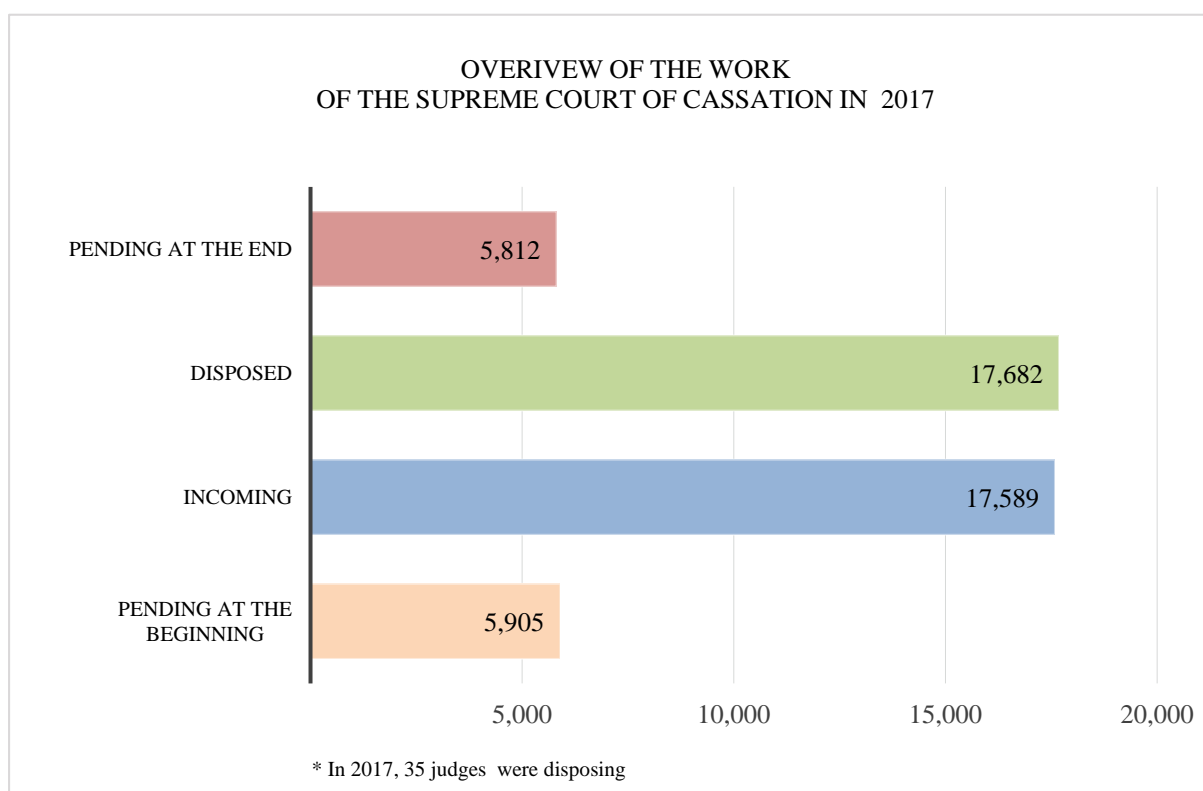


Chart 17

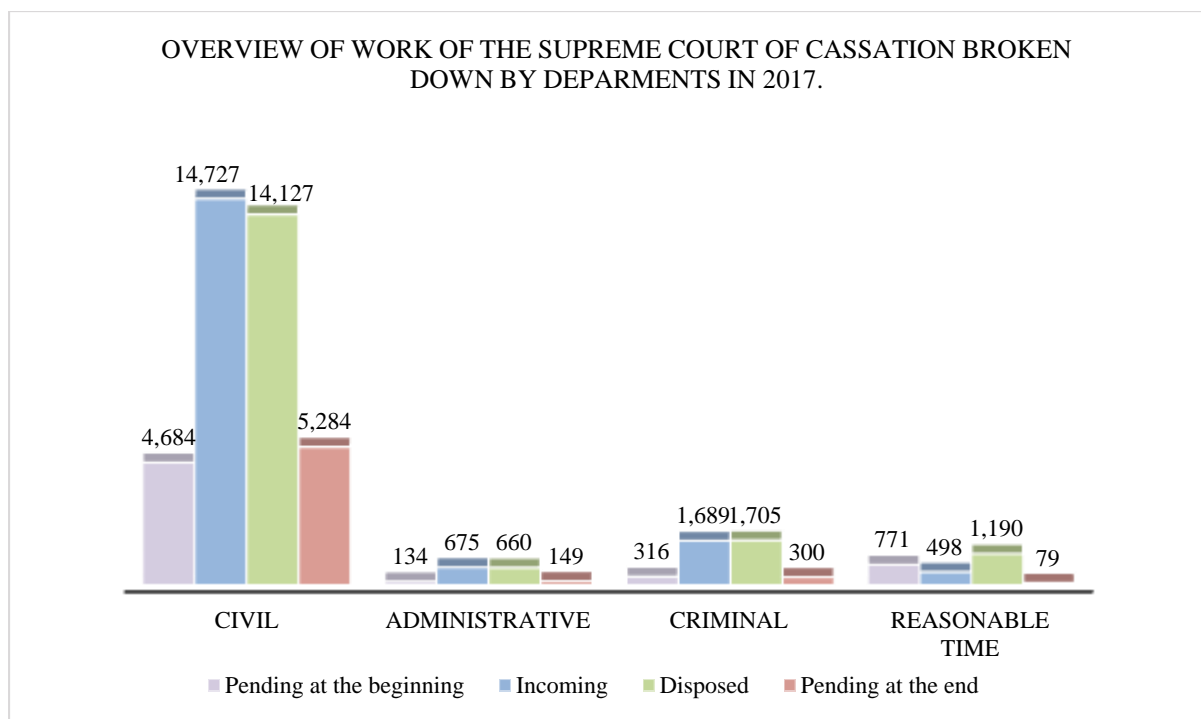


Chart 18

The busiest department of the Supreme Court of Cassation was the Civil Department, where occurred the largest increase in inflow. The Civil Department, with the existing number of judges and court judicial assistants that are assigned to this department, was not able to absorb the inflow of cases recorded in the last three 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 is necessary to develop comparative analysis of eligible extraordinary legal remedies decided by the Supreme Court of Cassation, review rules on which basis extraordinary legal remedies are decided and update them, in order to allow modification of the organization of operations of the Supreme Court of Cassation – by formation of special preparatory departments, that, depending on matters, would decide on eligible extraordinary legal remedies, fulfillment of conditions for deciding, timeliness of legal remedies and prepare draft decisions in repetitive cases.

It is necessary to increase the number of judges in the Civil Department and undertake systemic measures in order to exclude the Supreme Court of Cassation from ban on employment of judicial staff from 2018 on.

In 2017, the Supreme Court of Cassation published 51 releases. Releases were published on the web site, and some of them were forwarded to print and electronic media.

Pursuant to the Law on Free Access to Information of Public Importance and Guidelines on Preparation and Disclosure of Information on Work of State Authorities, it prepares and discloses Progress Reports. Updating of data disclosed in the Progress Reports was conducted four times in 2017. The current and previous Progress Reports are published on the web-site of the Court (<http://www.vk.sud.rs>).

During 2017, the court web-site (<http://www.vk.sud.rs>), was updated on a daily basis (topicalities, information on public procurements, passed general acts, normative acts, legal opinions, positions and conclusions, selected rulings, activities aimed at harmonizing the case law, case law data base). In 2017, **1,441** anonymized rulings of the Supreme Court of Cassation were disclosed on the web-site, of which 471 in criminal matter, 871 in civil matter, 70 in administrative matter and 29 in matters regarding protection of right to trial within reasonable time.

In 2017, Supreme Court of Cassation published three Case Law Bulletins, as well as following publications: Annual report on the work of the courts in the Republic of Serbia for 2016; Report on the work of all courts in the Republic of Serbia for the period January-June 2017; criminal verdicts in cooperation with the OSCE mission in Serbia.

Supreme Court of Cassation establishes, maintains and improves relations and cooperation with other bodies and institutions – in June 2017, the Supreme Court of Cassation, High Judicial Council and the Ministry of Justice passed Guidelines for Enhancing Mediation in the Republic of Serbia.

The Annual Conference of Judges of the Republic of Serbia „Judges’ Days - 2017“, organized by the Supreme Court of Cassation was held from 5 to 7 October 2017 in Vrnjačka Banja. The Annual Judges’ Conference was attended by representatives of highest courts from Montenegro, Slovenia, Bosnia and Herzegovina and Republika Srpska, representatives of state authorities and institutions, deans and professors of the Law School, representatives of international organizations, non-governmental organizations, professional associations and eminent legal experts.

On October 5, 2017 at the Annual Judges’ Conference in Vrnjačka Banja, the Supreme Court of Cassation issued awards and recognitions to courts for accomplished results and progress year-over-year. Awards were issued in two categories: *the largest improvement in backlog reduction; and the largest improvement in the number of resolved cases compared with the same period of the previous year.*

Meeting of the President and judges of the Supreme Court of Cassation with presidents of all courts in Serbia was held on March 17, 2017 and August 29, 2017 in the Palace of Serbia in Belgrade and was organized by the Supreme Court of Cassation with support of MDTF and Council of Europe Office in Belgrade. During the Judges Conference held in Vrnjačka Banja, the President of the Supreme Court of Cassation held a meeting with presidents of all courts of general and special jurisdiction.

VII BACKLOG CASES

On August 10, 2016, the Supreme Court of Cassation adopted the [Amended Single Backlog Reduction Program in the Republic of Serbia](#) and its enforcement started on September 1, 2016. Program duration was extended until 2020.

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

With the implementation of these strategic documents, the Supreme Court of Cassation has shown in this report the number of pending backlog cases (cases in which the proceedings take more than two years from the date of filing of the initial act) for the period 2012-2017 and it separates the indicators that include all pending backlog cases and the indicators on the number of backlog cases without the enforcement cases.

Compared to 2012, at the end of 2017, there were 870,496 backlog pending cases less. Counting the number of cases without enforcement cases, compared to 2012, there are 11,757 backlog cases less.

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

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

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

Table 7

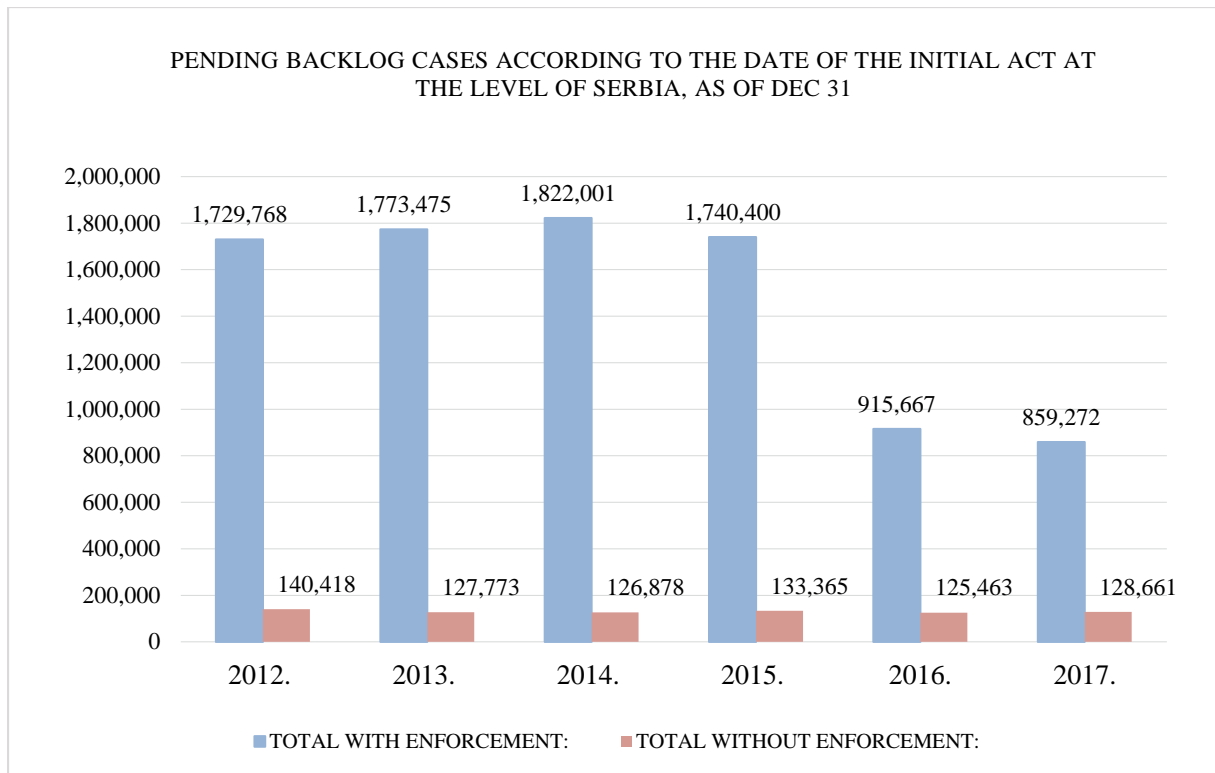


Chart 19

VIII DISPOSED BACKLOG CASES

In the observed period, from 2012 to 2017, there has been 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 reasonable 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 2017, less backlog cases were disposed on the total level (495,708), since there were no systemic effects of the new LoES, **however, 11,839 more backlog cases were disposed in the trial matter compared to 2016** (2017 - 184. 718 compared to 2016 – when there was the total of 172,879 disposed backlog cases).

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

	2012	2013	2014	2015	2016	2017
TOTAL AT THE LEVE OF SERBIA - ALL CASES	413,186	487,283	305,512	387,068	1,068,063	495,708
*TOTAL AT THE LEVEL OF SERBIA - WITHOUT ENFORCEMENT	192,440	209,984	146,011	192,094	172,879	184,718
*Basic Courts - I+IV	216,926	274,837	154,038	190,541	878,576	301,974
*Commercial Courts - all enforcement cases	3,820	2,462	5,463	4,433	16,608	9,016

Table 8

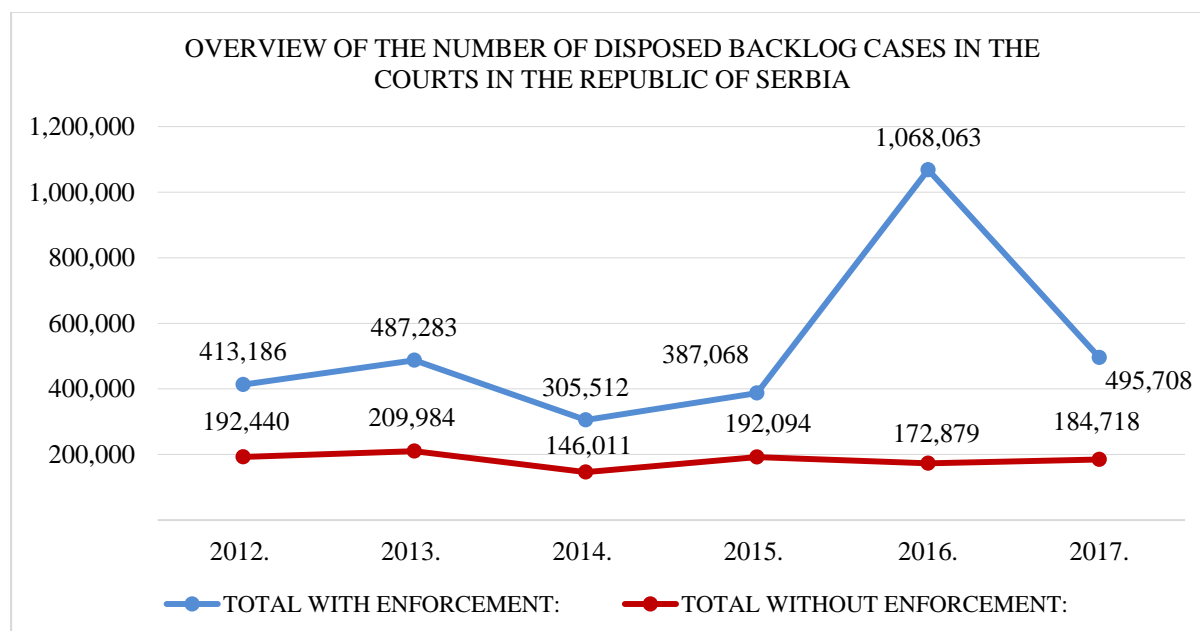


Chart 20

IX THE STRUCTURE OF PENDING BACKLOG CASES IN 2017

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

REPORT ON PENDING BACKLOG CASES ON DECEMBER 31, 2017 - FROM THE DATE OF THE INITIAL ACT, WITH ENFORCEMENT

No	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01-12/31/2017	TOTAL PENDING CASES WITH DURATION OF PROCEEDINGS LONGER THAN 24 MONTHS SINCE THE INITIAL ACT on Dec 31, 2017	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 to 3	3 to 5	5 to 10	More than 10		
1	Supreme Court of Cassation	35	23,494	4,198	987	1,223	1,443	545	17.87	119.94

No	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01-12/31/2017	TOTAL PENDING BACKLOG CASES on Dec 31, 2017	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 to 3	3 to 5	5 to 10	More than 10		
1	Appellate Courts	203	74,714	10,566	2,907	3,596	3,189	874	14.14	52.05
2	Higher Courts	317	273,645	24,525	10,326	8,119	4,961	1,109	8.96	77.37
3	Basic Courts	1,260	2,326,323	776,594	71,069	90,249	465,157	150,107	33.38	616.34
TOTAL:		1,780	2,674,682	811,685	84,302	101,964	473,307	152,090	30.35	456.00

No	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01-12/31/2017	TOTAL PENDING BACKLOG CASES on Dec 31, 2017	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 to 3	3 to 5	5 to 10	More than 10		
1	Administrative Court	39	49,930	3,722	3,416	299	6	1	7.45	95.44
2	Commercial Appellate Court	34	20,812	4,228	2,134	1,629	424	41	20.32	124.35
3	Commercial Courts	154	159,007	26,082	6,008	10,018	9,870	186	16.40	169.36
TOAL:		227	229,749	34,032	11,558	11,946	10,300	228	14.81	149.92

Table 9

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

ADMINISTRATIVE COURT REPORT ON PENDING BACKLOG CASES ON DEC 31, 2017 - ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01- 12/31/2017	TOTAL PENDING BACKLOG CASES on Dec 31, 2017	AGE OF BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	U	39	47,200	3,661	3,362	293	5	1	7.76	93.87
2	UR	39	271	12	11		1		4.43	0.31
3	UI	39	927	23	19	4			2.48	0.59
4	UO	39	89							
5	UV	13	771	1	1				0.13	0.08
6	UP	38	285	25	23	2			8.77	0.66
TOTAL 1-6		39	49,543	3,722	3,416	299	6	1	7.51	95.44
7	UVP I									
8	UVP II									
9	UŽ	39	105							
10	UIP									
11	U-uz									
TOTAL 7-11		39	105							
12	R4 U	1	282							
TOTAL 1-12		39	49,930	3,722	3,416	299	6	1	7.45	95.44

Table 10

COMMERCIAL APPELLATE COURT REPORT ON PENDING BACKLOG CASES ON DEC 31, 2017 - ACCORDING TO THE DATE OF THE INITIAL ACT

No	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01-01- 12/31/2017	Total number of pending backlog cases on Dec 31, 2017	AGE OF BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	Pž	33	15,277	4,156	2,097	1,608	413	38	27.20	125.94
2	Pvž	11	658	19	7	3	6	3	2.89	1.73
3	Iž	34	1,962	3	1	1	1		0.15	0.09
4	R	2	44							
TOTAL 1-4		34	17,941	4,178	2,105	1,612	420	41	23.29	122.88
5	Pkž	1	985	45	24	17	4		4.57	45.00
TOTAL 5-5		1	985	45	24	17	4		4.57	45.00
6	R4 p	2	75							
7	R4 st	3	85	5	5				5.88	1.67
8	R4 i	0	11							
9	R4 pp									
10	R4 fi									
11	R4 sp									
12	Rž p	0	8							
13	Rž st	34	1,664							
14	Rž i	0	43							
15	Rž pp									
16	Rž fi									
17	Rž vr									
TOTAL 6-17		34	1,886	5	5				0.27	0.15
TOTAL 1-17		34	20,812	4,228	2,134	1,629	424	41	20.32	124.35

Table 11

MISDEMEANOR APPELLATE COURT
REPORT ON PENDING CASES
ON DEC 31, 2017 - ACCORDING TO THE DATE OF THE INITIAL ACT

Number	Matter		Pending cases on December 31, 2017	
	Classification	Registry	Total pending	Pending backlog cases according to the date of the initial act
1	01-Public order and peace	PRŽ	230	2
		PRŽM	6	
2	02-Traffic	PRŽ	727	8
		PRŽM	2	
3	04-Commercial	PRŽ	189	18
		PRŽM		
4	05-Finance and customs	PRŽ	239	105
		PRŽM		
5	07-Education, science, culture and information	PRŽ	11	1
		PRŽM		
TOTAL		PRŽ	1,396	134
		PRŽM	8	0
		Total	1,404	134
6		PRŽU	24	2
TOTAL			1,428	136

Table 12

APPELLATE COURTS
REPORT ON PENDING BACKLOG CASES ON DECEMBER 31, 2017 - ACCORDING TO THE DATE OF THE INITIAL ACT

Number	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01-12/31/2017	TOTAL PENDING BACKLOG CASES on Dec 31, 2017	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	Kž1	70	6,237	317	61	88	150	18	5.08	4.53
2	Kž2	70	4,877	15	5	3	7	0	0.31	0.21
3	Kžm1	15	371	3	1	2	0	0	0.81	0.20
4	Kžm2	20	139	0	0	0	0	0	0.00	0.00
5	Gž	86	30,541	5,648	1,410	1,827	1,846	565	18.49	65.67
6	Gž1	44	22,439	4,289	1,350	1,574	1,112	253	19.11	97.48
7	Gž2	76	2,760	69	38	22	7	2	2.50	0.91
TOTAL FOR PREDOMINANTLY TRIAL CASES		201	67,364	10,341	2,865	3,516	3,122	838	15.35	51.45
TOTAL FOR ALL METTERS		203	74,714	10,566	2,907	3,596	3,189	874	14.14	52.05

Table 13

HIGHER COURTS
REPORT ON PENDING BACKLOG CASES
ON DECEMBER 31, 2017 - ACCORDING TO THE DATE OF THE INITIAL ACT

Number	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01-12/31/2017	TOTAL PENDING BACKLOG CASES on Dec 31, 2017	AGE OF BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	P	126	67,010	2,366	994	738	500	134	3.53	18.78
2	P1	88	12,241	348	163	120	63	2	2.84	3.95
3	P2	68	937	32	12	15	2	3	3.42	0.47
4	GŽ	134	104,809	18,507	8,148	6,052	3,531	776	17.66	138.11
5	GŽ 1	106	3,408	541	126	207	163	45	15.87	5.10
6	GŽ 2	67	1,441	37	23	11	3	0	2.57	0.55
7	K	80	4,667	1,043	298	348	348	49	22.35	13.04
8	KŽ 1	62	7,202	162	76	62	24	0	2.25	2.61
9	KIM	46	3,457	16	6	6	3	0	0.46	0.35
10	KM	42	2,108	2	1	1	0	0	0.09	0.05
TOTAL FOR PREDOMINANTLY TRIAL CASES		286	207,280	23,054	9,847	7,560	4,637	1,009	11.12	80.61
TOTAL FOR ALL MATTERS		317	273,645	24,525	10,326	8,119	4,961	1,109	8.96	77.37

Table 14

In the first instance criminal matter in the period from 2012 to 2016, higher courts have reduced the number of pending backlog cases. In 2017 the number of pending backlog cases in criminal matter remained at the last year's levels. Specific measures must be undertaken in order to reduce the number of backlog cases in higher courts.

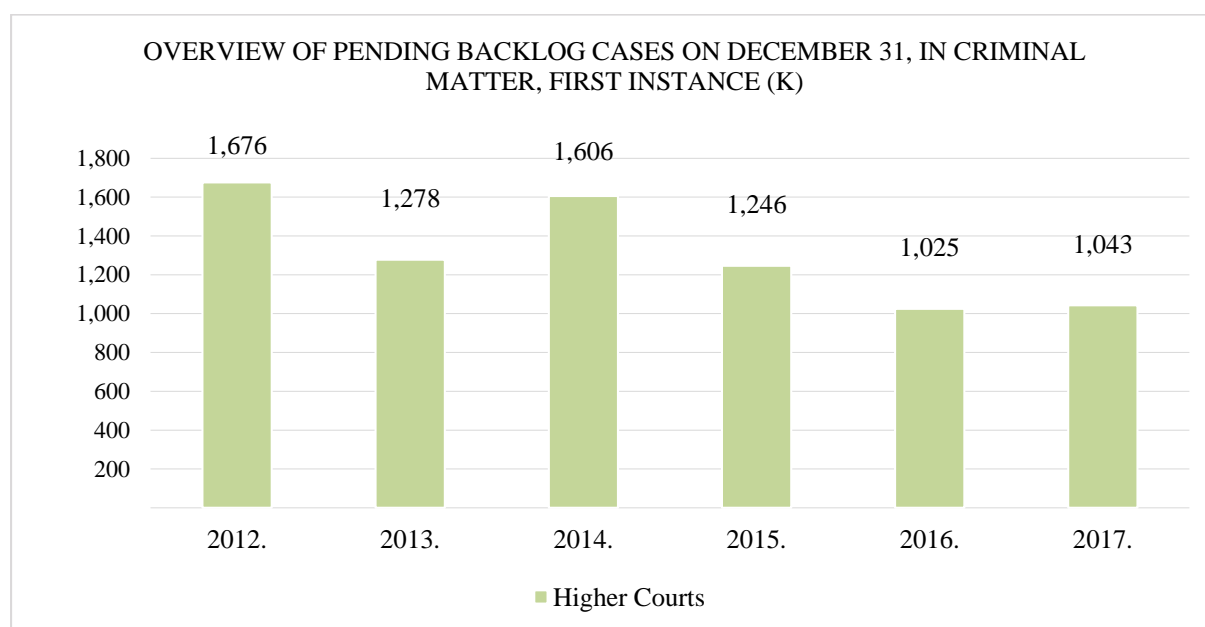


Chart 21

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 40,000 EUR 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 day of filing 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.

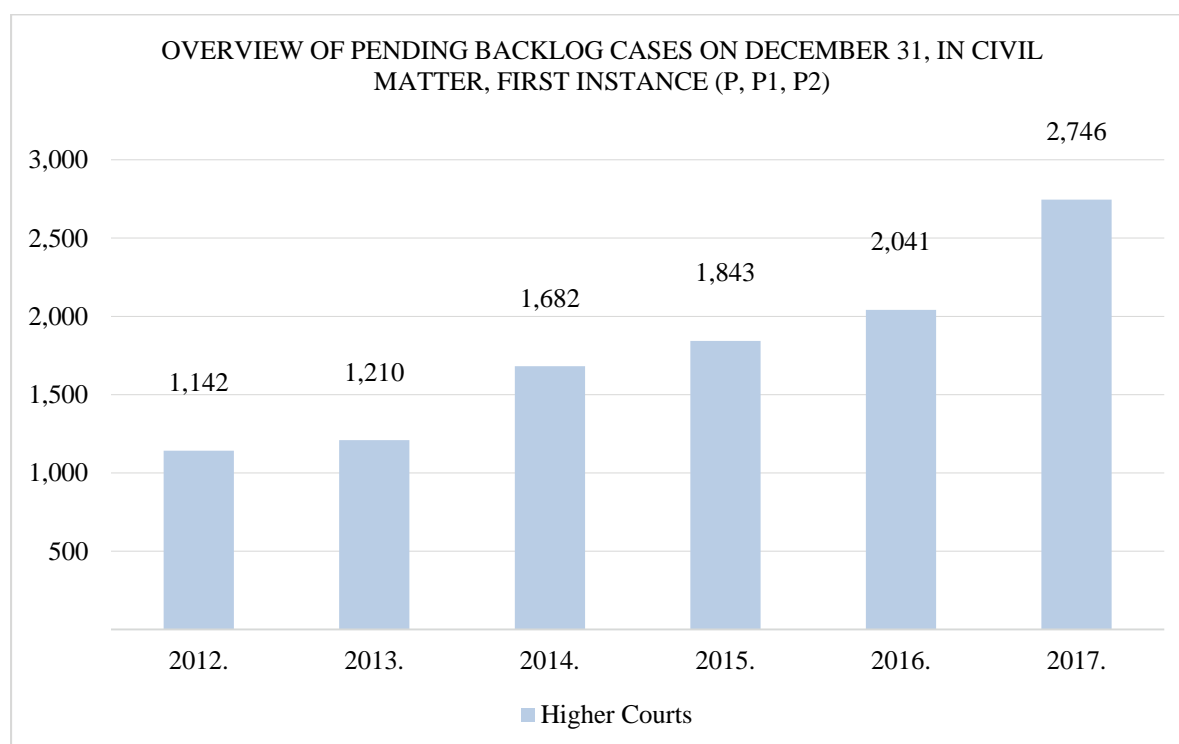


Chart 22

BASIC COURTS

The structure of pending backlog cases in all basic courts in the Republic of Serbia indicates that the largest number of backlog cases is in enforcement, and that in the category of **trial cases there are 47,111 pending backlog cases, with 1,382 cases with more than 10 years duration of proceedings, from the date of the filing of the initial act.**

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

BASIC COURTS
REPORT ON PENDING BACKLOG CASES
ON DECEMBER 31, 2017 - ACCORDING TO THE DATE OF INITIAL ACT

Number	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2017	TOTAL PENDING BACKLOG CASES on December 31, 2017	AGE OF PENDING BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1	P	612	301,569	34,174	16,585	10,624	5,912	1,053	11.33	55.84
2	P1	285	73,423	7,068	2,943	2,345	1,546	234	9.63	24.80
3	P2	285	54,123	661	430	192	37	2	1.22	2.32
4	K	291	65,977	5,211	1,869	1,947	1,302	93	7.90	17.91
TOTAL 1-4		1,004	495,092	47,114	21,827	15,108	8,797	1,382	9.52	46.93
5	Iv	200	889,242	611,347	14,802	27,420	426,943	142,182	68.75	3,056.74
6	I	189	226,773	96,872	25,054	38,419	27,290	6,109	42.72	512.55
TOTAL 5-6		215	1,116,015	708,219	39,856	65,839	454,233	148,291	63.46	3,294.04
CALL ENFORCEMENT CASES		467	1,393,557	721,640	45,897	72,572	454,835	148,336	51.78	1,545.27
TOTAL FOR ALL MATTERS		1,260	2,326,323	776,594	71,069	90,249	465,157	150,107	33.38	616.34

Table 15

In criminal matter, compared to 2012, the number of pending backlog cases has been continuously dropping, from 18.206 cases to **5,211** cases, while the number of backlog cases also dropped from 703 in 2015 to **149** in 2017.

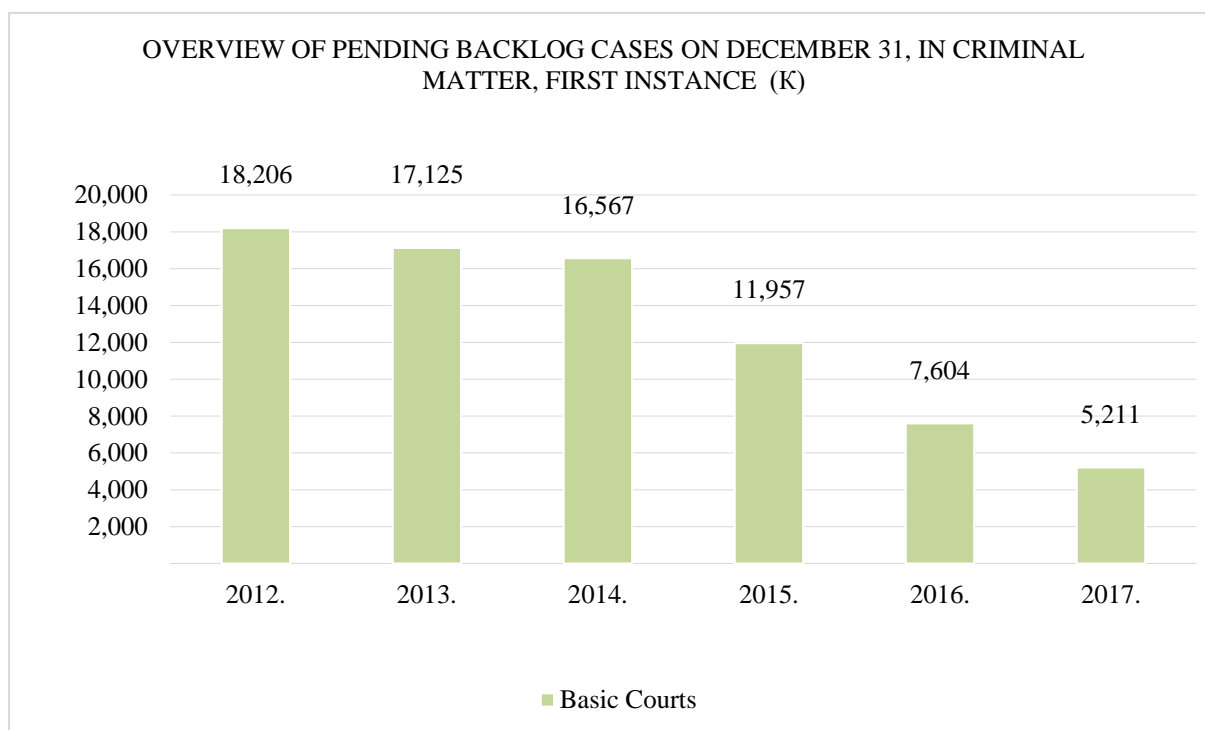


Chart 23

In civil matter, due to exceptional workload in basic courts and enormously increased inflow of urgent, i.e. priority cases, the number of backlog cases increased compared to 2016, and it reversed back to the levels from 2012 - 41,604 cases in 2012, and 41,903 of pending backlog cases in 2017, however, the three-year increase of pending backlog cases in this matter stopped, and it included as many as 48,134 cases in 2015.

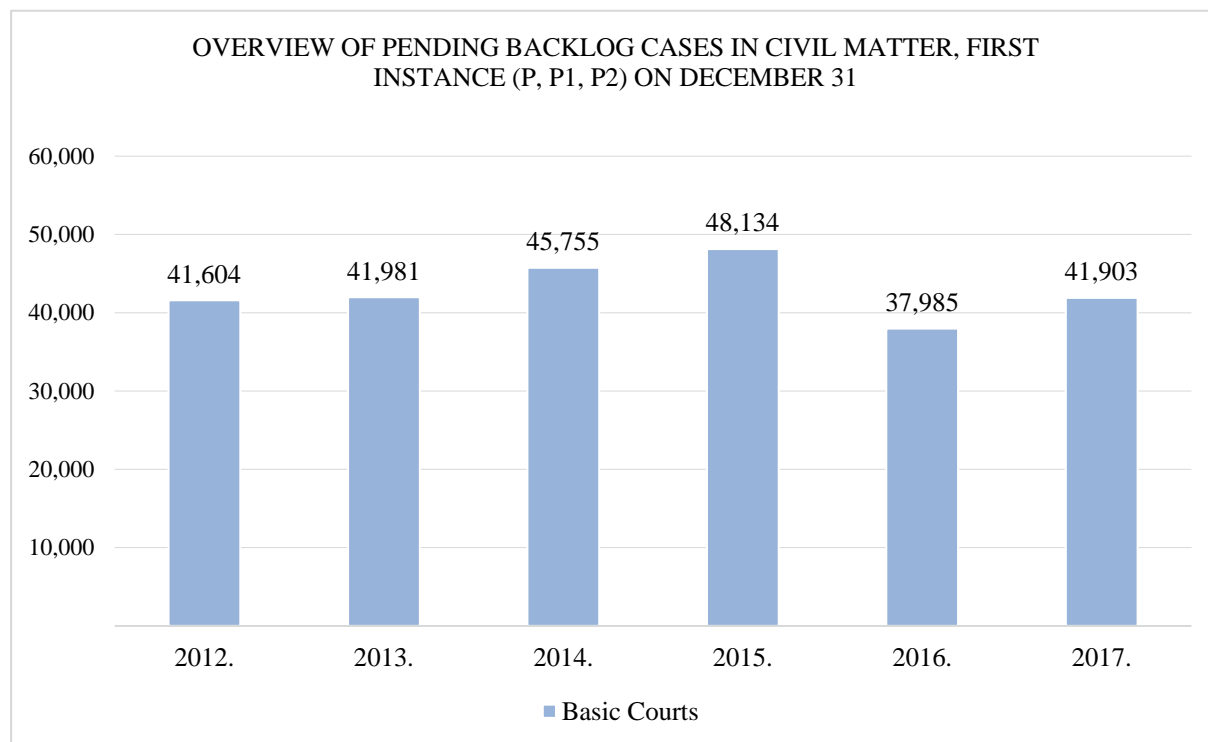


Chart 24

COMMERCIAL COURTS

In the period from 2012 to 2017, commercial courts had an increase in the number of pending backlog cases, mostly from 2012 to 2014. In 2015, the trend of reduction in the number of pending backlog cases appeared for the first time, and 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 is below the number of pending backlog cases recorded in 2012.

Commercial courts still have some pending backlog cases with proceedings longer than 10 years (in 2012 there were 214 such cases, and now there are 186).

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 these courts, as well as the competence to make decisions before this special type of courts, and some individual measures that the court presidents are undertaking in order to reduce the number of pending backlog cases.

COMMERCIAL COURTS
REPORT ON PENDING BACKLOG CASES
ON DECEMBER 31, 2017 - ACCORDING TO THE DATE OF INITIAL ACT

Number	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01-12/31/2017	TOTAL PENDING BACKLOG CASES Dec 31, 2017	AGE OF BACKLOG CASES				% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
					2 TO 3	3 TO 5	5 TO 10	MORE THAN 10		
1.	Commercial offences	46	34,163	236	114	113	8	1	0.69	5.13
2.	Bankruptcy	63	2,929	1,449	329	159	881	80	49.47	23.00
<i>a</i>	I	37	8,936	4,246	1,199	2,071	964	12	47.52	114.76
<i>b</i>	Iv	36	30,261	18,049	3,614	6,869	7,553	13	59.64	501.36
<i>c</i>	Total (a+b)	41	39,197	22,295	4,813	8,940	8,517	25	56.88	543.78
<i>d</i>	Other enforcement	65	41,067	97	34	46	16	1	0.24	1.49
3.	All enforcement (<i>c+d</i>)	70	80,264	22,392	4,847	8,986	8,533	26	27.90	319.89
4.	Payment order	51	789	0	0	0	0	0	0.00	0.00
5.	Litigation	97	23,879	1,983	715	751	445	72	8.30	20.44
6.	Non-litigious	74	8,279	22	3	9	3	7	0.27	0.30
7.	Reasonable time	71	8,704	0	0	0	0	0	0.00	0.00
TOTAL 1-7		154	159,007	26,082	6,008	10,018	9,870	186	16.40	169.36

Table 16

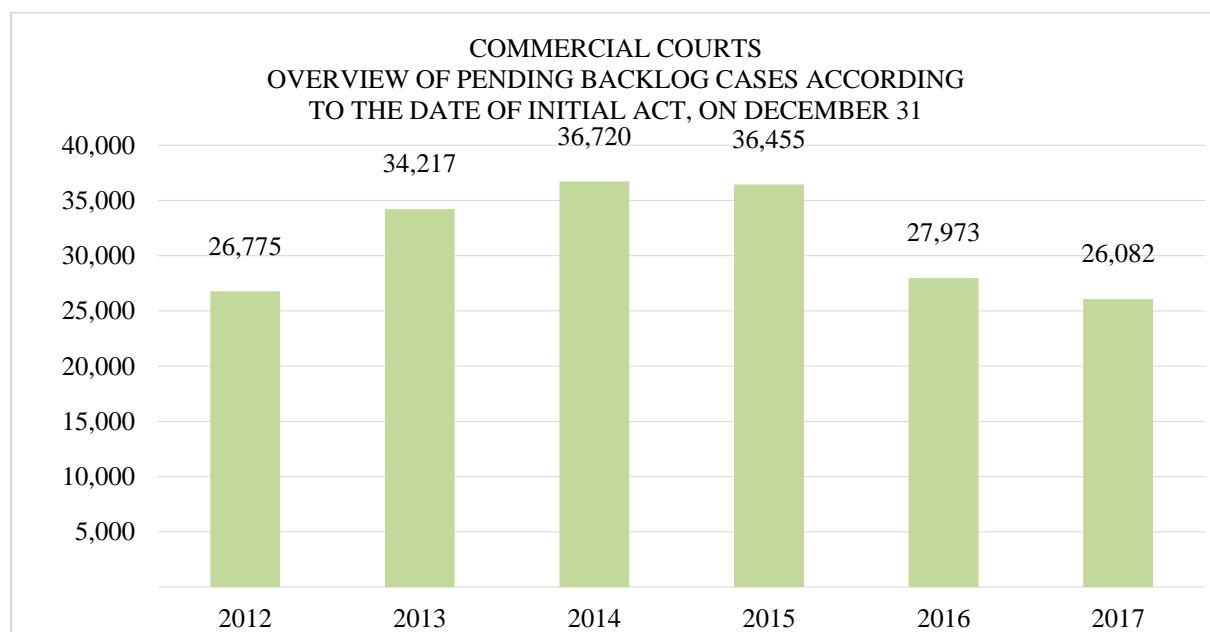


Chart 25

COMMERCIAL APPELLATE COURT

Reducing the number of backlog cases in commercial courts reflected on the increase in the number of backlog cases in the Commercial Appellate Court in 2016 and 2017, which decides on the appeals against the first instance decisions rendered by commercial courts in backlog cases (the trend of disposition of backlog cases in the first instance is increasing).

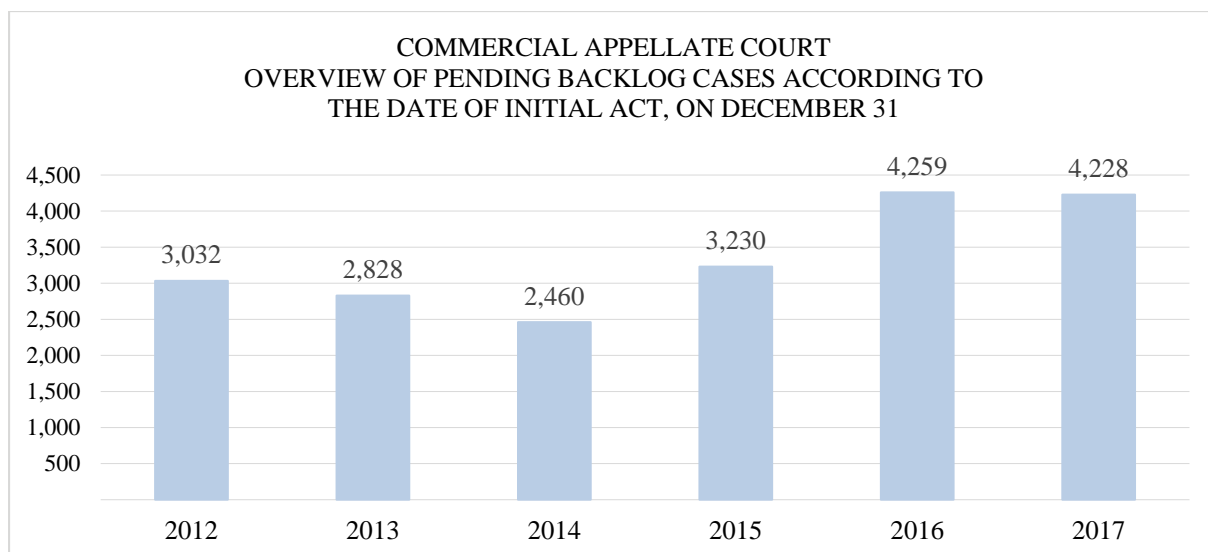


Chart 26

MISDEMEANOR COURTS

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

There has been an increased number of cases disposed through suspension due to the statute of limitations – from 97.332 cases 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 in 2017, with the overall decrease in the number of disposed cases compared to 2016.

It would be necessary to conduct a separate analysis of the causes that led to a significant increase in the number of disposed cases through suspension due to the statute of limitations, since the increase in the number of cases disposed this way cannot be considered as efficient action of courts.

MISDEMEANOR COURTS

REPORT ON PENDING CASES ON DEC 31, 2017 - ACCORDING TO THE DATE OF INITIAL ACT

Number	Matter		Pending on Dec 31, 2017	
	Classification	Registry	Total pending	Pending backlog cases according to the date of initial act
1	02- Traffic	PR	183	4
		PRM	2,781	
2	03- Public safety	PR	11,893	1
		PRM	1,505	
3	04-Commercial	PR	34,673	214
		PRM	29	
4	05-Finance and customs	PR	31,540	8,993
		PRM	11	1
5	08-Health and social protection, health insurance and environmental protection	PR	4,574	8
		PRM	2	
TOTAL		PR	302,209	9,220
		PRM	6,421	1
		Total	308,630	9,221

Table 17

XI SPECIAL TYPES OF DISPUTES

Protection of the Right to a Trial within a Reasonable Time

Amendments to the Law on the Court Organization and the new Law on Protection of the right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction. This has led to the filing of a large number of motions to that effect with all Serbian courts, including objections requesting acceleration of proceedings and claims for compensation for both tangible and intangible damages.

The upward trend in new cases in 2015 continued through 2016 and 2017, with a total of 39,941 such cases heard by all courts, and the number of pending cases increased from 4,849 at the beginning of the reporting period to 8,733.

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

		01/01 - 12/31/2015					01/01 - 12/31/2016				
Number	Court	Number of judges in matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end of reporting period	Number of judges in matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end of reporting period
1	Supreme Court of Cassation	33	583	4,114	3,400	1,297	30	1,297	3,465	3,991	771
2	Appellate Courts	202	886	2,800	2,432	1,254	121	1,254	934	1,837	351
3	Higher Courts	170	1,056	10,186	6,610	4,632	123	4,632	3,198	6,972	858
4	Basic Courts						236	1	12,364	9,811	2,554
TOTAL 1-4		405	2,525	17,100	12,442	7,183	510	7,184	19,961	22,611	4,534
5	Administrative Court						1		225	210	15
6	Commercial Appellate Court	29	710	4,612	2,555	2,767	30	2,766	1,114	3,744	136
7	Commercial Courts						63		4,305	4,150	155
8	Misdemeanor Appellate Court	12	1	76	66	11	4	11	69	78	2
9	Misdemeanor Courts						44		180	173	7
TOTAL 5-9		41	711	4,688	2,621	2,778	142	2,777	5,893	8,355	315
TOTAL 1-9		446	3,236	21,788	15,063	9,961	652	9,961	25,854	30,966	4,849

Table 18

PROTECTION OF THE RIGHT TO A TRIAL WITHIN REASONABLE TIME
TOTAL FOR ALL COURTS
PERIOD: 01/01 - 12/31/2017

No.	Court	Number of judges in matter	Pending at the beginning	Total incoming	Total caseload	Total disposed	Pending at the end of reporting period
1	Supreme Court of Cassation	24	771	498	1,269	1,190	79
2	Appellate Courts	72	351	356	707	633	74
3	Higher Courts	84	858	4,377	5,235	4,646	589
4	Basic Courts	390	2,554	19,049	21,603	15,398	6,205
TOTAL 1-4		570	4,534	24,280	28,814	21,867	6,947
5	Administrative Court	1	15	267	282	259	23
6	Commercial Appellate Court	34	136	1,750	1,886	1,637	249
7	Commercial Courts	71	155	8,549	8,704	7,224	1,480
8	Misdemeanor Appellate Court	4	2	76	78	67	11
9	Misdemeanor Courts	33	7	170	177	154	23
TOTAL 5-9		143	315	10,812	11,127	9,341	1,786
TOTAL 1-9		713	4,849	35,092	39,941	31,208	8,733

Table 19

A total of 5,543 cases in which the parties claimed fair compensation for intangible damage in the amount between EUR 300 and EUR 3,000 were received pursuant to the decisions of court presidents upholding objections requesting acceleration of proceedings, as well as rulings establishing infringement of the right to trial within reasonable time before basic courts in the Republic of Serbia.

A total of 2,689 claims for compensation for tangible damage due to infringement of the right to trial within reasonable time were lodged in 2017 (most of these were brought before basic courts, whilst some are being heard by higher courts, due to the amount of the claim in question).

Since these are all urgent cases, and having in mind the workload in basic courts, individual measures need to be undertaken and an additional number of judges should be assigned to these cases, through annual work plans, since the current number is insufficient.

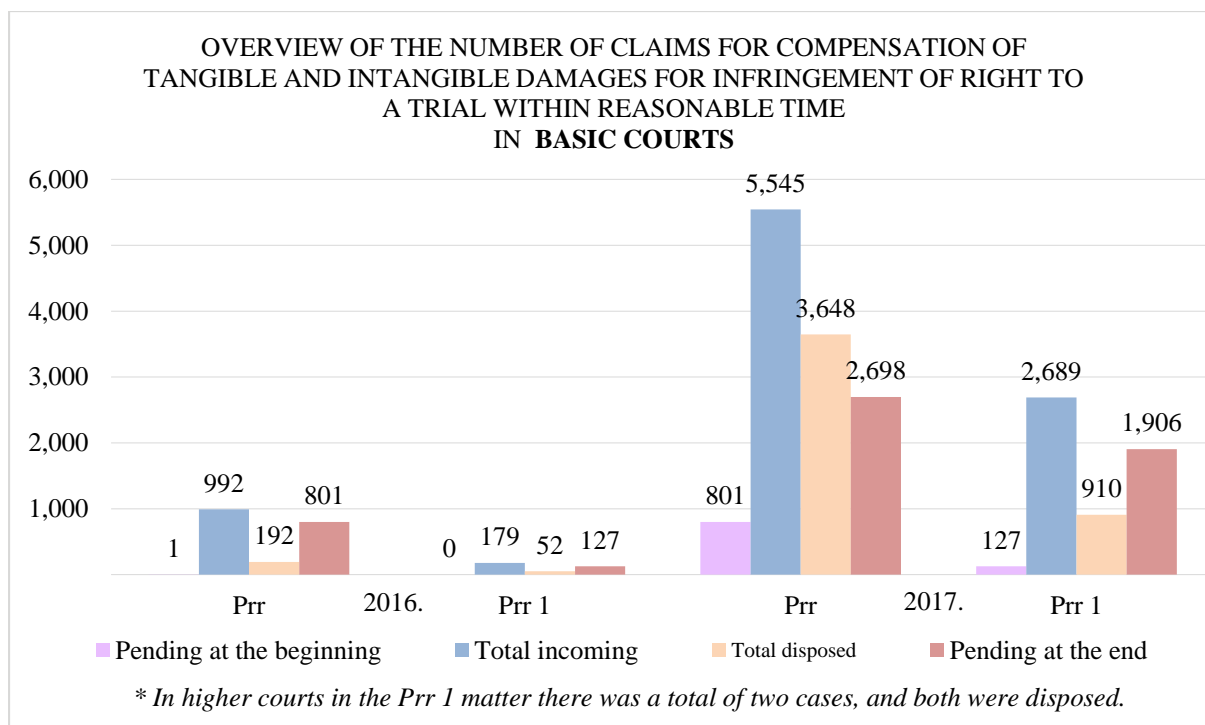


Chart 27

DOMESTIC VIOLENCE CASES

According to positive legislation, and especially after the adoption of the Law on the Prevention of Domestic Violence, first instance courts received and disposed an increased number of these cases in 2017, and they practically managed to dispose a large number of such cases, and achieve a clearance rate of 94%, since the total caseload in this matter was 10,584, with the total number of disposed cases 9,681 and 903 cases pending.

DOMESTIC VIOLENCE CASES 01/01/2017 - 12/31/2017

Number	Court	Pending at the beginning	Incoming	Total caseload	Disposed	Pending at the end
1	Appellate Courts		77	77	74	3
2	Higher Courts		756	756	749	7
3	Basic Courts	284	8,571	8,855	7,981	874
4	Misdemeanor Appellate Court		90	90	90	
5	Misdemeanor Courts	1	805	806	787	19
TOTAL		285	10,299	10,584	9,681	903

Table 20

PROTECTION OF WHISTLEBLOWERS AND CORRUPTION CASES

At the end of 2016, in the Republic of Serbia there was a total of 80 pending cases for protection of whistleblowers from retaliation, the total number of incoming cases was 149, and out of the total caseload of 229 cases, the courts disposed 158 cases, while 71 cases remained pending. Even though these cases are not numerous, they are very significant, given that the realization of the right to whistleblowing, as a human right to protect the

freedom of speech, is of great importance to the rule of law and development of any democratic society.

According to court reports, the number of cases regarding criminal offences with corruption elements decreased in 2017 to 3,993, while the number of backlog cases in this matter decreased from 1,287 to 944.

CORRUPTION 01/01 – 12/31/2017

	Pending at the beginning			Incoming		Total caseload		Total disposed				Pending at the end	
	Total	Backlog cases according to the date of 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 initial act	Remaining caseload as pending	Backlog cases according to the date of initial act
Article 194 and 344 of the CC of the RoS													
Appellate Courts	18	11	31	272	303	290	334	269	4	273	76	17	5
Higher Courts	34	17	99	110	141	144	240	99	11	110	20	34	14
Basic Courts	1,701	204	1,783	4,040	4,107	5,741	5,890	3,413	462	3,875	209	1,866	90
Total cases according to Articles (194 and 344)	1,753	232	1,913	4,422	4,551	6,175	6,464	3,781	477	4,258	305	1,917	109
Articles (359,360,363,364,366,367,368,369,234,234-a,238) of the CC of the RoS													
Appellate Courts	109	98	298	520	1,003	629	1,301	558	9	567	239	62	33
Higher Courts	769	485	2,510	457	857	1,226	3,367	344	173	517	358	709	495
Basic Courts	1,527	472	2,092	939	1,270	2,466	3,362	928	233	1,161	426	1,305	307
Total cases according to Articles (359,360,363,364,366,367,368,369,234,234-a,238)	2,405	1,055	4,900	1,916	3,130	4,321	8,030	1,830	415	2,245	1,023	2,076	835
Total	4,158	1,287	6,813	6,338	7,681	10,496	14,494	5,611	892	6,503	1,328	3,993	944

Table 21

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

A comparative review of the cases disposed through suspension due to the statute of limitations in criminal proceedings, misdemeanor proceedings and proceedings in commercial offences indicate that the number of such cases before general jurisdiction courts and commercial courts is decreasing, while the number of such cases before misdemeanor courts is increasing. In misdemeanor courts, the suspension due to the statute of limitations was imposed in 97,332 cases in 2016, out of 786,261 of total disposed cases, while in 2017 that number was **129,671** out of a total of **696,607** disposed cases in 2017.

STATUTE OF LIMITATIONS IN 2017

Number	Court	Total number of pending cases in 2017	Decision on suspension due to the statute of limitations	Reversed decision due to the statute of limitations	Total statute of limitations
1	Appellate Courts	52,607		7	7
2	Higher Courts	115,087	19	4	23
3	Basic Courts	280,555	52	97	149
4	Commercial Appellate Court	12,470			
5	Commercial Courts	104,080	8		8
6	Misdemeanor Appellate Court	26,520	13	2,946	2,959
7	Misdemeanor Courts	696,607	126,723	2,948	129,671
TOTAL		1,287,926	126,815	6,002	132,817

Table 22

XII APPLICATION OF THE NEW LAW ON ENFORCEMENT AND SECURITY

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

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

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

The implementation of these measures and with this support, great results have been achieved and the number of enforcement cases was reduced by 811,322 cases only in 2016. 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.

All enforcement	Pending at the beginning	Total incoming	Total disposed	Pending at the end
2015	1,939,807	234,008	380,628	1,793,787
2016	1,855,129	352,207	1,225,471	981,865
2017	982,162	491,659	635,178	838,643

Table 23

The incoming cases included the cases that “migrated” from the First Basic Court to the Second and the Third Basic Court in Belgrade, so one can expect that the inflow of new cases will be lower in the upcoming period.

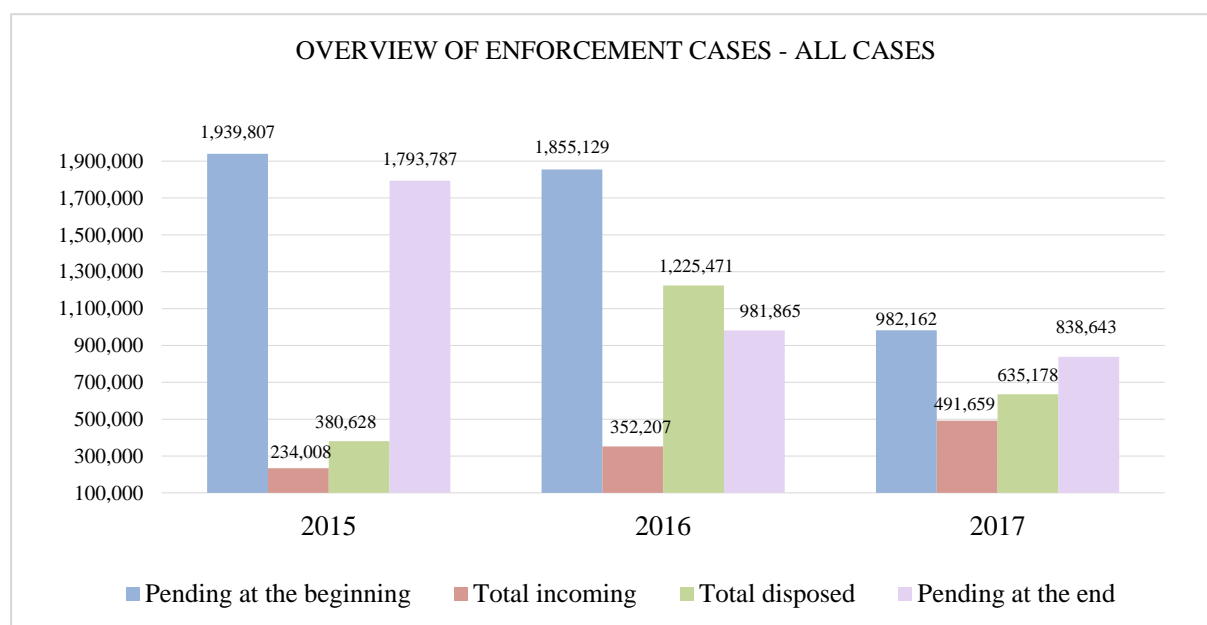


Chart 28

OVERVIEW OF ENFORCEMENT CASES
TOTAL FOR ALL BASIC AND COMMERCIAL COURTS IN 2017

2017	Matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end
Total for all Basic Courts	I	181,540	45,233	83,262	143,511
	Iv	692,798	196,444	266,746	622,496
	Total (I+Iv)	874,338	241,677	350,008	766,007
Total for all Commercial Courts	I	7,360	1,576	3,476	5,460
	Iv	27,919	2,342	10,416	19,845
	Total (I+Iv)	35,279	3,918	13,892	25,305
TOTAL (BASIC + COMMERCIAL)	I	188,900	46,809	86,738	148,971
	Iv	720,717	198,786	277,162	642,341
	Total	909,617	245,595	363,900	791,312

Table 24

Comparative indicators of the structure of backlog enforcement cases (I, Iv and “Other”) indicate that the total number of backlog enforcement cases was reduced from 1,939,807 in 2014 to 838,643 at the end of 2017.

However, the total number of pending enforcement cases at the end of 2017 and pending backlog enforcement cases (708,219 at the end of 2017), indicates the need of application of all systemic and individual measures defined in the amended Single Backlog Reduction program in order to resolve all pending backlog enforcement cases, and above all, those cases

in which the proceedings take more than five years (454,233 cases), or more than 10 years (148,291 cases), since these cases cannot be disposed in regular court enforcement proceedings.

The number of pending backlog enforcement cases and their age structure point to the need to undertake **extraordinary systemic measures and support to the judicial enforcement system**, given that the court enforcement proceedings do not have the same logistical and other support as the one used by the public bailiffs (records, registers, access to databases of other state bodies and institutions...). In order to improve the enforcement system in courts, a cost analysis should be done that would determine the individual costs of disposition of backlog cases and compare it with the value of claims for which the enforced collection is required through a court enforcement proceedings, based on which it would be possible to **propose changes in the Law on Enforcement and Security and suspension of enforcement proceedings with very low claims** (100.00 RSD – 500.00 RSD), especially if the creditors in these cases are public enterprises controlled by the state, legal entities founded by the state or the Republic of Serbia.

BASIC COURTS
STRUCTURE OF PENDING BACKLOG ENFORCEMENT CASES
ACCORDING TO THE DATE OF INITIAL ACT AS OF DEC 31

Year	Matter	Total number of pending backlog cases	AGE OF PENDING BACKLOG CASES			
			2 TO 3	3 TO 5	5 TO 10	MORE THAN 10
2012	I	124,488	34,462	44,312	36,013	9,701
	Iv	1,442,091	375,378	400,205	490,168	176,340
	TOTAL:	1,566,579	409,840	444,517	526,181	186,041
2013	I	105,966	24,549	36,408	34,553	10,456
	Iv	1,509,864	274,377	550,596	551,111	133,780
	TOTAL:	1,615,830	298,926	587,004	585,664	144,236
2014	I	115,555	31,333	33,614	40,009	10,599
	Iv	1,547,764	217,535	455,952	650,371	223,906
	TOTAL:	1,663,319	248,868	489,566	690,380	234,505
2015	I	124,246	36,518	37,899	40,298	9,531
	Iv	1,450,609	24,126	331,134	811,610	283,739
	TOTAL:	1,574,855	60,644	369,033	851,908	293,270
2016	I	104,257	31,452	40,495	26,162	6,148
	Iv	661,644	17,172	103,844	428,929	111,692
	TOTAL:	765,901	48,624	144,339	455,091	117,840
2017	I	96,872	25,054	38,419	27,290	6,109
	Iv	611,347	14,802	27,420	426,943	142,182
	TOTAL:	708,219	39,856	65,839	454,233	148,291

Table 25

COMMERCIAL COURTS
STRUCTURE OF PENDING BACKLOG ENFORCEMENT CASES
ACCORDING TO THE DATE OF INITIAL ACT AS OF DEC 31

Year	Matter	Total number of pending backlog cases	AGE OF PENDING BACKLOG CASES			
			2 TO 3	3 TO 5	5 TO 10	MORE THAN 10
2012	All enforcement	22,771	21,942	714	107	8
2013		29,872	13,685	15,996	183	8
2014		31,804	10,052	21,341	401	10
2015		32,180	7,936	16,273	7,951	20
2016		24,303	6,399	11,192	6,694	18
2017		22,392	4,847	8,986	8,533	26

Table 26

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 2017

Number	Court name	Number of judges	Total disposed	Adjudicated on the merits	Number of reviewed appeals	Total number of revoked	% of revoked decisions compared to the total number of disposed	% of revoked decisions compared to the total number of decisions on the merits	% of reviewed appeals compared to the total number of disposed	% of reviewed appeals compared to the number of decisions on the merits	% of revoked decisions compared to the number of reviewed appeals
1	Appellate Courts	203	59,474	55,525	5,152	306	0.51	0.55	8.66	9.28	5.94
2	Higher Courts	317	173,319	112,571	10,517	1,816	1.05	1.61	6.07	9.34	17.27
3	Basic Courts	1,260	1,226,428	691,289	98,204	20,183	1.65	2.92	8.01	14.21	20.55
4	Administrative Court	39	19,180	18,853	401	13	0.07	0.07	2.09	2.13	3.24
5	Commercial Appellate Court	34	12,470	11,774	885	67	0.54	0.57	7.10	7.52	7.57
6	Commercial Courts	154	104,080	49,362	10,549	1,738	1.67	3.52	10.14	21.37	16.48
7	Misdemeanor Appellate Court	58	26,520	21,894	38	27	0.10	0.12	0.14	0.17	71.05
8	Misdemeanor Courts	486	696,607	505,319	24,623	4,581	0.66	0.91	3.53	4.87	18.60
TOTAL:		2,551	2,318,078	1,466,587	150,369	28,731	1.24	1.96	6.49	10.25	19.11

Table 27

PERCENTAGE OF REVOKED DECISIONS IN 2017

Number	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	203	5,152	306	5.94
2	Higher Courts	317	10,517	1,816	17.27
3	Basic Courts	1,260	98,204	20,183	20.55
4	Administrative Court	39	401	13	3.24
5	Commercial Appellate Court	34	885	67	7.57
6	Commercial Courts	154	10,549	1,738	16.48
7	Misdemeanor Appellate Court	58	38	27	71.05
8	Misdemeanor Courts	486	24,623	4,581	18.60
TOTAL:		2,551	150,369	28,731	19.11

Table 28

XIV DURATION OF COURT PROCEEDINGS IN THE INSTANCE

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

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

AGE OF DISPOSED CASES FOR PREDOMINANTLY TRIAL CASES IN 2017

Number	Court	Total number of disposed cases	DURATION OF PROCEEDINGS				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	Appellate Courts	52,607	49,570	2,733	304		
2	Higher Courts	115,087	100,922	12,210	1,791	155	9
3	Basic Courts	280,555	199,493	54,695	25,919	40	408
4	Administrative Court	19,180	8,138	6,060	4,982		
5	Commercial Appellate Court	12,470	8,344	3,949	177		
6	Commercial Courts	104,080	90,035	5,243	6,163	2,626	13
7	Misdemeanor Appellate Court	26,520	26,500	20			
8	Misdemeanor Courts	696,607	454,975	241,632			
TOTAL:		1,307,106	937,977	326,542	39,336	2,821	430

Table 29

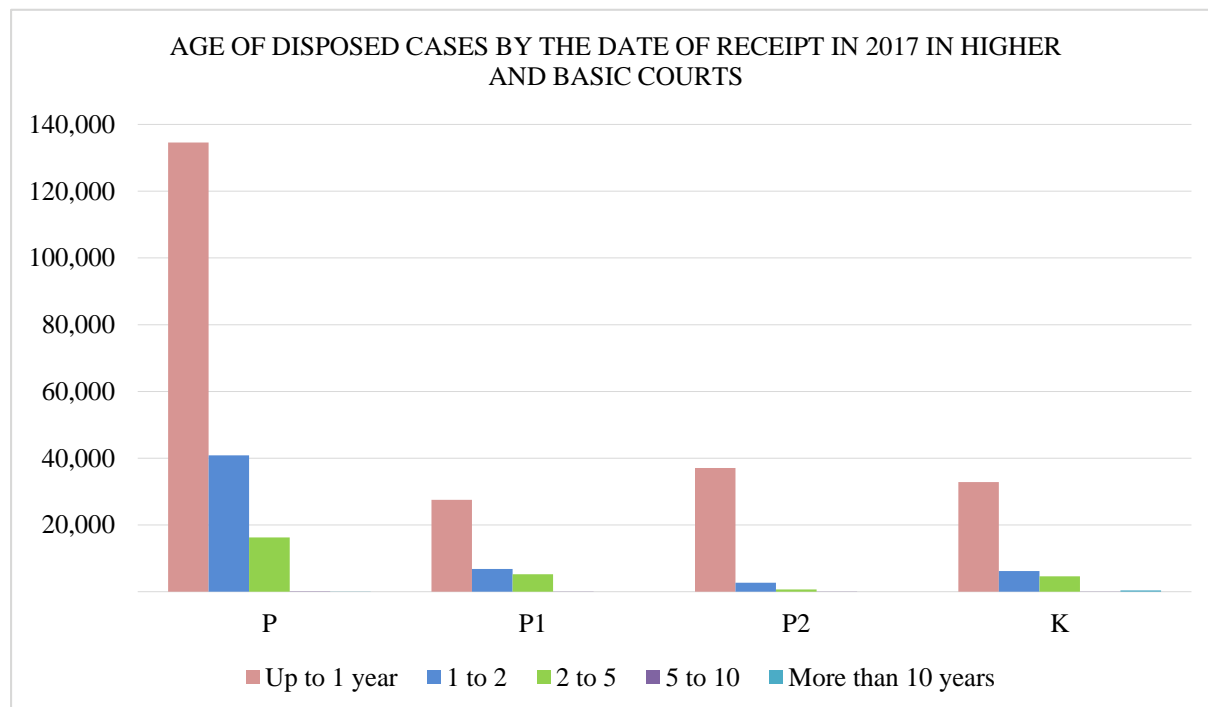


Chart 29

**AGE OF DISPOSED CASES IN PREDOMINANT TRIAL MATTERS
IN 2017.**

BASIC COURTS

Number	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	P	163,876	108,413	39,576	15,848	29	10
2	P1	35,014	23,295	6,624	5,093	2	
3	P2	39,836	36,549	2,613	673	1	
4	K	41,829	31,236	5,882	4,305	8	398
Total 1-4		280,555	199,493	54,695	25,919	40	408

HIGHER COURTS

Number	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	P	27,975	26,174	1,286	421	91	3
2	P1	4,536	4,223	181	132		
3	P2	593	504	73	15	1	
4	K	2,333	1,624	332	308	63	6
Total 1-4		35,437	32,525	1,872	876	155	9

TOTAL BASIC + HIGHER

Number	Matter	Total number of disposed cases	DURATION OF PROCEEDINGS				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	P	191,851	134,587	40,862	16,269	120	13
2	P1	39,550	27,518	6,805	5,225	2	
3	P2	40,429	37,053	2,686	688	2	
4	K	44,162	32,860	6,214	4,613	71	404
Total 1-4		315,992	232,018	56,567	26,795	195	417

Table 30

XV PERFORMANCE INDICATORS ACCORDING TO THE CEPEJ

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

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

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

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

The average duration of court proceedings in Serbia for the period 2012-2017 is shown in the following table:

TIME TO DISPOSITION IN DAYS

	2012	2013	2014	2015	2016	2017
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
Number of disposed cases	2,156,958	2,084,768	1,793,212	2,087,332	2,953,921	2,335,760
Time to disposition of cases	534	503	580	505	253	299

Table 31.

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

CLEARANCE RATE AND AVERAGE TIME TO DISPOSITION IN DAYS

Court type	Clearance rate	Time to disposition	Clearance rate	Time to disposition	Clearance rate	Time to disposition
	2012		2014		2016	
	%	in days	%	in days	%	in days
Supreme Court of Cassation	105.65	98	80.73	176	95.48	173
Administrative Court	80.64	496	103.74	439	89.45	534
Appellate Courts	99.39	116	109.02	111	102.05	88
Higher Courts	105.92	134	96.6	121	87.52	179
Basic Courts	111.44	810	110.29	901	191.09	254
Commercial Appellate Court	105.55	190	103.9	210	109.71	245
Commercial Courts	120.01	207	100.64	337	109.95	227
Misdemeanor Appellate Court	98.24	13	96.06	25	99.80	22
Misdemeanor Court	107.72	257	92.67	290	98.32	278
TOTAL	109.53	534	102.34	580	139.87	253

Table 32

The data on the average clearance rate and the average time to disposition by types of courts in 2017 were shown in the following table and chart:

CLEARANCE RATE AND AVERAGE TIME TO DISPOSITION IN DAYS IN 2017

Court type	Clearance rate	Time to disposition in days
Misdemeanor Courts	100.71	311
Misdemeanor Appellate Court	100.29	21
Commercial Courts	104.18	193
Commercial Appellate Court	102.12	244
Basic Courts	115.60	327
Higher Courts	81.67	211
Appellate Courts	99.14	94
Administrative Court	88.22	585
Supreme Court of Cassation	100.53	120
TOTAL	106.04	299

Table 33

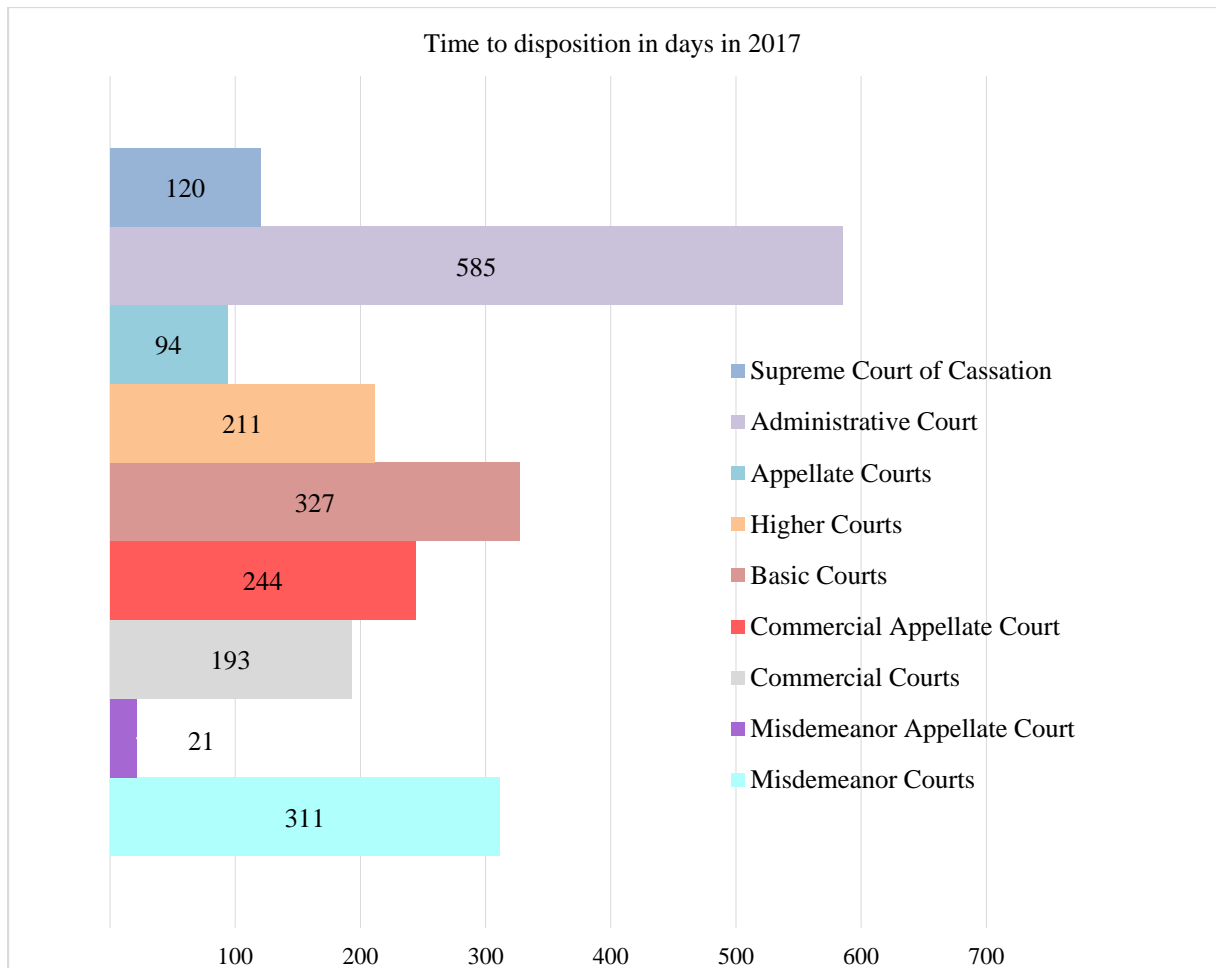


Chart 30

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

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

This indicator is an integral part of the statistical reports of courts in Serbia.

CONCLUSIONS

1.

The Annual report on the work of courts in the Republic of Serbia for 2017 points out the good results that the courts have achieved, having solved **2,335,760** cases from the trial matter and enforcement, as well as the additional **1,303,257** cases regarding the verification of signatures, manuscripts and transcripts, and other cases in which they adjudicated based on the citizens' requests – that are not recorded in the official statistics (since these are not trial or enforcement cases).

These results were achieved by **2,586** judges assigned to these cases (out of the total of 2,626 elected judges) and court staff – that work in courts, as civil servants and general employees.

In 2017, there were 152 elected judges less compared to 2016, which is a consequence of the intervention of the Constitutional Court in the election procedure. Using a provisional measure, the Constitutional Court initiated a procedure to determine the legality of the Rulebook on Criteria and Standards for Evaluation of Qualification, Competence and Worthiness of Candidates for Judges to be Elected for the First Time and it has suspended the execution of any individual acts and actions that are undertaken based on the contested Rulebook.

The number of court staff also decreased compared to the previous period, although the inflow increased significantly, which is the result of a long-standing ban on employment in the public sector, which is still in force, and denial of approvals for filling the vacancies in current systematizations, which additionally increases the volume of tasks performed by the employees that work in the system.

Systematic legislative measures and obligations from the strategic documents of the Supreme Court of Cassation, especially in enforcement matter, with the support of the European Union through the Pre-accession assistance project “Judicial Efficiency Project” enabled the decrease in the number of enforcement cases in 2016 compared to 2015 – by 811,322 enforcement cases. The trend of reducing the number of enforcement cases continued in 2017, with the total of 143,519 cases less at the end of 2017 compared to the beginning of the year.

The number of backlog cases in the Republic of Serbia decreased in 2017 to the total of 859,272 cases compared to 2012 when the total number of these cases was 1,729,768, including enforcement. The number of pending backlog cases in the trial matters also decreased (from 140,418 in 2012 to 128,661 backlog cases).

2.

Comparative data on incoming cases in all courts in the Republic of Serbia indicate a significant increase of incoming cases in 2015, 2016 and 2017.

Therefore, in the last three years, more than 1,300,000 cases have exceeded the expected annual inflow of cases according to previous indicators, which affected the achievement of planned targets from the [strategic documents of the Supreme Court of Cassation](#) for backlog reduction.

A special category of cases in the increased inflow are the cases of higher courts and the Administrative Court, due to continuous expansion of jurisdictions of these courts through new laws (discrimination, mobbing, cases in which the value of the dispute exceeds EUR 40,000 in RSD equivalents, restitution – civil and confessional, protection of rights from labor relations of employees working in the territorial autonomy and local self-government, electoral cases, etc.).

Clearance rate in all matters in 2017 which is above 100% indicates that the courts system managed to absorb the increased inflow of cases with the existing capacities, although there were 152 less elected judges, but in order to provide even better efficiency, it would be necessary to eliminate all the systemic deficiencies that make the work of courts and judges more difficult. Timely election of judges, filling the vacant judicial posts and lifting the ban on employment in courts would provide significantly better results.

3.

Comparative indicators for the period 2012-2017 indicate decrease in the number of pending cases.

In 2012, there were 3,158,400 pending cases, and at the end of 2017, the total of 1,911,086 pending cases remained, including enforcement cases.

The number of pending cases in trial matters in 2017 decreased, when compared to 2016, but it increased compared to 2012, which is the consequence of the increased number of incoming cases in the period from 2015-2017 that the court system was unable to absorb. The lack of any systemic reaction to the enormously increased inflow of new cases, while, at the same time, the number of elected judges was smaller and the number of court staff was reduced, while new employment was banned.

4.

The ratio of incoming, disposed and pending cases by type of court at the end of 2017 indicates the problem of workload of the Administrative Court, higher and basic courts, since, due to the increased inflow, the number of pending cases in these courts is growing.

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

5.

In my opinion, better performance of our judiciary led to a drastic reduction in the number of applications before the European Court of Human Rights, since, for example, the total number of accepted applications in 2013 was 5,058, in 2016 there were 1,336 applications of our citizens, while in 2017 there were 940.

Through the harmonization of court practice, the Supreme Court of Cassation seeks to contribute to reducing the number of constitutional complaints and applications before the European Court. Instead of Strasbourg, our citizens are now finding more effective protection of their rights before the Constitutional Court. Our goal should be to try and avoid the path to the Constitutional Court, and create an environment where our citizens would use the shortest route, the one in regular courts, which are the closest to our citizens.

This is only possible if we integrate the values of the European Convention and its contents through the case law of the European Court, in the regular judiciary, which was actually done during the previous year through numerous conferences and trainings of judges with the aim of getting to know and accepting European standards.

For this purpose, the Supreme Court of Cassation has joined the network of the European Court of Human Rights and the supreme courts of member states, in the spirit of the Protocol XVI to the European Convention, which advocates judicial dialogue. This should enable access to the intranet of the European Court, with non-public materials – such as weekly analysis of the judgments of the Grand Chamber and the like – that are valuable with the aim of a nuanced monitoring of European case law.

Internally, the Supreme Court of Cassation implemented some measures with the aim of recording the decisions of domestic courts in which the European Convention is applied, i.e. the standards expressed in the verdicts of the European Court in Strasbourg.

Activities on harmonization of court practice continued with the conclusion of an amended agreement among appellate courts in cooperation with the Supreme Court of Cassation. These activities produced good results in the previous period, which was confirmed in the judgment of the European Court of Human Rights in the case *Cupara vs. Serbia*. Regular meetings are held, in accordance with the signed Agreement, with the aim of harmonization of standpoints and conclusions on disputed legal issues that arise in practice, and to reach

joint conclusions through the discussion of the representatives of appellate courts and the Supreme Court of Cassation.

As I already said, this yielded good results and the principle where we should not be satisfied with the pleasant atmosphere and the illusion of general consensus, but we should strive for the real abundance of standpoints and conclusions.

In one classic aphorism in education, Confucius said: “I announce one point of view, and if the ones I am talking to cannot give me the other three, I do not talk to them anymore”.

On the other hand, in order to fully achieve our goal, which is an independent, impartial and efficient judiciary, on the grounds of respect and protection of human rights and freedoms, the judges themselves need to contribute to this goal with their expertise, competence and dedication, because only the morally autonomous and educated judge can be independent.

The fact is that a morally autonomous individual (even a judge) depends only of his/her conscience, the ethical order that he/she was introduced through education and upbringing, and only an educated man has faith in himself before another man. Self-confidence gives him the courage to think freely, even before those that are stronger than him.

A judge, as well as an artist, a poet, and even an intellectual is “the one that retreats from the society and comes back to it”. He retreats to isolation, isolating himself from any influences, he finds a solution, and then comes back to society to implement it, as a social innovation. Each judge establishes a new order in the microcosm, with his verdict. When he shares the verdict (his creative act) with the others, he moves on and doesn't look back. Creation is therefore the only characteristic in which he attains the imitation of God, whose role he assumed in trial, just as the artist, the inventor does in his work.

The citizens of Serbia deserve such a judge, morally autonomous and educated, which we must strive for in the future period as well.

By fulfilling the aforementioned postulates, we will be in a position to not only solve backlog cases, but to prevent their future accumulation, and with the harmonized case law, we will be able to increase the quality of justice to the level that our citizens deserve, and the judiciary will regain the shaken public confidence.

It is important to emphasize that efficiency cannot be improved at the expense of quality. In order to achieve this, I expect that all competent authorities and institutions that are designated for the implementation of measures defined in the Action Plan for Chapter 23, will implement all the activities consistently, and that, by working together, we will achieve the desired results and thus come closer to the European standards regarding human rights and freedoms, and that we will create an independent, efficient, impartial and accountable

judiciary. This will also contribute to the strengthening of the rule of law, which is an essential precondition for any peaceful and sustainable social development.

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

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

However, the quality of justice is a complex term, whose content does not only depend on the judicial branch: it implies the quality of the laws enforced by the court, the level of independence and impartiality of the court, quality, but also the quantity of resources necessary for the court to enforce the law; it also implies integrity and responsibility of the holders of judicial function, that is, the implementation of anti-corruption measures in the judiciary.

**PRESIDENT
OF THE SUPREME COURT OF
CASSATION
Dragomir Milojevic**

ANNEX

LABELS IN COURT REGISTERS

Registers of Basic Courts

K – label for criminal cases

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

P1-Uz – label for labor disputes regarding whistleblowing

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

Iv – label for enforcement cases based on an authentic document

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

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

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

Registers of Higher Courts

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

Km – label for cases regarding juveniles

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

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

P3 – label for civil media cases

P4 – label for copyrighting disputes

P-uz – label for cases on lawsuits regarding whistleblowing

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

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

Registers of Appellate Courts

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

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

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

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

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

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

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

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

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

Registers of Commercial Courts

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

Pl – label for payment orders

R – label for different civil cases

Pk – label for commercial offences

St – label for bankruptcy proceedings

L – label for liquidation

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

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

Registers of Misdemeanor Courts

Pr – label for misdemeanors

Prm – label for juvenile offenders

Ipr, Ipr1, Ipr2, Ipr3 – labels for enforcement

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

Registers of the Misdemeanor Appellate Court

Prž – label for appeals

Pržm – label for appeals in procedures against juveniles

Registers of the Commercial Appellate Court

Pkž – label for second instance cases of criminal offences

Pž – label for second instance litigious cases

Iž – label for second instance enforcement cases

R – label for cases of conflict and delegation of jurisdiction

Registers of the Administrative Court

U – label for administrative disputes

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

Up – label for the reopening of administrative-court proceedings

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

Už – label for appeals in electoral disputes

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

Registers of the Supreme Court of Cassation

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

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

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

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

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

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

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

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

Už – label for administrative cases on appeals

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