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# Serbia: Law on Mediation

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Dispute Resolution

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The new Law on Mediation (*Zakon o posredovanju u rešavanju sporova*, *Official Gazette of the Republic of Serbia no. 55/2014*, hereinafter the "Law") entered into force on 31 May 2014 but applies as of 1 January 2015. It will replace the Law on Mediation (*Zakon o posredovanju - medijaciji*, *Official Gazette of the Republic of Serbia no. 18/2005*).

The adoption of this Law resulted from the necessity for improvement and advancement of the existing system of non-litigious dispute resolution and it brings changes in terms of refinement and development of existing solutions that have proven inefficient in practice. The Law harmonizes regulation in this area with international and European standards. Perhaps most significantly, the Law is likely to contribute to lightening of the caseload of courts and faster and more efficient resolution of disputes.

The Law regulates the term of mediation, principles of mediation, procedure of mediation, legal effect of mediation with respect to dispute resolution, as well as the conditions for performing mediation, rights and obligations of mediators and the training program for mediators.

Basic principles of mediation are that mediation should be conducted on voluntary basis, in a procedure with strictly personal participation of the parties where equal treatment of parties and privacy of procedure, confidentiality, neutrality, urgency, and prohibition of using evidence in other proceedings are guaranteed.

Some of the most important novelties of the Law refer to the following:

- The legal effectiveness of the agreement reached in the mediation procedure is equal to the legal effectiveness of the court decision and the agreement is enforceable in enforcement proceedings;
- Agreement in the mediation procedure is achieved with assistance of mediators who are appointed by and registered with the Ministry of justice and public administration. The Ministry issues permits for performing mediation activities and determines the relevant tariffs. A mediator can be a person with a university degree (not necessarily a law degree). Supervision over the mediator's activities is within the competence of a special commission authorized to revoke the permit for performing mediation activities in certain cases;
- Mediation can be applied in criminal and misdemeanor proceedings regarding proprietary requests and requests for compensation of damage;
- Initiating mediation under the Law affects the running of the statute of limitation of receivables (it causes interruption of the running of the statute of limitation for a period of 60 days).