



Republic of Serbia
Supreme Court of Cassation

ANNUAL REPORT
ON THE WORK OF THE COURTS
IN THE REPUBLIC OF SERBIA
FOR 2018

Belgrade, March 2019



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Republic of Serbia
SUPREME COURT OF CASSATION
Su I - 1 23/2019
February 19, 2019
Belgrade

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

**I
INTRODUCTION**

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

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

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

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

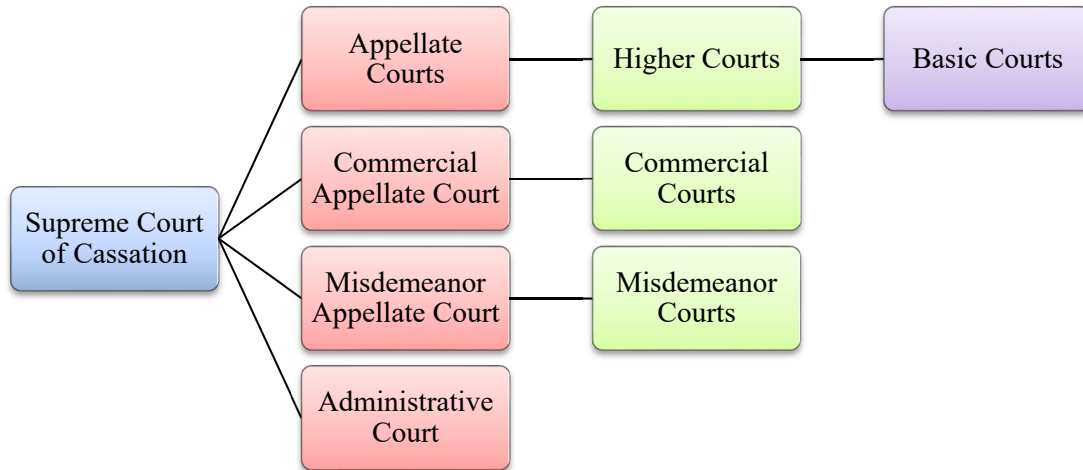
The Supreme Court of Cassation is the highest court in the Republic of Serbia and it is directly superior to the Commercial Appellate Court, the Misdemeanor Appellate Court, the Administrative Court and Appellate Court.

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

As of January 1, 2014, in the Republic of Serbia there is a total of 159 courts, out of which 66 basic courts, 25 higher courts, 16 commercial courts, 44 misdemeanor courts and the

Administrative court act as first instance courts. Higher courts also act as second instance courts, and there are also four appellate courts, Commercial Appellate Court and Misdemeanor Court that act as second instance courts as well.

For the territory of the AP Kosovo and Metohija, until the adoption of special regulations, three courts used to operate: Misdemeanor Court in Kosovska Mitrovica, Higher Court in Kosovska Mitrovica and Basic Court in Kosovska Mitrovica.



According to the data of the High Court Council as of December 31, 2018, the total number of all judicial positions in all courts in the Republic of Serbia, determined by the Decision of the HCC was **2,999**, of which **2,588** positions were filled, while **2,418** judges were effectively working.

NUMBER OF JUDGES IN COURTS ON DECEMBER 31, 2018

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 courts for the period January 1 – December 31, 2018
Supreme Court of Cassation	46	41	34
Administrative Court	51	48	36
Commercial Appellate Court	41	41	34
Misdemeanor Appellate Court	65	62	54
Appellate Courts	240	216	200
Higher Courts	399	356	308
Basic Courts	1,438	1,206	1,140
Commercial Courts	178	162	147
Misdemeanor Courts	541	456	465
TOTAL:	2,999	2,588	2,418

Table No. 1

In 2018, as in the previous year, more than 400 judicial positions (411 in total) were not filled as a result of the ban on the election of new judges prescribed by the Constitutional Court and the harmonization of the regulations governing the election of judges.

COMPARATIVE OVERVIEW OF THE NUMBER
OF JUDGES FOR THE PERIOD 2017–2018

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	
	2017	2018	2017	2018	2017	2018
Supreme Court of Cassation	41	46	39	41	35	34
Administrative Court	51	51	40	48	39	36
Commercial Appellate Court	41	41	40	41	34	34
Misdemeanor Appellate Court	65	65	58	62	58	54
Appellate Courts	237	240	228	216	203	200
Higher Courts	368	399	328	356	317	308
Basic Courts	1,473	1,438	1,267	1,206	1,260	1,140
Commercial Courts	178	178	147	162	154	147
Misdemeanor Courts	536	541	479	456	486	465
TOTAL:	2,990	2,999	2,626	2,588	2,586	2,418

Table No. 2

The average age of judges in Serbia was **54**. The judicial function was performed by 740 men and 1848 women. There were 191 judges that were 40 years old or younger, 908 judges up to 50 years of age, 1248 judges that were up to 60 years old and 458 judges that were older than 60.

This unfavorable age structure of judges should be eliminated in future systemic solutions, through regular and timely filled vacant judicial positions, in order to provide professional and experienced continuity in the performance of judicial function.

According to the data of the High Court Council, the total of **10,603** court staff were working, with the average age of **44**. Out of this, there were: 1,644 judicial assistants, 5,775 civil servants and 3,184 general service employees.

According to the Law on Budget for 2018, all courts were financed from the budget with the total of RSD **22,304,078,000.00** (in 2017 that amount was RSD 20,985,969,000.00). The total amount planned for the Supreme Court of Cassation in 2017 was 439,791,000.00, while in 2018 that amount was RSD **457,053,000.00**. Compared to the overall budget of the Republic of Serbia in 2018 which amounted to RSD **1,179,248,230,000.00**, expenditures for courts constituted **1.89 %**, which is similar as in 2017, when the overall court related expenditures were 1.86%.

Reduced number of employees in courts is the result of a long-standing ban on employment, which is still in force, and denying the approval for filling out vacant positions in accordance with the current systematizations, which additionally increases the volume of work performed by the employees who remain in the system.

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

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

Table No. 3

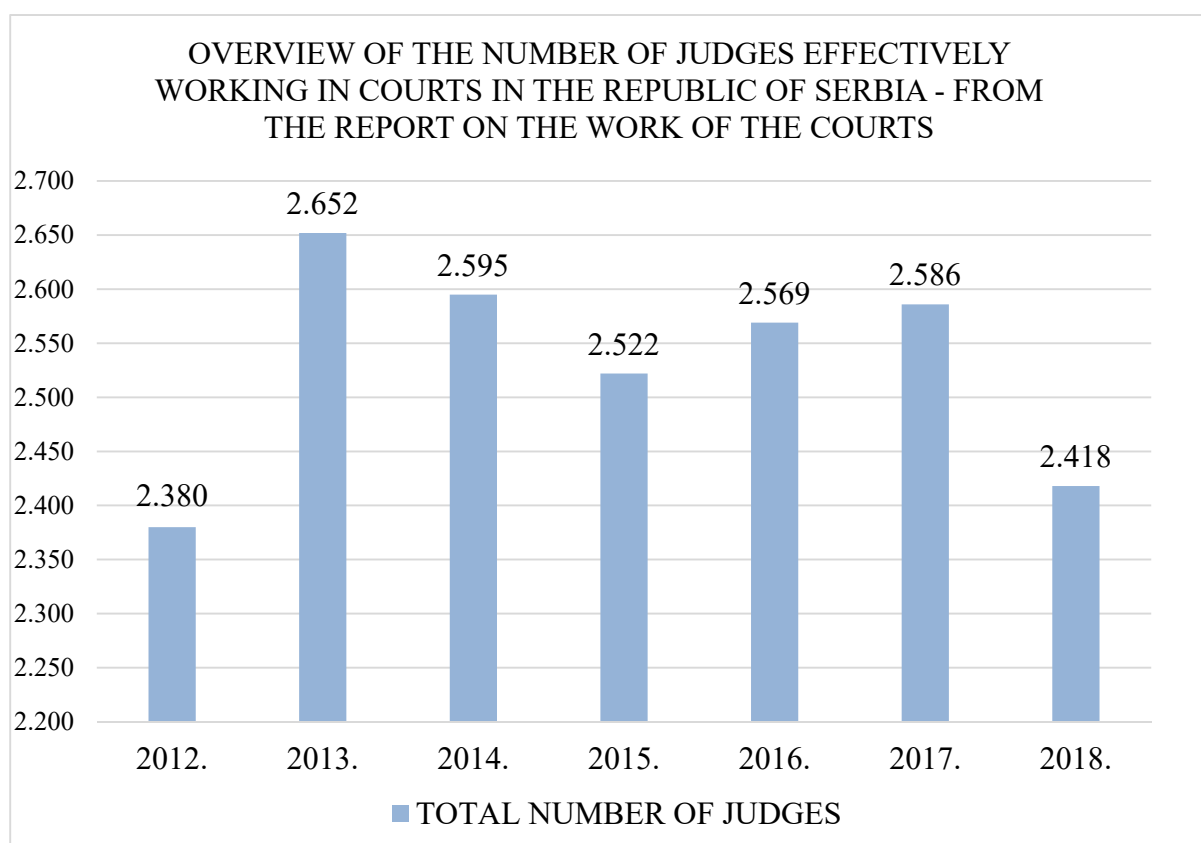


Chart No. 1

II DISPOSED CASES IN 2018

During 2018, all courts in the Republic of Serbia disposed **2,298,870** cases, while **2,418** judges effectively worked.

Compared to 2017, the total number of cases disposed was **36,890** cases less, which is the consequence of the reduced number of judges that adjudicated in 2018.

Increased number of disposed cases in the previous period was the result of systemic legal interventions in the enforcement proceedings and the harmonization of case law in repetitive cases (through the resolution of disputable legal matters by the Supreme Court of Cassation and harmonization of work among the judges of appellate courts during joint meetings).

In **2018**, the total number of disposed enforcement cases dropped, since there aren't any extraordinary systemic interventions in the disposition of these cases, but, **without the enforcement cases, the total number of disposed cases increased from 1,932,366 to 2,077,174 cases, which is a positive trend, especially bearing in mind that there were even less judges in the judicial system than in 2017.**

The table below provides a comparative overview of the trends in the number of disposed cases in all courts in the Republic of Serbia from 2012 to 2018, with and without enforcement cases.

On the chart below, there is an obvious trend of constant increase in the number of disposed cases in all courts in the Republic of Serbia, excluding enforcement cases, so in the past three years around 500,000 more cases were disposed than in 2012.

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

	2012	2013	2014	2015	2016	2017	2018
TOTAL AT THE NATIONAL LEVEL – ALL CASES	2,156,958	2,084,768	1,793,212	2,087,332	2,953,921	2,335,760	2,298,870
TOTAL AT THE NATIONAL LEVEL – EXCLUDING ENFORCEMENT	1,534,706	1,536,355	1,409,886	1,706,704	1,922,470	1,932,366	2,077,174
Basic courts- I + IV	532,377	484,446	326,400	322,994	970,292	350,008	169,745
Commercial courts –all enforcement	89,875	63,967	56,926	57,634	61,159	53,386	51,951

Table No. 4

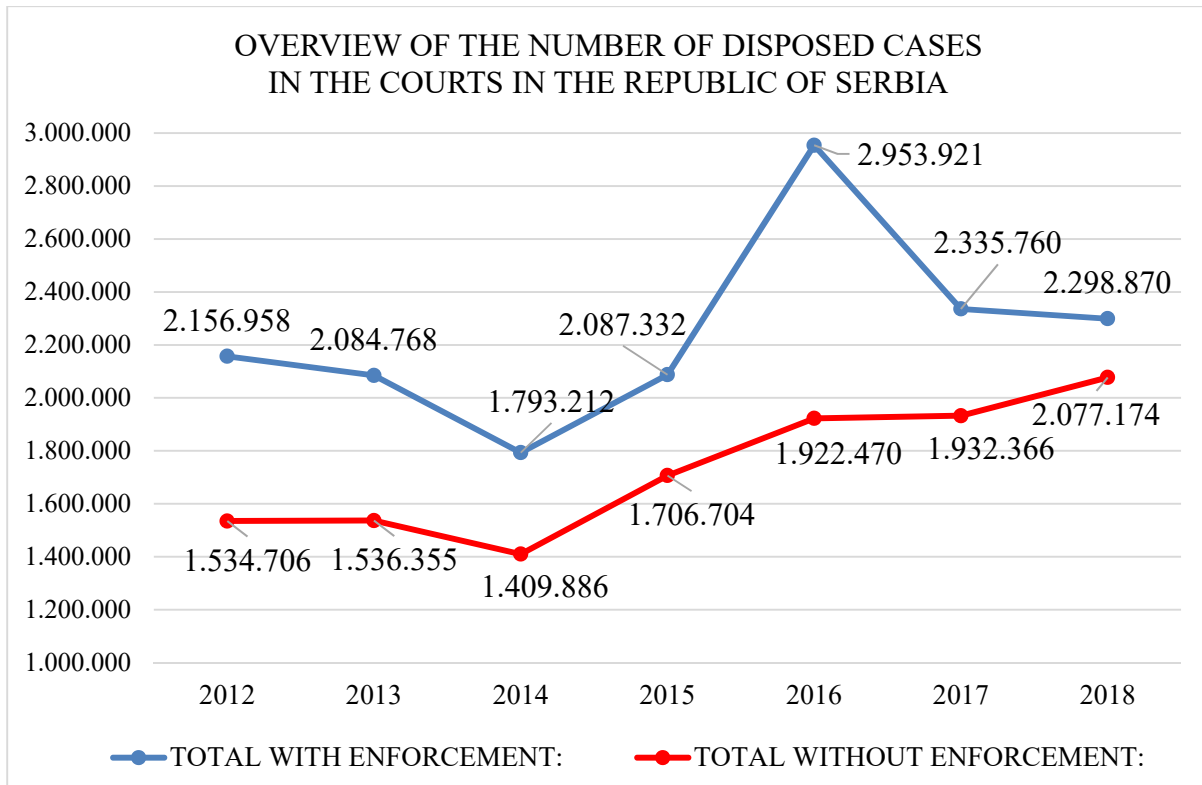


Chart No. 2

Moreover, in **2018**, basic courts also disposed **447,424** cases based on the citizens’ requests for verification of signatures, manuscripts and transcripts (that are not under the jurisdiction of public notaries), issuing certificates and the like, while higher courts disposed an additional **16,419** cases of this type. There were **810,745** of such cases in misdemeanor courts. **These cases are resolved by the court administration under the supervision of judges, which creates an additional 1,274,588 cases disposed in 2018 that are not shown in the tables as disposed cases.**

Pursuant to the Recommendation of the Committee of Ministers of the Council of Europe No. 86 (12) regarding reduction of workload in courts, Articles 30a and 110a of the Law on Extra-Judicial Proceedings and Article 98 of the Law on Public Notaries, in **2018** basic courts **handed over to public notaries, as entrusted tasks, the total of 72,330 probate proceedings** (out of the total of 135,968 received “O” cases in basic courts), and there were 9,602 cases of providing death certificates and 62,728 cases of implementation of the probate proceedings.

In **2018**, the highest 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 courts and commercial courts, as shown in the following chart.

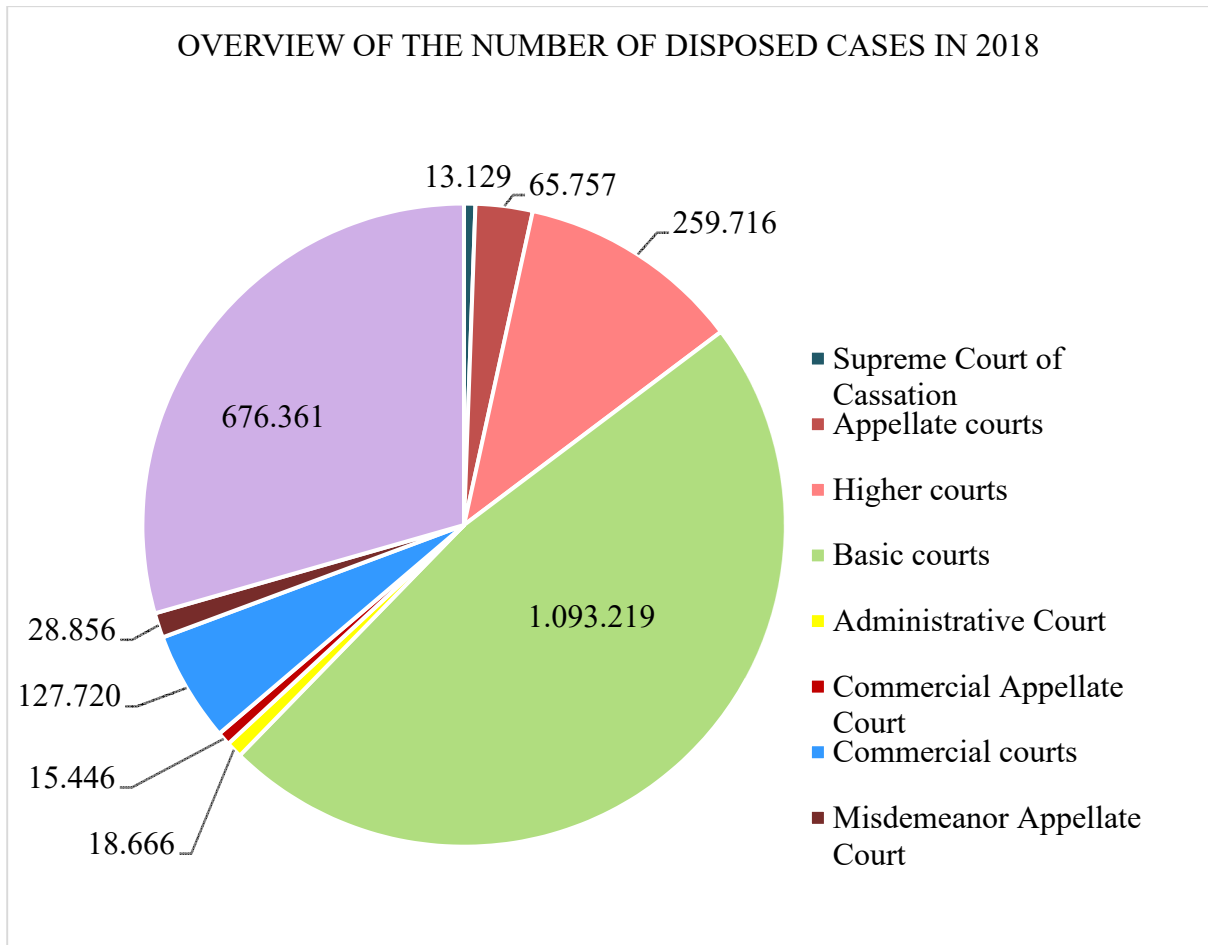


Chart No. 3

III INCOMING CASES IN 2018

Comparative data on incoming cases in all courts in the Republic of Serbia (the influx of new cases and cases that are being processed again, but that were previously classified as disposed) indicate a significant increase of influx in the period from 2015 to 2018.

According to the indicators, the expected inflow in the period from 2012 to 2014, without the enforcement cases, was around 1,500,000 cases a year. However, in 2015 the courts received 1,902,475 cases, which is 415,849 cases more compared to 2014 and compared to the expectations. The inflow in 2016 was, once again, higher than expected, and even above the inflow levels seen in 2015. In 2017, the inflow amounted to **1,918,007** new cases (without enforcement cases) while in 2018 it amounted to **1,983,368**, which is the highest number of incoming cases in the observed period, from 2012. Thus, when we observe the aggregate picture, **in the past four years, over 1,700,000 more cases than expected entered the judicial system**, affecting the achievement of the planned objectives stated in the strategic documents of the Supreme Court of Cassation related to the backlog reduction (excluding enforcement cases).

In 2018, basic and higher courts received the highest number of cases, followed by higher, commercial and appellate courts.

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

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

In the period from 2014 to 2016 **misdemeanor courts** also received 200,000 cases more, however, that trend stopped in 2017. In 2018, all misdemeanor courts in the Republic of Serbia received 597,666 cases, with the total number of 522 judges effectively working.

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

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

In 2018 higher courts received substantial number of cases – **255,040**, which was 42,828 cases ore than in 2017, and the total of 352 judges effectively worked on them. The judges of higher courts managed to clear the incoming cases.

Repetitive cases in the appeal procedure burdened the **appellate courts** as well, but the appellate courts – that received 65,946 cases, managed to have a clearance rate above 99%, even though less judges -216 adjudicated in these cases, compared to 2017, when the total number of judges in these courts was 228.

A special category of cases within the increased inflow are the cases of the **Administrative Court**, due to the continuous expansion of the jurisdiction through new laws (restitution – civil and confessional, protection of labor rights of employees working in local self-government units, electoral cases...) and the increased number of regular cases of administrative law. **Therefore, systemic measures need to be undertaken in order to reform the administrative judiciary and introduce two/several instance in the system of administrative and legal protection in order to make it more efficient.**

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

	2012	2013	2014	2015	2016	2017	2018
TOTAL AT THE NATIONAL LEVEL – ALL CASES	1,969,270	1,800,746	1,752,185	2,136,483	2,111,944	2,202,692	2,089,237
TOTAL AT THE NATIONAL LEVEL – WITHOUT ENFORCEMENT	1,440,611	1,477,986	1,486,626	1,902,475	1,962,045	1,918,007	1,983,368
Basic courts – I + IV	457,757	261,695	212,516	181,211	104,648	241,677	61,409
Commercial courts –all enforcement cases	70,902	61,065	53,043	52,797	45,251	43,008	44,460

Table No. 5.

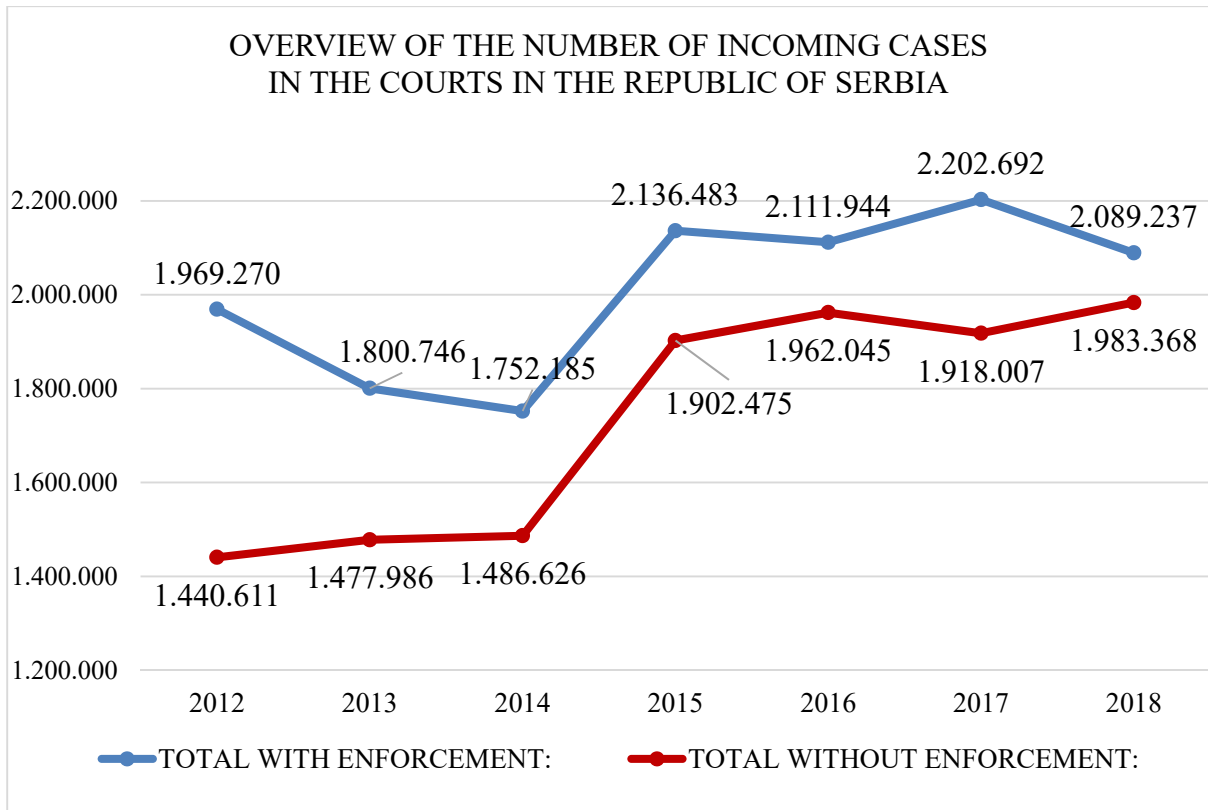


Chart No. 4

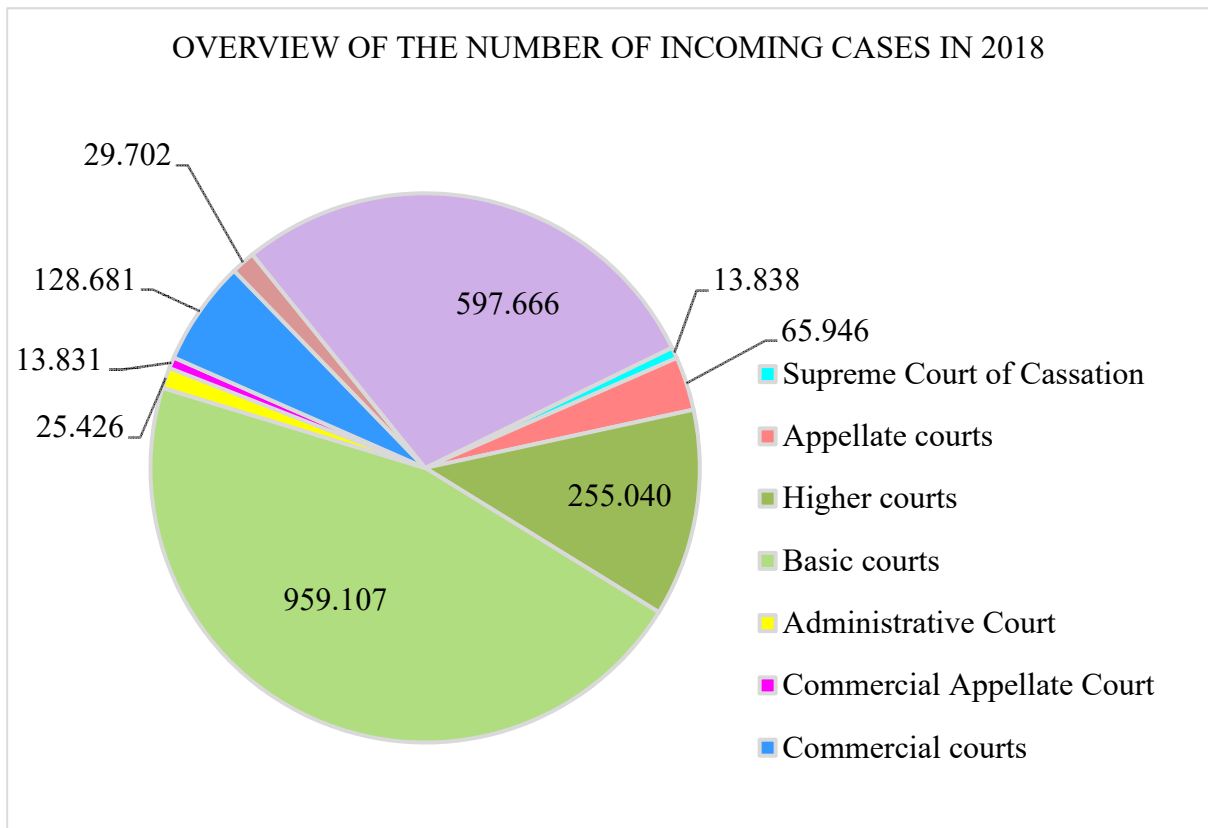


Chart No. 5

Clearance rate in 2018 in all matters - 110% and around 105% in trial matters indicates that the judicial system managed to absorb the increased inflow of cases, even with the existing capacities, although 411 less judges were appointed compared to the number defined in the decisions of the HCC. However, in order to additionally increase efficiency of work of the courts, especially when it comes to the backlog reduction, it would be necessary to remove system deficiencies hindering the work of courts and judges. Timely selection of judges, filling vacant judicial positions and abolishing the employment ban in courts would help achieve much better results.

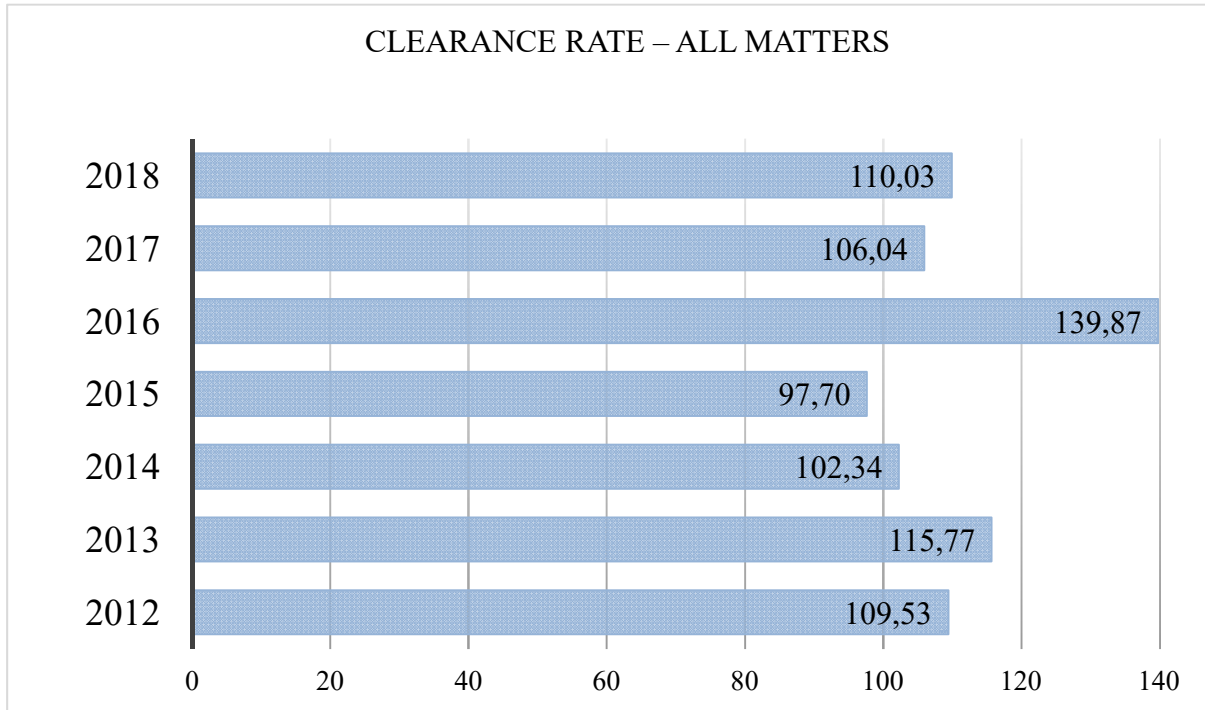


Chart No. 6



Chart No. 7

IV PENDING CASES AT THE END OF 2018

Comparative indicators for the period 2012–2018 show a significant decrease in the number of pending cases in all courts in the Republic of Serbia, and compared to 2012, there is **1,456,820 pending cases less**.

In 2012, there were 3,158,400 pending cases, and at the end of 2018 there were **1,701,580** pending cases, including enforcement cases.

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

	2012	2013	2014	2015	2016	2017	2018
TOTAL AT THE NATIONAL LEVEL - ALL CASES	3,158,400	2,874,782	2,849,360	2,886,619	2,043,925	1,911,086	1,701,580
*TOTAL AT THE NATIONAL LEVEL - WITHOUT ENFORCEMENT	872,831	815,178	898,204	1,093,432	1,132,331	1,118,201	1,024,521

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

Table No. 6

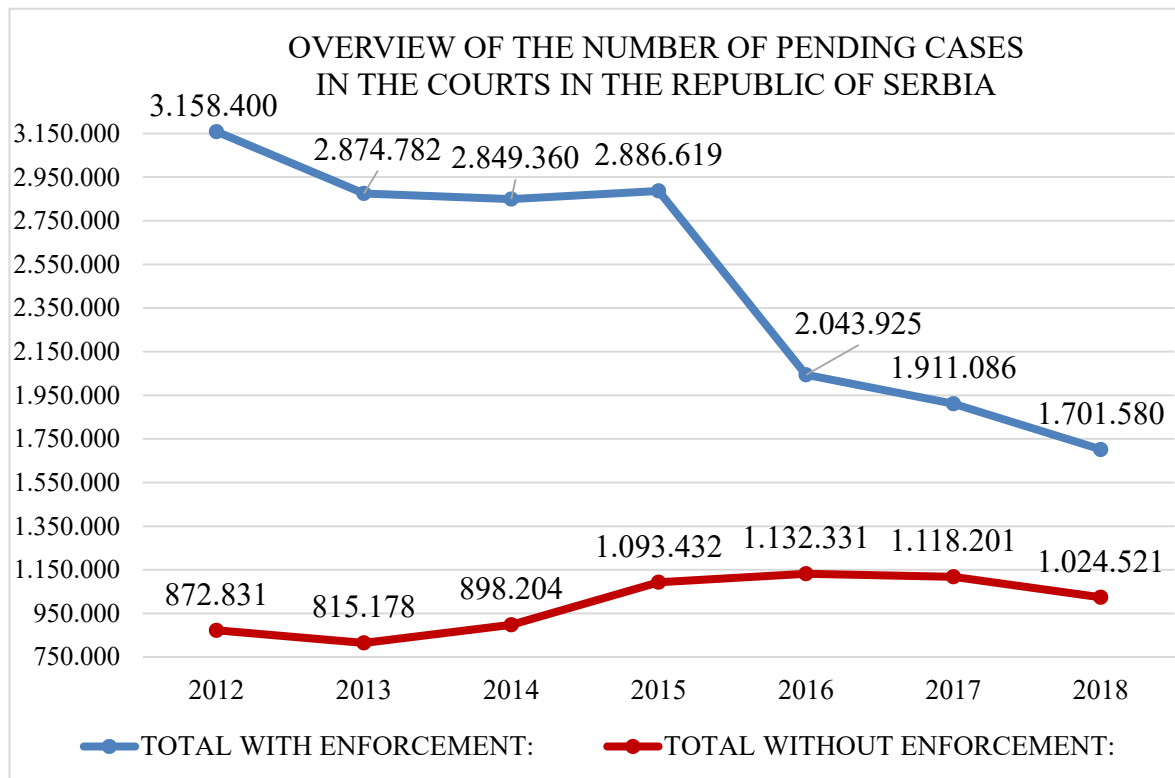


Chart No. 8.

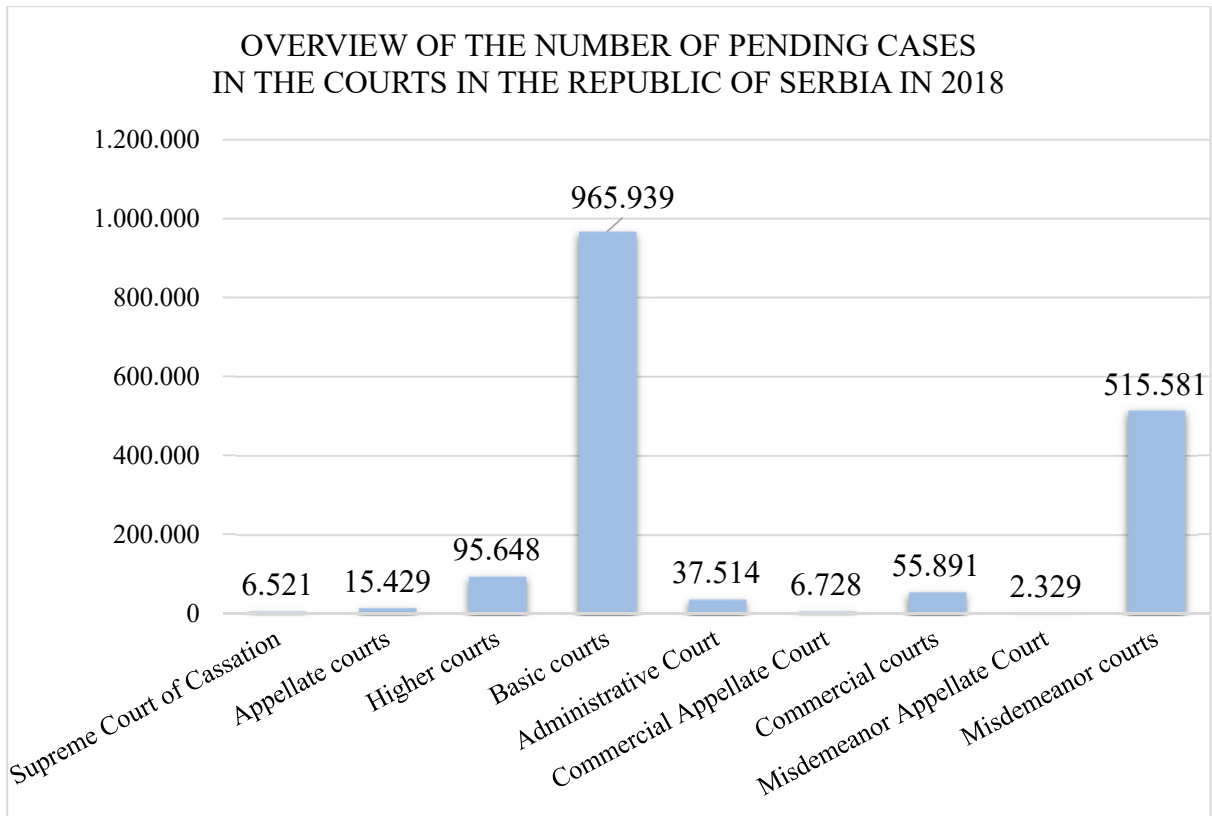


Chart No. 9

The number of pending cases for mainly trial cases – without enforcement – increased when compared to 2012, as a result of **the increased number of cases received in the last four years** (more than 1,700,000 cases) that the judicial system couldn't absorb completely. Although there was no timely systemic reaction to the enormously increased number of incoming cases, while **at the same time, the number of court staff decreased and new employment was banned**, courts managed to stop the trend of constant increase of the number of pending cases in trial matters, so **at the end of 2018, the number of these pending cases was smaller when compared to the end of 2017 by 93,680 cases.**

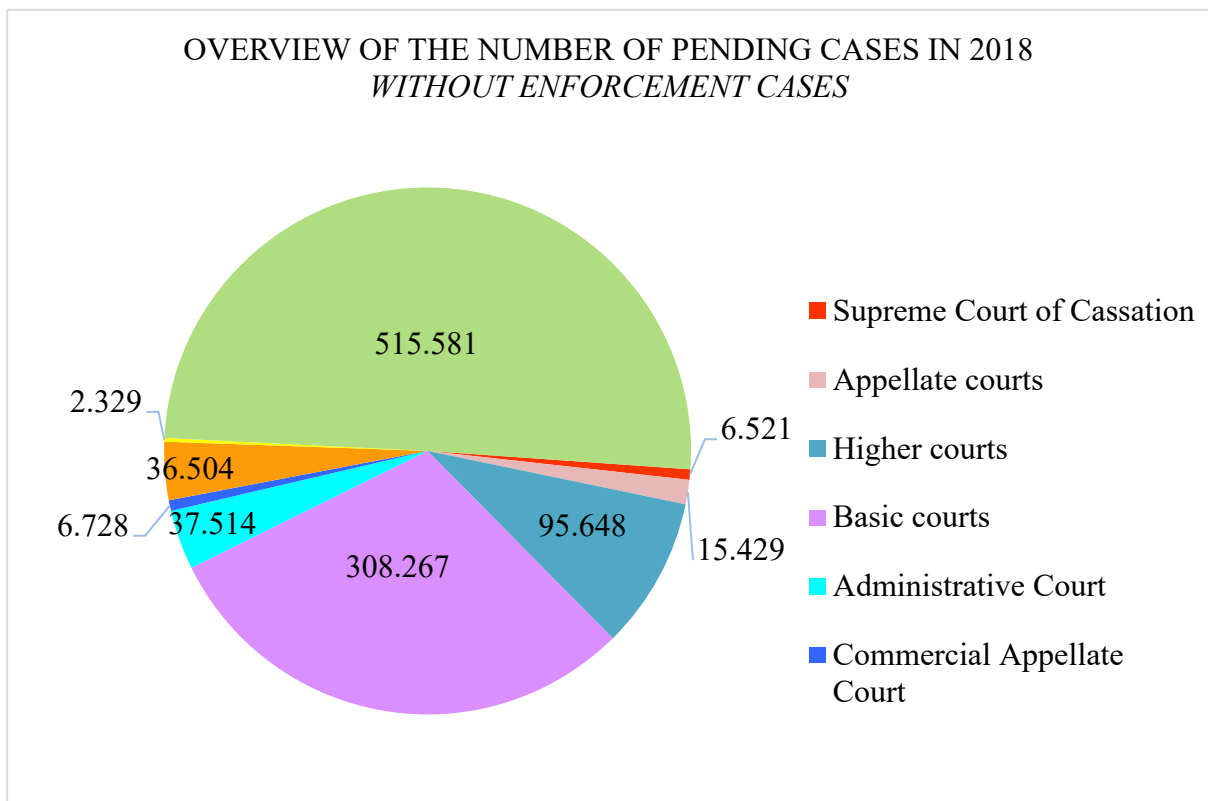
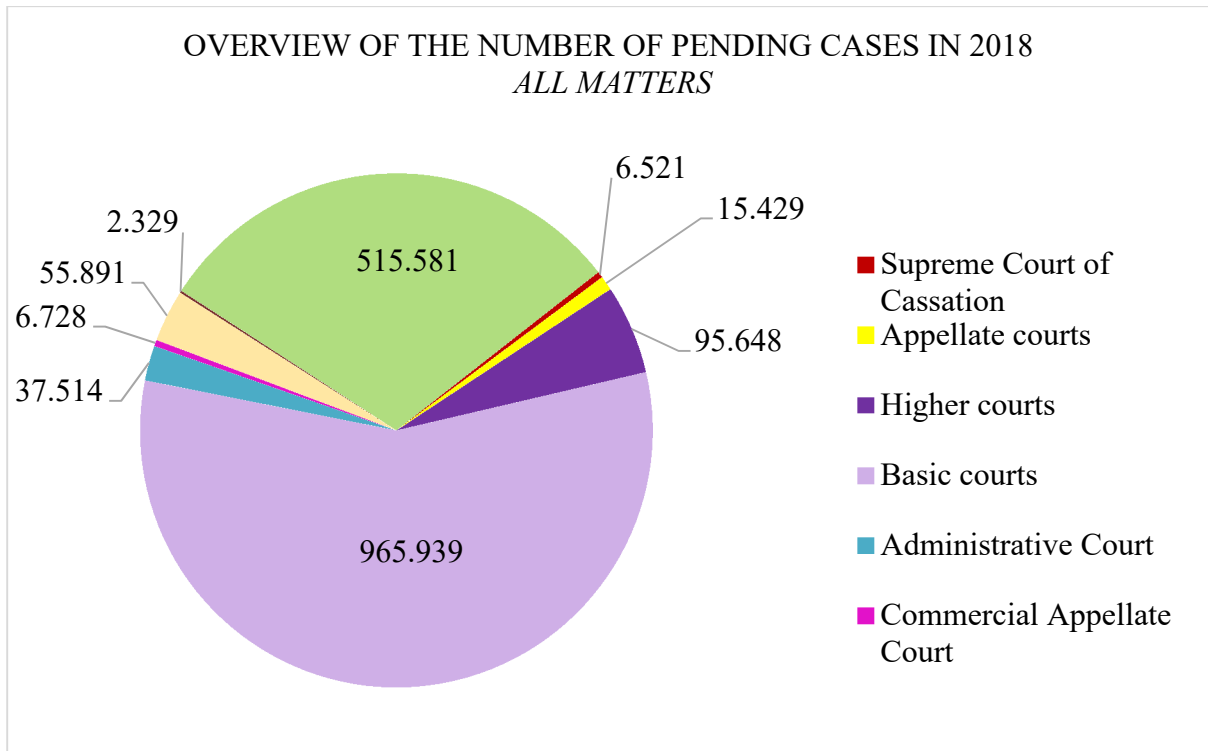


Chart No. 10

V THE RATIO OF INCOMING, DISPOSED AND PENDING CASES

The ratio of incoming, disposed and pending cases in the period from 2012 to 2018 shows a decreased number of pending caseload at the end of the reporting period, regardless of the enormous increase of inflow, which is the consequence of the increased total number of disposed cases, resulting from the increased engagement of judges and undertaken systemic measures for backlog reduction.

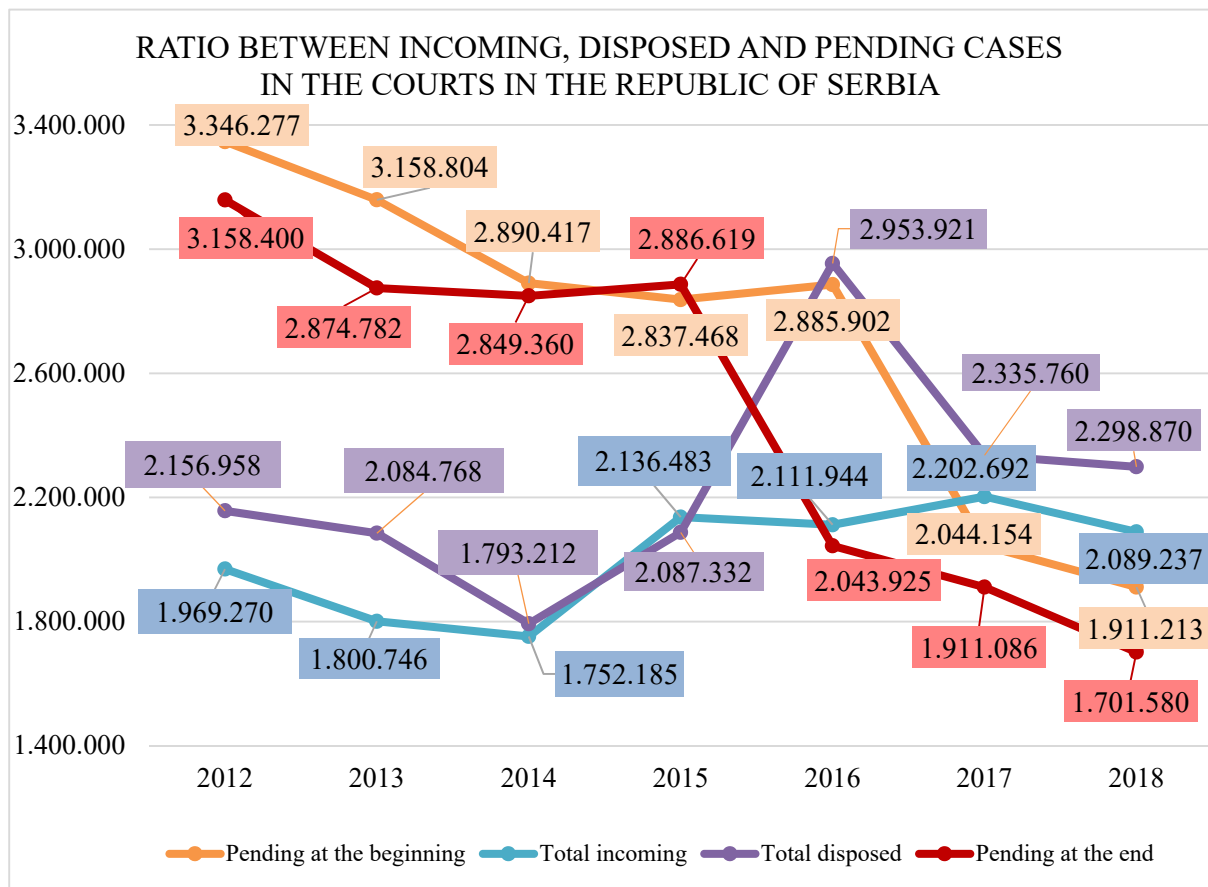


Chart No. 11.

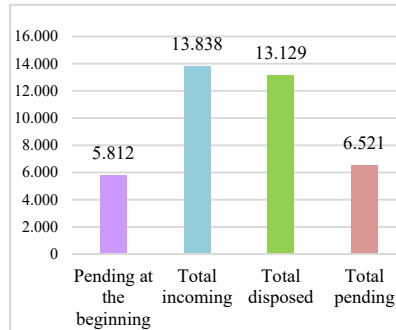
The ratio of incoming, disposed and pending cases by type of court at the end of 2018 indicated the problem with workload of the Administrative Court, higher and basic courts, as well as commercial courts, since the number of pending cases in the Administrative Court and commercial courts is growing, due to the increased inflow of cases, and basic and higher courts, even though they have good clearance rates, cannot resolve the problem of lengthy procedures, which is the consequence of vacant judicial positions. The inflow increased in 2018 in the Commercial Appellate Court as well, but they managed to resolve incoming cases, and to reduce backlog, while in the Misdemeanor Appellate Court and appellate courts they haven't managed to overcome the inflow due to the increased number of incoming cases.

Commercial courts with 162 judges that received a significantly higher number of cases in 2018 – **128,681**, compared to 2017 when the total number of incoming cases was 99,903. The difference is 28,778 cases, so it would be **necessary to conduct an analysis of the structure of these cases and react with timely systemic measures so that the commercial courts wouldn't start losing track with the caseload, having in mind its particular importance.**

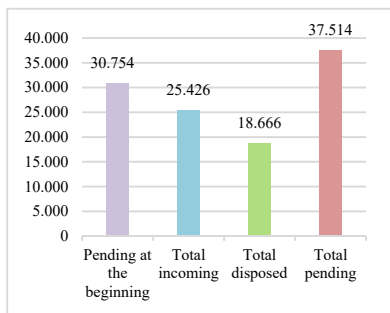
Due to constant expansion of the jurisdiction with new regulations, which require urgent and particularly urgent actions, especially during electoral process, the Administrative Court does not act promptly, since the trend of increased inflow and number of pending cases is continuous, it would be necessary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

RATIO OF INCOMING, DISPOSED AND PENDING CASES BY TYPES OF COURTS IN 2018

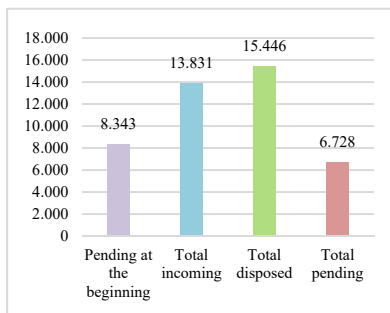
Supreme Court of Cassation



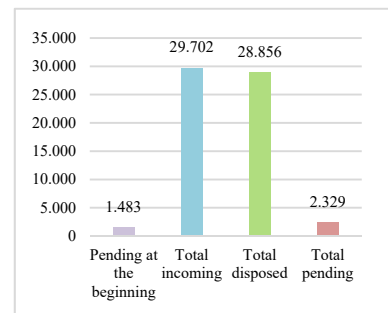
Administrative Court



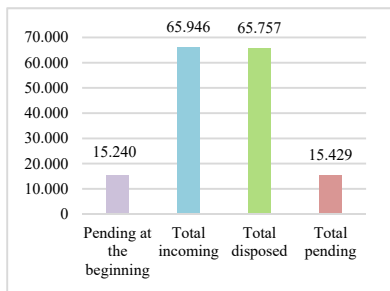
Commercial Appellate Court



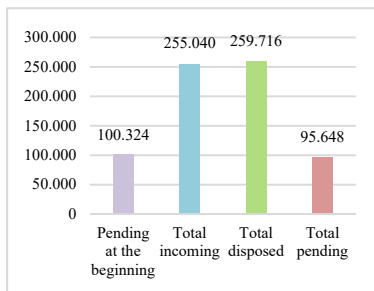
Misdemeanor Appellate Court



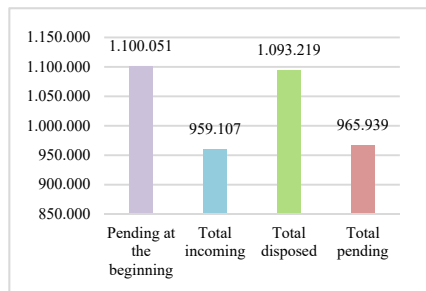
Appellate courts



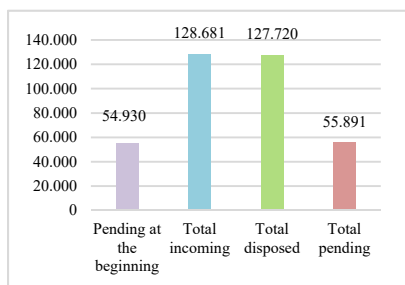
Higher courts



Basic courts



Commercial courts



Misdemeanor courts

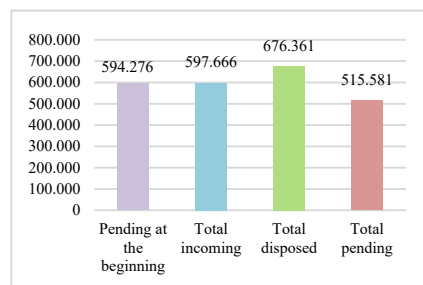


Chart No. 12

VI REPORT ON THE WORK OF THE SUPREME COURT OF CASSATION

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

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

In the period from 2012 to 2018, 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 EUR 40,000 € in RSD equivalent, introduction of a special revision as a new extraordinary legal remedy, as well as the expansion of the jurisdiction of the highest court to decide on the revision, i.e. to decide on the new extraordinary legal remedies. The number of disposed cases was, in general, followed by an increased inflow, but the clearance rate was below 100%, so the Supreme Court of Cassation couldn't absorb the increased inflow and reduce its backlog in the period between 2014–2016, 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 2014–2018.

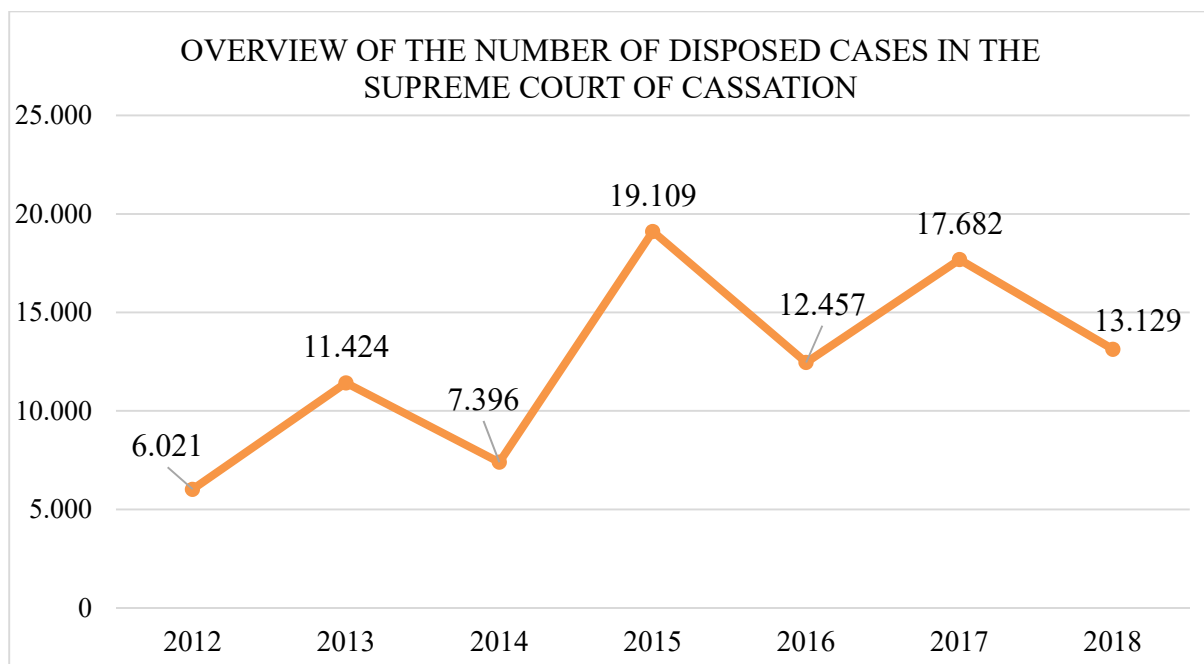


Chart No.13

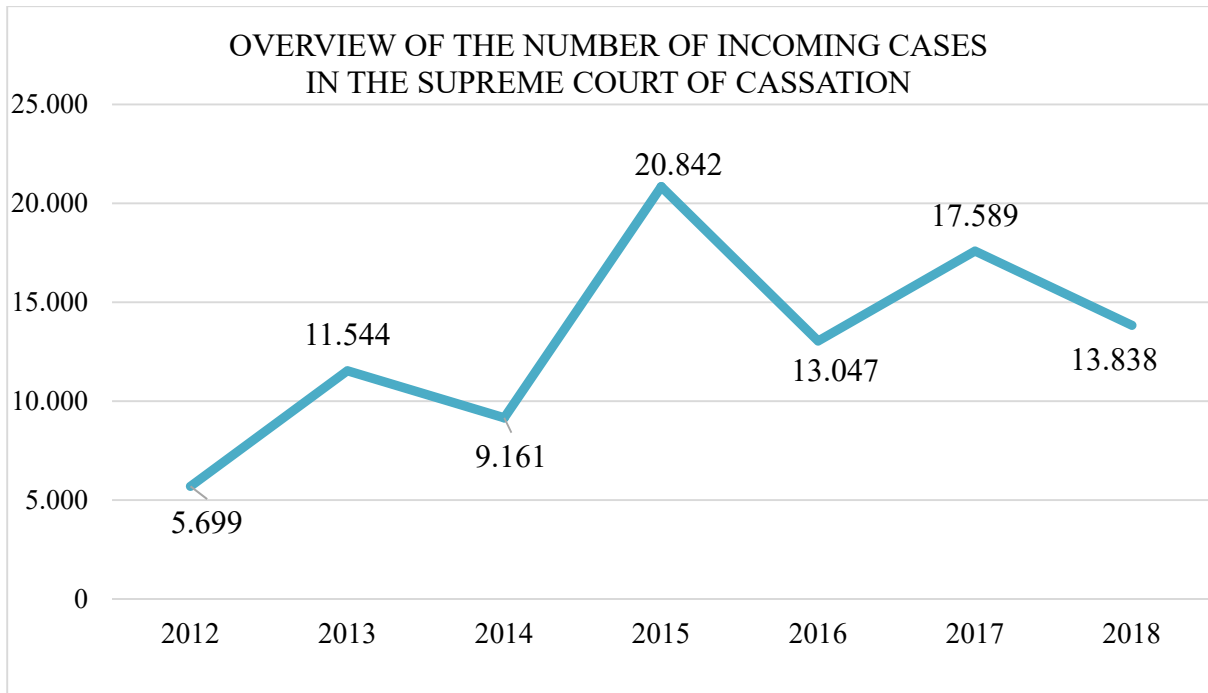


Chart No. 14

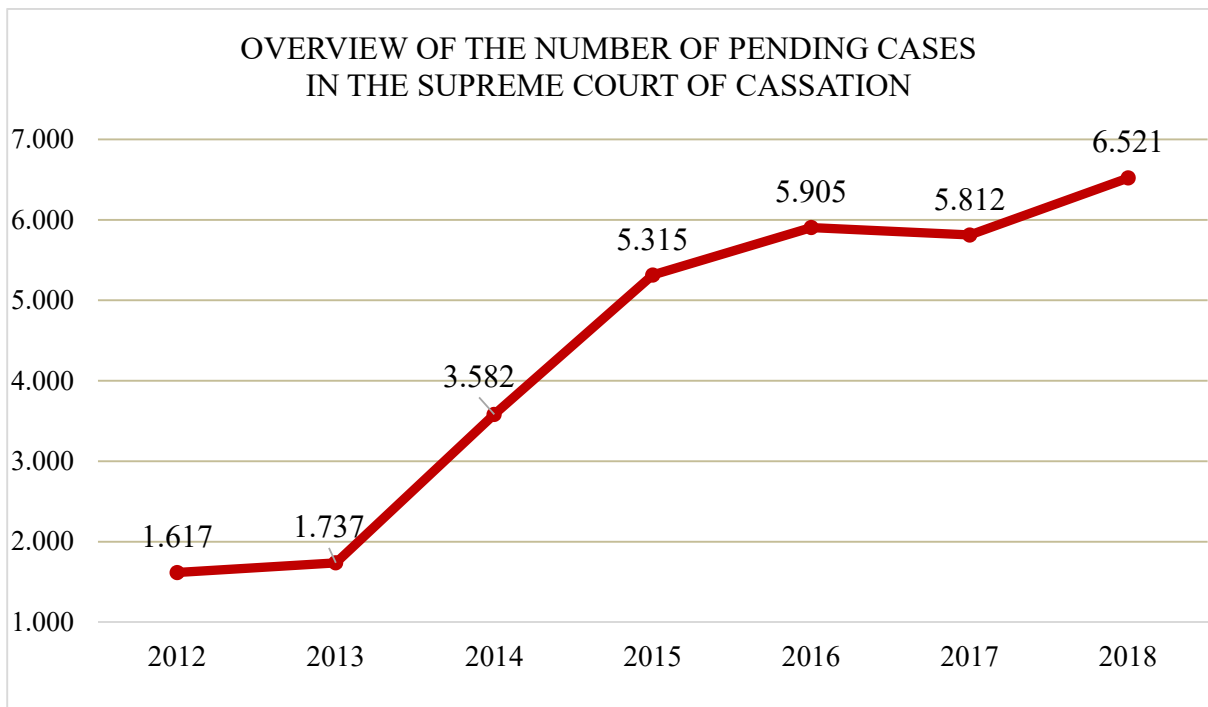


Chart No. 15

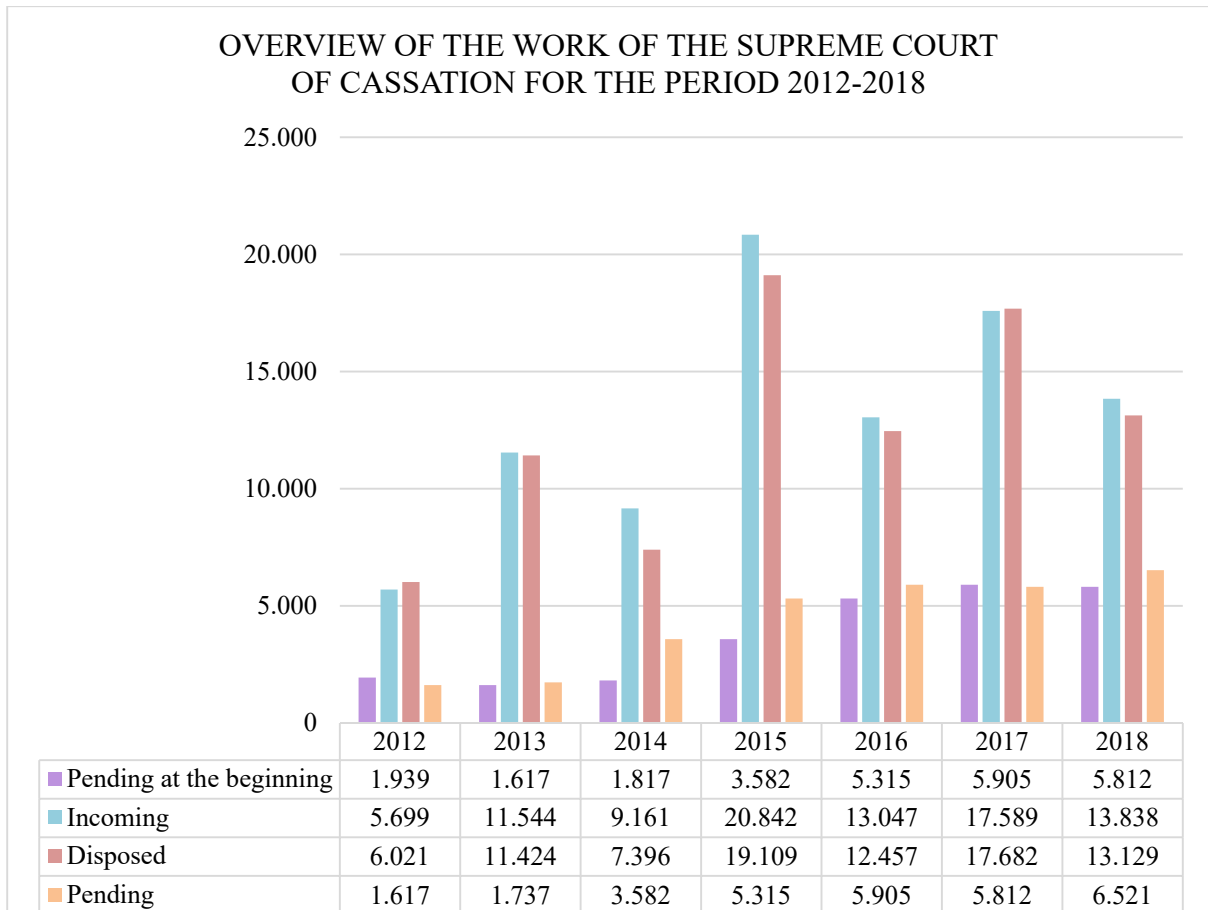


Chart No. 16.

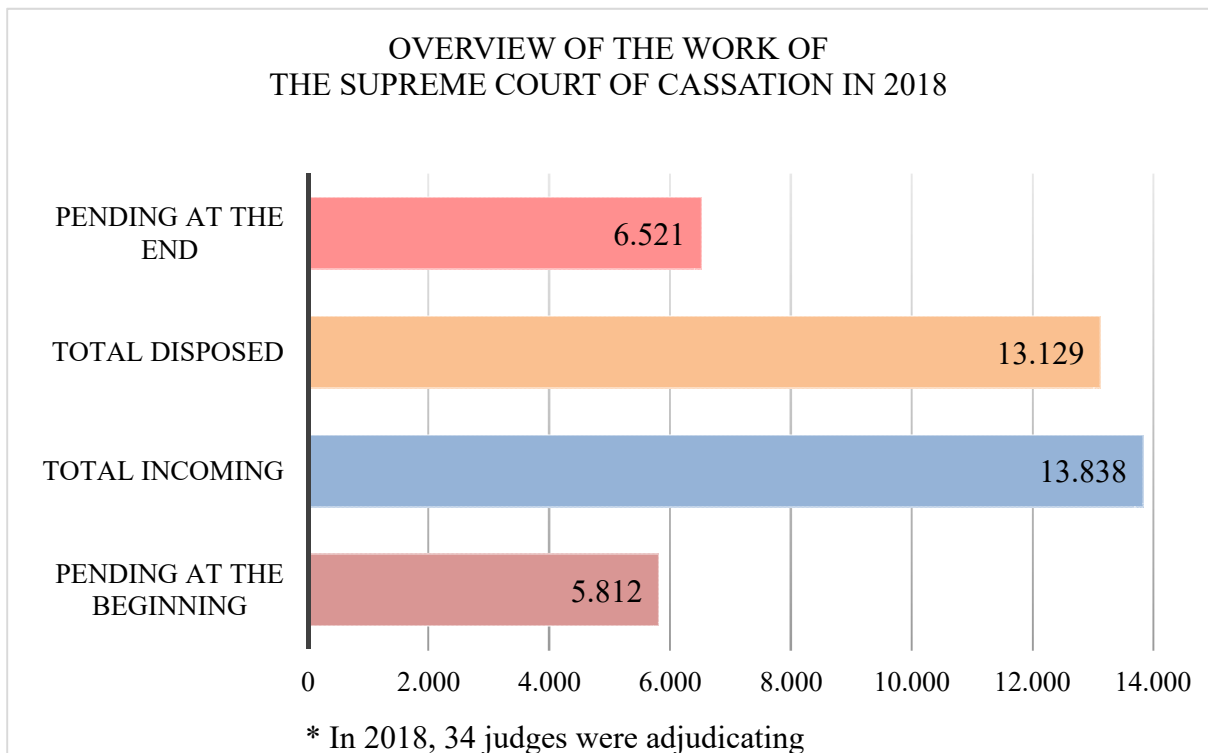


Chart No. 17

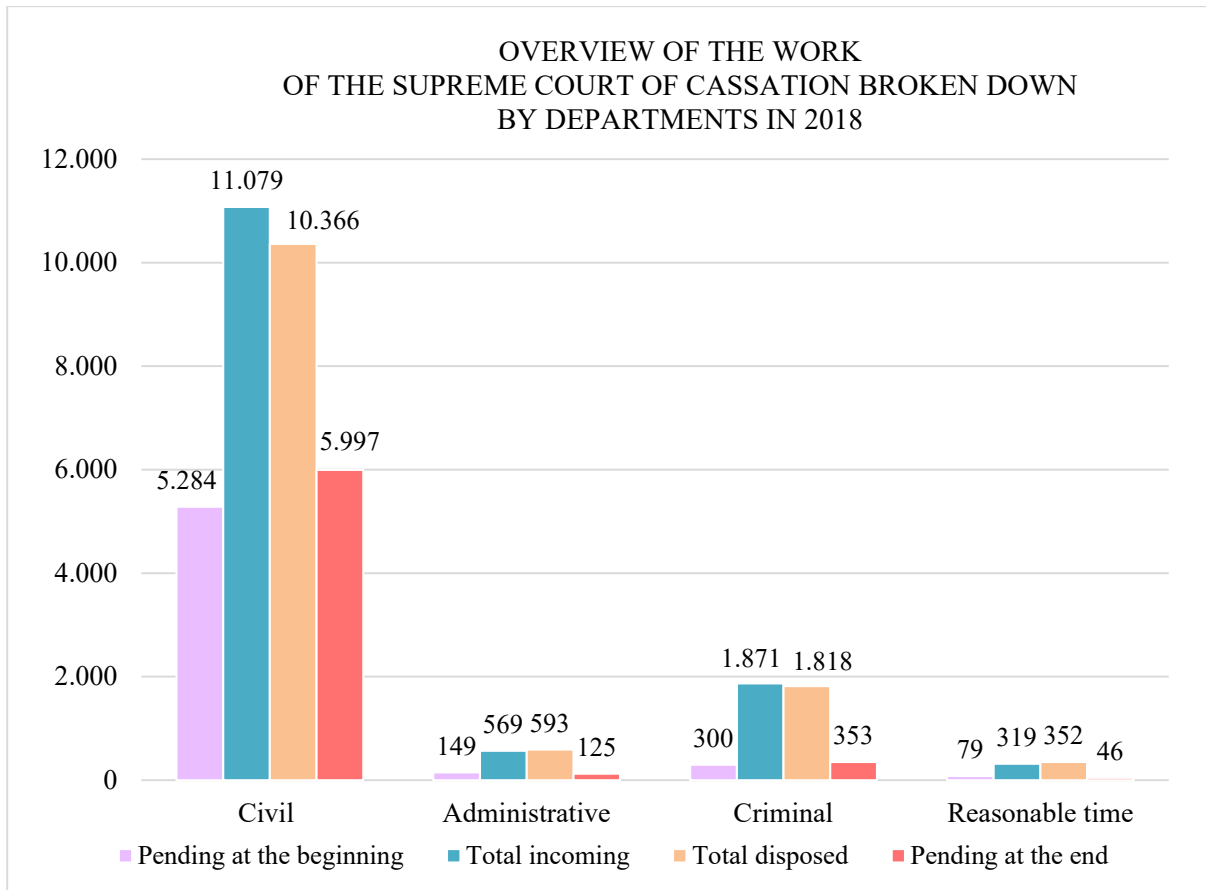


Chart No. 18

The busiest department of the Supreme Court of Cassation was the Civil Department, where the largest increase of inflow happened. The Civil Department, with the existing number of judges and judicial assistants that are assigned to this Department, was not able to absorb the inflow of cases recorded in the last four years, which is the result of the reduction of the revision threshold, new basis for revision and new legal remedies that the Supreme Court of Cassation decides on in this matter.

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

It would also be necessary to increase the number of judges in the Civil Department and undertake systemic measures in order to exclude the Supreme Court of Cassation from the ban on employment of judicial staff in 2019 and onwards.

On September 28, 2018, the Supreme Court of Cassation received the Recognition for contributing to the promotion of the public's right to know in the category of the highest state authorities, that the Commissioner for Information of Public Importance and Personal Data Protection awards on the International Right to Know Day.

In 2018, the Supreme Court of Cassation published 47 public announcements. They were published on the website of the Court, and some announcements were forwarded to the printed and electronic media.

Pursuant to the Law on Free Access to Information of Public Importance and Guidelines on Preparation and Disclosure of Information on the Work of State Authorities, it prepares and discloses the Information Booklet. Updating of data disclosed in the Information Booklets was conducted four times in 2018. The current and previous Progress Reports are published on the website of the Court (<http://www.vk.sud.rs>).

During 2018, the Court's website (<http://www.vk.sud.rs>) was updated and supplemented on a daily basis (topicalities, information on public procurements, passed general acts, normative acts, legal opinions, positions and conclusions, selected rulings, activities aimed at harmonizing the case law, case law data base). In 2018, 1,056 anonymized rulings of the Supreme Court of Cassation were disclosed on the website, of which 506 in criminal matter, 495 in civil matter, 51 in administrative matter and four in matters regarding protection of right to trial within reasonable time.

In 2018, the Supreme Court of Cassation published three Case Law Bulletins, as well as following publications: Annual report on the work of the courts in the Republic of Serbia for 2017; Report on the work of all courts in the Republic of Serbia for the period January – June 2018; and Criteria for Evaluation of the Infringement of the Right to a trial within reasonable time in cooperation with the Council of Europe, Office in Belgrade.

The Supreme Court of Cassation establishes, maintains and improves relations and cooperation with other bodies and institutions, so on July 18, 2018 the President of the Supreme Court of Cassation and the High Court Council, the Minister of justice, the State Public Attorney and the Director of the Judicial Academy passed the Instructions for the improvement and promotion of the procedure of concluding and executing out-of-court settlements in proceedings for the protection of the right to trial within a reasonable time.

The Annual Conference of Judges of the Republic of Serbia "Judges' Days 2018", organized by the Supreme Court of Cassation, was held from October 8–10, 2018 in Vrnjačka Banja. The Annual Judges' Conference was attended by the representatives of the highest courts from Montenegro, Slovenia, Bosnia and Herzegovina, Federation of BiH and Republika Srpska, Minister of Justice, Head of the EU Delegation in Belgrade, Head of the OSCE Mission in Serbia, the ambassadors of the United Kingdom and Turkey, representatives of state authorities and institutions and deans and professors of the Law School, representatives of international organizations, non-governmental organizations, professional associations and eminent legal experts.

Supported by the MDTF, on October 8, 2018 at the Annual Judges' Conference in Vrnjačka Banja, the Supreme Court of Cassation awarded and recognized courts for accomplished results and progress year-over-year. The awards were issued in two categories: *The largest improvement in backlog reduction* and *the largest improvement in the number of disposed 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 16, 2018 in the Palace of Serbia in Belgrade and it was organized by the Supreme Court of Cassation with support of the USAID – Rule of Law Project. During the Judges’ Conference in Vrnjačka Banja, the President of the Supreme Court of Cassation held a meeting with presidents of all courts of general and special jurisdiction.

VII BACKLOG CASES

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

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

With the implementation of these strategic measures – the Supreme Court of Cassation has shown in this report the number of pending backlog cases (cases in which the proceedings take more than two years from the date of filing of the initial act) for the period 2012–2018 and it separates the indicators that include all pending backlog cases and the indicators on the number of backlog cases without the enforcement cases.

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

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

	2012	2013	2014	2015	2016	2017	2018
TOTAL AT THE NATIONAL LEVEL – ALL CASES	1,729,768	1,773,475	1,822,001	1,740,400	915,667	859,272	781,137
*TOTAL AT THE NATIONAL LEVEL – WITHOUT ENFORCEMENT	140,418	127,773	126,878	133,365	125,463	128,661	149,649
* Commercial courts (All enforcement cases)	22,771	29,872	31,804	32,180	24,303	22,392	17,439
* Basic courts (I, Iv)	1,566,579	1,615,830	1,663,319	1,574,855	765,901	708,219	614,049

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

* The cases of reasonable deadline in higher courts were excluded for 2014 and 2015

Table No. 7

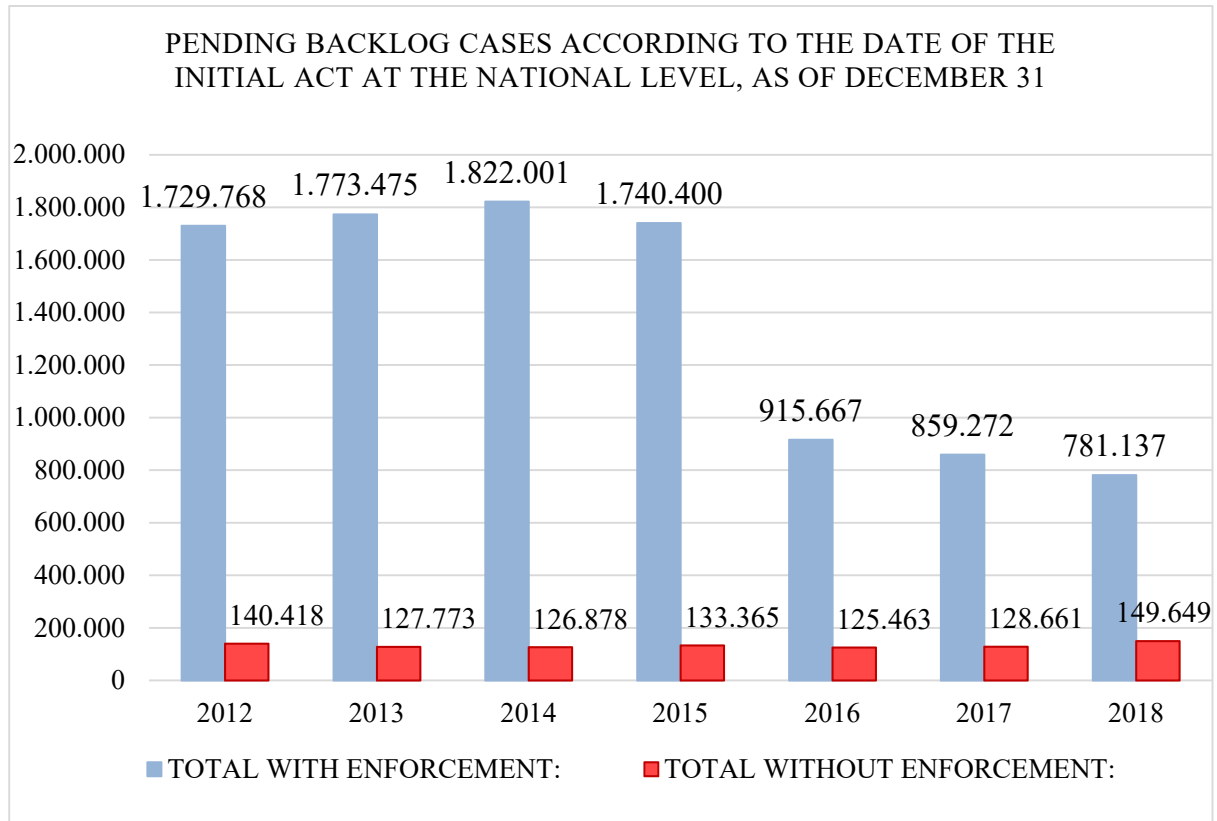


Chart No. 19

VIII DISPOSED BACKLOG CASES

During the observed period, from 2012 to 2017, there was an upward trend in the number of disposed backlog cases in the Republic of Serbia, except in 2014, when due to the changes in the “court network” there was a justified delay in the functioning of courts.

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

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

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

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

Table No. 8

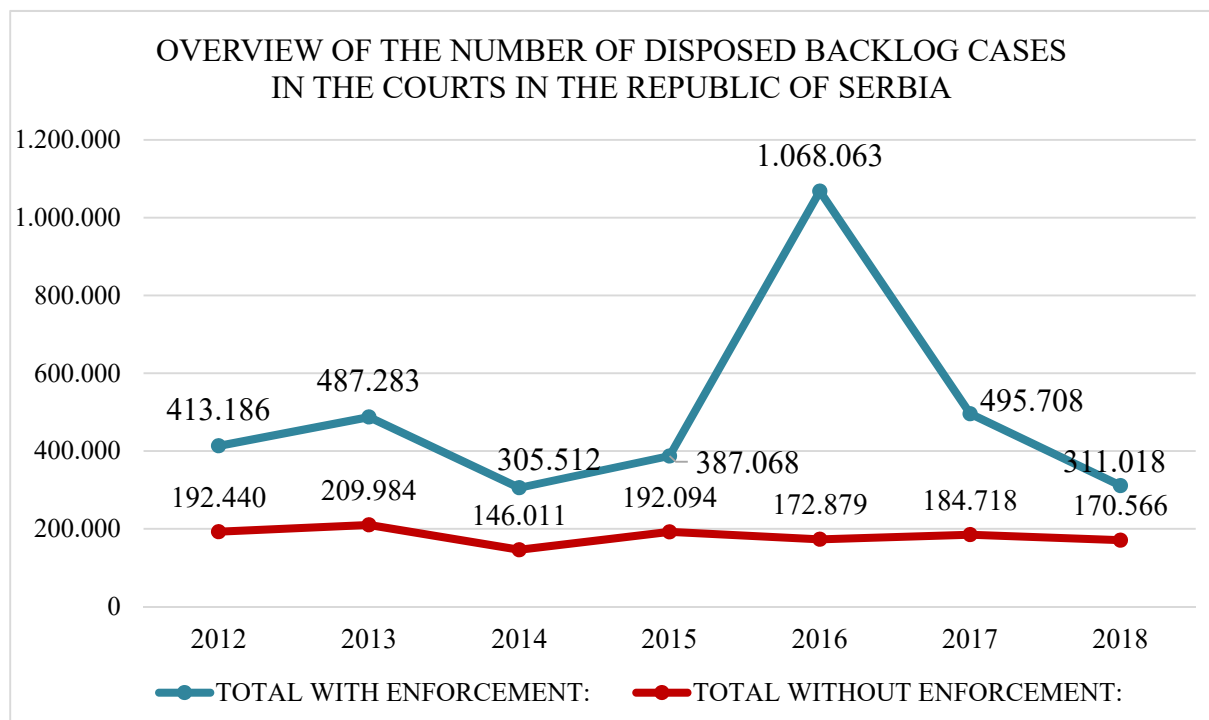


Chart No. 20

IX

THE STRUCTURE OF PENDING BACKLOG CASES IN 2018

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 DEC 31, 2018 – ACCORDING TO 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 - 12/31/2018	TOTAL PENDING CASES WITH DURATION OF PROCEEDINGS LONGER THAN 24 MONTHS SINCE THE INITIAL ACT on Dec 31, 2018	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	34	19,650	4,626	1,077	1,386	1,583	580	23.54	136.06

No.	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2018	TOTAL PENDING CASES WITH DURATION OF PROCEEDINGS LONGER THAN 24 MONTHS SINCE THE INITIAL ACT on Dec 31, 2018	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	200	81,186	10,744	2,859	3,695	3,369	821	13.23	53.72
2	Higher courts	308	355,364	42,462	22,418	12,599	6,220	1,216	11.95	137.86
3	Basic courts	1,140	2,059,158	676,737	46,224	76,646	361,013	192,827	32.86	593.63
TOTAL:		1,648	2,495,708	729,943	71,501	92,940	370,602	194,864	29.25	442.93

No.	Court name	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2018	TOTAL PENDING CASES WITH DURATION OF PROCEEDINGS LONGER THAN 24 MONTHS SINCE THE INITIAL ACT on Dec 31, 2018	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	36	56,180	5,149	4,578	564	7		9.17	143.03
2	Commercial Appellate Court	34	22,174	3,255	1,680	1,251	284	40	14.68	95.74
3	Commercial courts	147	183,611	22,073	3,903	7,682	10,272	216	12.02	150.16
4	Misdemeanor Appellate Court	54	31,185	235	121	90	24		0.75	4.35
5	Misdemeanor courts	465	1,191,942	15,856	10,615	2,745	2,496		1.33	34.10
TOTAL:		736	1,485,092	46,568	20,897	12,332	13,083	256	3.14	63.27

Table No. 9

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

ADMINISTRATIVE COURT REPORT ON PENDING BACKLOG CASES ON DECEMBER 31, 2018 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2018	TOTAL PENDING BACKLOG CASES on Dec 31, 2018	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	36	53.381	5.059	4.499	553	7		9.48	140.53
2	UR	34	271	17	17				6.27	0.50
3	UI	36	651	40	34	6			6.14	1.11
4	UO	36	121							
5	UV	15	882							
6	UP	34	267	33	28	5			12.36	0.97
TOTAL 1-6		36	55.573	5.149	4.578	564	7		9.27	143.03
7	UVP I									
8	UVP II									
9	UŽ	32	219							
10	UIP									
11	U - uz	4	12							
TOTAL 7-11		32	231							
12	R4 u	1	376							
TOTAL 1-12		36	56.180	5.149	4.578	564	7		9.17	143.03

Table No. 10

COMMERCIAL APPELLATE COURT REPORT ON PENDING BACKLOG CASES ON DECEMBER 31, 2018 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2018	Total number of pending backlog cases on 12/31/2018	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	32	14.459	3.041	1.535	1.206	265	35	21.03	95.03
2	pPvž	11	783	40	7	9	19	5	5.11	3.64
3	Iž	33	1.735	1	1				0.06	0.03
4	R	6	168	1	1				0.60	0.17
TOTAL 1-4		33	17.145	3.083	1.544	1.215	284	40	17.98	93.42
5	Pkž	1	966	172	136	36			17.81	172.00
TOTAL 5-5		1	966	172	136	36			17.81	172.00
6	R4 p	0	70							
7	R4 st	0	7							
8	R4 i	0	1							
9	R4 pp									
10	R4 fi									
11	R4 vr	0	3							
12	Rž p	0	11							
13	Rž st	34	3.921							
14	Rž i	0	49							
15	Rž pp									
16	Rž fi									
17	Rž vr	0	1							
TOTAL 6-17		34	4.063							
TOTAL 1-17		34	22.174	3.255	1.680	1.251	284	40	14.68	95.74

Table No. 11

MISDEMEANOR APPELLATE COURT
REPORT ON PENDING BACKLOG CASES
ON 12-31-2018 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter		Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2018	TOTAL PENDING BACKLOG CASES on 12/31/2018	AGE OF PENDING BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
	Classification	Registry				2 TO 3	3 TO 5	5 TO 10		
1	01-Public order and peace	PRŽ	54	3.654	10	9	1		0.27	0.19
		PRŽM	54	83	1			1	1.20	0.02
2	02-Traffic	PRŽ	54	17.543	35	33	2		0.20	0.65
		PRŽM	54	141						
3	03-Public safety	PRŽ	54	1.124	3	3			0.27	0.06
		PRŽM	54	61	1	1			1.64	0.02
4	04-Commercial	PRŽ	54	3.616	25	14	11		0.69	0.46
		PRŽM	2	2						
5	05-Finance and customs	PRŽ	54	3.250	155	59	74	22	4.77	2.87
		PRŽM	3	3						
6	06-Labor, labor relations and protection at work	PRŽ	54	539	2	1	1		0.37	0.04
		PRŽM	0							
7	07-Education, science, culture and information	PRŽ	54	346	1		1		0.29	0.02
		PRŽM	0							
8	08-Health and social protection, health insurance and environmental protection	PRŽ	54	254						
		PRŽM	0							
9	09-Defense - Military	PRŽ	54	74						
		PRŽM	2	2						
10	10-Administration	PRŽ	24	24	1	1			4.17	0.04
		PRŽM	0							
TOTAL 1-10		PRŽ	54	30.424	232	120	90	22	0.76	4.30
		PRŽM	54	292	2	1		1	0.68	0.04
11	PRŽU		38	38	1			1	2.63	0.03
TOTAL 1-11			54	30.754	235	121	90	24	0.76	4.35

Table No. 12

APPELLATE COURTS
REPORT ON PENDING BACKLOG CASES
ON 12/31/2018 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning+ total incoming) 01/01 - 12/31/2018	TOTAL PENDING BACKLOG CASES on 12/31/2018	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	65	5.344	297	61	77	124	35	5.56	4.57
2	Kž2	65	5.101	13	3	1	9		0.25	0.20
3	Kžm1	16	350	1	1				0.29	0.06
4	Kžm2	24	187							
5	Gž	88	38.933	6.038	1.397	2.029	2.050	562	15.51	68.61
6	Gž1	45	22.068	3.995	1.268	1.488	1.035	204	18.10	88.78
7	Gž2	76	2.880	84	45	26	11	2	2.92	1.11
TOTAL FOR PREDOMINANTLY TRIAL MATTERS		198	74.863	10.428	2.775	3.621	3.229	803	13.93	52.67
TOTAL FOR ALL MATTERS		200	81.186	10.744	2.859	3.695	3.369	821	13.23	53.72

Table No. 13

HIGHER COURTS
REPORT ON PENDING BACKLOG CASES ON 12-31-2018 -
ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2018	TOTAL PENDING BACKLOG CASES on 12/31/2018	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	128	97.185	3.022	1.276	1.073	518	155	3.11	23.61
2	P1	84	18.356	322	111	138	69	4	1.75	3.83
3	P2	67	1.029	39	21	12	6		3.79	0.58
4	GŽ	118	108.383	35.572	19.606	10.275	4.784	907	32.82	301.46
5	GŽ1	94	4.111	559	132	203	174	50	13.60	5.95
6	GŽ2	77	1.290	31	18	10	3		2.40	0.40
7	K	72	4.966	961	275	295	339	52	19.35	13.35
8	K-Po1	17	235	72	10	15	47		30.64	4.24
9	K-Po2	5	29	13	3	4	4	2	44.83	2.60
10	K-Po3	10	94	10	3	4	2	1	10.64	1.00
11	K-Po4	7	399	3	2		1		0.75	0.43
12	KŽ1	55	7.203	266	157	79	29	1	3.69	4.84
13	KIM	40	3.703	6	4	2			0.16	0.15
14	KM	43	2.184	7	7				0.32	0.16
TOTAL FOR PREDOMINANTLY TRIAL MATTERS		291	249.167	40.883	21.625	12.110	5.976	1.172	16.41	140.49
TOTAL FOR ALL MATTERS		308	355.364	42.462	22.418	12.599	6.220	1.216	11.95	137.86

Table No. 14

In the first instance criminal matter in the period from 2012 to 2017, higher courts reduced the number of pending backlog cases. In 2018, the number of pending backlog cases in the first instance criminal matter was 961. Individual measures need to be undertaken in order to reduce the number of these backlog cases in higher courts.

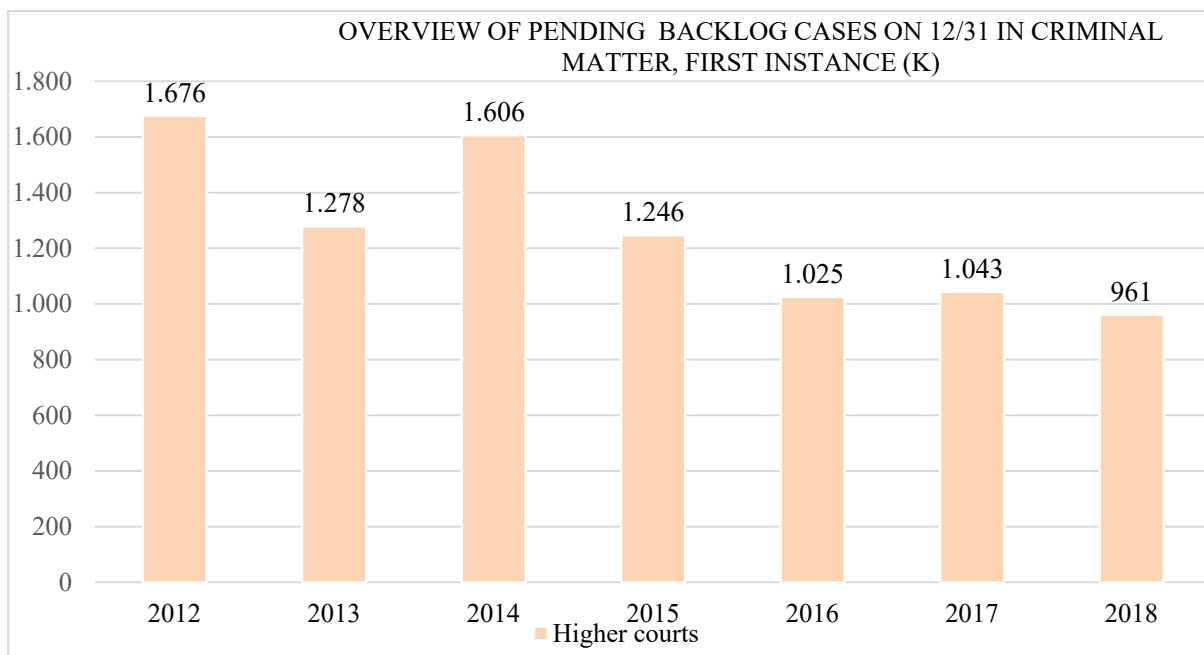


Chart No. 21

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

An analysis of these indicators should be conducted and the number of judges in higher courts should be increased, for civil matter, given the enormous inflow of new cases and a large number of cases which were transferred from basic to higher courts due to the new threshold, where the proceedings already take more than two years starting from the date of filing 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.

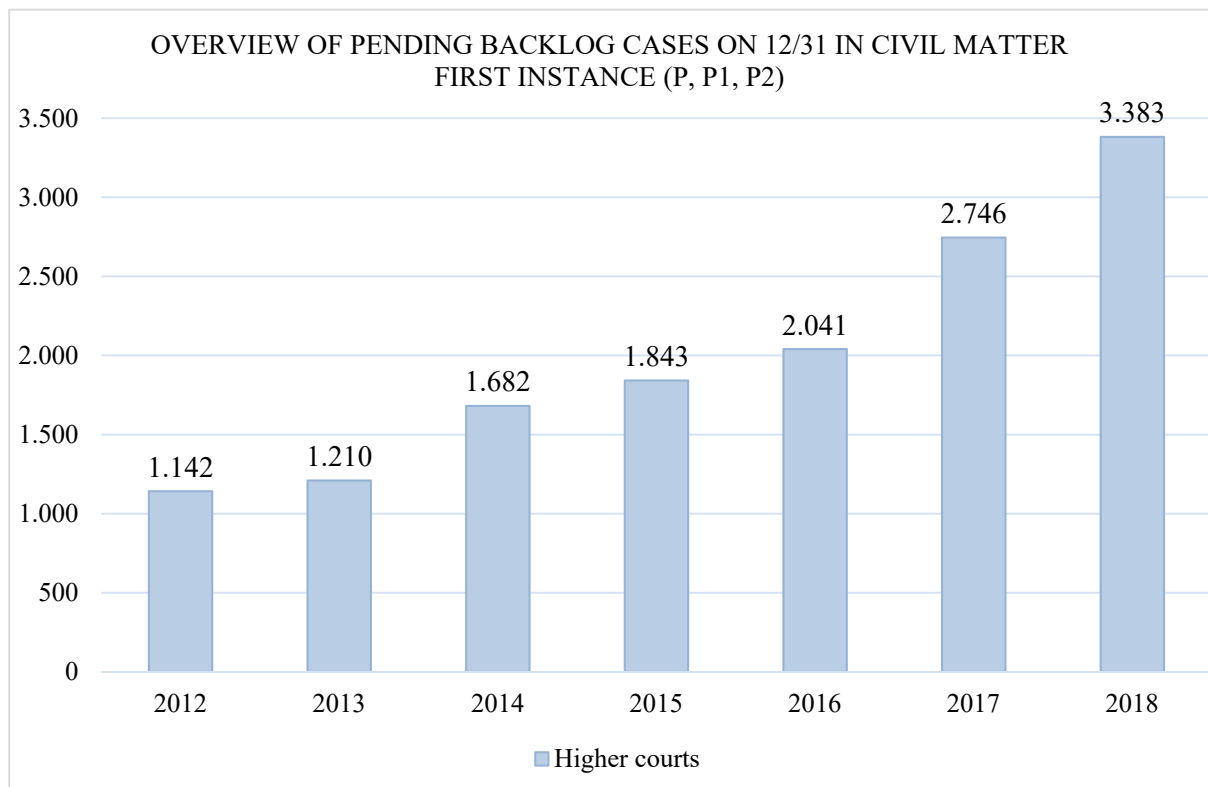


Chart No. 22

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 trial matters (P, P1, P2, K) there are 43,768 pending backlog cases, where 1,624 cases are older than 10 years starting from the date of the initial act.** There were less of these pending backlog cases older than 10 years in 2017 (1,382). Increase in the number of pending backlog cases older than 10 year is related to the civil matter P and P1, while the number of these cases in 2018 reduced in criminal matter (K), compared to 2017.

1,140 judges worked effectively in basic courts, and each judge on the average had 48.26 pending backlog cases at the end of 2018.

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

BASIC COURTS

**REPORT ON PENDING BACKLOG CASES
ON 12/31/2018 – ACCORDING TO THE DATE OF THE INITIAL ACT**

No.	Matter	Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2018	TOTAL PENDING BACKLOG CASES on 12/31/2018	AGE OF PENDING BACKLOG CASES				% OF BCKLOG 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	543	285.052	31.721	13.223	10.763	6.465	1.270	11.13	58.42
2	P1	263	72.872	7.270	3.054	2.390	1.553	273	9.98	27.64
3	P2	262	51.154	606	393	176	36	1	1.18	2.31
4	K	260	61.415	4.171	1.758	1.302	1.031	80	6.79	16.04
TOTAL 1-4		907	470.493	43.768	18.428	14.631	9.085	1.624	9.30	48.26
5	Iv	187	635.223	533.590	6.661	22.638	319.073	185.218	84.00	2.853.42
6	I	179	192.194	80.459	13.456	31.362	30.007	5.634	41.86	449.49
TOTAL 5-6		205	827.417	614.049	20.117	54.000	349.080	190.852	74.21	2.995.36
ALL ENFORCEMENT		444	1.105.065	625.924	24.769	59.784	350.490	190.881	56.64	1.409.74
TOTAL FOR ALL MATTERS		1.140	2.059.158	676.737	46.224	76.646	361.013	192.827	32.86	593.63

Table No. 15

In criminal matter in basic courts (K) compared to 2012, the number of pending backlog cases has been continuously dropping, from 18,206 cases to **4,171** cases, while the number of backlog cases also dropped from 703 in 2015, to **102** in 2018.

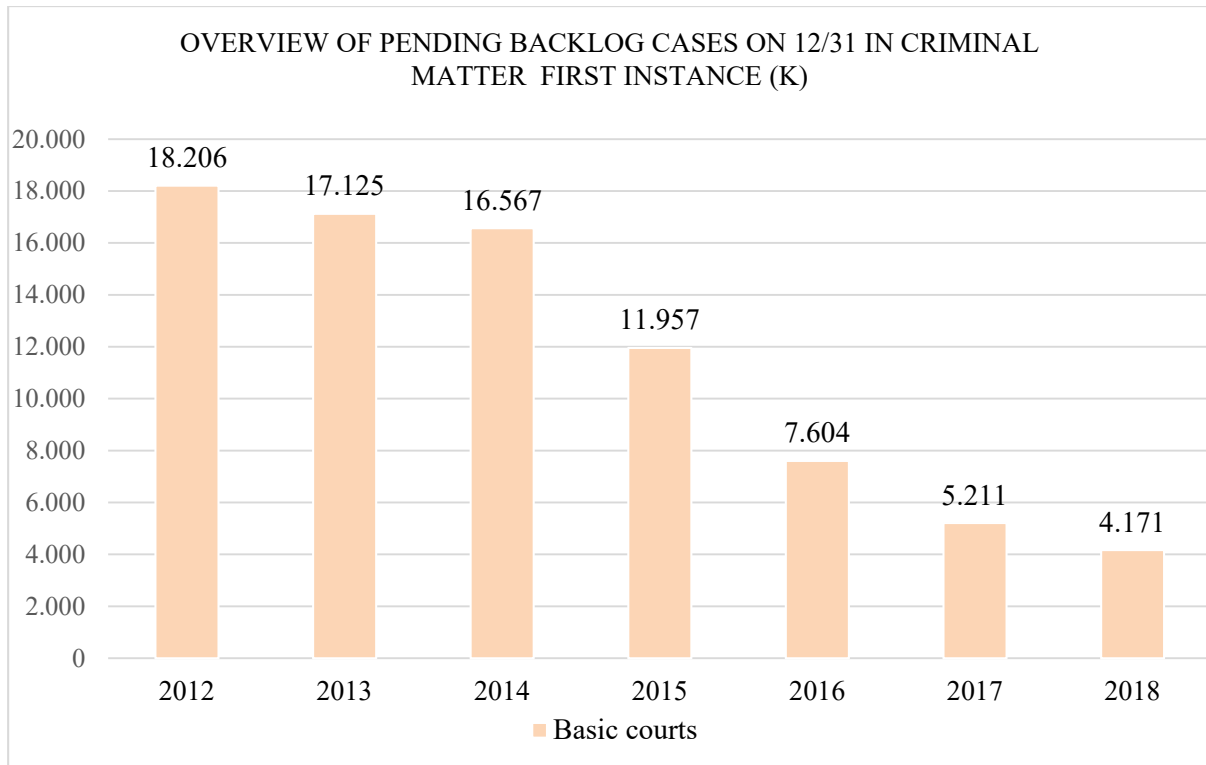


Chart No. 23

In civil matter, due to exceptional workload in basic courts and enormously increased inflow of urgent, i.e. priority cases, the number of cases in matters P, P1 and P2 has been growing since 2012 (except in 2016), but that number is lower now than in 2012, so from 41,604 in 2012 it dropped to **39,597** in 2018, which means that the upward trend in pending backlog cases in these trial matter has been stopped, and the backlog has been reduced.

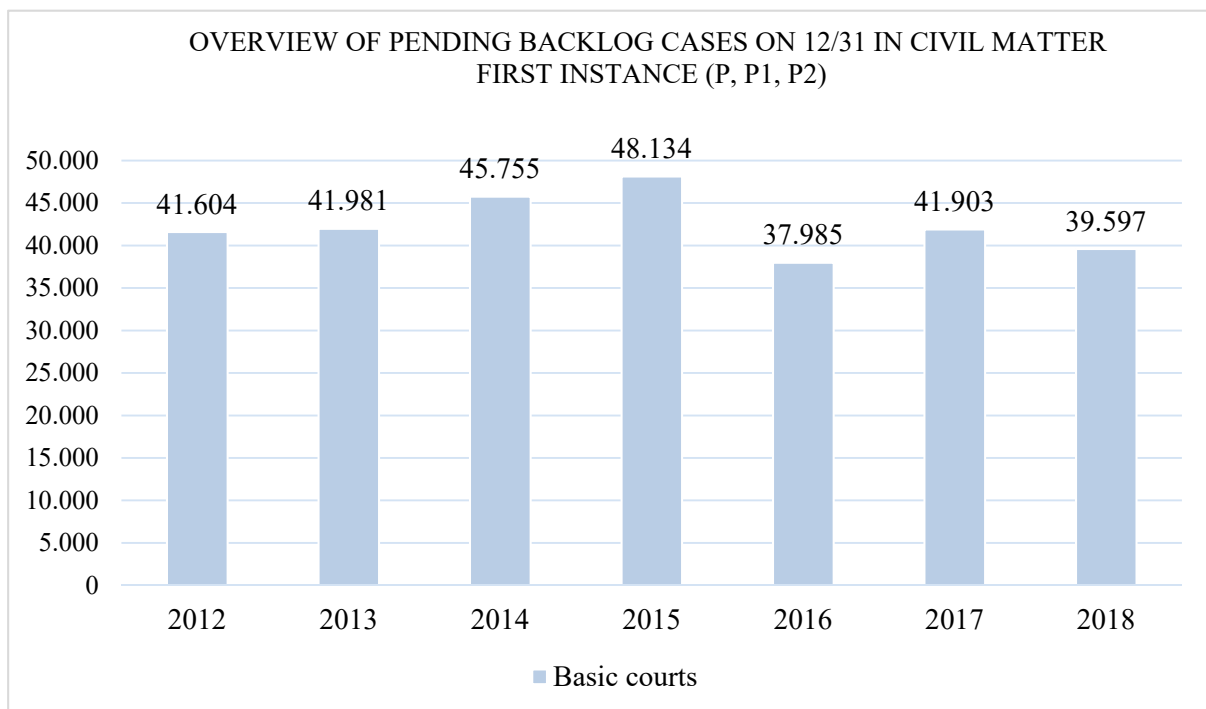


Chart No. 24

COMMERCIAL COURTS

In the period from 2012 to 2014, commercial courts had an increased number of pending backlog cases. In 2015, the downward trend of pending backlog cases appeared for the first time, and then, compared to 2015, the number of pending backlog cases was reduced in 2016 to 27,973 cases. At the end of 2017, the number of pending backlog cases dropped even more – 26,082, and for the first time, the number was below the number of pending backlog cases recorded in 2012. That trend continued in 2018, so at the end of this year the total number of pending backlog cases was **22,073**.

Commercial courts still have some pending backlog cases with proceedings longer than 1-years (in 2012 there were 214 such cases, and now there are 216).

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

COMMERCIAL COURTS

REPORT ON PENDING BACKLOG CASES ON 12/31/2018 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter	Number of judges	01/01 - 12/31/2018	TOTAL PENDING BACKLOG CASES on 12/31/2018	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	59	46.791	890	779	102	9		1.90	15.08
2.	Bankruptcy	61	2.937	1.490	242	364	790	94	50.73	24.43
<i>a</i>	I	31	7.846	3.379	731	1.490	1.144	14	43.07	109.00
<i>b</i>	iv	27	21.725	13.977	1.258	4.923	7.784	12	64.34	517.67
<i>c</i>	Total (<i>a+b</i>)	33	29.571	17.356	1.989	6.413	8.928	26	58.69	525.94
<i>d</i>	Other enforcement	76	41.767	83	23	32	26	2	0.20	1.09
3.	All enforcement (<i>c+d</i>)	78	71.338	17.439	2.012	6.445	8.954	28	24.45	223.58
4.	Payment order	49	786							
5.	Litigation	91	23.508	2.233	864	767	514	88	9.50	24.54
6.	Non-litigious	70	9.235	21	6	4	5	6	0.23	0.30
7.	Reasonable time	56	29.016							
TOTAL 1-7		147	183.611	22.073	3.903	7.682	10.272	216	12.02	150.16

Table No. 16

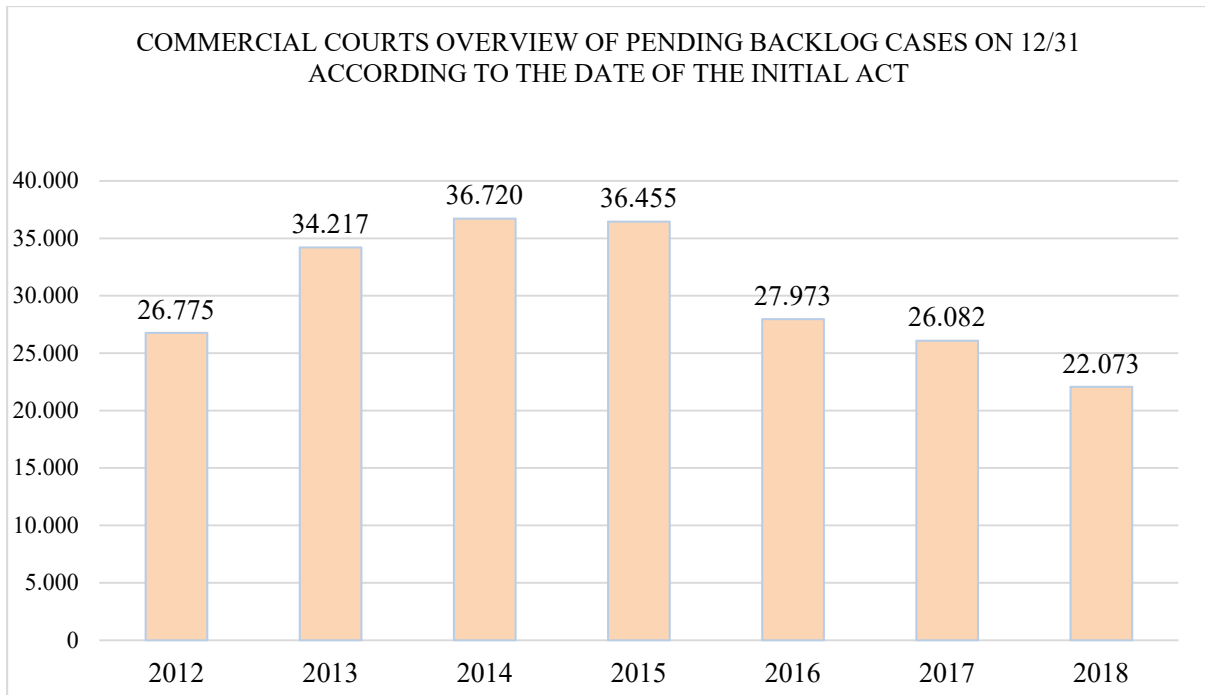


Chart No. 25

COMMERCIAL APPELLATE COURT

Reducing the number of backlog cases in commercial courts impacted the increase in the number of backlog cases in the Commercial Appellate Court in 2017, since this court decides on the appeals against the first instance decisions rendered by commercial courts in backlog cases (the trend of disposition of backlog cases in the first instance is increasing). In 2018, that trend was stopped, the clearance rate was good, backlog was reduced, so this trend needs to be maintained in the future period as well.

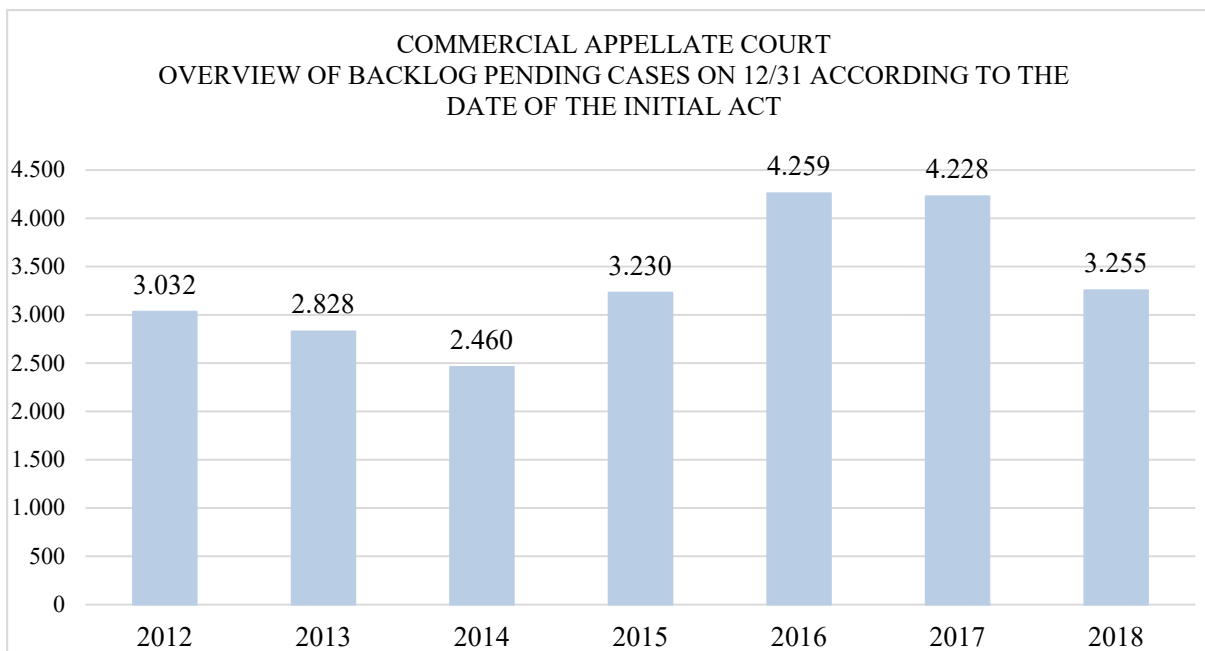


Chart No. 26

MISDEMEANOR COURTS

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

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

A separate analysis of the causes that led to significant increase in the number of disposed cases through suspension due to the statute of limitations should be conducted, since the increase in the number of cases disposed this way cannot be considered as efficient action of courts.

MISDEMEANOR COURTS

REPORT ON PENDING CASES

ON 12/31/2018 – ACCORDING TO THE DATE OF THE INITIAL ACT

No.	Matter		Number of judges	TOTAL CASELOAD (total pending at the beginning + total incoming) 01/01 - 12/31/2018	TOTAL PENDING BACKLOG CASES on 12/31/2018	AGE OF PENDING BACKLOG CASES			% OF BACKLOG CASES COMPARED TO TOTAL CASELOAD	AVERAGE NUMBER OF BACKLOG CASES PER JUDGE
	Classification	Registry				2 TO 3	3 TO 5	5 TO 10		
1	01-Public order and peace	PR	451	50.663	595	595			1.17	1.31
		PRM	381	2.751	20	20			0.73	0.05
2	02-Traffic	PR	455	372.629	2.568	2.568			0.69	5.64
		PRM	390	4.967	37	37			0.74	0.09
3	03-Public safety	PR	454	36.313	261	261			0.72	0.57
		PRM	374	3.241	18	18			0.56	0.05
4	04-Commercial	PR	455	63.744	1.688	1.606	64	18	2.65	3.71
		PRM	38	50						
5	05-Finance and customs	PR	455	54.585	10.264	5.114	2.674	2.476	18.80	22.56
		PRM	24	26	2		1	1	7.69	0.08
6	06-Labor, labor relations and protection at work	PR	448	9.054	87	87			0.96	0.19
		PRM								
7	07-Education, science, culture and information	PR	408	4.425	45	45			1.02	0.11
		PRM	6	9						
8	08-Health and social protection, health insurance and environmental protection	PR	437	8.966	163	158	4	1	1.82	0.37
		PRM	5	5						
9	09-Defense - Military	PR	446	7.693	43	43			0.56	0.10
		PRM	315	1.191	8	8			0.67	0.03
10	10-Administration	PR	170	4.679	55	55			1.18	0.32
		PRM	5	5						
TOTAL 1-10		PR	455	612.751	15.769	10.532	2.742	2.495	2.57	34.66
		PRM	390	12.245	85	83	1	1	0.69	0.22

Table No. 17

XI SPECIAL TYPES OF DISPUTES

PROTECTION TO THE RIGHT TO A TRIAL WITHIN REASONABLE TIME

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

The upward trend in new cases in 2015 continued throughout 2016, 2017 and 2018, therefore the total number of pending cases at the national level increased from 4,849 in 2017 at the beginning of reporting period to 8,733 pending cases.

In 2018, the total of **68,720** incoming cases were received, **64,277** cases were disposed, and the remaining cases – **13,178** – remained pending at the end of the year. **This has been the largest increase of inflow in the judicial system in real terms.**

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

		01/01 - 12/31/2016					01/01 - 12/31/2017				
No.	Court	Number of judges in matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end of the reporting period	Number of judges in matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end of the reporting period
1	Supreme Court of Cassation	30	1.297	3.465	3.991	771	24	771	498	1.190	79
2	Appellate courts	121	1.254	934	1.837	351	72	351	356	633	74
3	Higher courts	123	4.632	3.198	6.972	858	84	858	4.377	4.646	589
4	Basic courts	236	1	12.364	9.811	2.554	390	2.554	19.049	15.398	6.205
TOTAL 1-4		510	7.184	19.961	22.611	4.534	570	4.534	24.280	21.867	6.947
5	Administrative Court	1		225	210	15	1	15	267	259	23
6	Commercial Appellate Court	30	2.766	1.114	3.744	136	34	136	1.750	1.637	249
7	Commercial courts	63		4.305	4.150	155	71	155	8.549	7.224	1.480
8	Misdemeanor Appellate Court	4	11	69	78	2	4	2	76	67	11
9	Misdemeanor courts	44		180	173	7	33	7	170	154	23
TOTAL 5-9		142	2.777	5.893	8.355	315	143	315	10.812	9.341	1.786
TOTAL 1-9		652	9.961	25.854	30.966	4.849	713	4.849	35.092	31.208	8.733

Table No. 18

PROTECTION OF THE RIGHT TO A TRIAL WITHIN REASONABLE TIME

TOTAL FOR ALL COURTS
PERIOD: 01/01 – 12/31/2018

No.	Court	Number of judges in matter	Pending at the beginning	Total incoming	Total caseload	Total disposed	Pending at the end of the reporting period
1	Supreme Court of Cassation	23	79	319	398	352	46
2	Appellate courts	117	74	677	751	672	79
3	Higher courts	101	589	7.690	8.279	6.695	1.584
4	Basic courts	500	6.206	27.874	34.080	25.438	8.642
TOTAL 1-4		741	6.948	36.560	43.508	33.157	10.351
5	Administrative Court	1	23	353	376	320	56
6	Commercial Appellate Court	34	250	3.813	4.063	3.778	285
7	Commercial courts	56	1.480	27.536	29.016	26.581	2.435
8	Misdemeanor Appellate Court	4	11	138	149	138	11
9	Misdemeanor courts	32	23	320	343	303	40
TOTAL 5-9		127	1.787	32.160	33.947	31.120	2.827
TOTAL 1-9		868	8.735	68.720	77.455	64.277	13.178

Table No. 19

A total of **13,713** 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 courts presidents upholding objections requesting acceleration of proceedings, as well as rulings establishing infringement of the right to trial within reasonable time before basic courts in the Republic of Serbia (in 2017 the number of incoming cases was 5,545).

A total of **2,148** claims for compensation for tangible damage due to infringement of the right to trial within reasonable time were lodged in 2018 (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).

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

Since these are all urgent cases that include compensation of material and non-material damage due to the infringement of right to a trial within reasonable time, and having in

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

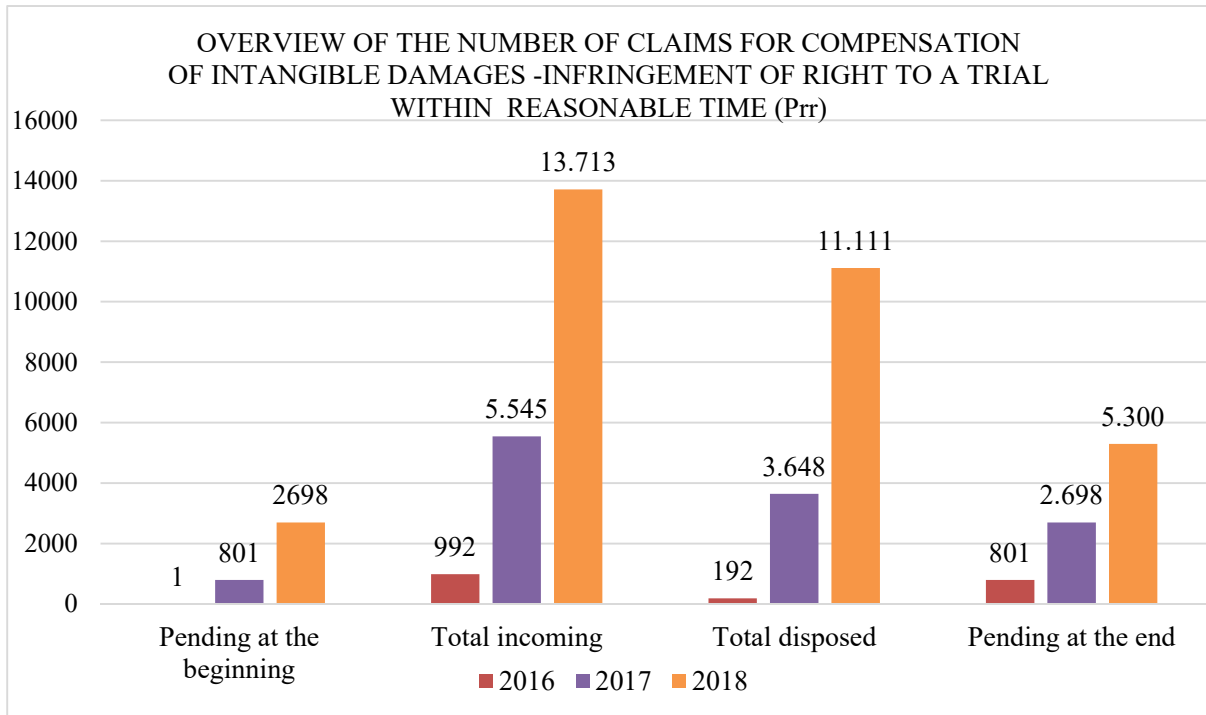


Chart No. 27a

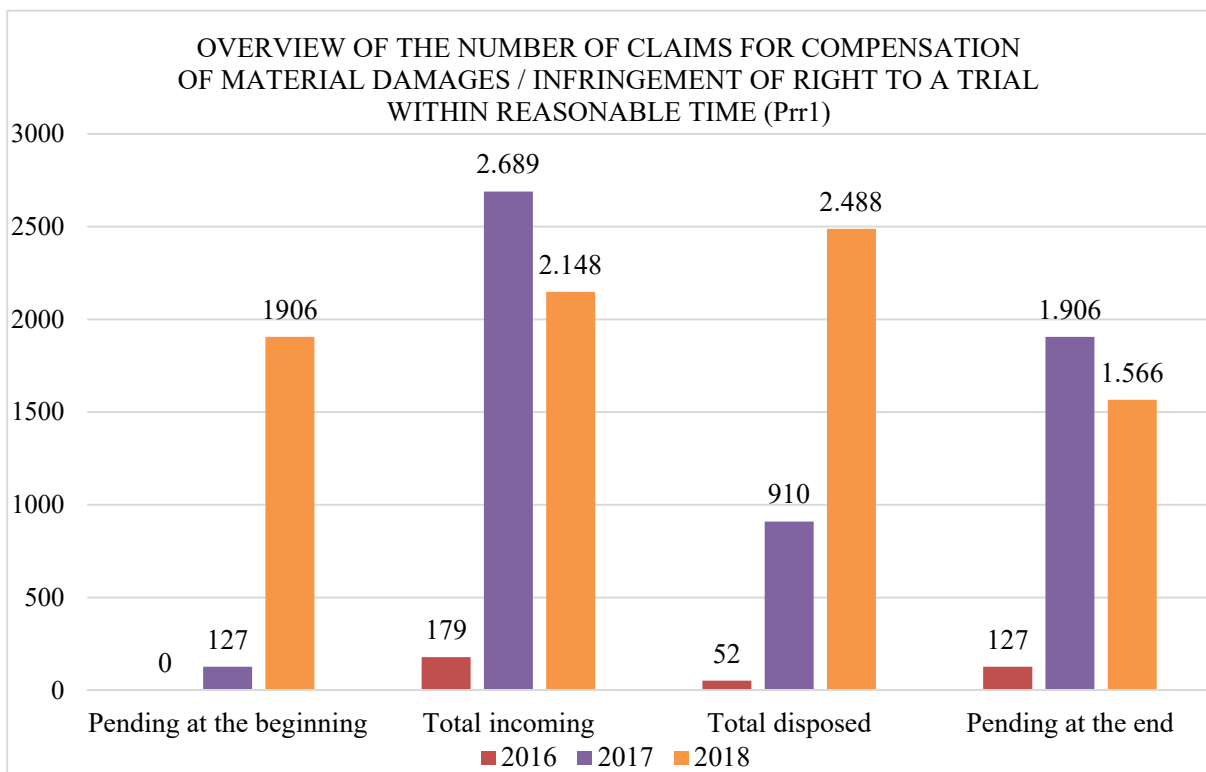


Chart No. 27b

* In higher courts in Prr1 matter there was a total of three cases and they remain pending

DOMESTIC VIOLENCE CASES

According to the positive legislation, and especially after the adoption of the Law on the Prevention of Domestic Violence, first instance courts received and disposed an increased number of these cases in 2018 and they practically managed to dispose a large number of such cases, and achieve a clearance rate of 98%, since the total number of incoming cases in this matter was 30,577, with the total number of 29,945 disposed cases and 2,937 pending cases.

DOMESTIC VIOLENCE CASES 01/01/2018 – 12/31/2018

No.	Court	Pending at the beginning	Incoming	Total caseload	Disposed	Pending at the end
1.	Supreme Court of Cassation	8	66	74	52	22
2	Appellate courts	18	602	620	574	46
3	Higher courts	42	3,105	3,147	3,023	124
4	Basic courts	2,218	24,806	27,024	24,353	2,671
5	Misdemeanor Appellate Court		213	213	210	3
6	Misdemeanor courts	19	1,785	1,804	1,733	71
TOTAL		2,305	30,577	32,882	29,945	2,937

Table No. 20

PROTECTION OF WHISTLEBLOWERS AND CORRUPTION CASES**REPORT ON THE CASES REGARDING WHISTLEBLOWING PROTECTION FOR THE PERIOD 01/01 - 12/31/2018**

No.	Court name	Matter	Number of judges in matter	Pending at the beginning	Total incoming	Total caseload	Total disposed	Pending at the end	
								Remaining caseload as pending	Duration of the procedure from the initial act, longer than 24 months
1	Supreme Court of Cassation	Rev-uz	5	3	4	7	5	2	1
		Rev2-uz	3	3	2	5	2	3	3
TOTAL				6	6	12	7	5	4

No.	Court name	Matter	Number of judges in matter	Pending at the beginning	Total incoming	Total caseload	Total disposed	Pending at the end	
								Remaining caseload as pending	Backlog cases according to the date of the initial act
1	Appellate courts	GŽuz	17	4	22	26	25	1	1
		GŽ1-uz	8	1	10	11	11		
2	Higher courts	P-uz	18	46	39	85	47	38	15
		Ppr-uz	2	3	13	16	12	4	
3	Basic courts	P1-uz	3	7	11	18	5	13	4
4	Administrative Court	U-uz	4		12	12	8	4	
5	Misdemeanor Appellate Court	Prž-uz	5	2	3	5	5		
6	Misdemeanor courts	Pr-uz	4	2	6	8	4	4	
TOTAL FOR ALL COURTS WITHOUT THE SUPREME COURT OF CASSATION:				65	116	181	117	64	20
TOTAL FOR ALL COURTS:				71	122	193	124	69	24

Table No. 21

According to the court reports, the number of cases regarding criminal offences with corruption elements decreased in 2017 to 3,993, and the number of backlog cases in this matter decreases from 1,287 to 944. In 2018, the total of **1,915** cases were received, **2,232** cases were disposed, while **1,559** remained pending, and in addition to the decreased number of pending cases, the number of pending backlog cases also went down to **737**.

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

	Pending at the beginning			Incoming		Total caseload		Total disposed				Pending at the end	
	Total	Backlog cases according to the date of the initial act	Number of indicted persons	Total	Number of indicted persons	Number of cases	Number of indicted persons	In merits	In other way	Total disposed	Backlog cases according to the date of the initial act	Remaining caseload as pending	Backlog cases according to the date of the initial act
Appellate courts	18	6	13	220	242	238	255	208	3	211	60	27	10
Higher courts	55	25	138	94	137	149	275	67	14	81	15	68	21
Basic courts	1,695	121	1,759	4,054	4,101	5,749	5,860	3,549	459	4,008	161	1,741	101
Total cases according to Art (194 and 344-a)	1,768	152	1,910	4,368	4,480	6,136	6,390	3,824	476	4,300	236	1,836	132

Table No. 21a

CORRUPTION

	Pending at the beginning			Incoming		Total caseload		Total disposed				Pending at the end	
	Total	Backlog cases according to the initial act	Number of indicted persons	Total	Number of indicted persons	Number of cases	Number of indicted persons	In merits	In other way	Total disposed	Backlog cases according to the date of the initial act	Remaining caseload as pending	Backlog cases according to the date of the initial act
Appellate courts	61	32	157	504	1,125	565	1,282	472	10	482	269	83	57
Higher courts	714	496	2,449	683	1,097	1,397	3,546	448	19 4	642	306	755	417
Basic courts	1,101	333	1,525	728	1,062	1,829	2,587	839	26 9	1,108	294	721	263
Total cases according to Art.(359,360,363,364,366,367,368,369,234,234-a,238)	1,876	861	4,131	1,915	3,284	3,791	7,415	1,759	47 3	2,232	869	1,559	737

Table No. 21b

OFFENCES ACCORDING TO THE LAW ON ANTI-CORRUPTION AGENCY

	Pending at the beginning			Incoming		Total caseload		Total disposed				Pending at the end	
	Total	Backlog cases according to the date of the initial act	Number of indicted persons	Total	Number of indicted persons	Number of cases	Number of indicted persons	In merits	In other way	Total disposed	Backlog cases according to the date of the initial act	Remaining caseload as pending	Backlog cases according to the date of the initial act
Misdemeanor Appellate Court	1		1	39	39	40	40	24	13	37	5	3	
Misdemeanor courts	95		95	71	71	166	166	73	45	118		48	
TOTAL:	96		96	110	110	206	206	97	58	155	5	51	

Table No. 21c

In the courts in the Republic of Serbia, at the end of 2017, there was the total of 71 pending cases regarding the protection of whistleblowers from retaliation for disclosure of information in accordance with the Law on the Protection of Whistleblowers. In 2018, **122** incoming cases were received. The courts disposed **124** cases out of the total caseload of 193, while **69** cases remained pending. Although these cases are not numerous, their importance is significant, given the fact that the protection of the whistleblowing right, as a human right for protection of the freedom of speech, is important for the rule of law and the development of any democratic society. **Regardless of the urgency of these cases, at the end of 2018, 248 cases remained pending and there were still 24 cases in which the proceedings were not completed even after two years, counting from the date of the filing of the initial act. Therefore, the court presidents need to take special measures to speed up the proceedings in these old cases.**

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

A comparative overview of the cases disposed through suspension due to the statute of limitations in criminal proceedings, misdemeanor proceedings and proceedings in commercial offences indicates that the number of such cases before general jurisdiction courts and commercial courts is decreasing, while the number of such cases before misdemeanor courts is increasing. In misdemeanor courts, the suspension due to the statute of limitations was imposed in 129,671 cases in 2017, out of 696,607 of total number of disposed cases. In 2018, out of the total number of **676,361** disposed misdemeanor cases, the procedure was suspended due to the statute of limitations in **110,173** cases, while in additional **1,746** cases the first instance decision was reversed due to the statute of limitations.

STATUTE OF LIMITATIONS IN 2018 (MOSTLY TRIAL MATTERS)

No.	Court	Total number of disposed cases	Decision on suspension due to the statute of limitations	Reversed decision due to the statute of limitations	Total statute of limitations
1	Appellate courts	59,939		6	6
2	Higher courts	162,690	5	10	15
3	Basic courts	271,394	47	55	102
4	Commercial Appellate Court	15,446			
5	Commercial courts	127,720	4		4
6	Misdemeanor Appellate Court	28,856	2,755	13	2,768
7	Misdemeanor courts	676,361	110,173	1,746	111,919
TOTAL		1,342,406	112,984	1,830	114,814

Table No. 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 of enforcement cases, with the adoption of the new Law on Enforcement and Security, the Republic of Serbia has enabled comprehensive disposition of backlog cases in the enforcement matter, since previously, the cases in this matter prevented the normal functioning of the judiciary.

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

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

The implementation of these measures and with this support, great results have been achieved and the number of enforcement cases was reduced by 811,322 cases only in 2016. In 2017, the total number of disposed enforcement cases is smaller, however, the total number of enforcement cases decreased by 143,519 cases. The greatest delay in the implementation of the plans for reduction of backlog enforcement cases was caused by the division of a large number of pending cases between the First, the Second and the Third Basic Court in Belgrade, however, the work on these cases will be expedited in 2018 with the assistance of the EU funded “Judicial Efficiency Project”, since the project was extended for additional three months in 2018.

In 2018, the total number of incoming new enforcement cases was **337,760**, and **463,964** cases were disposed, with the remaining **712,439** pending cases. The number of pending enforcement cases was decreased in 2018 by 126,204 cases compared to 2017.

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

Table No. 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 future period.

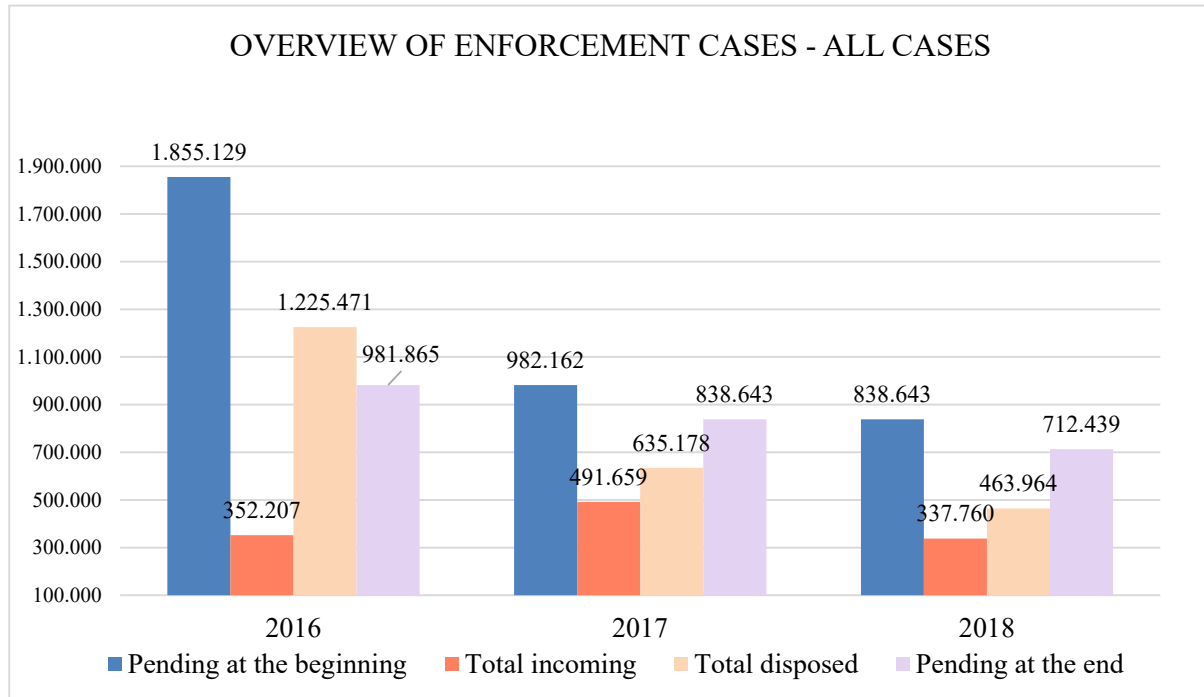


Chart No. 28

**OVERVIEW OF ENFORCEMENT CASES
TOTAL FOR ALL BASIC AND COMMERCIAL COURTS IN 2018**

2018	Matter	Pending at the beginning	Total incoming	Total disposed	Pending at the end
BASIC COURTS	I	143,510	48,684	71,147	121,047
	Iv	622,498	12,725	98,598	536,625
	Total (I+Iv)	766,008	61,409	169,745	657,672
COMMERCIAL COURTS	I	5,460	2,386	3,391	4,455
	Iv	19,845	1,880	7,699	14,026
	Total (I+Iv)	25,305	4,266	11,090	18,481
TOTAL (BASIC + COMMERCIAL)	I	147,792	51,070	73,360	125,502
	Iv	639,541	14,605	103,495	550,651
	Total	791,313	65,675	180,835	676,153

Table No. 24

Comparative indicators of the structure of backlog enforcement cases (I, Iv and “Other”) indicate that the number of cases that the courts transferred into 2016 was reduced from 1,855,129 to 712,439 at the end of 2018.

However, the total number of pending enforcement cases at the end of 2018 and pending backlog enforcement cases I and Iv in basic courts (614,049), indicates the need for 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 (349,080 cases), or more than 10 years, **and the number of these cases is increasing** (190,852 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 enforcement agents (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 ON 12/31

Year	Matter	Total number of pending backlog cases	AGE OF PENDING BACKLOG CASES			
			2 to 3	3 to 5	5 to 10	More than 10
2012	I	124,488	34,462	44,312	36,013	9,701
	Iv	1,442,091	375,378	400,205	490,168	176,340
	TOTAL:	1,566,579	409,840	444,517	526,181	186,041
2013	I	105,966	24,549	36,408	34,553	10,456
	Iv	1,509,864	274,377	550,596	551,111	133,780
	TOTAL:	1,615,830	298,926	587,004	585,664	144,236
2014	I	115,555	31,333	33,614	40,009	10,599
	Iv	1,547,764	217,535	455,952	650,371	223,906
	TOTAL:	1,663,319	248,868	489,566	690,380	234,505
2015	I	124,246	36,518	37,899	40,298	9,531
	Iv	1,450,609	24,126	331,134	811,610	283,739
	TOTAL:	1,574,855	60,644	369,033	851,908	293,270
2016	I	104,257	31,452	40,495	26,162	6,148
	Iv	661,644	17,172	103,844	428,929	111,692
	TOTAL:	765,901	48,624	144,339	455,091	117,840
2017	I	96,872	25,054	38,419	27,290	6,109
	Iv	611,347	14,802	27,420	426,943	142,182
	TOTAL:	708,219	39,856	65,839	454,233	148,291
2018	I	80,459	13,456	31,362	30,007	5,634
	Iv	533,590	6,661	22,638	319,073	185,218
	TOTAL:	614,049	20,117	54,000	349,080	190,852

Table No. 25

COMMERCIAL COURTS

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

Year	Matter	Total number of pending backlog cases	AGE OF PENDING BACKLOG CASES			
			2 to 3	3 to 5	5 to 10	More than 10
2012	All enforcement	22,771	21,942	714	107	8
2013		29,872	13,685	15,996	183	8
2014		31,804	10,052	21,341	401	10
2015		32,180	7,936	16,273	7,951	20
2016		24,303	6,399	11,192	6,694	18
2017		22,392	4,847	8,986	8,533	26
2018		17,439	2,012	6,445	8,954	28

Table No. 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 2018

Redni broj	Court name	Number of judges	Total disposed	Adjudicated on the merits	Number of review appeals	Total number of revoked	% of revoked decisions compared to the total number of disposed	% of revoked decisions compared to the total number of decisions on the merits	% of review appeals compared to the total number of disposed	% of reviewed appeals compared to the number of decisions on the merits	% of revoked decisions compared to the number of reviewed appeals
1	Appellate courts	200	65.757	61.653	5.890	409	0.62	0.66	8.96	9.55	6.94
2	Higher courts	308	259.716	167.095	21.011	1.896	0.73	1.13	8.09	12.57	9.02
3	Basic courts	1.140	1.093.219	719.302	94.416	15.725	1.44	2.19	8.64	13.13	16.66
4	Administrative Court	36	18.666	18.153	363	12	0.06	0.07	1.94	2.00	3.31
5	Commercial Appellate Court	34	15.446	14.861	420	29	0.19	0.20	2.72	2.83	6.90
6	Commercial courts	147	127.720	93.428	13.744	1.835	1.44	1.96	10.76	14.71	13.35
7	Misdemeanor Appellate Court	54	28.856	24.525	36	11	0.04	0.04	0.12	0.15	30.56
8	Misdemeanor courts	465	676.361	477.307	26.782	4.866	0.72	1.02	3.96	5.61	18.17
TOTAL:		2.384	2.285.741	1.576.324	162.662	24.783	1.08	1.57	7.12	10.32	15.24

Table No. 27

PERCENTAGE OF REVOKED DECISIONS IN 2018

No.	Court name	Number of judges	Number of reviewed appeals	Total number of revoked	% of revoked decisions compared to the number of reviewed appeals
1	Appellate courts	200	5.890	409	6.94
2	Higher courts	308	21.011	1.896	9.02
3	Basic courts	1.140	94.416	15.725	16.66
4	Administrative Court	36	363	12	3.31
5	Commercial Appellate Court	34	420	29	6.90
6	Commercial courts	147	13.744	1.835	13.35
7	Misdemeanor Appellate Court	54	36	11	30.56
8	Misdemeanor courts	465	26.782	4.866	18.17
TOTAL:		2.384	162.662	24.783	15.24

Table No. 28

XIV DURATION OF COURT PROCEEDINGS IN THE INSTANCE

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

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

AGE OF DISPOSED CASES FOR PREDOMINANTLY TRIAL MATTERS IN 2018

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	59,939	56,855	2,787	297		
2	Higher courts	162,690	136,610	23,725	2,223	125	7
3	Basic courts	271,394	192,584	49,305	29,480	18	7
4	Administrative Court	18,666	8,103	4,843	5,719	1	
5	Commercial Appellate Court	15,446	10,671	4,417	358		
6	Commercial courts	127,720	109,748	9,409	5,032	3,525	6
7	Misdemeanor Appellate Court	28,856	28,838	18			
8	Misdemeanor courts	676,361	285,527	384,067	4,756	2,011	
TOTAL:		1,361,072	828,936	478,571	47,865	5,680	20

Table No. 29

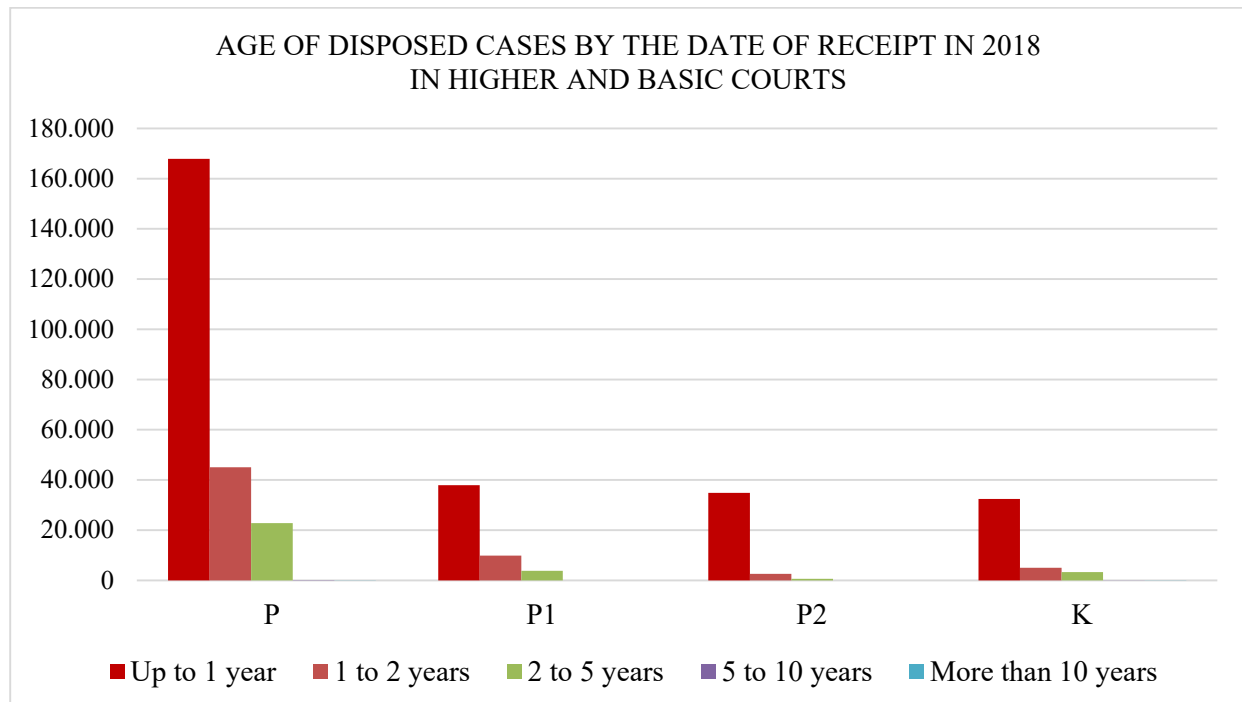


Chart No. 29

**AGE OF DISPOSED CASES
IN PREDOMINANTLY TRIAL MATTERS IN 2018**

BASIC COURTS

No.	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	159,534	103,754	33,550	22,207	16	7
2	P1	36,261	24,111	8,509	3,641	0	0
3	P2	37,410	34,262	2,561	587	0	0
4	K	38,189	30,457	4,685	3,045	2	0
Total 1-4		271,394	192,584	49,305	29,480	18	7

HIGHER COURTS

No.	Matter	Total number of disposed cases	ТРАЈАЊЕ ПОСТУПКА				
			Up to 1 year	1 to 2 years	2 to 5 years	5 to 10 years	More than 10 years
1	P	76,233	64,118	11,482	564	67	2
2	P1	15,296	13,806	1,345	145	0	0
3	P2	664	583	58	23	0	0
4	K	2,603	1,953	337	259	50	4
Total 1-4		94,796	80,460	13,222	991	117	6

TOTAL BASIC + HIGHER

No.	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	235,767	167,872	45,032	22,771	83	9
2	P1	51,557	37,917	9,854	3,786	0	
3	P2	38,074	34,845	2,619	610	0	
4	K	40,792	32,410	5,022	3,304	52	4
Total 1-4		366,190	273,044	62,527	30,471	135	13

Table No. 30

XV

PERFORMANCE INDICATORS ACCORDING TO THE CEPEJ

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

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

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

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

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

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

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

The average duration of court proceedings in Serbia for the period 2012–2018 is shown in the following table:

TIME TO DISPOSITION IN DAYS

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

Table No. 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 courts	107,72	257	92,67	290	98,32	278
TOTAL	109,53	534	102,34	580	139,87	253

Table No. 32

The data on the average clearance rate and the average time to disposition by types of courts in 2018 are shown in the following table and chart:

CLEARANCE RATE AND AVERAGE TIME TO DISPOSITION IN DAYS IN 2018

Court type	Clearance rate	Time to disposition in days
Misdemeanor courts	113,17	278
Misdemeanor Appellate Court	97,15	29
Commercial courts	99,25	160
Commercial Appellate Court	111,68	159
Basic courts	113,98	323
Higher courts	101,83	134
Appellate courts	99,71	86
Administrative Court	73,41	734
Supreme Court of Cassation	94,88	181
TOTAL	110,03	270

Table No. 33

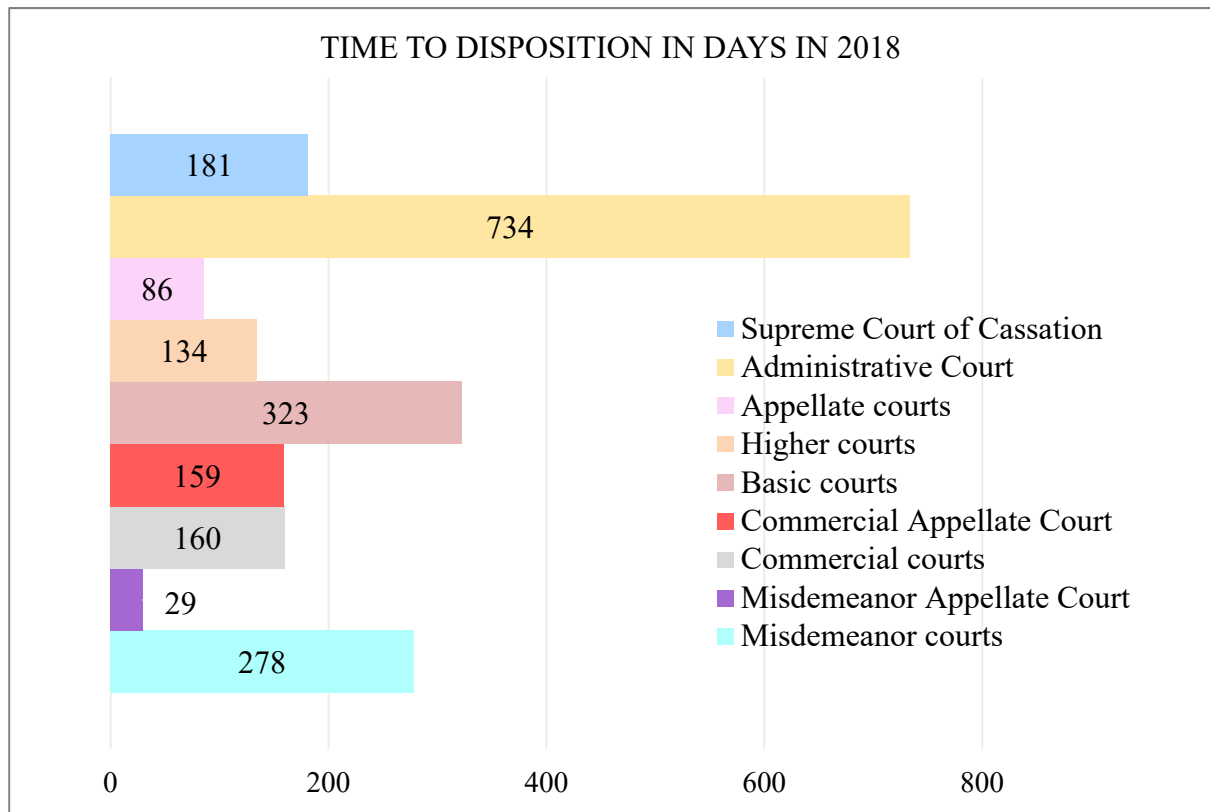


Chart No. 30

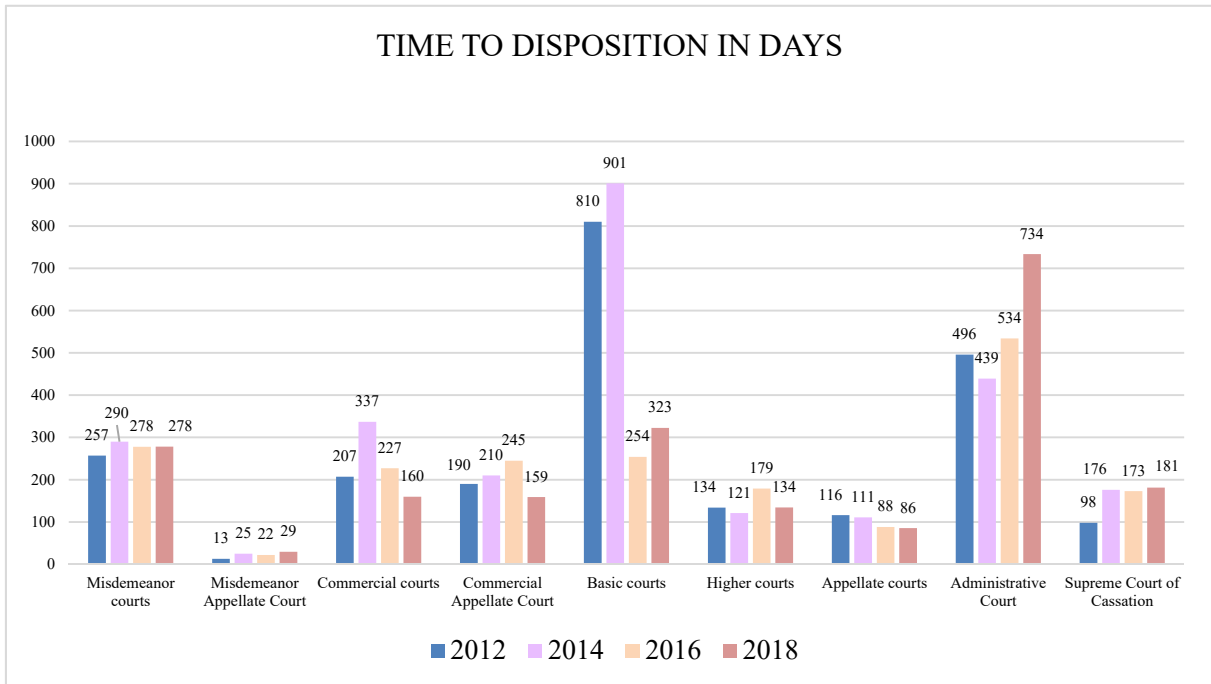


Chart No. 31

CONCLUSIONS

1.

In 2018, a total of 411 judicial positions were vacant – which is more than in 2017, which resulted from the ban of election of new judges promulgated by the Constitutional Court and harmonization of the regulations on the election of judges.

In addition, the reduced number of court staff, as a result of long-term ban on employment further increases the workload performed by the staff that remain in the system.

The unfavorable age structure of judges and court staff should be resolved through future systemic solutions, regular and timely filling of vacancies, in order to provide professional and experienced continuity in the performance of all court activities.

2.

When it comes to the results of the work, there is an obvious trend of continuous increase in the number of disposed cases in all courts in Serbia, without enforcement, so in the past three years annual number of disposed cases was around 500,000 cases more than in 2012.

In 2018, basic courts resolved 447,424 cases based on citizens' request for verification of signatures, manuscripts and transcripts (which are not under the competence of public notaries), issuing certificates and other activities that are not shown in the table above, and higher courts solved additional 16,419 cases of this nature. Misdemeanor courts handled 810,745 of such cases. These cases are handled by the court administration under the supervision of judges, which constitutes a total of 1,274,588 cases resolved by the courts in 2018, which are not shown as disposed cases in the tables in this report.

In accordance with the Recommendation R 86 (12) of the Committee of Ministers to the member states of the Council of Europe Concerning measures to prevent and reduce the excessive workload in the courts, Art. 30a and 110a of the Law on Non-Litigious Proceedings and Article 98 of the Law on Public Notaries, in 2018 basic courts transferred to the public notaries, as entrusted tasks 72,330 probate proceedings (from the total of 135,968 incoming "O" cases in basic courts), out of which 9,602 cases for the purpose of preparing a death certificate and 62,728 for the purpose of conducting probate proceedings.

3.

Clearance rate in all matters in 2018 was 110 %, while in predominantly trial matters that rate was 105%, indicating that the court system has managed to absorb the increased inflow, even with the reduce capacities, and the fact that there were 411 less judges compared to the decision of the HCC. In order for the courts to become more efficient, especially when it comes to backlog reduction, it would be necessary to remove these systemic deficiencies that burden the work of courts and judges. Timely election of judges, filling vacant judicial positions and removal of the ban on employment in courts would help the courts achieve much better results.

4.

Comparative indicators for the period 2012–2018 show significant decrease in the number of pending cases in all courts in the Republic of Serbia, so compared to 2012 there is 1,456,820 pending cases less. In 2012, there were 3,158,400 pending cases, and at the end of 2018 the remaining pending cases were 1,701,580, including enforcement cases.

Compared to 2012, the number of pending cases, mostly in trial matters – without enforcement, increased, resulting from the increased number of incoming cases received in the past four years (more than 1,700,000 cases) that the judicial system couldn't absorb completely. Although there was no timely systemic reaction to the enormously increased inflow of new cases, and at the same time, the number of court staff was reduced and new employment was banned, the courts managed to stop the trend of constant increase in the number of pending cases, in trial matters, so at the end of 2018 there were less pending cases than at the end of 2017.

5.

In 2018, commercial courts, with 162 judges, received a significantly higher number of new cases – 128,681 compared to 2017 when the number of incoming cases was 99,903. The difference is 28,778 cases, so it would be necessary to prepare an analysis of the structure of these cases and to react with timely systemic measures so that commercial courts, given their particular importance, wouldn't fall into serious inefficiency.

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).

It would be necessary to conduct a comparative analysis of eligible extraordinary legal remedies decided by the Supreme Court of Cassation, examine the rules based on the which the Court decides and update them, in order to allow modification of the organization of operations of the Supreme Court of Cassation – by establishing of special preparatory departments, that would, depending on the matter, decide on eligible extraordinary legal remedies, fulfillment of conditions for deciding, timeliness of legal remedies and prepare draft decisions in repetitive cases. It would also be necessary to increase the number of judges in the Civil Department and undertake systemic measures in order to exclude the Supreme Court of Cassation from the ban on employment of judicial staff in 2019 and onwards.

6.

In 2018, less backlog cases were disposed both on the overall level and in trial matters compared to 2017, which resulted from the aforementioned systemic deficiencies, and especially the lower number of judges in the judicial system due to the 411 vacant judicial positions.

An analysis of all indicators would be needed, as well as more judges, especially in higher courts in civil matter, given the enormous inflow of new cases and the large number of cases that were transferred from basic courts to higher courts due to the changes in the threshold, in

which the proceedings are taking more than two years starting from the date of the initial act. The large inflow that higher courts cannot always absorb prolongs the duration of other cases, which then mostly fall into the category of backlog cases.

7.

According to the CEPEJ indicators, there is an obvious increase of efficiency in clearance rates and time to disposition in 2018, so the clearance rate reached 110% in all matters and in trial matters it reached 105%, while the time to disposition is 270 days (in basic courts the time to disposition in 2014 used to be 901 days, while in 2018 it was 323 days).

8.

Comparative indicators of the structure of backlog enforcement cases (I, Iv and “Other”) indicate that the total number of backlog enforcement cases I and Iv in basic courts reduced to 614,049 cases at the end of 2018. However, the total number of pending enforcement cases at the end of 2018 and pending backlog enforcement cases indicates the need for 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 I and Iv cases in basic courts in which the proceedings take more than five years (349,080 cases), or more than 10 years, and the number of these cases is increasing (190,852 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 enforcement agents (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.

9.

The presented results indicate good performance of courts, that had less judges (168 less compared to 2017) which managed to resolve 2,298,870 cases in trial and enforcement matter and 1,274,588 cases that are not shown in the tables in this report as disposed cases, which is at the level of disposed cases in 2017.

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

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

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

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

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

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

ANNEX

LABELS IN COURT REGISTERS

Registers of Basic Courts

K – label for criminal cases

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

P1-Uz – label for labor disputes regarding whistleblowing

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

Iv – label for enforcement cases based on an authentic document

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

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

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

Registers of Higher Courts

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

Km – label for cases regarding juveniles

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

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

P3 – label for civil media cases

P4 – label for copyrighting disputes

P-uz – label for cases on lawsuits regarding whistleblowing

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

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

Registers of Appellate Courts

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

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

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

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

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

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

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

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

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

Registers of Commercial Courts

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

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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