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Serbia: The Non-Litigious Procedure Law and Law on Enforcement and Security

Dispute Resolution

[Marija Bojović](#)

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The Law on Amendments of the Nonlitigious Procedure Law (*Zakon o vanparničnom postupku, Official Gazette of the SRS, no. 25/82 and 48/88 and Official Gazette of the RS, no. 46/95 - other Law, 18/2005 - other Law, 85/2012, 45/2013 - other Law and 55/2014*, hereinafter the "Law") has entered into force on 31 May 2014 in one part. The implementation of the provisions of the Law regarding public notaries has been postponed until the day of implementation of the Law on Public Notaries (*Zakon o javnom beležništvu, Official Gazette of the RS, no. 31/2011, 85/2012 and 19/2013*).

The amendments of the Law were primarily needed to harmonize the Law with numerous other pieces of legislation such as the Constitution of the Republic of Serbia, Law on Public Notaries, Family Law, Law on Civil Procedure, Law on Medical Care, and so on.

The major amendments relate to the delegation of competence from the court to the public notary regarding, *inter alia*, the type of the legal matters that can be delegated, competence for delegation, duty of the public notary to accept entrusted work, rules in procedure for performance of entrusted work, deadline for completion of entrusted work, and supervision over such work.

Other amendments refer to the particular proceedings for removal of ability to conduct business, proceedings for renewal of paternal rights, probate proceedings (public notary drafts the death certificate and performs inventory and evaluation of deceased's assets), and proceedings for determination of compensation for expropriated real estate. Significant novelties of the Law are introduced in Chapter 12 regarding the documents the drafting of which is in the competence of the public notary.

The Law on Amendments of the Law on Enforcement and Security (*Zakon o izvršenju i obezbeđenju, Official Gazette of the RS, no. 31/2011, 99/2011 - other Law and 109/2013 - decision of Constitutional Court and 55/2014*) applies as of 31 May 2014. The amendments introduce minor corrections in order to harmonize this law with the Law on Seats and Territories of Courts and Public Prosecutors.

Per the amendments, executors are now appointed for the territory of the higher court, instead of the territory of basic court.

Secondly, in enforcement proceedings against debtors who are indirect users of budget funds, it is now required to specify in the motion for enforcement the bank account through which the user conducts its business.