

15/06/2014

# Serbia: The Civil Procedure Law

—

Dispute Resolution

Publisher: Bojović &  
Partners

The latest amendments of the Civil Procedure Law (*Zakon o parničnom postupku, Official Gazette of the Republic of Serbia no. 72/2011, 49/2013 - decision of Constitutional Court, 74/2013 - decision of Constitutional Court and 55/2014*, hereinafter the "Law") apply as of 31 May 2014.

The major amendments of the Law primarily refer to the following:

- Principle of group decision making (panel of judges) is now applied as a rule in the civil procedure in line with Article 142 of the Constitution of the Republic of Serbia, whereas a specific list of disputes are under the jurisdiction of an individual judge;
- Significant novelty of the Law refers to the representation of the parties in proceedings since an attorney-at-law is now the one of mandatory representatives of natural persons, and besides the attorney-at-law a natural person can be represented by close relative or spouse, a person with a law degree from department for legal assistance in local government who passed the bar exam. Legal entities, besides by an attorney-at-law, can also be represented by a person with a law degree who passed the bar exam and who is employed by such legal entity. In labor disputes employee can be represented by union representative - a person with a law degree who passed the bar exam. A distinction is made between general - default authorizations of attorneys-at-law and other persons as representatives;
- It is no longer mandatory to submit a proposal for amicable settlement in the disputes where the defendant is the Republic of Serbia;
- It is now mandatory for the court to schedule a hearing if the conditions are fulfilled for rejection of the claim prior decision making;
- Important changes have also been made with respect to the extraordinary legal remedies: review of the final and enforceable second instance decisions and repeated proceedings. These amendments have increased the number of options for contesting final and enforceable court decisions. The limits regarding value of property disputes for the submission of a review as an extraordinary legal remedy have been decreased as follows: EUR 40,000 instead of EUR 100,000, and in commercial disputes EUR 100,000 instead of EUR 300,000. The review as an extraordinary legal remedy is now allowed if it is prescribed under a particular law and if second instance court amends or revokes the first instance decision and decides on the parties' claims. Changes have also been made regarding competence for deciding on the permissibility of special review as an extraordinary legal remedy, which is now in the exclusively competence of the Supreme Court.

The remaining amendments are mostly related to technical improvement of the provisions of the Law and the precision and accuracy of their drafting, as well as corrections in the provisions related to the connection between the civil court and a final and enforceable judgment of the criminal court, agreement on the functional competence of the courts, service of writs, etc.