CIVIL PROCEDURE CODE

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Part One
GENERAL PROVISIONS

Chapter One
BASIC PROVISIONS

Article 1

This Law shall define the rules of proceedings pursuant to which the Court deliberates and rules in personal and family lawsuits, labor related lawsuits and property and other civil law relations between natural and legal entities, unless other law specifies jurisdiction of another authority for any of the aforementioned disputes.

Article 2

Parties have the right to lawful, fair and equitable protection of their rights. The Court may not refuse to rule on a claim within its competence.

Article 3

The Court decides in the civil procedure within limits of requirements requested in the procedure.

Parties may freely dispose with claims filed during the proceedings.

Parties may waive their claims, recognize their opponent's claim or reach settlement.

The Court shall not accept disposals of parties that are contrary to enforceable statutes, social order and rules of decency.

Article 4

The Court shall, as a rule, adjudicate in a lawsuit on basis of oral, direct and public hearing unless this law stipulates otherwise.

The Court shall exclude the public only in cases specified by law.

Article 5

The Court shall afford each party leave to declare on claims and allegations of the other party.

The Court may rule on a claim in cases where the other party was not afforded leave to declare only when so provided under this Law.

The Court can not base its decision on facts on which parties were not afforded leave to declare unless the law stipulates otherwise.

Article 6

Civil proceedings are conducted in the Serbian language using Cyrillic script.
Other languages and scripts can officially be used in accordance with Law.

In courts at which territories members of national minorities are living, their respective languages and scripts are in use, in accordance with the Constitution and the law.

Parties in the dispute and other participants in the procedure are entitled to use their language and script, in accordance with provisions of this law.

Article 7

The parties are required to present all facts on which they base their claims and propose evidence supporting such facts.

The court shall consider and determine only facts presented by the parties and shall exhibit only evidence proposed by the parties, if the law does not stipulated otherwise.

The court is authorized to establish also the facts which the parties have not presented and hear evidence which the parties have not proposed, if based on results of hearing and taking of evidence, it is established that the parties are disposing with claims which they may not dispose of, (Article 3, Paragraph 3).

Article 8

The court shall decide, at its discretion, which facts it will find proved, after conscientious and careful assessment of all evidences presented individually, all evidences taken as a whole as well as taking into consideration the results of the entire proceedings.

Article 9

The parties are obliged to avail themselves of the rights granted to them by this Law in a conscientious manner.

The Court is obliged to prevent any misuse of rights granted to parties involved in proceeding.

Article 10

A party is entitled the right that the Court decides on its demands and proposals within a reasonable time.

The court is obliged to conduct the proceedings without delay, in accordance with previously established time frame for undertaking litigious actions, and at the lowest possible cost.

~~Failure of a judge to act within the time frame shall represent the ground for initiation of disciplinary procedure in accordance with the Law on Judges~~.

Article 11

The court shall ~~direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or another amicable manner~~ INSTRUCT THE PARTIES OF THE OPTION OF PRE-TRIAL SETTLEMENT OF DISPUTE BY MEDIATION OR ANOTHER AMICABLE MANNER.

Article 12

When the decision of the Court rests on prior deliberation of the issue whether a particular right or legal relation exists, and the court or other competent authority has not ruled on such issue (prior issue), the court itself may rule on the issue unless otherwise set out in special regulations.

The court's ruling on prior issue shall have legal effect only in the litigation where such issue has been resolved.

Article 13

In civil proceedings ~~against perpetrator of criminal offence~~, when it comes to the existence of a criminal offence and perpetrator's criminal liability, the court shall be bound by a legally effective judgment by the criminal court which found the defendant guilty.

Article 14

If, for particular actions, the law does not specify in which form they may be undertaken, the parties shall undertake procedural actions either in writing outside of hearing or orally at a hearing.

Chapter Two

JURISDICTION AND COMPOSITION OF THE COURT

1. Joint Provisions

Article 15

The court shall evaluate ex officio, immediately upon reception of complaint, on its jurisdiction and in which composition it is competent, in accordance with allegations from the complaint and in accordance with facts known to the court.

If any change occurs in circumstances on which the jurisdiction of the court is based during the proceedings, or if the plaintiff reduces the claim, the court of competent jurisdiction at the time of filing of the complaint shall continue to have jurisdiction despite the fact that another court of the same type should have jurisdiction due to these changes.

Article 16

Throughout the proceedings the court shall observe whether the deliberation in the litigation falls under judicial competence in line with official capacity.

When the court determines during the proceedings that competence for adjudication in the action is not with the court but another domestic authority, it shall declare itself incompetent, revoke all actions undertaken in the proceedings and reject the complaint.

When the court determines during the proceedings that a Court of the Republic of Serbia (hereinafter domestic court) does not have jurisdiction in the action, it shall revoke all actions undertaken in the proceedings and reject the complaint, except in cases where jurisdiction of a domestic court depends on agreement of the defendant and such agreement has been given.

Article 17

Each court shall throughout the proceedings observe its subject-matter jurisdiction in line with official capacity.

The High court of first instance may not, following an objection of the defendant or in line with official capacity, declare itself without subject-matter jurisdiction for cases within the jurisdiction of a lower court of first instance of the same type.

If the complaint is not submitted for response to the defendant, the defendant can emphasize the complaint on jurisdiction at the latest before the preliminary hearing and if the preliminary hearing is not hold, before the opening of the trial.

Against ruling of a higher first-instance court pronouncing itself to have subject-matter jurisdiction as well as ruling of such court pronouncing itself without subject-matter jurisdiction and referring the case to a lower court, appeal is not allowed.

Article 18

The court shall rule to dismiss the litigation proceedings if, until passing of the decision on the subject of litigation, it determines that the proceedings should be conducted pursuant to rules governing non-contentious proceedings.

After the ruling becomes effective the proceedings shall be continued according to rules of non-contentious proceedings before a competent court.

Article 19

The court may declare itself on official capacity without territorial jurisdiction when there is exclusive territorial jurisdiction of another court, at latest after expiry of eight days after the response to the subject matter of litigation is received.

If the complaint is not delivered to the defendant to respond, the court shall ex officio to declare itself on official capacity without territorial jurisdiction within eight days from the day of reception of the complaint.

The court may declare itself on official capacity without territorial jurisdiction as a result of objection of territorial jurisdiction by the defendant, within eight days from the day of reception of respond to the complaint.

If subject of litigation is not presented to response, the defendant can put forth the complaint about territorial jurisdiction at latest at the pre-trial hearing or at the first hearing of the trial if the pre-trial hearing is absent but before the trial itself, and the court must make decision on it within eight days from the day of the complaint.

Article 20

After the binding decision in which the court proclaimed the lack of jurisdiction (article 17 and 19) the court shall refer the case to a court of competent jurisdiction.

Prior to referring the case to a competent court, the court shall request opinion from the prosecutor (Plaintiff) ~~within three days~~ before the case is referred to the court of competent jurisdiction. In case that the prosecutor (plaintiff) does not provide opinion within prescribed deadline the court will refer the case to the court of territorial jurisdiction.

The court of competent jurisdiction to which the case has been referred shall continue the proceedings as if the action has been initially filed with such court.

Article 21

If in the opinion of the court to which the case was referred to as the court of competent jurisdiction the court which has referred the case or another court has jurisdiction, it shall refer the case to a court which has to resolve this conflict of jurisdiction, unless it finds that the case has been referred due to an obvious oversight and that it should have been referred to another court in which case it shall refer the case to another court and so inform the court which referred the case to it.

When the ruling on an appeal against the decision of a first-instance court proclaiming itself lacking territorial jurisdiction has been passed by a second instance court, this ruling in respect of jurisdiction shall be binding upon the court to which the case is referred if the adjudicating second instance court has jurisdiction to adjudicate conflict of jurisdiction between these courts.

The ruling of the second instance court on lack of subject-matter jurisdiction of the first instance court shall be binding upon any court to which the case may be later referred to, if the second instance court has jurisdiction to adjudicate in conflict of jurisdiction between these courts.

Article 22

Conflict of jurisdiction between courts of same type shall be resolved by the directly higher court.

Conflict of jurisdiction between courts of different type shall be adjudicated by the Supreme Court of Cassation.

Article 23

Conflict of jurisdiction may be adjudicated even when the litigants have not come out about jurisdiction.

Until the conflict of jurisdiction is resolved, the court to which the case is referred shall undertake those actions in the proceedings where possibility of ensuing risk exists due to postponement.

No appeal shall be permitted against the ruling on conflict of jurisdiction.

Article 24

Each court shall undertake actions within its territorial jurisdiction.

If risk exists due to postponement of undertaking of such actions, the court shall undertake individual actions on the territory of the adjacent court and inform accordingly the court on whose territory actions are undertaken.

Article 25

In relation to the jurisdiction of the courts in the Republic of Serbia over foreigners who enjoy immunity in the Republic of Serbia and over foreign states and international organizations, the rules of international law shall apply.

In case of doubt as to the existence and scope of the right to immunity, explanation shall be given by the ministry responsible for judiciary.

2. Jurisdiction of Courts in Disputes with International Elements

Article 26

A court in the Republic of Serbia (domestic court) shall have jurisdiction over a trial when its jurisdiction over disputes with an international element is explicitly laid out in the law or international agreement.

If the law or international agreement does not contain any explicit provision on the jurisdiction of a court in the Republic of Serbia over specific types of disputes, the domestic court shall also have jurisdiction over trials in this type of disputes when its jurisdiction originates in the provisions on territorial jurisdiction of domestic courts.

3. Subject-matter Jurisdiction

Article 27

The Courts in civil action adjudicate within the limits of their subject-matter jurisdiction determined by law.

Article 28

When subject-matter jurisdiction, right to review and in other cases provided under this Law is determined by the value of the subject of litigation, only the value of the main claim shall be considered as the value of the subject of litigation.

Interests, contractual penalties and other secondary claims, as well as litigation costs, shall not be considered unless comprising the main claim.

Article 29

If the claim refers to future repetitive payments, the value of the subject of litigation shall be calculated as their aggregate value, but shall not exceed the amount equal to aggregate payments over a five-year period.

Article 30

If one action against the same defendant includes multiple claims founded on the same factual and legal basis, the jurisdiction shall be determined pursuant to the aggregate value of all claims.

If claims in the action derive from various bases or if claimed against multiple defendants, the jurisdiction shall be determined pursuant to the value of each individual claim.

Article 31

If the complaint requests the establishing of the property right or other real rights on real estate, establishing of nullity, termination of contract, that as the subject has the real estate, the value of subject of the litigation is determined in accordance with market value of the estate or its part.

In case of lease-related litigation the value is calculated according to annual lease, unless the lease agreement is concluded for a shorter period of time.

Article 32

If the complaint requests only providing of security for certain claim or establishing of a lien right, the value of subject of litigation is defined in accordance with the amount of the claim that should be secured.

Exceptionally from paragraph 1 of this article, if the subject of the lien right has smaller value than the claim that should be secured, the value of the subject of the lien shall be taken as the value of the dispute.

Article 33

If the claim does not relate to a monetary sum, but the plaintiff has stated in the complaint that instead of satisfaction of this claim, he or she consents to receiving a particular monetary sum, the amount in dispute shall be this sum.

In other cases, when the claim does not relate to a monetary sum, the amount in dispute indicated by the plaintiff in the complaint shall be relevant.

If in cases specified in paragraph 2 of this Article the plaintiff has manifestly exaggerated or understated the value of the subject of litigation, the court shall, not later that the pre-trial hearing, and if the pre-trial hearing has not been held than at the trial but before commencing hearing on the subject-matter, expeditiously and pertinently verify the accuracy of the stated value.

4. Composition of the Court

Article 34

In litigation proceedings the court shall sit as a panel of judges or judge sitting alone.

The judge president of the panel may undertake only those acts in the proceedings and pass only those decisions as authorized under this Law.

A judge sitting alone has powers of the panel president, or panel, provided by this law, in litigations where he/she is judging.

Article 35

A **PANEL OF JUDGES** ~~judge sitting alone~~ tries civil actions in the first instance unless determined by the law that ~~panel~~ **JUDGE SITTING ALONE** of should adjudicate.

When **PANEL IS JUDGING** in the first instance, the panel comprises a judge president of the panel and two lay judges.

Judge sitting alone judges in:

- **Property rights disputes**
- **Housing disputes**
- **Disputes related to disturbance of possession**
- **Disputes on copyright and similar rights**
- **Disputes on publication of information and respond on information**
- **Disputes on protection and use of inventions, models, samples, marks and marks of geographic origin**
- **Disputes related to discrimination**
- **Disputes on violation of personal rights**
- **Disputes related to election and dismissal of authorities of legal persons**
- **Disputes related to collective agreements**
- **Consumer disputes**
- **Disputes for protection of collective rights and interests of citizens**
- **Disputes related to strikes**

Judge sitting alone conducts procedure and makes decision in cases of legal assistance.

In the criminal procedure related to family relations, the ~~judge sitting alone~~ **PANEL** is always judging in the first instance, and in the second instance the panel composed from three judges.

Judges from paragraph 3 of this article must be persons with the required knowledge from area of the child rights.

Program and modes for acquiring of special knowledge from paragraph 4 of this article are stipulated by the minster with competence for judiciary and the minister competent for protection of family.

Article 36

~~In first instance a panel of judges sits if all litigants agree, but at the latest before commencing hearing on the subject-matter. In case of multiparty litigation the consent of all litigants is necessary.~~

~~A judge sitting alone sits in actions for trespass.~~

~~A judge sitting alone conducts proceedings and rules in legal aid cases.~~

Article 37

When hearing cases in the second instance in a session of panel, the court shall decide in a panel composed of three judges, if this law does not prescribe otherwise.

The High Cassation court decides **on revision** in a panel comprised of ~~three~~ **five** judges.

The court resolves jurisdictional disputes (Article 22) and decides in all other cases in panel comprised of three judges.

5. Territorial Jurisdiction

a) General Territorial Jurisdiction

Article 38

The complaint is submitted to the court of the general territorial jurisdiction, unless otherwise specified by the law.

Article 39

A court on whose territory the defendant has residence shall have general territorial jurisdiction for trial.

If the defendant has no permanent residence in the Republic of Serbia or any other country, the court where the defendant has temporary residence shall have general territorial jurisdiction.

If the defendant has, in addition to a permanent residence, a temporary residence elsewhere and it may be assumed due to circumstances that he/she shall reside there over a longer period of time, the court of temporary residence of the defendant shall also have general territorial jurisdiction.

Article 40

In actions brought against the Republic of Serbia, autonomic region, local self-government units and their organizations, the court on whose territory its Assembly is located shall have general territorial jurisdiction for trial.

In litigation against a legal entity, the court on whose territory is the seat of such legal entity shall have general territorial jurisdiction for trial, in accordance with report of the Serbian Business Register Agency.

Article 41

In litigations against a citizens of the Republic of Serbia with permanent address in a foreign country where he/she has been posted or transferred to work by a government authority or legal entity, the court of his/her last residence shall have general territorial jurisdiction.

b) Special Territorial Jurisdiction

Article 42

If several persons have been sued in one complaint (Article 205, Paragraph 1, Subparagraph 1) and they are not within the territorial jurisdiction of the same court, jurisdiction shall lie in the court which has territorial jurisdiction for one of the defendants.

Article 43

In case of disputes over statutory maintenance, in which the plaintiff is a person seeking such maintenance, jurisdiction shall, in addition to the court of general territorial jurisdiction, also lie with the court on whose territory the plaintiff has permanent or temporary residence.

If, in disputes over statutory maintenance with an international element, a court in the Republic of Serbia has jurisdiction because the plaintiff has permanent residence in the Republic of Serbia, territorial jurisdiction shall lie with the court on whose territory the plaintiff has permanent residence.

If a court in the Republic of Serbia has jurisdiction because the defendant has property in the Republic of Serbia from which maintenance may be collected, territorial jurisdiction shall lie with the court on whose territory this property is located.

Article 44

In the case of tort disputes, jurisdiction shall, in addition to the court of general territorial jurisdiction, also lie with the court on whose territory the harmful action was performed or in the court on whose territory the harmful consequence occurred.

If the damage occurred as a result of death or bodily injury, jurisdiction shall, in addition to the court from Paragraph 1 above, also lie with the court on whose territory the plaintiff has permanent or temporary residence.

The provisions of Paragraphs 1 and 2 above shall also apply to disputes against insurance companies for compensation of damage to third parties in accordance with the regulations on direct liability of insurance companies, whereas the provision of Paragraph 1 shall also apply in disputes regarding reimbursement claims on account of compensation of damage against reimbursement debtors.

Article 45

In the case of disputes regarding the protection of consumer rights, jurisdiction shall, in addition to the court of general territorial jurisdiction, also lie with the court where the plaintiff has permanent or temporary residence.

Article 46

In the case of disputes regarding the violation of personal rights, shall, in addition to the court of general territorial jurisdiction, also lie with the court where the harmful action was performed or the court where the plaintiff has permanent or temporary residence.

Article 47

In the case of disputes regarding the protection of rights on the basis of written warranties against manufacturers which have issued such warranties, jurisdiction shall, in addition to the court of general territorial jurisdiction for the defendant, also lie with the court of general territorial jurisdiction for the seller who, on the occasion of sale, furnished the manufacturer's written warranty to the buyer.

Article 48

In case of disputes over establishing the existence or non-existence of marriage, annulment of marriage or divorce (marital disputes), jurisdiction shall, in addition to the court of general territorial jurisdiction, also lie with the court on whose territory the spouses had their last common residence.

If, in marital disputes, a court in the Republic of Serbia has jurisdiction because the spouses had their last common residence in the Republic of Serbia, or because the plaintiff has permanent residence in the Republic of Serbia, territorial jurisdiction shall lie with the court on whose territory the spouses had their last common residence or the court on whose territory the plaintiff has permanent residence.

Article 49

If, in disputes regarding the spouses' property relations, a court in the Republic of Serbia has jurisdiction because the spouses' property is located in the Republic of Serbia or because, at the time when the complaint is filed, the plaintiff has permanent or temporary residence in the Republic of Serbia, territorial jurisdiction shall lie with the court on whose territory the plaintiff has permanent or temporary residence at the time when the complaint is filed.

Article 50

In disputes over establishing or denying paternity or maternity, the child may file a complaint either with the court of general territorial jurisdiction or with the court on whose territory he or she has permanent or temporary residence.

If, in disputes over establishing or denying paternity or maternity, a court in the
Republic of Serbia has jurisdiction because the plaintiff has permanent residence in the
Republic of Serbia, territorial jurisdiction shall lie with the court on whose territory the plaintiff has permanent residence.

Article 51

For adjudication in disputes over ownership and other property rights to immoveable property, in disputes over trespassing on real estate and disputes arising from lease or rent relations on immoveable property, jurisdiction shall lie exclusively with the court on whose territory the immoveable property is located.

If immoveable property extends over the territories of several courts, each of these courts shall have jurisdiction.

In case of disputes over trespass on moveable property, jurisdiction shall, in addition to the court of general territorial jurisdiction, also lie with the court on whose territory the trespass occurred.

Article 52

When a domestic court has jurisdiction for lawsuits concerning ownership rights and other real rights over an aircraft, ship and inland waterway vessel, and for lawsuits concerning lease of aircraft, ship or inland waterway vessel, the court where the register in which the aircraft or ship/vessel is recorded shall have exclusive territorial jurisdiction.

When a domestic court has jurisdiction in trespass actions for ships and/or aircraft specified in paragraph 1 of this Article, the court on whose territory the trespass occurred shall have territorial jurisdiction in addition to the court on whose territory the ship and/or aircraft is entered in records.

Article 53

A complaint involving property claims against a person regarding whom there is no general territorial jurisdiction in the Republic of Serbia may be filed with any domestic court on whose territory this person's property or the object requested by the complaint is located.

If a domestic court has jurisdiction because the obligation occurred during the defendant's stay in the Republic of Serbia, territorial jurisdiction will lie with the court on whose territory the obligation occurred.

In disputes against a person regarding whom there is no general territorial jurisdiction in the Republic of Serbia, with respect to obligations to be fulfilled in the Republic of Serbia, a complaint may be filed with the court on whose territory these obligations are to be fulfilled.

Article 54

In actions brought against a legal entity having an operating unit outside it headquarters, if the action derives from legal relation of such unit, the court on whose territory such operating unit is located shall have jurisdiction in addition to the court of general territorial jurisdiction.

Article 55

In lawsuits against a natural or legal entity with headquarters abroad with regard to obligations established in the Republic of Serbia, or which have to be discharged here, a complaint may be filed with a domestic court on whose territory is the entity’s permanent representative office for the Republic of Serbia or the headquarters of the entity authorized to discharge its business.

Article 56

In lawsuits against the Republic of Serbia involving military units and/or institutions, the court on whose territory is the command headquarters of the military unit and/or institutions shall have exclusive jurisdiction.

Article 57

Until the final conclusion of probate proceedings, for trials in disputes of inheritance matters, as well as in disputes related to claims of the creditor toward successors of the decedent for debts of the decedent, only the court on whose territory is the court conducting inheritance proceedings shall have territorial jurisdiction, or the court on whose territory the court where the inheritance proceeding is conducted is located.

Article 58

In the case of disputes arising in the course or in relation to court or administrative enforcement proceedings, or in the course or in relation to bankruptcy proceedings, territorial jurisdiction shall exclusively lie with the court on whose territory the court conducting the enforcement or bankruptcy proceedings or the court on whose territory the administrative enforcement is carried out is located.

Article 59

In the case of disputes initiated by a holder of a promissory note or check against its drawer, jurisdiction shall, in addition to the court of general territorial jurisdiction, also lie with the court in the place of payment.

Article 60

If the plaintiff in an employment-related dispute is an employee, the trial shall, in addition to the court having territorial jurisdiction for the defendant, also lie within the jurisdiction of the court on whose territory the work was or is performed.

Article 61

If, in a foreign country, a citizen of the Republic of Serbia may be sued before the court which, under the provisions of this Law, would not have territorial jurisdiction over the civil-law matter concerned, the same jurisdiction shall apply to trials against citizen of that foreign country before a court in the Republic of Serbia.

v) Determination of Territorial Jurisdiction by the highest court of certain kind

Article 62

The competent court of first instance may by itself or at the motion of a party request from the highest appropriate court to determine that another court of real jurisdiction from its territory proceeds in a particular case if it is obvious that this shall enable easier carrying out of the procedure or if other important reasons exist for doing so.

The proposal of the competent court for delegation of jurisdiction is not delivered to the parties to declare themselves.

The proposal for the delegation of jurisdiction after the preliminary i.e. the first trial hearing a party may present only if the reason has emerged or a party learned about it later.

Party's proposal for transfer of jurisdiction the competent court shall submit to the adverse party to declare itself about it within three days from the day of receipt.

The competent court of the first instance may suspend the proceedings if proposal for delegation of authority has been submitted.

The court of first instance shall decide on the request of a party from Paragraph 1 of the present Article by a decision against which an appeal is not permitted, within eight days from reception of the request.

The panel of the highest court of a certain kind shall decide on the request of the court of first instance from Paragraph 1 of the present Article.

The proposal for the delegation of jurisdiction may be submitted also during the procedure of second instance under conditions from Paragraph 1 of the present Article.

Article 63

The first instance or second instance court will reject the proposal for appointing another court of jurisdiction if the party submits again the identical proposal, if the proposal is not motivated, if it does not contain reasons from Article 62, paragraph 1 of this law, or if the party proposes appointing of another court of jurisdiction for reasons relating to the exclusion or disqualification.

The decision from paragraph 1 of this Article is issued by the president of the panel of the first instance court within eight days or the panel of the second instance court; complaint against this decision is not allowed.

Article 64

If a trial is within the jurisdiction of a domestic court, but it is not possible to establish which court has territorial jurisdiction under the provisions of this Act, the Supreme Court of Cassation shall, upon a motion by a party, determine which of the courts having real jurisdiction shall have territorial jurisdiction.

g) Agreement on territorial jurisdiction

Article 65

Unless the law provides for the exclusive territorial jurisdiction of a court, the parties may agree that their case is to be heard in the first instance by a court which does not have territorial jurisdiction, provided that this court has subject-matter jurisdiction.

If the law provides that two or more domestic courts have territorial jurisdiction for a specific dispute, the parties may agree that their case is to be heard in the first instance by one of these courts or another court having subject-matter jurisdiction.

The agreement from paragraph 1 and 2 of this Article shall have legal effect only if prepared in written form and if it is related to certain dispute or several disputes arising from the same legal relationship.

Instrument of the agreement the plaintiff must accompany with the lawsuit and the defendant with the complaint about non-jurisdiction.

Chapter Three
DISQUALIFICATION AND EXEMPTION

Article 66

The judge is obliged to refrain from presiding over trial when there are reasons that may cast doubt on his impartiality.

Article 67

A judge may not perform any judicial function:

1) if he or she himself or herself is a party, legal representative or agent of a party, if he or she and the party are co-beneficiaries, co-obligors or reimbursement obligors or if he or she has been heard as a witness or an expert witness in the same case;

2) If as a shareholder owns more than 3% of shares in the total capital of a legal entity, if is a member of a company or a member of the cooperative when one of party in dispute is his creditor or debtor;

3) if the party, the party's representative or agent is his or her relative in the direct line up to any degree or in the collateral line up to the fourth degree, or his or her spouse, or a common law spouse or in-law up to the second degree, regardless of whether or not the marriage was ended;

4) if he or she is the guardian, adoptive parent or adopted child of the party, the party's representative or agent of if between him and party, its legal representative or agent exist household relation;

5) if between the judge and the party exists some other litigation;

6) if in the same case, he participated in the mediation, or in conclusion of court settlement that is contested in a lawsuit or made a decision that is challenged or he represented the party as a lawyer;

7) if he was in involved in bankruptcy proceedings as a bankruptcy judge or a member of the bankruptcy panel and reached the decision that caused the litigation.

A judge may be exempt if circumstances exists which cast doubt on his impartiality (exemption).

Article 68

A judge shall, immediately upon becoming cognizant of the existence of any of the reasons for exemption specified in Article 67, paragraph 1, cease any work on the case and so inform the parties and the president of the court who shall decide about disqualification.

If in the opinion of a judge circumstances exist for exemption, he/she shall stop with the proceedings and inform the parties and the president of the court who shall decide on disqualification. Until passing of the decision of the president of the court, the judge may undertake only such actions where risk of delay exists.

Article 69

The litigants may also request disqualification and exemption.

A party is required to file the request immediately from the day of becoming aware that reasons for disqualification or exemption exist, not later than conclusion of hearing before the first instance court, and if there was no hearing, prior to passing of the ruling.

In the request the party must state the legal reason due to which the exemption or disqualification is desired, circumstances that shows that the request has been timely submitted as well as facts that are providing the reason for seeking exemption or disqualification.

The party may include a request for disqualification of a judge that is deciding about the legal remedy at the latest until the rendering of decision about legal remedy, and request for exemption within 15 days from reception of the act in the court of higher instance. If the panel is changed, the period for submission of the request shall start to run again from the day of delivery of that court decision to the party.

Article 70

Untimely (Article 69, paragraph 2 and 4), incomplete (Article 69, paragraph 3) and inadmissible request for exclusion or exemption will immediately be rejected by the president of the panel before whom the proceeding is conducted even when the party made a motion for his/her exclusion or disqualification.

A request for disqualification is not permitted:

1) where the general disqualification is requested of all judges of a specific court or all judges who could adjudicate in a case;
2) if a decision has already been rendered upon it;
3) where there is no reason given why disqualification is requested.
4) when the party requests disqualification or exemption of the judge that is not acting on that case;
5) when the party requests disqualification i.e. exemption of the president of the court, except when he/she is acting on that case.

If the request from paragraph 1 of this Article is submitted at the hearing, the judge shall reject it and continue with the hearing, and if it was submitted in the submission, not later than three days from the day of reception of the submission.

Against decision from paragraph 1 of this Article there is no room for special appeal.

Article 71

The president of the court shall rule on the motion for disqualification or exemption of the judge, not later than three days from submission of the request, and the request for disqualification or exemption of the president of the court and president of the Supreme Court of Cassation shall be ruled within 15 days.

If the litigant moves to exempt the president of the court, the ruling on disqualification shall be passed by the president of a directly higher court.

A motion by litigants for disqualification of the president of the Supreme Court of Cassation shall be decided by the general session of such court.

Prior to passing the ruling on disqualification, statements will be taken from the relevant judge whose disqualification is requested, and if necessary other on-site investigation will be undertaken.

The ruling sustaining the motion for disqualification cannot be appealed, and no special appeal is allowed against a ruling rejecting the motion.

Article 72

When the motion for his/her disqualification or exemption is put forward during the hearing the judge will complete started hearing and until ruling about his/her disqualification or exemption is reached he/she may undertake only those activities where danger due to delay exists.

If the request for disqualification is adopted, the court shall terminate any action that has been taken by the disqualified judge.

If the request for disqualification is adopted, the court shall revoke the all actions that were undertaken after submission of the request, unless the parties agree that the actions already undertaken are not to be repeated.

In the event of submission of request for disqualification or exemption during the hearing before the court of second instance the paragraphs 1 to 3 of this article shall apply.

Article 73

The provisions on disqualification of judges shall also apply, as appropriate, to president of the court, lay-judge **and court clerk**.

Lay-judge can not perform the duty of the judge (disqualification) if permanently or temporary is employed with entrepreneur or legal entity that is a party in litigation.

About exemption of the court reporter decision is rendered by the president of the court i.e. panel of the court or judge sitting alone.

Chapter Four

PARTIES AND THEIR LEGAL REPRESENTATIVES

Article 74

Any natural person or legal entity may be a party to the proceedings.

Separate regulations shall set out who, in addition to natural persons and legal entities, may be a party to the proceedings.

The public prosecutor is entitled to participate in legal proceedings as a party only in cases specified by special law.

A litigation court may exceptionally, and with legal effect in a particular case, recognize attributes of a party to the proceedings to such forms of association that do not have litigant competence in terms of provisions of paragraphs 1 and 2 of this Article if it determines that, due to the subject of litigation, they essentially fulfill the vital prerequisites for acquiring litigant competence, and especially if they dispose with property on which enforcement may be conducted.

No special appeal shall be allowed against the ruling specified in paragraph 4 of this Article recognizing litigant competence.

Article 75

A party who has full disposing capacity may undertake procedural actions by himself or herself (litigation capacity).

A person who has attained the age of majority and whose disposing capacity has partially been limited shall have the litigation capacity within the limits of his or her disposing capacity.

A minor without full legal competence shall be competent for litigation within the limits of recognized legal competence.

Article 76

A party without legal competence shall be represented by its legal representative.

Article 77

Representative of a legal person during the litigation shall be a person enlisted in appropriate register, and designated by special regulation, general act or decision of the court.

Article 78

A legal representative may undertake all actions in the proceedings on behalf of the party, but if other regulations provide that for filing or withdrawing of the complaint, or motion for recognizing or refuting the claim, for conclusion of settlement or for undertaking other actions in the proceedings a legal representative must have special authorization, he may undertake such actions only if so authorized.

Ordinances of paragraph 1 of this Article are related also to representative of the legal entity.

Article 79

In the course of the whole proceedings the court shall pay attention to whether the person appearing as a party may actually be a party in the proceedings, whether he or she has litigation capacity, whether the party who lacks litigation capacity is represented by his or her legal representative and whether the legal representative has special authority, when necessary.

A person appearing as a legal representative, before undertaking the first procedural action, shall prove his/her legal representative capacity.

When undertaking of particular actions in the proceedings requires special authorization, the legal representative is required to prove to be in possession of such authorization.

If the court determines that the legal representative of a person under guardianship fails to display the requisite attention in representation, it shall so inform the guardianship authority. If damages could occur for the person under guardianship due to omission of the representative, the court shall halt proceedings and move for appointment of another legal representative.

Article 80

When the court determines that the person appearing as a party cannot be a party to the proceedings, and such deficiency may be corrected, the court shall invite the plaintiff to make the necessary corrections.

Moreover, when the court determines that a party does not have a legal representative or that the legal representative does not have special authorization when such is required, it shall request that the guardianship authority appoint a guardian for the person without litigation competence, and/or shall undertake other measures required for proper representation of a person without litigation competence.

The court may set a deadline for the party to correct the deficiencies specified in paragraphs 1 and 2 of this Article under conditions envisaged by Article 101 of this Law.

Until such deficiencies are corrected only such activities may be undertaken in the proceedings whose delay could result in detrimental consequences for the party.

If the mentioned deficiencies cannot be corrected or if the set deadline passes without correction of such deficiencies, the court shall rule to rescind actions undertaken in the proceedings if affected by these deficiencies and shall reject the complaint if the deficiencies are of such nature preventing further litigation.

The ruling ordering measures for correction of deficiencies cannot be appealed.

Article 81

If during proceedings before a first-instance court it is demonstrated that regular proceedings for appointment of legal representative for the defendant would be protracted, and hence with prejudicial consequences for one or both parties, the court shall appoint a temporary representative for the defendant from the list of advocates presented to the court by the Bar association. The list shall be announced at the Internet site and bulletin board of competent bar association and court. When appointing a temporary representative, the court is in obligation to comply with the sequence from the list.

Under conditions specified in paragraph 1 of this Article the court shall appoint a temporary representative for the defendant particularly in the following cases:

1) if the defendant lacks litigation competence, and has no legal representative;

2) if conflicting interests exist between the defendant and his/her legal representative;

3) if both parties have the same legal representative;

4) if temporary or permanent residence or seat of the defendant is unknown, and the defendant has no attorney;

5) if the defendant or his or her legal representatives, who do not have an attorney are in a foreign country and serving could not be carried out.

The court may appoint a temporary representative to a legal person also, i.e. to an entrepreneur under conditions and in the way established in Paragraphs 1 and 2 of the present Article.

The court shall decide by a decision on appointment of a temporary representative that shall be delivered without delay to the guardianship authority of last domicile or residence of the defendant and the parties, as soon as it is possible.

Against decision from paragraph 4 of this Article no appeal is allowed.

Article 82

A temporary representative shall have during the proceedings all rights and duties of a legal representative.

These rights and duties shall be carried out by the temporary representative until such time the defendant or his/her attorney appears before the court, and/or until the guardianship authority notifies the court on appointment of guardian.

Article 83

If a temporary representative has been appointed for the defendant due to reasons specified in Article 81, paragraph 2, points 4 and 5 of this Law, the court shall issue a notification which shall be published in "The Official Gazette of the Republic of Serbia" and on the notice board of the court, and otherwise if necessary by other appropriate means.

The notice from paragraph 1 of this Article should contain: designation of the court appointing a temporary representative, legal grounds, name of the defendant for whom a representative is appointed, subject of litigation, name of representative and his/her occupation and address, as wall as a caveat that the representative shall represent the defendant until such time the defendant or his/her attorney appear before the court, and/or until the guardianship authority notifies the court on appointing of a guardian.

Article 84

A foreign citizen who lacks litigation capacity under the law of the country of his or her citizenship, but has litigation capacity under domestic law may undertake procedural actions by himself or herself. The legal representative may only undertake procedural actions up until the time the foreign citizen states that he or she is taking over the conduct of the litigation.

Chapter Five

ATTORNEYS

Article 85

Parties may undertake actions in the proceedings personally or through an attorney ~~**who must be the lawyer**~~.

The attorney can be a lawyer if not otherwise provided by the law.

A party who is not a legal person may be represented by attorney who has full disposing capacity.

As exception from paragraph 1 of this Article, **T**he Attorney of a legal person ***can be only*** a graduated lawyer with the passed bar exam, and who has regular employment in that legal person.

A party in proceeding on extraordinary legal remedies must be represented by an attorney ~~**unless the party is attorney itself**~~.

Representing of the Republic of Serbia and its authorities, units with territorial autonomy and local self-governance is regulated by special regulations.

The court can summon the party that has attorney to declare personally at the court about facts that has to be determined in litigation.

The party that is represented by attorney can always appear before the court and give statements in addition to his/her attorney as well as undertake activities unless specified otherwise under this Law.

If the court finds out that the attorney who is not a lawyer is not capable to perform this duty, the court shall instruct the party about negative consequences that might occur due to improper representation.

Article 86

Actions undertaken in the proceedings by an attorney within the limits of authorization have the same legal effect as if undertaken bay the party itself.

Article 87

A party may change or revoke an action of his/her attorney.

If an attorney acknowledges a fact at a hearing on which the party is not present, or acknowledges a fact in a filing, and the party subsequently changes or revokes such acknowledgement, the court shall deliberate both statements in terms of Article 230, paragraph 3 of this Law.

Article 88

The extent of authorization is determined by the party.

The party may authorize the attorney to undertake only certain actions or to undertake all actions in the proceedings.

Attorney ***who is attorney-in-law*** can be substituted by legal trainee that is employed with him/her only if the party agreed with that in given power of attorney, ~~**except in proceedings concerning legal remedies**~~.

Article 89

If a party issues a power of attorney to conduct the litigation without specifying the scope of authorization, the attorney, ***who is attorney-at-law***, on basis of such power of attorney, is authorized to:

1) conduct all actions in the proceedings, especially to file the complaint, to withdraw it, to recognize the claim or to renounce the claim, to conclude a settlement, to file legal remedy and to renounce or waive it, and to request an injunction for temporary security measures;

2) to file motion for enforcement or securing and to undertake actions in proceedings relating thereto;

3) to transfer the power of attorney to another attorney or to authorize another attorney to undertake only particular actions in the proceedings.

4) to receive and collect awarded costs from the opposite party.

To file a motion for re-trial an attorney-at -law requires a special power of attorney.

Article 90

A party shall grant power of attorney in writing.

If the court has doubts about the truthfulness of a written power of attorney, it may order, by a ruling, that a certified power of attorney be submitted. No appeal shall be permitted against this ruling.

Article 91

An attorney is required to submit the power of attorney at the first act in the proceedings.

The court is required to monitor throughout the proceedings whether the person appearing as an attorney is authorized for representation. If the court determines that the person appearing as an attorney is not authorized for undertaking of certain activity, it shall rescind all litigation acts undertaken by such person, unless subsequently approved by the party.

Article 92

A party may revoke the power of attorney at any time and the attorney may relinquish it at any time.

The court before which the proceedings are conducted must be informed of revocation and/or relinquishing of power of attorney, in writing or orally on record.

Attorney is required to notify the party and the court about relinquishing of power of attorney.

Revoking and or relinquishing of power of attorney shall be valid for the other party from the moment it is notified about it.

The attorney is required to act on behalf of the person giving him/her power of attorney for 30 days following relinquishing of the power of attorney if necessary to prevent any damages for such person that could occur within this period.

Article 93

With the death of a natural person, pronunciation of his /her death or the loss of business capability, the power of attorney which he/she issued is also terminated.

If the attorney of natural person is given the power of attorney to undertake all procedures in litigation and party involved or his/her legal representative dies or looses business capability, or if the legal representative is dismissed, the attorney is authorized to act in a process that cannot be postponed.

Article 94

With the dissolution of a legal entity, initiation of bankruptcy procedure or liquidation the power of attorney issued by it shall cease.

Upon initiation of bankruptcy procedure or liquidation in procedures arising due to the bankruptcy procedure, as well as in procedures started before the bankruptcy procedure, and continued upon initiation of the mentioned procedures, the attorney must have the power of attorney issued by the trustee in bankruptcy, or the liquidator.

Chapter 6

LANGUAGE OF THE PROCEEDINGS

Article 95

Parties and other participants to the proceedings are entitled to use their own language during the hearings and when orally undertaking other actions before the court.

If such proceedings are not in the language of the other parties or other participants to the proceedings, they will, upon request, be provided with an interpretation of the proceedings in their own language, including oral translations of all documents used as evidence during the proceedings.

If language of a national minority is also in official use in the court, the costs of translation incurred by use of official languages of national minority in the procedure shall be covered by authority who is conducting the procedure.

Parties and other participants in the process who are blind, deaf or dumb are entitled to free assistance of an interpreter in court proceedings.

Article 96

Summonses, decisions and other documents relating to the case which are sent to the parties and other participants in proceeding shall be in the Serbian language.

If the language of a national minority is also in official use at the court, the court shall send its documents in that language to the parties and participants to the proceedings who are members of the minority and speak their own language before the court.

Article 97

Parties and other participants to the proceedings must submit their complaints, appeals and other filings with the court in a language which is in official use at the court.

Parties and other participants to the proceedings may submit to the court their filings also in language of national minorities that is not in official use in the court if that is in accordance with the law.

Chapter 7

FILINGS

Article 98

Complaints, replies to complaints, legal remedies are submitted in writing (hereinafter: the filings).

Requirements for written form also are fulfilling the filings directed to the court by telegram and electronic mail in accordance with special law.

Filings shall be comprehensible and shall contain everything which is necessary for them to be proceeded upon and in particular, they shall specify: the name of court, name and surname, name of the company, permanent or temporary residence i.e. headquarter of the parties, their legal representatives and attorneys if any, the subject matter of dispute, the contents of the statement and the signature of the submitter.

If the statement contains a claim, a party should state the facts on which the claim is based and present evidence, when necessary.

Written filings are submitted only apart from the hearing and not later than 15 days before the hearing.

Article 99

All filings and attachments to filings to be sent to the other party must be filed with sufficient number of copies for court and the other party to the proceedings.

If several persons who have a common legal representative or agent are on the opposing side, filings and attachments may be filed for all these persons in only one copy.

Article 100

Documents attached with the filing may be submitted either as original documents or transcripts.

If a party submits an original document, the court shall keep the document and allow the other party to the proceedings to examine the document. When there is no need for the court to retain the document, it will be returned to its owner upon request.

The court may request the party who submitted the document to file a transcript with the court.

If a transcript is filed the court may, upon request of the other parties to the proceedings, request that the party submitting the document produce the original to the court and allow it to be examined by the other parties to the proceedings. If necessary, the court shall determine a time limit for the filing to be submitted in original form or certified transcript i.e. examination of a original document.

Appeal against paragraphs 2 and 3 of this Article is not allowed.

Article 101

If the filing is unclear or incomplete (Article 98, paragraph 3), the court shall return the filling to the party that does not have attorney-at-law for purpose of correction of the filling unless otherwise directed by the Law.

When the court returns the filing for correction or supplementation it will determine the deadline of eight days for resubmitting of filing.

If the filing is corrected i.e. supplemented and submitted with the court within the deadline prescribed for correction and supplementation it will be considered that the filing was submitted to the court on the day when it was submitted first.

It will be considered that the filing is revoked if it is not returned to the court within deadline specified, and if it is returned without correction i.e. supplement it will be rejected.

When the filing submitted by the attorney-in-law, ombudsman or public prosecutor on behalf of the party is unclear or incomplete, the court shall reject the filling.

If filings or supplements are not submitted in a sufficient number of copies, the court shall make the copies and the costs shall be borne by the party who has failed.

Chapter 8

TIME LIMITS AND HEARINGS

1. Time limits

Article 102

If time limits are not set by law, the court sets them based on the circumstances of the case.

Time limits from paragraph 1 of this Article are set by the court in accordance with the time frame.

Article 103

Time limits are calculated in days, months and years.

If a time limit is expressed as a number of days, as a first day of the deadline is considered next day from the day of service or notification or after the day of the occurrence of the event from which the time limit is calculated according to the Law.

Time limits expressed as a number of months or years end expire on that date of the final month or year which corresponds to the date on which the court delivered or day on which falls the occurrence of the event from which according to the law the time limit started to run.

If the last day of a time limit is a public holiday or Sunday or any other non-working day of the court, the time limit ends upon the expiry of the next working day.

The provisions of paragraph 4 of this Article shall apply to the period within which, under the special regulations, a lawsuit must be filed as well as on the period of aged debts or other rights.

Article 104

If there is a time limit to submit a filing, it shall be considered that the filing is submitted in time if it is submitted before the end of such time limit.

If a filing is sent by registered mail or telegraph, the date of delivery to the post office shall be considered the date of filing it with the court.

If a filing is sent by telegraph and does not contain all necessary information, it shall be considered timely if a proper filing is resubmitted with the court or sent to the court by registered mail within 3 days of delivering the original telegram to the post office.

If a filing is sent by e-mail, the date of delivery to the court shall be considered the time indicated in the receipt of reception of e-mail message.

Where individuals are in the service in the Armed Forces of the Republic of Serbia and other persons with service in military units, or military institutions, the day of submitting a filing to a military unit or institution is considered the day of filing with the court.

For persons in places of detention, the day of submitting a filing to the penitentiary institution is considered the day of filing with the court.

If a filing is submitted or mailed to a court which has no jurisdiction before the end of a time limit, and it reaches the court of jurisdiction after the end of the time limit, it shall be considered that it was filed in time if the failure to send it to the court of jurisdiction can be justified by the lack of knowledge or obvious mistake of the person who filed it.

The provisions of paragraphs 1 to 7 of this Article concerning time limits also apply in cases where a complaint must be filed in accordance with special regulations, as well as to for aged debt deadline or other right.

2. Hearings

Article 105

Hearings shall be scheduled by the court when prescribed by law or when it would be required for the purpose of the proceedings. No appeal shall be permitted against the ruling by which a hearing was scheduled.

The court shall timely summon the parties and other persons whose presence is required during a hearing. The summons is served with a filing that was the cause for the hearing, and it identifies the relevant venue, room and time of the hearing. If the summons is served without a filing, it must identify the party, subject of litigation and act to be done at the hearing.

The court will, within summon for a preliminary hearing or the first main hearing, warn of the legal consequences for absence from the hearings as well as about the duty of parties to inform the court about change of address (Article 144).

The content of summon is the same for all participants in the proceeding, regardless of their capacity in the proceeding, if not otherwise provided by this law.

Article 106

The court may send to parties and other participants during proceeding, with their consent, summon for hearing or notification about delay of hearing using electronic mail, telegram or other electronic messenger system, provided that such way of contacting provides the court with return information that the person received the summon or notification.

Article 107

Hearings normally take place in the court building.

The court may decide to hold a hearing outside of the court premises if it is considered necessary. Such decision may not be appealed.

Article 108

The court may exceptionally postpone a hearing if necessary to present evidence or ~~**due to absence of the judge**~~ due to other justifiable reasons.
When hearing is postponed, the court shall always determine new time frame ~~**that cannot be longer than one third of the originally defined time frame**~~.

If a hearing is postponed, the court shall immediately determine the time and venue of the postponed hearing within the time frame from paragraph 2 of this Article.

The decision on postponement of a hearing may not be appealed.

3. Motion to restore a prior status

Article 109

If a party fails to appear at a hearing or to meet a deadline for taking an action in the proceedings, and, for that reason, he or she loses the right to take that action, the court shall permit such party, upon his or her motion, to take that action later (motion to restore a prior status), if it deems that there were legitimate reasons for the omission.

When a motion to restore a prior status is granted, the status of the litigation prior to the omission shall be restored and any decisions that were made by the court because of the above omission shall be revoked.

Article 110

A motion to restore a prior status shall be put forward to the court at which the omitted action was supposed to be taken.

The motion shall be put forward within eight days of the day when the reason for the omission ceased to exist; and if the party learned about the omission at a later time, the above eight days time limit shall start running on the date when he or she learnt about it.

After the expiration of 60 days of the date of the omission, no motion to restore a prior status may be put forward.

If a motion to restore a prior status is put forward because of a failure to meet a
deadline the requesting party shall, at the same time when he or she puts forward the motion, take the omitted action.

Article 111

No motion to restore the prior status shall be permitted if the party has failed to meet the deadline from article 110 paragraphs 2 and 3 of this Law or if he or she has failed to appear at the hearing scheduled in relation to the motion to restore a prior status.

Article 112

A motion to restore a prior status shall not affect the course of the litigation, but the court may decide that the proceedings be suspended until the ruling on the motion becomes legally effective.

Article 113

Untimely and inadmissible motions to restore a prior status shall be dismissed by the court decision.

The proposal to restore the prior status, which is not based on generally known facts and party did not submit or suggest appropriate evidences or with suggestion did not undertake missed action will be rejected as irregular.

A proposal to restore the prior status shall, as a rule, be rendered without hearing.

When the court finds that in order to properly establish the facts it is necessary to bring forward evidences it will schedule a hearing.

Article 114

No appeal shall be permitted against a ruling granting a motion to restore a prior status, except where untimely and irregular proposal have been granted.

Chapter 9

TRANSCRIPTS

Article 115

All acts done during a hearing are recorded in a transcript.

Transcripts shall also be taken of important statements and notifications made by parties or other participants outside of a hearing. No transcripts shall be taken of less important statements or notifications; they shall just be recorded in the case file in the form of an official note.

Transcript shall be taken by a court clerk.

The judge may entrust the management of transcript to judge assistant or judge trainee.

Article 116

The following information shall be entered in the transcript: name and composition of the court, place where action is taken, date and hour when action is taken, indication of the matter of controversy and names of the attending parties or third parties and their legal representatives or agents.

Transcripts shall contain essential information about the contents of the action taken. The transcript of the trial shall in particular contain the following information: whether the trial was held in open court or not, the parties' statements, their motions, evidence they offered, evidence that was produced, statements made by witnesses and expert witnesses as well as decisions rendered by the court at the hearing.

Article 117

A transcript must be kept in an orderly manner, nothing must be deleted from the transcript, added or changed after the transcript is verified by signatures of the parties and court clerk.

Article 118

Transcript shall be drawn by making the written text based on the loud voice command from the judge, but also may be made based on stenographic notes or recording made by device for audio or video recording

The parties are entitled to examine the transcript and maters from paragraph 1 of this article, to read or request the transcript to be read to them and make their objections on its content.

Other persons whose statements have been recorded in the transcript may request the same, but only of that part of the transcript containing their statements.

Corrections or additions to the transcript that should be made on account of the objections of the parties or other participants or in official capacity are added to the end of the transcript. Overruled objections are also to be included in the transcript if the parties request so.

Article 119

The court may decide by a decision, in its official capacity or at proposal of the parties, to record the hearing by audio or video recording.

A separate appeal is not permitted against the decision from paragraph 1 of this Article.

The recording must contain the following data: denomination and composition of the court, venue, date and time of holding of the hearing, subject matter of the dispute, names of parties and other persons, their legal representatives or attorneys. The recording shall also contain data about the identity of the person whose declaration is recorded and in which capacity it is giving the declaration. If declarations of several persons are recorded, it must be clear from the recording which person is giving the declaration.

The parties have the right to a copy of the recording from Paragraph 3 of the present Article.

Article 120

Sound, and/or video recording of the hearing is a part of the court file.

The way of keeping, transferring of the recording into the transcript, technical conditions and the way of recording shall be prescribed by the Court Rules of Procedure.

Article 121

The sound record shall be, in accordance with dispositions of the present Code, transferred in the form of a written transcript, which must contain all that is recorded in the sound recording, within a deadline of eight days from performed recording or broadcasting of the recording. Written form of the sound recording represents the transcription.

Parties may request a copy of the sound part of recording from Paragraph 1 of the present Article.

If the copy of the sound part of recording and the sound recording has important differences in contents, the party has the right to submit to the judge an objection within a deadline of eight days from reception of the copy.

After the objection of the party from Paragraph 3 of this Article, the court shall, within three days, change the copy of the sound part of recording or deny the objection by a decision. A separate appeal is not permitted against this decision.

Article 122

The transcript is signed by judge, president of the panel of judges, court clerk, parties or their legal representatives or attorneys, interpreter and translator.

A witness or expert witnesses sign their statements in the transcript if they give their testimony before a judge requested to take testimony.

An illiterate person or a person who is not able to sign shall fingerprint the transcript and the court clerk shall write his/her name under the fingerprint and write from which finger the print was taken. If a person cannot give the fingerprint, the judge shall establish that fact in the transcript and verify that text with his signature under it.

Should a party, representative or attorney, a witness or expert witness leave before the signature of the transcript or does not want to sign the transcript, this shall be recorded in the transcript along with the reason stated for doing so.

Article 123

Deliberation and voting of the court is recorded in a separate transcript. If with the court in proceedings on legal remedies the decision is reached unanimously then instead of transcript the note about deliberation and voting is compiled

The transcript of deliberation and voting contain information about voting and the decision made.

Separate opinions are included in the transcript of deliberation and voting if they have not been included in the transcript of the proceedings.

All members of the court panel and the court clerk sign the transcript or note on voting.

The transcript of deliberation and voting shall be sealed in special envelope. It may be examined only by a court that is solving the problem of legal remedy in the procedure of legal remedy after which the transcript is to be closed and sealed again with a note on the envelope that it has been examined.

Chapter 10

RENDERING OF DECISIONS

Article 124

The decisions of the court have either the form of judgments or decisions.

The court passes a judgment, except in the event of trespassing where the court passes a decision.

Whenever the court does not pass a judgment, it passes a decision.

In case of a claim for payment order, the decision approving the claim shall have the form of payment order.

The ruling of the court related to costs which is included in the judgment is considered a decision.

Article 125

The court panel makes a decision after deliberation by voting.

Only the members of the panel and the court clerk may be in the room where deliberation and voting take place.

When a decision on simple issues needs to be rendered, the chamber may also render a decision at the session itself.

Article 126

The president of the panel shall manage the deliberations and voting and shall vote last.

The majority of votes shall be required for each decision rendered by the panel.

If, in relation to particular issues to be decided, votes are split between several different opinions, so that neither of them has the majority, the issues shall be separated and voting repeated until a majority is achieved.

Article 127

Prior to rendering a judgment on the main claim, the court must make a decision whether it is necessary to supplement the proceedings. It shall also decide on other preliminary issues.

If deliberation on the main claim requires that decisions be made on several claims, there will be a separate vote on each of them.

Chapter 11

SERVICE OF WRITS AND
EXAMINATION OF CASE FILES

1. Manner of Service

Article 128

Writs of the court shall be served directly in the court, by mail, persons registered to perform the delivery, the person employed by the court, other state agencies, persons with public authorities or other persons designated by special regulations, as specified by this Law.

The person who performs the service is obliged to prove his/her authorization to the person on whom the document is being served at his/her request.

The persons whom the courier finds at the place where the service is to be executed are obliged to prove their identity, at his/her request.

Police authorities are obliged to assist in the performance of delivery if requested by the Court.

Article 129

Delivery can be done electronically, in accordance with special regulations.

Delivery in electronic form is considered to be made under condition that in this manner of service it is possible to provide feedback information that the person has received the document.

Notice of receipt of the document submitted in electronic form represents the printed electronic record about the day and hour when the device for electronic transfer of data recorded that the document has been sent to the recipient, name of the sender and recipient name and title of the document.

Article 130

The parties may, upon approval by the court, directly and promptly refer the filings and other documents to each other and to submit the filings and other documents along with proof of delivery to the court.

The provision of paragraph 1 of this Article shall not apply to documents for which personal service is envisaged.

Article 131

Service to natural persons shall be to the address indicated in the complaint, or to the address of domicile or residence registered with the authority responsible for maintaining the records of identity cards.

Service to public authorities, authorities of autonomous region and bodies and public services of self governing local is done by delivering a document to the responsible person in the office for the reception of documents. As the day of service it is considered the day of delivery of the document.

Service on legal entities is done by delivering of document within the premises of the legal entity to an employee of the legal entity, i.e. attorney of the legal entity to the address from the public registry i.e. to the address of his/her residence.

Service to entrepreneurs is done in accordance with paragraph 3 of this Article.

Article 132

For the persons in the military and police, as well as employees of road, river, maritime and air transportation, service of the summons may be performed through their command or direct superior, as well as the service of other documents related to the case.

Article 133

When service is to be made on persons or institutions in a foreign country or on foreigners enjoying the right to immunity, it shall be made through diplomatic channels, except if otherwise provided in an international agreement or in Law (Article 146).

If service of a document of the court has to be made on the citizens of the Republic of Serbia in a foreign country, that may be done through the competent consular or diplomatic representative of the Republic of Serbia performing consular functions in the foreign country concerned or through legal entity internationally registered for performing of currier business (delivery).

Service to legal entities with headquarters abroad and a branch office in the Republic of Serbia can be performed to their representative office.

Article 134

Persons in places of detention shall be served through the administration of the penitentiary institution.

Article 135

If a party is represented by legal representative or attorney, service is executed to the legal representative or attorney, if not otherwise provided by this Law.

If a party has two or more legal representatives or attorneys, service may be executed on one of them.

Article 136

Service to attorney-at-law can be also executed by handing the document to a person employed in his attorney at law office.

Service to attorney-at-law can be executed and by handing the document to an adult member of his/her family, if the attorney-at-law perform his/her activities at home.

Service to public notary or enforcement agent can be executed in the manner stipulated by paragraph 1 of this article.

Article 137

Servicing documents to legal persons and lawyers can be made in court by passing them in a special compartment at their request and by the decision of the court president.

Service under paragraph 1 of this Article is performed by person authorized by the court.

Article 138

Attorney-at-law, or authorized representative of legal person who takes court documents from special compartment is obliged to take all documents that are deposited in the compartment.

Attorney-at-law or authorized representative of legal person is obliged to take document from the court compartment within eight days from the date of deposit in the court compartment. If document is not taken within that period, the service is done by placing document on the bulletin board of the court and shall be deemed completed after the expiry of eight days from the date the document has been placed on the bulletin board of the court.

A lawyer may authorize a person employed in his law firm to take document from the court compartment.

Article 139

Service shall be made to person to whom the service is made every day at his/her workplace during working hours, or at home only from 7 to 22 hours or in the court when the person is found there, or when the court invites the person for the purpose of service.

Service can be completed in another time and another place, under a special decision of the court which the courier, upon request, must present.

Article 140

If a party to be served with a document is not at home, the document is delivered to a grown-up member of the household who must receive the document.

If service is to be effected at a workplace, and the party to be served is not there, the document may be delivered to a person who works there if he/she agrees to receive it.

If service was not possible to be carried out in accordance with provisions in paragraph1 and 2 of this article, service will be done by posting the document on the door of the apartment or premises of a legal entity and therefore it is considered that the service was executed.

A document is not allowed to be delivered to another person if that person is the other party to the proceedings.

Article 141

Legal action, decision on payment order, judgment, decision that may be appealed and legal remedy, shall be served on a party in person or to his/her legal representative or attorney.

If a party to be served in person is not found ~~**where the document should be served, provided that the address is correct, the person effecting service shall leave the notification that the document may be taken over in the court within 30 days from the attempted delivery. In that case, a copy of the document is posted at the bulletin board of the court**~~. ***at the address from the complaint, the service shall be made to the address of the place of residence***.

If the document from paragraph 1 of this Article could not be delivered in person to the address of the place of residence, the person effecting service shall leave notification to an adult member of the household that the document may be taken over in the court within 30 days from the attempted delivery. If the person effecting service did not find anyone at the address of the place of residence, the notification from paragraph 3 shall be left in the post box.

Upon expiry of the period from paragraph ~~2~~ **3** of this Article, ~~**it will be considered that service has been executed**~~ ***the court shall, in accordance with Article 81, paragraph 2, item 4, appoint a temporary attorney to the defendant***.

Notification from paragraph 2 of this Article shall contain: name of the person to whom the delivery was attempted, capacity in the proceeding, date and hour of the attempted delivery, indication that the document can be taken over in the court within 30 days, ~~**that copy of the document shall be posted at the bulletin board in the court, as well as that upon expiry of that period it shall be deemed that the delivery was executed**~~, ***as well as that upon expiry of that period a temporary attorney shall be appointed to him/her***.

If it is established that the person to whom the document is to be serviced is absent for a long period of time, the document shall be returned to the court with the note of whereabouts of the absent person.

If the document referred to under paragraph 1 of this Article is to be served on public authorities and legal entities, service shall be effected in accordance with the provisions of Article 131 of this Law.

Refusal of service

Article 142

If a party to be served or a grown-up member of his/her household, or an authorized official or employee of a public authority or legal entity refuses service on no legal grounds, the person effecting service shall leave the document in the home or office of the party to be served or stick it on the door of the home or office. The person effecting service shall write the date and reason for refusing service on the note of delivery, as well as where the document was left, whereby service shall be considered effected.

Establishing and change of address

Article 143

The party is obliged to inform the court about address of the opposing party to which documents should be personally serviced.

If a party which the court ordered to supplement the filing by stating the address of the opposing party to who documents should be serviced is not itself able to find out the address and submit to the court evidence of its incapability to do that, the court will request from competent authorities to obtain necessary information.

Article 144

If a party or his/her legal representative changes residence before conclusion on the proceedings is passed, he/she shall promptly inform the court.

If they fail to do so the court shall order that all further services of documents related to the case on that party are executed by fixing the documents on the notice-board in the court.

Service is considered executed within 8 days of the day of putting the document on the notice board.

If the attorney or a person designated to receive documents changes residence before court passes a decision which concludes litigation and fails to notify the court, service shall be executed as if the attorney/designated person had not been appointed.

Ordinances from paragraphs 1 to 4 shall apply also during proceedings for extraordinary legal remedies.

Article 145

Party or his/her legal representative who is absent more than 30 days from the address to which service has been already made, shall notify the court about it and appoint a representative for receipt of documents. ***If they fail to do it, the service shall be executed by application of Article 144 paragraph 2 of this law***.

4. Representative for receiving court documents

Article 146

A party or his /her representative who is in a foreign country, and does not have an attorney in the Republic of Serbia, shall be summoned by the court to appoint an attorney to receive documents from the court in the Republic of Serbia within 30 days from delivery of the summon. If a party or his/her representative does not appoint such attorney the court will appoint a temporary representative for the party, at his/her expense, to receive court documents and inform the party i.e. his/her legal representative about this appointment.

If attorney authorized to accept the documents cancels the power of attorney and party does not appoint another attorney within 30 days of receiving notice of the cancellation of power of attorney, the court shall, at expense of the party, appoint a representative to accept documents and carry out all service over him/her, until the court receives a notice from the party about appointment of new attorney.

For party who revokes the power of attorney of an attorney for receiving court documents but at the same time does not appoint another attorney, the court shall execute service of documents by placing them on the bulletin board of the court, until the party appoints another attorney to receive documents.

Article 147

When proceedings have been jointly instituted by co-litigants who do not have a joint legal representative or attorney, the court may invite them to appoint, within a specified time limit, a joint attorney for receiving documents of the court. At the same time the court shall inform the co-litigants that one of them will be appointed as their joint attorney for receiving documents of the court if they fail to appoint such attorney themselves.

5. Acknowledgment of Delivery

Article 148

The certificate of service (acknowledgement of delivery) shall be signed by both the recipient and courier, with full name and surname, with indication of capacity of the recipient. The recipient shall also write on it the date of receipt.

If the recipient is illiterate or unable to sign, the courier shall write his or her name and surname and date of receipt in letters, and make a remark about why the recipient did not put his or her signature.

If the recipient refuses to sign the acknowledgment of delivery, the courier shall indicate it on the acknowledgment of delivery and write in letters the date of delivery, and in that way it shall be deemed that the service was executed.

If the service has been effected in accordance with the provision of Article 141, paragraph 2 of this Law, the acknowledgment of delivery shall contain the date and hour of the attempted delivery, as well as indication that the notification from Article 141 paragraph 2 of this law has been left.

When a document of the court has been delivered to the person other than that on whom the document of the court was supposed to be served, the courier shall indicate on the acknowledgment of delivery the relationship between those two persons.

If the date of receipt has been wrongly indicated on the acknowledgment of delivery, it shall be deemed that the service was executed on the day when the document of the court was delivered.

6. Examination and Copying of the Case File

Article 149

Parties, their representatives and attorneys shall have the right to examine and copy the files relating to the litigation in which they participate.

Other persons having a legitimate interest may be allowed to examine and copy only particular case files.

When the proceeding is still pending, permission for activities stipulated in paragraphs 1 and 2 of this Article shall be granted by a judge and when the proceeding has been ended it shall be granted by the President of the Court or employee of the court appointed by him/her.

Chapter 12

COSTS OF THE PROCEEDINGS

1. Costs of Litigation and Costs for Taking Evidence

Article 150

The costs of litigation comprise costs incurred during or in connection with the proceedings.

The costs of litigation include remuneration for attorneys-at-law and other persons entitled to remuneration in accordance with the law.

Article 151

Each party bears the costs incurred in relation to the acts undertaken by them.

Article 152

If a party proposes that evidence is presented during a hearing, they shall, upon the request of the court, deposit funds which are sufficient to cover the costs incurred by the presentation of such evidence.

If both parties propose that evidence is presented during a hearing, the court shall request both parties to deposit equal funds which are sufficient to cover the costs. If the court in official capacity orders presentation of evidence, the court shall order that the party in whose interest it is to present such evidence to deposit the necessary funds

When during the proceedings, the parties agree to try to solve the dispute by mediation, ~~**or the court refer the parties to mediation**~~, the court shall determine the amount required to cover the costs of the procedure to be laid by both parties in equal shares.

The court shall abandon the presentation of evidence if the necessary funds are not deposited within a period of time determined by the court. In that case, the court shall, taking into account all the circumstances, assess the implications of the party's failure to deposit the funds within the period determined by the court.

As an exception to the provision of Paragraph 4 above, if the court in official capacity orders the hearing of evidence for the purpose of establishing facts in relation to the application of Article 3, Paragraph 3 of this Law, and the parties fail to deposit the specified amount, the costs of hearing of evidence shall be covered from the court funds.

Article 153

A party who loses a case completely is obliged to pay the costs of the opposing party.

If a party is partially successful in his or her suit, the court may, in view of the success achieved order each party to bear their own costs or for one party to pay the other a proportional share of the costs.

The court may decide that one party should pay all the costs, which the opposing party incurred, if the opposing party did not succeed in only a proportionally insignificant part of his or her claim and separate costs were not incurred as a result of that part.

According to the results of the hearing of evidence, the court shall decide whether the costs from Article 152, Paragraph 5 of this Law shall be paid by one or both parties or if those costs will be paid from the court funds.

Intervener is entitled to reimbursement of expenses by the opposing party only for the procedural actions taken instead of the party he/she joined.

Article 154

In deciding which costs are to be reimbursed to a party, the court shall take into account only such costs as were necessary to conduct the proceedings. The court decides which costs were necessary and in what amount, after careful consideration of all the circumstances.

If there is a set fee for attorneys-at-law or other costs, the costs are calculated based on such fee.

Article 155

Regardless of the outcome of litigation, a party shall reimburse the costs of the other party arising as a result of a fault by that party or an accident that happened to him/her.

The court may order that the legal representative or attorney reimburse costs of the other party which were incurred through his/her own fault.

Article 156

If the defendant did not give ground for the complaint and if in reply to the complaint, or at pre-trial hearing, or if there is no pre-trial hearing then in trial, before entering the debate about the subject matter of litigation, he/she pleads guilty, the plaintiff shall reimburse the costs of litigation to the defendant.

Article 157

A plaintiff who withdraws a complaint shall reimburse the costs of litigation to the defendant, unless the withdrawal ensued promptly after the defendant fulfilled the requests of the plaintiff.

A party who withdraws a legal remedy shall reimburse the costs incurred by the other party in relation to the appeal.

Article 158

Each party shall bear his or her own costs if the litigation is concluded with a court settlement or settlement after successful mediation if not otherwise agreed in the settlement or unless otherwise provided by special law.

The costs of an attempted settlement which is unsuccessful are included in the costs of the case as well as costs of mediation that was attempted (Article 152 paragraph 3) but without success.

Article 159

Where in a third party claim proceeding, the request of third party for exclusion of property is approved, and the court establishes that the defendant as a creditor reasonably thought that there was no third party's claim on the subject matter, the court shall order that each party bears their own costs.

Article 160

Co-litigants shall bear the costs in equal proportion. If there is significant difference between the shares of the parties in the subject of the litigation, the court shall determine the proportion of costs to be covered by each defendant/plaintiff.

Co-litigants who are jointly and severally liable as regards the subject of litigation shall also be jointly and severally liable for covering the costs of the other party to the proceedings.

Other co-litigants shall not be liable for the costs incurred by separate acts undertaken by particular co-litigants during the litigation.

Article 161

If the public prosecutor is a party to the proceedings, he/she is entitled to reimbursement of costs but may not reimburse his/her fee.

The costs of the procedure from paragraph 1 of this Article that the public prosecutor should bear pursuant to the provisions of this Law shall be paid from funds of the public prosecutor's office.

Each party shall bear their share of the costs incurred by the participation of the public prosecutor in the proceedings (Article 214).

The costs of the public prosecutor related to his/her participation in the proceedings (Article 214) are borne by the public prosecutor's office.

Article 162

The provisions referring to costs also apply to parties who are represented by the ombudsman. In this event, the costs of the proceedings also include the amount that would have been recognized as the attorney-at-law's fee.

Article 163

The court decides on reimbursement of costs upon the request of a party and without a hearing.

A party shall explicitly state which costs and their amount they request to be reimbursed.

A party shall make the request for the reimbursement of costs before the conclusion of the hearing preceding deliberation on costs, and if the decision is to be made without prior hearing, a party shall include the request for reimbursement of costs in the motion for reimbursement of costs.

The court decides on the request for reimbursement either in a judgment or the decision by which the proceedings before the court are concluded.

If the judgment or decision ordering reimbursement of costs is orally declared, the court may decide to determine the amount of costs in a written judgment or decision, if such decision is to be served to the parties.

In the course of the proceedings, the court shall issue a separate decision on reimbursement of costs only if the entitlement to reimbursement of costs is not related to the decision on the subject of litigation.

In the case from Article 157 of this Law, if the withdrawals of the complaint or the legal remedy are not carried out at the trial, as well as in other cases when

decision has been delivered without hearing, the request for payment of costs may be submitted no later than eight days after the notice of the withdrawal i.e. decision is received.

Article 164

In the event that the court issues a partial or interim decision, the court may pronounce that the decision on costs be postponed until the final judgment.

Article 165

If the court dismisses or rejects a legal remedy, it shall decide on the costs incurred in the proceedings resulting from that legal remedy.

When the court amends the decision against which a request for legal remedy was submitted or if it annuls that decision and dismisses the complaint, it shall decide on the costs for the entire proceedings.

When a decision is quashed upon a legal remedy and the case is remanded for a retrial, the decision on litigation costs relating to the legal remedy shall be left for the final decision.

The court may act according to the provisions of Paragraph 3 of this Article even if the decision is only partially quashed upon a legal remedy.

Article 166

The decision on the costs included in the judgment may be challenged by a complaint against the decision, provided that the decision concerning the subject of litigation is not challenged.

If one party only challenges the judgment only in relation to the costs, whilst the other challenges only the subject of litigation, then a court of second instance shall pass a single decision on both legal remedies.

Article 167

The costs of proceedings for securing evidence shall be paid by the party who submitted the motion to secure the evidence. He or she shall also pay the costs of the opposing party or the interim representative appointed.

A party may later claim these costs as part of the costs of litigation, depending on his/her success in litigation.

2. Exemption from the Payment of the Costs of Proceedings

Article 168

The court shall exempt a party from the liability of paying the costs of the proceedings where that party's material situation does not allow them to bear such costs.

Exemption from the payment of the costs of proceedings includes exemption from the payment of fees and the deposit for the costs of witnesses, expert witnesses, on-site inspections and court notices.

The court may also release a party from the liability of paying fees only, in accordance with a special law.

Prior to the decision on exemption on cost of proceeding, the court shall carefully consider all the circumstances, in particular the value of the subject of litigation, the number of persons supported by a party as well as the earnings and property owned by the party and party's family members.

Article 169

The decision on the exemption from payment of litigation costs shall be rendered by the first instance court at the motion of the party.

The party shall furnish a certificate with the motion from the competent administrative body on his or her financial means.

When necessary the court itself may, ex officio, obtain the necessary data and information about the financial means of the party who is requesting exemption and may also hear the requesting party on the subject.

No appeal is permitted against the court ruling allowing the party's motion.

Article 170

The court shall, during the whole proceedings, accept the right of the party to free representation when the party is completely exempt from paying the costs of the proceedings (Article 168 paragraph 2) if that is necessary for protection of rights of the party, or if that is provided by a special law.

The court is obliged to decide on the right to a free representative within eight days after submission of request i.e. within eight days of delivery of complaint to the court of second instance.

In the case of paragraph 2 of this Article, the deadline for taking action upon which the protection of the rights of the party depends starts with the date of delivery of decision in which was decided on a party's request for free representation.

Free Attorney is appointed as representative, selected from the list of lawyers submitted by the Bar association. Representative is appointed and dismissed by the court president.

Unless provisions of this chapter stipulates otherwise, the provisions of the Law of attorneys shall be applied to a free attorney.

The appointed representative has the right to request to be dismissed based on just cause.

Proposal for dismissal of free representative may also be submitted by the party itself.

Against the decision of the court which decides on the appointment and dismissal of representative appeal is not allowed.

Article 171

When the party is completely exempted from paying litigation costs (Article 164, Paragraph 2), a deposit shall be paid from the court funds for the expenses of witnesses, expert witnesses, inquiries and the publication of court announcements and the actual costs of the free representative appointed.

Article 172

The ruling on exemption from payment of litigation costs and the appointment of free representative may be annulled by the first instance court in the course of the proceedings if it establishes that the party is capable of paying the litigation costs. On that occasion the court shall rule whether the party is to refund completely or in part the costs and fees from which he or she was previously exempted and the real expenses and fees of the appointed representative.

In case of paragraph 1 of this Article, the sum paid from the court funds must be repaid first.

Article 173

Fees and expenses paid from the court funds and the actual expenses and fee of the appointed representative comprise part of the litigation costs.

The court shall decide according to the provisions on the payment of these costs by the adversary of the party who is exempted from payment of litigation costs.

Fees and expenses paid from the court funds shall be in official capacity collected by the court before which the expenses were generated and from the party who is obliged to pay them.

If the party opposing the party who has been exempted from payment of litigation costs is ordered to pay litigation costs, and it is established that he or she is not capable of paying those costs, the court shall subsequently order for costs from Paragraph 1 of this Article to be paid in full or partially by a party who is exempted from payment of litigation costs from assets awarded to him or her. This does not interfere into the right of that party to request repayment from his or her adversary for amount he or she has paid.

Chapter 13

LEGAL AID

Article 174

The courts are obliged to provide mutual legal aid in litigation.

If a court which has been requested to do a particular action is not the competent court for such action, it shall pass the request to the competent court or other government body and accordingly inform the requesting court, and if the court does not know which is the competent court or government body, it shall return the request to the previous court.

If there are two or more courts in the same location having subject-matter jurisdiction for legal aid, the request for legal aid may be filed with any of such courts, unless otherwise specified by particular law.

Article 175

The courts communicate in language that is in official use in court.

If a document compiled in the language of a national minority is sent to a court where the language of this minority is not in official use, the Serbian translation of the document written in the language of a national minority must be attached to the original.

Article 176

Courts shall offer legal assistance to foreign courts in cases prescribed by the Law, international agreements, and generally accepted rules of international law and when there exists reciprocity in the offer of legal assistance. In cases of doubt regarding the existence of reciprocity instructions shall be given by the ministry responsible for judicial affairs.

The provisions of Article 174, paragraphs 2 and 3 of this Law also apply to dealing with a request of a foreign court in providing international legal aid.

Article 177

Courts offer legal assistance to foreign courts in the manner prescribed by domestic law. The action, which is the subject of request by the foreign court, may be carried out in the manner requested by the foreign court if this procedure does not contravene the public order of the Republic of Serbia

Article 178

If not otherwise stipulated by law, an international agreement or generally accepted rules of international law the courts shall proceed upon requests of a foreign courts for legal aid only if such requests are submitted through diplomatic channels and if the application and attachments are written in the Serbian language or if certified translation of the application and attachments in Serbian is submitted.

Article 179

Unless otherwise stipulated by an international agreement, requests of a domestic courts for legal aid are submitted to foreign courts through diplomatic channels. The applications and attachments must be written in the language of the relevant country or officially translated in that language.

Chapter 14

PROCEDURE FOR RESOLVING DISPUTED LEGAL ISSUE

Article 180

When in the proceedings before the first instance court in most cases there is a need to take a position on a disputed legal issue that is of prejudicial importance to for deciding on the proceeding before the courts of first instance, the court of first instance shall, in official capacity or at the request of a party, initiate the proceeding before the Supreme Court of Cassation to resolve the disputed legal issue.

The court which has started proceedings to resolve the disputed legal issue is required to suspend the process until the procedure completes before the Supreme Court of Cassation.

Article 181

The request from Article 180 paragraph 1 of this law should contain a brief statement of established state of affairs in a specific legal matter, arguments of parties on the disputed legal issue and the reasons why the court is addressing a request for resolution of disputed legal issue. The Court will provide its own interpretation of the disputed legal issue. The request is not serviced to the parties for declaration.

When the court takes action for solution of disputed legal matter, it shall submit a proposal to the Parties for declaration within the deadline of 15 days.

The court of first instance is obliged together with the request for resolution of the disputed legal issue, submit the case to the Supreme Court of Cassation.

Article 182

The Supreme Court of Cassation will reject incomplete (Article 181, paragraph 1) and unauthorized request to resolve the disputed legal issue.

The request in paragraph 1 of this article is inadmissible when on the same request the Supreme Court of Cassation has already reached a decision.

Article 183

The Supreme Court of Cassation resolve contentious legal issue in accordance the rules of procedure for the adoption of legal attitudes.

The Supreme Court of Cassation will refuse to resolve contentious legal issue if it is not of prejudicial importance in large number of cases in a procedure in the first instance court.

The Supreme Court of Cassation is required to resolve disputed legal issue within 60 days of receipt of the request.

Article 184

In the legal interpretation that assumes on a request to resolve the disputed legal issues, the Supreme Court of Cassation presents the reasons that are explaining the legal interpretation taken.

Decision from paragraph 1 of this Article is submitted to the court that initiated the proceedings and is also published on the website of the Supreme Court of Cassation or by any other suitable means.

Article 185

If the Supreme Court of Cassation resolved a legal issue in dispute, the parties in the proceeding in which the same legal issue arises again are not entitled to re-seek its solution in a litigation that is underway.

Chapter 15

CONTEMPT OF PROCESS DISCIPLINE

Article 186

The court will, during the proceedings, sanction natural person with a monetary fine from 10.000 up to 150,000 dinars i.e. legal entity with a monetary fine from 30.000 up to 1,000,000 dinars, which offends in a filing the court, party or other participant in the proceedings.

A fine in accordance with paragraph 1 of this Article shall be imposed to a party and other participants in the proceeding who use their process powers contrary to the objectives for which they were established.

Article 187

If due to the abuse of procedural powers one of the parties suffered damage, the party that sustained damage, on her request, will be awarded compensation for damage by the court.

When a party highlights the claim for compensation of damage from abuse of procedural powers, the court will set aside the procedure for the reason of expediency.

Article 188

The court will sanction with a monetary fine from 10.000 up to 150,000 dinars attorney responsible for receiving of court documents when he/she, contrary to the provisions of the law, does not inform the court regarding address change.

The court shall, upon request of a party, decide that attorney responsible for receiving of court documents must compensate party for costs incurred by unjustified failure to notify changes in address.

Article 189

The court shall impose a fine from 10.000 up to 150,000 dinars to person who obstructs taking of civil actions and service of court documents or court files.

The court shall, upon request of a party, decide that person from paragraph 1 of this article must compensate costs that were caused by his/her conduct from paragraph 1 this article.

The court can also define other measures to the person who obstructs taking of civil action.

The sentenced punishment from paragraph 1 of this Article shall not interfere on sentencing of punishment for a criminal offence.

Article 190

The decision related to sanctions from Article 186, 188 and 189 of this law shall define the time period for payment of the fine.

~~**On**~~ Enforcement of the fine from paragraph 1 of this Article ***shall be executed ex officio*** ~~**provisions of the law regulating enforcement of criminal sanctions shall be applied accordingly**~~.

If a punished natural ***and legal*** person fails to pay the fine within the period defined in the decision on punishing, the court shall ***enforce the decision on punishment*** ~~**and the fine**~~ ***ex officio*** ~~**replace it with imprisonment, in accordance with the law that regulates enforcement of criminal sanctions**~~.

~~**If the punished legal person fails to pay the fine within the period defined in the decision on punishment, provisions of the law that regulates liability of legal persons for criminal offence regulating enforcement of fines shall be applied**~~.

Complaint against the decision on punishment from Articles 186, 188 and 189 of this Article shall not postpone enforcement of the decision.

Part Two

COURSE OF PROCEEDING

Chapter 16

COMPLAINT

1. Contents of complaint

Article 191

A civil action is initiated by filing a complaint.

Article 192

A complaint must contain a claim concerning the subject matter of litigation and additional claims, the facts on which the plaintiff bases the claim, proof of such facts, the value of subject matter as well as other information necessary for any filing (Article 98).

A plaintiff who has his domicile or residence or headquarters abroad shall be obliged to appoint in his/her complaint an attorney who will receive court documents in his/her name. If attorney who will receive court documents is not appointed the court shall dismiss the complaint**.**

If the jurisdiction, or the right to review depends on the value of the subject of litigation, and this subject is not pecuniary value, the plaintiff must specify the value of the subject of litigation in the complaint.

The court shall also proceed upon the complaint if the plaintiff fails to state the legal basis of the complaint, and if he/she did specify the legal basis for the complaint, the court is not bound by it.

First alternative for amendment of Article 193 of the law:

Article 193

In disputes where one of the parties is the Republic of Serbia, a complaint can be filed after the amicable settlement of the dispute has been attempted in accordance with this law.

A party who intends to file the complaint from paragraph 1 is in obligation to service to the opposite side, the representative of attorney of the opposite side, the proposal for amicable solution of the dispute, unless a special time for submission of the complaint is provided by a special regulation. The proposal for amicable solution must contain all information from Article 192 of this law.

By submission of the proposal from paragraph 2 the period of the statute of limitations is suspended for 60 days.

If within the period from paragraph 3 the opposite party fails to respond to the proposal it shall be deemed that the proposal is not accepted.

The court shall order suspension in the procedure if the complaint was filed, but the Plaintiff failed to submit the proof about submitting of the proposal from paragraph 2 of this Article, i.e. about expiry of period from paragraph 3 of this Article.

The reached agreement shall have power of executive title.

Provisions of paragraphs 1 to 6 of this Article shall be applied accordingly also in the case when one of the parties in dispute is a unit with territorial autonomy or local self-governance.

Provisions of paragraphs 1 to 6 of this Article shall not be applied if special law stipulates procedure for amicable solution of dispute or mediation, related to disputes with the Republic of Serbia.

Second alternative for amendment of Article 193 of the law:

A party who intends to file the complaint against the Republic of Serbia, ~~is in obligation~~ can before filing the complaint to the Republic Public Attorney's Office submit the proposal for amicable solution of dispute, unless a special regulation defines a period for filing of complaints. ~~The proposal for amicable solution must contain all information from Article 192 of this law~~.

By submission of the proposal from paragraph 1 the period of the statute of limitations is suspended for 60 days.

If within the period from paragraph 2 of this Article the Republic Public Attorney's Office fails to respond to the proposal it shall be deemed that the proposal is not accepted, ~~and in such case a person from paragraph 1 of this Article can file the complaint in the competent court~~.

~~The court shall reject the complaint as not allowed, if the proposal from paragraph 1 of this Article was not submitted, i.e. if the period from paragraph 2 of this Article has not expired~~.

The agreement reached by the Republic Public Attorney's Office and the person from paragraph 1 of this Article ~~shall have power of executive title~~ represents a pre-trial settlement.

Provisions of paragraphs 1 to 5 of this Article shall be applied accordingly also in the case of filing of the complaint against a unit with territorial autonomy or local self-governance, when the proposal for amicable solution is submitted to the Republic Public Attorney's Office, or authorized representative of unit with territorial autonomy or local self-governance.

Provisions of paragraphs 1 to 5 of this Article shall not be applied if special law stipulates procedure for amicable solution of dispute or mediation, related to disputes with the Republic of Serbia.

Article 194

The plaintiff in the complaint may request the court to establish the existence or non-existence of a right or legal relation or violation of personal rights or authenticity, or authenticity of a document.

This kind of complaint may be filed when the plaintiff has a legal interest that the court declare whether or not there is certain right or legal relation, before the maturity of the claim for the performance based on that relation or whether a document is authentic or when the plaintiff has other legal interest in bringing such action.

Claims for the determination may be made to determine the presence or absence of fact, when prescribed by law or by a special regulation.

Claims for determination of violation of personal rights may be filed regardless whether the request for compensation of damage or some other claim was submitted, in accordance with a special law.

Article 195

If the decision on the litigation depends on whether or not there is certain legal relation which became disputable in the course of litigation, the plaintiff may in addition to the existing claim request that the court determines whether or not there is such legal relation, if it is within the jurisdiction of the court.

The request referred to in paragraph 1 of this Article shall not be considered as alteration of the complaint.

Article 196

Plaintiff who in his/her claim requests to be awarded fulfillment of owed performance date may suggest that the defendant instead of owed performance pay determined cash amount or to fulfill some other performance date.

The court is not obliged to examine whether the amount of money that the plaintiff is willing to accept instead of owed non-monetary performance date corresponds with the value of non-financial performance date.

Article 197

A plaintiff may put forward several claims against the same defendant in a single complaint when these claims are related by the same factual and legal grounds. If the claims are not related by the same factual and legal grounds they may be put forward in a single complaint against the same defendant only if the same court has subject matter jurisdiction for each of these claims and if the same form of proceedings are prescribed for all the claims.

The plaintiff may put forward two or more claims which are related to each other in a single complaint in that the court may grant the subsequent claim if it finds that the one that was put forward before it is ill-founded.

According to Paragraph 2 of this Article claims may only be put forward in a single complaint if the court has subject matter jurisdiction for each of the claims put forward and if the same type of proceedings are prescribed for all the claims.

Article 198

The defendant may, before the end of the trial, file a counterclaim with the same court, if the subject of the counterclaim is related to the subject of the complaint, or if the counterclaim seeks to declare whether or not there is certain right or legal relation upon the existence or non-existence of which the decision on the complaint depends partially or in full.

Counterclaim may not be filed if the subject of the counterclaim is within the subject-matter jurisdiction of a higher court or a court of different type.

2. Alteration of complaint

Article 199

The plaintiff may alter the complaint before the end of trial.

After the service of the complaint on the defendant, the agreement of the defendant is needed for amendments to the complaint; but even if the defendant objects, the court may allow the amendment if it deems that it would be purposeful for the final resolution or relations between the parties and if it finds that the amended complaint procedure will not significantly extend the duration of the litigation. It shall be deemed that approval of the defendant on alteration of the complaint exists if the defendant indulges in hearing about the subject matter in accordance with the alternated complaint, and he/she did not oppose previously to alteration.

If the trial court does not have jurisdiction for the amended complaint, it shall send the case to the court with jurisdiction, except in case stipulated in Article 15, paragraph 2 of this Law.

When the court allows the amendment to the complaint, it is obliged to allow the defendant the necessary time to prepare for litigation on the amended complaint, if he or she has not had sufficient time.

If the complaint is amended at a hearing when the defendant is not present, the court shall postpone the hearing and serve a copy of the transcripts of that hearing to defendant.

No appeal is permitted against a ruling by which amendments to a complaint are allowed.

When the court allows alternation of the complaint, the court shall define by decision a new time frame for conduct of the procedure.

Article 200

An amendment to a complaint is a change of the identity of the claim, an increase in the existing claim or the putting forward of another claim alongside the existing one.

If the plaintiff amends the complaint due to circumstances arising after the filing of the complaint, or where on the basis of the same facts he or she claims another item or sum of money, the defendant may not object to these amendments.

The complaint is not considered altered if the plaintiff changes the legal basis of the claim, decreases the claim, changes, supplements or corrects certain statements in a manner which leave the claim unchanged.

Reduction of the amount of the claim represents a partial withdrawal of the complaint for which the consent of the defendant is not necessary.

No special decision is issued on withdrawal of the complaint from paragraph 4 of this Article.

Article 201

The plaintiff may change the complaint at any time before the end of the trial by suing another person instead of the originally sued person.

In order to change the complaint as provided for under paragraph 1 of this Article, it is necessary to have the approval of the person who is to enter litigation instead of the originally sued person, and if the defendant already entered debate on the subject of litigation, it is necessary to ensure the approval of the defendant.

If the defendant engaged in a debate on the matter, new plaintiff may enter into litigation instead former plaintiff only if defendant consents to this.

The person who enters the litigation in place of the party must accept the status of the litigation at the moment when he or she enters it.

3. Withdrawal of complaint

Article 202

The plaintiff may withdraw a complaint without the consent of the defendant before the defendant enters debate on the main claim.

A complaint may also be withdrawn at any point before the conclusion of the trial if the defendant agrees so. If the defendant fails to state his/her opinion within eight days of the notice on the withdrawal of the complaint, it shall be considered that he/she agrees with it.

If a complaint is withdrawn, it shall be considered that it has not been filed at all and may be re-filed.

If the complaint is withdrawn after passing the first instance verdict, the Court will issue a decision that will determine that the complaint has been withdrawn and that the verdict is without effect, and if appealed, the court shall issue a decision that will determine that the verdict is without effect and dismiss the appeal.

4. The existence of litigation

Article 203

Litigation begins with the service of the complaint on the defendant.

In terms of a claim which the party puts forward in the course of proceedings, the litigation begins at the moment when the opposite party is informed of the claim.

Whilst the litigation is underway, new litigation may not be instituted in relation to the same claim between the same parties, and if such litigation is instituted, the court shall dismiss the complaint.

If in the lawsuit, which was initiated later ruling become binding, the court shall dismiss the complaint in a lawsuit that was previously initiated.

During the course of the entire proceedings the court shall pay attention as to whether litigation is being conducted on the same claim between the same parties.

Article 204

If a party disposes off the property or right which is the subject of litigation, it shall not be a cause not to complete the proceedings between the same parties.

The person who acquired the property or right which is the subject of litigation may enter the proceedings instead of the plaintiff or defendant only if both parties agree.

~~**In case from paragraph 1 of this Article the judgment shall have effect also with regard to the acquirer**~~.

Chapter 17

CO-LITIGANTS

Article 205

Several people may sue or may be sued (co-litigants) through one complaint:

1) If in terms of the subject of the dispute they are in a legal relationship or their rights or liabilities arise from the same facts or legal grounds.

2) If the subject of the disputes are complaints or debts of the same type which are founded on essentially the same facts and legal grounds and if the same court has subject matter and territorial jurisdiction for each claim and every respondent.

3) If this is prescribed by law

Up to the conclusion of the trial and under the conditions in Paragraph 1 of this Article, a new plaintiff may appear with the plaintiff, or the claim may be extended to another defendant with his or her approval.

A person who joins the claim or to whom the claim is extended must accept the status of the litigation when he or she joins it.

Article 206

The plaintiff may include in his or her complaint two or more defendants such that he or she may request that the claim be allowed regarding the subsequent defendant if it is dismissed with legally effective decision against the one specified in the complaint before him or her.

The plaintiff can include two or more defendants in the way described in paragraph 1 of this Article only in case he/she has the same claim towards each of them, or he has different, but interconnected claims towards them, and the same court has material and territorial jurisdiction over all such claims.

Article 207

A person claiming objects or rights, in total or partially, already subject to litigation between other persons, may sue in one legal action both parties before the court where such litigation is being held, before the date when the decision of the first instance court from such proceedings comes into effect.

Article 208

The main debtor and guarantor can be jointly sued unless it is in contradiction with the contents of the Guarantee Agreement.

Article 209

Each co-litigant is an independent party in a civil action and their acts or omissions can neither benefit nor damage other parties to the legal action.

Article 210

If by the law, or because of the nature of the legal relation, litigation can only be resolved equally towards all co-litigants ("united co-litigants), they are deemed to be one party in litigation, so that in case when individual co-litigant omit certain litigation action, the consequence of litigation actions undertaken by other co-litigants extends also to the ones who did not undertake such actions.

Article 211

Necessary co-litigation exists when according to the law or due to the nature of the legal relation complaint must include all persons who are participants in substantive relation.

If all persons referred to in paragraph 1 of this article are not included in the litigation as a party, the court will reject the claim as unfounded.

The court takes care about the necessary co-litigation ex officio.

Article 212

If the deadlines for taking certain procedural actions for individual united co-litigants expire at different times, each co-litigant may take that procedural action at any time within the time limit for any one of them to take that action.

Article 213

Each co-litigant has the right to put forward a motion relating to the course of the litigation.

Chapter 18

THIRD PARTIES' PARTICIPATION IN LITIGATION

1. Participation of the public prosecutor

Article 214

The public prosecutor may participate in the litigation in accordance with special law.

When public attorney is involved in litigation between other persons, according to his legal authority, he is authorized within the limits of the claim to propose establishing of facts that had not been mentioned by the parties and submission of the evidence that had not been proposed by the parties, as well as to declare legal remedies.

The public attorney registers his participation in the proceedings by submitting the appropriate act to the court before which such litigation between other persons is being held.

If the court deems that legal conditions for participation of the public attorney in litigation have been fulfilled, and that such participation is necessary, the court will inform accordingly the competent public prosecutor and define the deadline within which he can register his participation. The court will suspend proceedings until such deadline expires, but the public prosecutor may exercise his right from paragraph 2 of this Article even after such deadline has expired.

2. Participation of intervener

Article 215

If a person has legal interest in assisting one of the parties in prevailing the litigation between other persons, such person may join that party.

Intervener may become involved in litigation at any time during the proceedings, until the judgment about the claim comes into effect, as well as during the proceedings continued by submitting a legal remedy.

Declaration about participation in litigation can be made by intervener at the hearing or in writing.

The written act of intervener is delivered to both litigation parties, and if declaration is made at the hearing, the copy of the appropriate section of the official record will be delivered only to such party who absent from the hearing.

Article 216

Any party can challenge the right of intervener to be involved in the proceedings and propose rejection of intervener, and the court can reject the

participation of intervener even without the statement of the parties if it establishes that legal interest of such intervener does not exist.

Until the decision rejecting the participation of intervener becomes effective, the intervener can participate in the proceedings and his litigation acts cannot be excluded.

No special appeal is allowed against the decision of the court accepting participation of intervener.

Article 217

The intervener must accept the litigation in the state at the moment of his involvement in such litigation. In the course of further litigation proceedings he is entitled to make proposals and undertake all other litigation actions within the deadlines in which such actions could be undertaken by the party he has joined.

If the intervener joins the litigation before the ruling about the claim has become effective, such party is entitled to submit an extraordinary legal remedy as well.

If the intervener submits a legal remedy, a copy of his written act will be delivered to the party he has joined.

Litigation actions of intervener affect legally the party it has joined unless they oppose such party's actions.

After the acceptance of both litigation parties, intervener may join the litigation replacing the party it has joined.

Article 218

In litigation between the party and the intervener who joined her, the intervener can not contest the established facts, and legal qualifications contained in the reasons for a final verdict (interventional effect of the decision).

Exceptionally from paragraph 1 of this Article, the party that was the intervener has right to point out that the opposition party from earlier litigation which he/she has joined as intervener mishandled the previous litigation, or that the court failed to submit calls for him/her, filings or decisions.

The court may accept objection under paragraph 2 of this article only if the party specified in the paragraph 1 of this article that was intervener prove:

1) that at the time of entry to a previous litigation was not timely informed of the litigation that was previously conducted and thus was be prohibited from taking actions that would lead to a more favorable outcome of the litigation;

2) the party to the litigation to which he/she has joined as intervener, deliberately or by gross negligence, failed to take legal actions that would lead to a more favorable outcome of previous litigation and that for possibility of taking early action the previous intervener did not know or could not know;

3) that the party from previous litigation with his/her legal actions obstructed the effectiveness of legal actions undertaken by his/her intervener.

If the party specified in paragraph 1 of this article, which was intervener is successful with the objections under paragraph 2 this Article, the court shall allow the parties to re-discuss the factual and legal issues that are already discussed in the previous litigation.

Article 219

If legal effect of the judgment should involve the intervener as well, it has the position of united co-litigant (Article 210).

The intervener in the position of a united co-litigant may file all legal remedies also in litigation where he did not participate not as a result of his fault.

3. Nomination of predecessors and notification of third party about litigation

Article 220

The defendant sued as a possessor of some object or user of some right, claiming that such object is being held or such right is being used on behalf of another, is obliged in his/her respond to legal action invite through court that third person (predecessor) to join the litigation as a party, instead of him. When the complaint is not submitted in response, the defendant may not later than at the preliminary hearing, and if it is not held, then at the hearing before engaging in debate on the merits, through court invite predecessor to enter as a party to the litigation instead of him/her.

The plaintiff's acceptance that the defendant is to be substituted with his predecessor is required only if the plaintiff has claims that do not depend on the fact whether the defendant is holding an object or using a right on behalf of the predecessor.

If the properly invited predecessor does not appear at the hearing or refuses to step into litigation, the defendant cannot deny his own involvement in such litigation.

If a named predecessor refused to join the litigation provision of Article 218 of this Act is implemented accordingly.

Article 221

If plaintiff or defendant should notify a third party about the commenced litigation in order to establish certain civil legal effect they may do it, until the litigation is effectively over, in writing through the litigation court, stating the reason for such notification and the stage of the litigation itself.

The party notifying a third party on the litigation may not request suspension of the commenced litigation on those grounds, and the deadlines to be prolonged.

The court shall, pursuant to paragraph 1 of this Article, notify the Republic Attorney General, or authorized representative of an autonomous province and unit of local self-governance, of litigation in which the disposal of the parties or the court's decision might impact the property rights and obligations of the Republic of Serbia, or autonomous province and unit of local self-governance.

The party, which notified the third party to the litigation by means of the

court, is entitled, that in a subsequent litigation in which a informed person is party, to invoke the interventional effect of the verdict.

Chapter 19

DISCONTINUANCE AND SUSPENSION OF PROCEEDINGS

Article 222

The proceeding is discontinued:

1) when a party dies

2) when a party loses litigation ability

3) when legal representative of a party dies or his authorization for representation ceases

4) when legal entity being party to litigation dissolves, i.e., when a competent body effectively decides that its further work must be prohibited;

5) when legal consequences arise from the opening of the bankruptcy proceedings or liquidation proceeding;

6) when court is unable to work because of the war conditions or other causes;

7) when so regulated by other law.

Article 223

Except in special cases provided by this law, the court will discontinue proceedings:

1) if court has decided not to rule about preliminary issues (article 12);

2) if a party is situated in the area out of reach of the court because of an emergency situation.

Article 224

The consequence of discontinuance of proceedings is suspension of all deadlines for litigation acts.

In the course of discontinuance of proceedings the court may not undertake any procedural action. If discontinuance occurred after conclusion of the main hearing, the court may make a ruling based on such hearing.

Litigation acts undertaken by one party during discontinuance of proceedings have no legal effect whatsoever towards the other party. Their effect occurs only after proceeding has been resumed.

Article 225

Proceedings discontinued for the reasons specified in Article 222, items 1) to 5) of this law will resume when the heir or inheritance trustee, new legal representative, bankruptcy administrator or legal successors of the legal entity

take over the proceeding or when the court invites them to do so upon a motion of the opposing party.

If the proceeding is discontinued for reasons specified in Article 223, item 1) of this law, such proceedings will resume when proceedings before the court or other competent body is effectively concluded, or when the court finds that no reasons exist to wait for its conclusion.

In cases from Article 222, items 6) and 7) and Article 223, item 2) of this law, discontinued proceedings will resume upon a proposal made by a party, as soon as the reasons for discontinuance cease to exist.

Deadlines which have been postponed because of discontinued proceedings will commence again from the beginning for the interested party on the day when court delivers its decision about resumption of proceedings to such party.

Article 226

A special appeal against the decision stating (Article 222) or defining (Article 223) suspension of proceedings is permitted.

If at the hearing the court rejects the motion to discontinue proceedings and rules to resume proceedings immediately, no special appeal is allowed against such decision.

Article 227

The court shall suspend the procedure when it is expressly stipulated by the law.

In the decision to suspend proceedings the court shall determine how much the delay will last.

Against the decision to suspend the proceeding appeal is not allowed.

The court shall continue the proceedings in official capacity as soon as the reasons that caused the delay of the proceedings cease to exist.

When the court suspends the proceeding it may take only those actions that should not be delayed.

The delay of the proceeding does not affect the deadlines for undertaking of litigation activities.

Chapter 20

EVIDENCE PRESENTATION

General provisions

Article 228

Each party is obliged to present facts and propose evidence supporting the claim, or refutation of facts and evidence of the opposing party, in accordance with this law.

Article 229

Evidence presentation includes all facts relevant for taking of decision.

The Court decides which evidence will be presented in order to establish decisive facts.

Article 230

Facts admitted by a party before the court in the course of litigation should not be subject to evidence presentation, ~~**nor evidences not contested by the party**~~.

The court may order evidence presentation for such facts as well if it deems that such party is admitting them in order to implement a claim it is not entitled to (Article 3, paragraph 3).

Taking into consideration all the circumstances, court will evaluate, according to its conviction, whether to consider a fact admitted or disputed, when such fact is first admitted by a party, and completely or partially denied afterwards, or when the admission was limited by addition of other facts.

The facts of common knowledge don't have to be proven.

Article 231

If court cannot establish a fact on the grounds of presented evidence (Article 8), existence of such fact will be established by application of the rule about the burden of proof.

The party that claims to have some right carries the burden of proving the fact which is essential for the emergence or exercise of that right, unless otherwise specified by the Law.

A party who disputes the existence of some right carries the burden of proving a fact that has prevented the emergence or exercise of that right or due to which that right ceased to exist, unless otherwise specified by the law.

Article 232

If it has been established that party is entitled to compensation for damages in money or replaceable objects, but the amount, or quantity of such objects cannot be established, or it might be established with inappropriate difficulty, court will decide on amount of money and quantity of such objects at its own discretion.

Article 233

Evidences are presented out at the main hearing, in accordance with the time frame.

The court may decide that evidences should be presented before the requested

court. Record of the evidences presented before the requested court shall be read at the main hearing.

The request to present evidence includes information from the case. The court shall specify the circumstances which should be taken into account during presentation of evidences.

Parties involved will be notified about the date for presentation of evidences before the requested court.

The requested court, during the presentation of evidence, has all the authority that has the court when evidences are taken at the main hearing.

Against the decision of the court in which the presentation of evidences is delegated to the requested court no particular appeal is permitted.

2. Investigation

Article 234

Investigation is being undertaken when direct perception of the court is required to establish certain fact or explain certain circumstance.

Investigation can be performed with participation of expert witness.

Article 235

The court may order that exhibition of evidence by investigation be recorded, in whole or partially, by audio or video equipment, by adequate application of Articles 119-121 of the present Code.

Article 236

The court performs investigation outside of the court building if the object to be considered cannot be taken to court, or if its taking to court would cause significant expenses.

Article 237

If the object to be examined is in possession of one of the parties or in possession of a third person, provisions of this law regulating acquiring of documents will accordingly apply (Articles 240 to 243).

3. Documents

Article 238

A document issued by a government authority within its purview in prescribed form, as well as documents issued in such form by an enterprise or other

organization performing public authority assigned by law (public document) or person is proof of veracity of the matter confirmed or established in such document.

The same strength of evidence belongs to other documents as well, equal to public documents in the sense of the strength of evidence.

It is allowed to prove that a public document contains falsely established facts or that public document has been irregularly made.

If court is in doubt as to whether document is authentic or not, it can require statement from the body that had supposedly issued such document.

Article 239

Unless otherwise specified by international agreement, foreign public documents with proper verification have, under condition of reciprocity, the same strength of evidence as domestic public documents.

Article 240

The party is obliged to furnish the document him or herself to which he or she refers as proof of his or her statement.

A notarized translation shall be furnished along with a document written in a foreign language.

If the document is in the possession of a state authority or a legal or physical person vested with public authority, and the party him/herself is not able to arrange for the document to be handed over or shown, the court, in official capacity, shall obtain the document itself upon a motion by the party.

Article 241

When one party quotes the document claiming that the other party is holding such document, the court shall instruct that party to submit the document and set a deadline for such action.

A party may not refuse submitting the document if it quoted such document as evidence for its allegations, or if it is legally obliged to submit or present such document, or if document is considered – regardless of its content – to belong to both parties.

In respect of the rights of a party to withhold submitting other documents, provisions from Articles 248 and 249 of this law will be applied accordingly.

When a party requested to submit the document denies it is holding such document, the court may present evidence in order to establish this fact.

Considering all circumstances, court will evaluate at its conviction the significance of the fact that the party holding the document does not want to act according to court's decision ordering such party to submit the document, or that such party is denying that the document is in its possession, contrary to the conviction of the court.

No special appeal is allowed against the court's decision specified in paragraph 1 of this Article.

Article 242

The court may order a third person to submit a document only when such person is legally obliged to present or submit it, or when such document by its content belongs to such person and to the party quoting such document.

When a third person denies his/her obligation to submit the document in his possession, the court will decide whether such third person is obliged to submit such document.

When third person denies that document is in his/her possession, court may present evidence in order to establish such fact. The final decision on the third party's obligation to submit a document is enforceable according to the law on enforcement and security.

Third person is entitled to reimbursement for expenses he/she incurred due to submitting the documents. In this case, provisions of Article 258 of this law will be applied accordingly.

Article 243

The court may fine up to the amount from 10,000 to 150,000 dinars natural person or responsible person in a state entity or other organization that issued the original document in the exercise of delegated public authority, or fine up to the amount from 30,000 to 1,100,000 dinars a legal entity, state agency or other organization that issued the document in exercise of delegated public authority, if not it acted on the decision of the court referred in Article 242, paragraph 2 and 3 this law.

An appeal against the decision from paragraph 1 of this Article does not sway the execution of decision.

The fine from paragraph 1 of this Article shall be enforced in the manner described in Article 190 of this law.

4. Witnesses

Article 244

Any person summoned as witness must comply with the summon and, unless otherwise provided under this law, such person is obliged to testify.

Only such persons able to give information about the facts that are being proven may be questioned as witnesses.

Article 245

Witnesses, as a rule, shall be examined directly at the hearing.

~~**The court may take evidence by reading the written statement of witness stating the knowledge of relevant facts in dispute, from where those facts are known and what is the relationship with the parties in the proceedings. Written witness statements must be certified by the court or by a person exercising public authority. Before giving the statement, the person**~~

~~taking statement must warn the witness on rights and duties of witness stipulated by this law~~.

~~In case from paragraph 3 of this Article the court may decide by a decision, in its official capacity or at proposal of the parties, to examine a witness by video link, i.e., phone conference connection, by using equipment for audio or video recording~~.

~~No special complaint is allowed against the decision from paragraph 2 and 3 of this Article~~.

~~Written statement of the witness from paragraph 2 and 3 of this Article can be provided to the court by party or the court may request it from the witness~~.

~~The court can always call a witness who gave a written statement or whose statement was recorded to confirm his testimony before the court at the hearing~~.

Article 246

Audio or video recording is a part of the court file.

The audio or video part of the recording shall be transferred in the form of a written transcript, in accordance with disposition of Article 121 of the present Code.

The way of keeping, transferring of the recording, technical conditions and the way of recording shall be prescribed by the Court Rules of Procedure.

Article 247

A person, who might violate his / her obligation to keep secret by testifying, may not be questioned as a witness until he/she has been released from such duty by competent authority.

Article 248

Witness may withhold testimony:

1) about the facts he/she learned from the party as such party's attorney;

2) about the facts he/she learned from the party or other person in confession, as religious confessor;

3) about the facts the witness learned acting as attorney, doctor or member of another profession, if there is an obligation to keep in confidence all that has been learned in the course of these specific activities pertaining to any such profession.

The presiding judge of the panel will warn these persons that they are entitled to withhold their testimony.

Article 249

Witness may withhold the answer to certain questions if there are important reasons for that, especially if he/she would, answering such questions, expose to severe shame, significant material damage or criminal prosecution himself/herself or his/her lineal relatives by sanguinity to any degree and lateral relatives up to the third degree, inclusive his/her marital or non-marital partner or in-

laws up to the second degree, inclusive even when marriage ***or common marriage*** was divorced, as well as his/her guardian or protégé, adopter or adoptee.

In case from paragraph 1 of this Article, the court will warn the witness that he/she may withhold answer to question asked.

Article 250

Witness may not withhold testimony because of a danger to incur certain material damage, about legal affairs to which he attended as summoned witness, about actions he/she undertook with regard to disputed relation as legal predecessor or legal representative of one of the parties, about facts in connection to property relations conditioned by family or marital relations, about facts of birth, marriage or death, as well as when he/she is obliged by special regulations to submit an application or make a statement.

Article 251

Justification of reasons for withholding the testimony or answers to specific questions is being evaluated by the court before which witness is to give such testimony. If necessary, parties will be questioned before that.

Parties have no right of special appeal against the court's decision specified paragraph 1 of this Article, and the witness may contest this decision in his/her appeal against the decision on fine or imprisonment because he/she did withhold testimony or answer to a specific question (article 257 paragraph 2).

Article 252

A party making a motion to question a particular person should be questioned as a witness must first note what the subject of such testimony is, and state such person's name and surname, profession and address.

Article 253

Witness is summoned by delivery of written subpoena containing the name, surname of such witness, time and place of appearance, the case for which he/she is summoned and notification that he/she is called as witness. Witness will be warned in such subpoena about the consequences of his/her unjustified absence (Art. 257, paragraph 1) and about his/her right to be reimbursed for the expenses incurred (Art. 258).

Witnesses who cannot respond to the summons due to old age, sickness or severe bodily deformities will be questioned ~~**in their home or in the manner provided by provision of Article 245, paragraph 2 and 3 of this law**~~ ***in their place of residence***.

~~**The court may order that the party should inform the witness whose testimony is requested about location, date and time of hearing**~~.

Article 254

Witnesses will be questioned individually and in absence of witnesses who are to be questioned subsequently. Witness is obliged to give his testimony orally.

Witness will first be warned that he/she is obliged to tell the truth and not withhold anything, and then he/she will be warned about the consequences of false testimony.

Then, witness will be asked about his/her name and surname, name of his/her father, profession, address, place of birth, age and his/her relation with the parties.

Article 255

The witness is invited to state all that he/she knows about the facts he/she is supposed to testify about, and then the witness may be questioned in order to check, supplement or explain his/her statement. Questions leading the witness to specific answer are not allowed.

Witness will always be asked how he/she came to know the facts about which he/she is giving testimony.

Witnesses may be confronted if their testimonies differ about significant facts. Confronted witnesses will be questioned individually about every circumstance they disagree upon, and their answers will be taken on record.

Article 256

Witness not speaking the language of the proceedings will be questioned with the help of an interpreter.

If the witness is deaf, questions will be asked in writing, and if he is mute, he will be called to answer in writing. If questioning cannot be conducted this way, a person able to communicate with the witness will be called as an interpreter.

The Court will warn the interpreter that he/she is obliged to translate truthfully the questions asked to the witness, as well as witness' testimonies.

Article 257

If properly subpoenaed witness does not appear and does not justify his/her absence, or leaves without authorization or justified reason the place where he/she is to be questioned, court may order his/her taking in by force and such witness will bear the expenses of taking in by force, and he/she may also be fined with the sum from 10.000 up to 150,000 dinars.

If witness does appear and then, after being warned about the consequences, withholds the testimony or answers to specific questions, and court finds that reasons for withholding are unjustified, court may fine such witness with the amount from 10.000 up to 150,000 dinars; if such witness refuses to testify even after that, court may imprison him.

An appeal against the decision about the fine or imprisonment does not withhold enforcement of such decision, except when such appeal also challenges the decision of the court by which the witness' reasons for withholding testimony or answers to specific questions were rejected.

Acting upon the request made by a party, court will decide that witness is obliged to reimburse expenses caused by his/her unjustified absence, or unjustified refusal to testify.

If witness presents justification for his/her absence afterwards, court will revoke its decision about the fine and partially or totally release such witness from expense reimbursement. Court may also revoke its decision about the fine if witness subsequently agrees to testify.

If it is necessary to bring military personnel and members of the police by force so they can testify, court will address their superior who will then order their bringing to court.

The fine from paragraph 1 and 2 of this Article shall be enforced in the manner stipulated in Article 190 of this law.

Article 258

A witness is entitled to reimbursement of travel expenses and food and lodging, as well as for lost income.

A witness should demand the reimbursement immediately after questioning, or otherwise the witness would forfeit any right to claim it. The Court is obliged to warn the witness about this circumstance.

In the decision defining the expenses of the witness, the court will order a portion of the sum to be paid from the deposited amount, and if no amount was deposited, the court will order the party to pay the set amount to the witness within eight days.

An appeal against decision from paragraph 3 of this Article shall not postpone enforcement thereof.

5. Experts

Article 259

The Court will order presentation of evidence by expert testimony when expertise is required which the court does not possess in order to establish or explain certain fact.

Article 260

The party that proposes the production of evidence by expert shall specify in the motion the mission i.e. the subject of expert evidence, and may also propose a specific person as an expert.

The Court will submit a proposal to the opposing party in accordance with paragraph 1 of this article for opinion.

If no party propose expert testimony or fails to provide for the cost of expertise within prescribed time or does not submit itself to expert opinion, the court will decide about the existence of the fact, applying the rules about the burden of proof (Article 231 paragraph 1).

Article 261

~~**Party may submit to the Court a written report and opinion of expert in the appropriate discipline in relation to the facts under Article 259 this law**~~.

~~**The court shall service the written report and opinion from paragraph 1 of this Article to the opposite party for declaration**~~.

~~**The court may order by decision the presentation of evidence by expert, by reading the written findings and opinions submitted by the party, after submissions of the other side, in terms of Article 260 Paragraph 2 of this law.**~~

Article 262

The court may, ex officio, order the presentation of evidences by expert in cases where the law allows.

Article 263

~~**The proposal under Article 260 of this law, the written findings and opinions under Article 261 of the Law, as well as statement of the opposing side shall be submitted to the court at latest until the end of preliminary hearing or the first trial hearing if the preliminary hearing has not been held**~~.

Article 264

Expert testimony is being given, as a rule, by one expert, and when court decides that expert testimony is complex, the court may appoint two or more experts.

Experts are being chosen primarily from the register of court experts for specific expert testimony.

The court shall decide who will be credited to the expertise, if parties do not agree ~~**or if expertise is not determined on the basis of expert opinion in the attached written findings and opinions of the expert, in terms of Article 261 of this Law**~~.

If for particular type of expertise there is no court expert listed in the registry referred to in paragraph 2 of this article, expertise can be done by person of appropriate expertise, with declaration to the court that the findings and opinions given in accordance to the rules of the profession and to the best of his knowledge, objectively and impartially.

Article 265

The Court will release the expert, upon his/her request, from his/her obligation to present expert testimony, for the same reasons valid for witness to withhold his/her testimony or answer to specific question.

Court may also release the expert, upon his request, from his/her obligation to present expert testimony for other justified reasons. Release from obligation of

presenting expert testimony may also be demanded by the authorized official of the body or organization in which such expert is employed.

Article 266

An expert may be disqualified for the same reasons valid for disqualification of a judge or lay judge, but a person previously questioned as witness may also be appointed as expert witness.

A party shall submit a request for disqualification of the expert immediately upon learning that reason for such disqualification exists, at latest prior to the beginning of evidence presentation by expert testimony.

In his/her request for expert's disqualification, a party is obliged to state circumstances on which the party is basing such request for disqualification.

Litigation court will decide on the request for disqualification. The requested court will decide on disqualification when tasked with evidence presentation by expert testimony.

No appeal is allowed against the ruling approving the request for disqualification, and no special appeal is allowed against ruling rejecting such request.

If a party learns about a reason for disqualification after expert testimony was given and such party objects to expert testimony on those grounds, the court will act as if the motion for disqualification was made before the expert testimony.

Article 267

The Court will fine the expert who is natural person from the amount of 10.000 to 150.000 dinars, i.e. fine from 30.000 up to 1.100.000 dinars expert who is legal entity if such expert does not appear for the hearing although properly summoned and his/her absence was not justified, or if in prescribed deadline does not present its findings and opinion.

The Court may fine the expert who is natural person from the amount of 10.000 to 150.000 dinars, i.e. fine from 30.000 up to 1.100.000 dinars expert who is legal entity if such expert refuses, for unjustifiable reasons, to provide expertise.

With a fine from the amount of 10.000 to 150.000 dinars can be sanctioned a responsible person of the legal entity under conditions from paragraphs 1 and 2 of this article.

The fine from paragraph 1 and 2 of this Article is enforced in the manner provided in Article 190 of this law.

The decision on the fine can be revoked by the court under conditions specified in Article 257, paragraph 5 of this law.

Upon a request made by a party, the court may rule to order the expert to reimburse the expenses incurred due to his/her unjustified absence or unjustified refusal to give expert testimony.

Article 268

An expert witness is entitled to reimbursement of travel expenses and expenses for food and lodging, lost profit and cost of expert testimony, as well as to the award for expert testimony given.

Expenses will be reimbursed and award will be given in accordance with Article 258, paragraphs 2 and 3 of this law.

The party which proposed the expertise or if ordered by the court the party to bear the costs of expertise in official capacity, pays for compensation and reward for the expert, and submits the proof of payment to the court within eight days.

Article 269

The court secedes about expertise with special decision that includes: subject matter, mission of expertise, the deadline for submission of findings and opinions to the court in writing, personal name or the name of the person entrusted with the expertise, as well as data from the register of experts.

~~**The deadline for submission of court findings and opinions can not be longer than 60 days.**~~

Transcript of a decision shall be submitted to the expert and parties along with the summons for hearing for the trial.

In ruling the court will warn the expert that he/she is required to notify the parties of the day determined for the expertise, if their presence is required, that finding and opinion must be prepared in accordance with the rules of science and profession in objective and impartial manner, to warn him of the consequences of failure to submit the findings and opinions within the given period, or unjustified absence from the hearing, and inform him/her of the right to fee and reimbursement of expenses.

The decision on designation of an expert in official capacity, in addition to the information specified in paragraph 1 of this article, also contains information about the amount deposit for expertise and order to parties for payment of the deposit by a certain date.

Article 270

Expert is submitting his/her written finding and opinion to the court no later than fifteen days before the scheduled hearing.

The court presents the finding and opinion to the parties no later than eight days before the scheduled hearing.

The written finding of an expert must contain an explanation stating the facts and evidences upon which the finding is based, as well as expert opinion, which corresponds to the task of expertise, as well as information about where and when the expertise was made, persons witnessing the expertise i.e. persons not attending expertise but were properly notified, as well as about the documents that are attached.

If expert submits an expert report and opinion, which is vague, incomplete or contradictory to it, the court will order the expert to complete or correct the finding and opinion and set a deadline for elimination of deficiencies, or invite the expert to speak at the hearing.

Article 271

When a party has objections to the finding and opinion of the court expert he/she shall submit them in writing, within a deadline set forth by the court.

~~**A party may engage specialist or other expert registered in the court register, which will make remarks on the submitted report and opinion or new finding and opinion in written form. At the hearing for the trial, the court may read them and to allow that person to participate in the hearing, by asking questions and giving explanations for the party that hired him/her**~~.

The court will discuss the remarks at the hearing ~~**and will try to reconcile the findings and expert opinions**~~.

~~**If the court fails with harmonization of expert opinions, or**~~ if the court considers that the essential facts are not sufficiently discussed, it will decide upon a new expertise, which will be credited to another expert, and notify the parties about it.

~~**In the case from paragraph 4 of this law, the parties bear the costs of expertise in equal parts**~~.

Article 272

When expert fails to submit the finding and opinion within the deadline, the court may, upon request of a party, designate another expert, after expiration of the date left to the parties to speak out about it.

In cases from paragraph 1 of this Article, as well as when the expert fails to comply with a court order from Article 270 Paragraph 4 of this law, the court shall impose a fine on expert stipulated in Article 267 paragraphs 1 and 2 of this Law and will notify the ministry which maintains a register of experts for initiation of procedure for removal of expert from the registry.

Article 273

If several experts are appointed, they may submit their joint finding and opinion when they agree about such finding and opinion. If they do not agree about such finding and opinion, each expert will present his/her finding and opinion separately.

If data given by experts about their findings differs significantly, or if findings of one or several experts are unclear, incomplete or in contradiction with themselves or facts reviewed, and such faults cannot be overcome by re-examination of the experts, or if there is a reasonable doubt concerning correctness of the opinion given, the court will at the suggestion from the party decide on new expertise, by implementing ordinances of the Article 271 of this Law.

Article 274

No appeal is allowed against the decision of the court specified in Articles ~~**261**~~, 262, 264, 269 and 273 of this Code.

Article 275

Provisions of this law of experts shall also be applied as appropriate to interpreters.

6. Questioning of the parties

Article 276

Facts important for rendering a decision may also be ascertained by hearing the parties.

The Court may decide to present evidence by questioning the parties when the court deems questioning is required to establish important facts even if other evidence has been presented.

Article 277

The parties are questioned, as a rule, directly at the hearing.

The court may decide by a decision, in its official capacity or at proposal of the parties, to examine the party by video link, i.e. phone conference connection, by using equipment for audio or video recording, in accordance with Article 245 of this law. A separate appeal is not permitted against this decision. The parties have the right to a copy of the recording.

Article 278

If the court is convinced that a party, or a person to be questioned on behalf of such party, has no knowledge of the disputed facts, or if questioning of such party is not possible, the court may decide to question the other party only.

Also, court may decide to question one party only, if the other party withholds its statement or does not comply with the court summons.

If during the procedure a party dies, or re-hearing of the party is impossible or difficult for other reasons, the court will read the transcripts of the testimony of that party.

Article 279

Evidence presentation by questioning of the parties made by the request is allowed only if a party cannot personally appear due to unavoidable obstacles or if his/her arrival would cause inappropriate expenses.

Article 280

On behalf of a party without litigation competence, his/her legal representative will be questioned. The Court may decide to question such party personally instead of, or together with its legal representative, if such questioning is possible.

On behalf of a legal entity, a person designated to represent such legal entity by law or regulations will be questioned.

If several persons are joined as one party to the litigation, the court shall decide whether to question all those persons or only some of them.

Article 281

In the summons for hearing by questioning of the parties will be stated that the party who appears at the hearing may be questioned even if the other party is absent.

Article 282

No enforcement may be applied against a party who fails to comply with court's subpoena for questioning purposes, and no party may be forced to make a statement.

Considering all circumstances, the court will evaluate the significance of the fact that party did not appear for questioning or that it had withheld its statement.

Article 283

The provisions on evidence presentation by testimony of the witnesses will also be applied for evidence presentation by questioning of the parties, unless provided otherwise by this law.

Alternative:

Article 283A

The following provisions are deleted: Article 98 paragraph 2, Article 104 paragraph 4, Articles 106, 118, 119, 120, 121, 129, 235, 245 paragraphs 3, 4, 5, 6, Article 246 and Article 277 paragraph 2.

Chapter 21

SECURING OF EVIDENCE

Article 284

If there is a reasonable concern that certain evidence may not be presented or that its later presentation will be difficult, a motion may be made to present such evidence during and/or prior to commencement of litigation.

In the procedure for securing of evidence before instituting of litigation, taking of evidence by hearing of the parties cannot be done.

A motion for securing of evidence may be filed also after the ruling on conclusion of proceedings becomes effective, if so necessary before or during the proceedings instituted by extraordinary remedies.

This proceeding is urgent.

Article 285

If the motion for securing the evidence is filed in the course of the proceedings the court before which litigation proceedings are conducted shall have competence to act.

When securing of evidence is requested prior to start of proceedings, as well as in case of urgency if proceedings are already under way, the lower first instance court on whose territory the objects to be examined are located shall have jurisdiction, or the court on whose territory is the residence of the person to be questioned.

About the proposal in paragraph 1 of this Article Court that is handling the procedure shall decide.

Article 286

The requesting party's motion for securing of evidence must state the facts that are to be proven, evidence to be presented and reasons why the party considers that evidence will not be able to be presented later or that its presentation will be difficult. The filing should contain the name and surname of the opposing party, unless circumstances show that identity of such party is unknown.

Article 287

Request with proposal for securing the evidence will be delivered to the opposing party, if such party is known. If danger exists due to delay, the court will rule on the motion without the previous declaration of the opposing party.

In its decision accepting the proposal, the court will set the date of the hearing for evidence presentation, state the facts in respect of which evidence will be presented, as well as the evidence which will be presented, and appoint experts if necessary.

If the filing with the proposal for securing of evidence has not been delivered previously to the opposing party, it will be delivered together with decision of the court accepting the motion for securing of evidence.

The court may appoint temporary representative whose mission will be to attend the hearing for presentation evidences (Article 81) on behalf of the opponent who is unknown or his/her residence is unknown.

In case of urgency, the court may decide to start evidence presentation even before the decision about accepting the proposal for evidence presentation is delivered to the opposing party.

No special appeal is allowed against the court's decision accepting the motion for securing of evidence, or against the decision on commencement of evidence presentation prior to delivery of the decision to the opposing party.

Article 288

If the evidence is presented before the proceedings commence, the record on evidence presentation will be kept with the court before which such evidence is presented.

If proceedings are under way and evidence has not been secured by the litigation court, the records will be delivered to litigation court.

The court shall, without delay, inform the opposing party about presented evidences.

Chapter 22

PREPARATION FOR THE TRIAL

1. General provisions

Article 289

Preparations for the trial commence after filing of the complaint.

These preparations include preliminary examination of the complaint, delivery of the complaint to the defendant for reply, preparatory hearing and scheduling the trial.

In the course of preparation for the trial, parties are obliged to send filings stating facts on which they are basing their claims and requests, as well as evidence they intend to submit to back their claims.

Article 290

In the course of preparation for the trial, before the trial hearing, the court is entitled to decide about all questions related to the management of the proceeding.

No appeal is allowed against a ruling about management of the proceeding in the course of preparation for the trial.

Article 291

The court may, in the course of preparation for the trial, issue a judgment on the grounds of admission, judgment on the grounds of waiver and judgment on the grounds of absence, and may accept the settlement of the parties for the official court's record.

The President of the panel of judges, during the preparation of the trial, after receiving response to the claim reach the verdict if it determines that the parties did not dispute the fact and that there are no other obstacles to the decision.

2. Preliminary examination of the complaint

Article 292

After preliminary examination of the complaint, the court is entitled to render decisions specified in Article 294 of this law, unless issues in question are such that by their nature or pursuant to provisions of this law, appropriate decision may only be taken in the further course of the proceedings.

Article 293

When the court finds that the complaint is unclear or incomplete, or that there are shortcomings in respect of litigation competence of the plaintiff or defendant, shortcomings concerning legal representation of a party or

shortcomings relating to letter of attorney of a representative to initiate litigation when such letter of attorney is required, the presiding judge will undertake measures required for elimination of such shortcomings set out in this law (Articles 80 and 101).

Article 294

After preliminary examination of the complaint, the court shall make a ruling rejecting the claim if he/she determines:

1) that deliberation of the claim is not under court's jurisdiction (Article 16)

2) that the claim was filled untimely, if special regulations set a deadline for filing of the claim.

3) that litigation on the same request is underway ;

4) that the matter has been legally adjudicated;

5) that on the same matter court settlement has been concluded ;

6) that there is no legal interest of the plaintiff for filing a lawsuit from Article 194 of this law;

7) That the action is not comprehensible or complete.

Article 295

If there are insufficient grounds to take a decision on a particular issue appearing during the preliminary examination of the complaint, decision on this issue shall be taken upon reception of the reply to the claim, or at the preparatory hearing, or at trial if preparatory hearing was not held.

3. Reply to the complaint

Article 296

The Court will submit a claim with attachments to the defendant for reply within 15 days of receipt of the appeal by the court.

Article 297

The defendant shall, within 30 days of receipt of the complaint with attachments, submit to the court his/her response to the complaint.

The court is obliged, when submitting claims to response, to warn the defendant on consequences due to failure to service reply to the complaint (Article 350, paragraph 1), the obligation of appointing an attorney for receiving documents (Article 298, paragraph 3) as well as of duty to inform the court regarding any change in his/her address and the consequences of failure to do so (Article144).

Article 298

The defendant is required in his/her replay to the complaint to highlight procedural objections and decide whether it admits or disputes the claim. The replay to the complaint must contain other information that should have any other filing (Article 98).

If the defendant disputes the claim, the reply to the complaint must contain the facts upon which the defendant bases its claims and evidence establishing those facts.

Defendant who has permanent or temporary residence or headquarters abroad shall be obliged in his/her reply to the claim attorney who will receive the documents in his/her name.

If the defendant who has permanent or temporary residence or headquarters abroad, fails to submit to the court the notification from paragraph 3 of this Article, together with the respond to the claim, the court shall appoint to him/her the attorney for reception of documents, and inform him/her about it.

Article 299

The court may, exceptionally, if required by special circumstances of the case, especially if it is necessary to decide on the proposal for the imposition of temporary measures, or if the procedures under this law or some other law are considered urgent, immediately schedule a hearing and order that the copy of the complaint with attachments be provided to the defendant.

Article 300

If the reply to the complaint is flawed and for that reason it can not be acted upon it (Articles 98 and 298), it is considered that the defendant did not respond to the complaint.

4. Preparatory hearing scheduling of the main hearing

Article 301

The court shall schedule the preparatory hearing within ~~**30**~~ ***60*** days after the service of the reply to the claim to the Plaintiff.

If the defendant did not submit a reply to the complaint and there are no conditions for reaching the verdict due to failure to act, the court will schedule a preliminary hearing to take place no later than 30 days after the deadline for submission of reply to the complaint.

Article 302

The preliminary hearing is mandatory, except when the court upon receipt of complaint and reply to the complaint establishes that between parties there are not disputed facts, if the dispute a simple, urgent, or when provided by law.

Article 303

In the summons for a preparatory hearing the parties shall be warned on duty to present all facts and propose evidence confirming such facts, and it will be ordered to bring to the hearing any document that may serve as evidence, as well as any object

that should be examined in the court, as well as duty to propose the time frame. The court will call to alert the parties to their duty to notify the court about change of address and consequences of failure to do so (Article 144).

If it is necessary, for the preliminary hearing, to obtain records, documents or items that are with the court or other state authority, the authority of autonomous province,local government, legal entity or individuals entrustedwith public authority o r other legal entity, the court shall order that these objects or documents are timely obtained.

Summons for a preparatory hearing shall be presented no later than eight days before the hearing.

Article 304

If the plaintiff does not appear at preparatory hearing but he/she was dully notified about hearing, it will be considered that the complaint is withdrawn unless the defendant requests that hearing should be held.

Article 305

Preliminary hearing begins with the presentation of claim afterward the defendant presents his answer to the claim.

When needed, the court shall require the parties to clarify the terms of their allegations or suggestions.

The court shall inform the parties of their right that the procedure can be performed through mediation.

Article 306

After presentation of claim and response to the claim the issues relating to obstacles to the further course of the procedure will be addressed and evidence about this can be derived when it is necessary.

The court will, after complaint by the opposition party, or in official capacity (ex officio), decide on matters within Article 294 of this law, unless the law provides otherwise.

The decision about complaint on procedural difficulties the court shall present together with the decision on the main issue, except on objection about local jurisdiction.

Against the decision referred to in paragraph 3 of this article appeal is not allowed.

Article 307

In further preliminary hearing suggestions and requests of the parties will be addressed, as well as about factual allegations by which parties explain their proposals and requests.

Article 308

A party is in obligation, not later upon the preliminary hearing or at the first hearing for the main hearing, if the preliminary hearing is not mandatory (Article 302), to present all facts required for explanation of its proposals, to propose evidences that confirm the presented facts, to give statement about the allegations and offered evidences of the opposing party, as well as to propose the time frame for conduct of the proceeding.

The court shall, at the hearing from paragraph 1 of this Article, define which facts are uncontested or generally known and which facts are disputable and which legal issues should be discussed.

The court will decide, at the hearing from paragraph 1 of this Article, what evidences shall be presented at trial and shall establish by a decision the time frame for executing the proceedings (Article 10 Paragraph 2).

The decision about defining of the time frames shall especially contain the following: number of hearings, ~~**time of hearings**~~, schedule for taking of evidence ~~**at the hearings**~~ and taking of other procedural actions, ~~**court time frames**~~, and total time of the main hearing.

The court will refuse proposals that it doesn't consider important for the ruling by decision against which appeal is not allowed.

Article 309

The court sets a hearing for the trial within no longer than ~~**30**~~ ***60*** days of the concluded pre-trial hearing, or from the receipt of a reply to the claim or the expiry of deadline from this law for submission of reply to the claim, if it determines that holding of a preliminary hearing is not necessary (Article 302).

The court, by rule, schedules one hearing for the trial, in order to present all the evidences whose presentation were allowed by the court or were order by official capacity.

If the court discovers that, on order to present all evidences more than one court session is needed, it will schedule them consecutively, i.e. in specific time intervals, taking into account concentration of the trial.

The court is in obligation to respect the time frame defined in accordance with Article 308 of this law, as well as to prevent any attempt of ungrounded delay of hearing and to sanction any violation or misuse of the procedural rights and violation of procedural discipline.

The court shall invite parties, witnesses and experts that to the trial, after decision was made about it at the preliminary hearing.

The provisions of Article 303 of this law shall apply to scheduling the trial.

Chapter 23

THE TRIAL

1. The course of the trial

Article 310

The court will open the trial and explain the subject of the argument. The judge then establishes the facts whether all subpoenaed persons are present, and in if not, checks whether they were properly subpoenaed and whether they have justified their absence.

Article 311

If the plaintiff is absent at the first trial hearing, or the defendant fails to appear at that hearing despite that they were timely summon, the trial will be held only with party that is present.

If on the trial, both the plaintiff and the defender are unjustifiably absent, or if they refuse to discuss, the claim is deemed withdrawn.

Article 312

If the preliminary hearing was not held, the first hearing for the trial begins with the presentation of the claim, after which the defendant responds to the claim.

If a preparatory hearing has been held before the trial, the President of the panel of judges shall inform the panel about the course of that hearing. The parties may supplement the presentation made by the President of the panel of judges.

In the further course of the trial, the court shall hear the parties' motions and factual allegations by which the parties substantiate their motions or by which they deny the opposing party's motions, as well as the evidences offered by them, evidence shall be presented and the results of this presentation shall be heard.

The parties may also present their legal understandings relating to the matter of litigation.

When provided under this law that a party may make objection or motion or undertake other litigation action until the defendant commences argument on the main issue at the trial, such objection or motion may be made or another litigation action may be undertaken by the plaintiff until explanation of the claim has been completed, while the defendant may do so before his response to the claim is completed.

Article 313

The court will take care, by asking questions, that all explanations necessary for establishing the facts significant for decision-making are given during the hearing (Article 7, paragraph 2).

Article 314

Parties may, through filings or at later hearings, up to the conclusion of the main hearing, to present new facts ~~**and propose new evidences only if, by no fault of their own, could not present or propose them in the preliminary hearing, or at the first hearing of the trial, if the preliminary hearing was not held**~~ ***if that is necessary to discuss the contested legal issues (Article 308, paragraph 2)***.

The parties may propose new evidences until conclusion of the main hearing if that is necessary in order to establish the facts that became contested after the court has determined by the decision, the time frame at the preliminary hearing, or at the first hearing for the main hearing.

The court will not take into consideration facts and evidences that are presented or submitted contrary to paragraph 1 ***and 2*** of this article.

Article 315

The court determines presentation of evidence by its ruling stating the disputed fact requiring presentation of evidence, as well as the means of evidence presentation and deadline for presentation of evidence.

Proposed evidence deemed insignificant for the decision will be rejected by the court and in its decision the court will explain the reason for such rejection.

No special appeal is allowed against the decision determining or rejecting evidence presentation.

Article 316

If a party objects that the claim does not fall under court jurisdiction, that the court has no material or territorial jurisdiction, that litigation concerning the same claim is already under way, that issue has been effectively adjudicated, that court settlement has been made on the subject of dispute or that the plaintiff has relinquished his claim before the court, the court will decide whether it will argue and deliberate such objections separately from the main issue or together with it.

If the court does not accept the objection specified in paragraph 1 of this Article argued together with the main issue, or if after separate argument the court does not sustain the objection and rules to continue with the trial immediately, decision about the objection will be a part of decision about the main issue.

No special appeal is allowed against the decision rejecting objections of the parties, if the panel decides to continue with the argument on the main issue immediately.

Provisions of paragraphs 1 to 3 of this Article will accordingly apply when the court decides in official capacity (ex officio) to rule separately from the main issue whether the issue falls under court's jurisdiction, whether court is competent for such issue, whether litigation is already under way, whether main issue has already been effectively judged about, whether plaintiff had resigned from his claim before the court, as well as whether court settlement was made concerning the subject of dispute.

Article 317

When the President of the panel of judges or judge sitting alone finishes questioning of a witness, expert or party, members of the panel, party and his/her representative may directly question such person.

The court will prohibit a party to ask certain question or prohibit the response to a question if that question already contains in itself the manner how it should be replied, or if such question does not concern the case.

Upon a party's request, question from paragraph 2 of this law will be put on record.

Article 318

Questioned witnesses and experts remain in the courtroom unless, after statement of the parties, released by the court or removed temporarily from the courtroom.

The court may rule for e-examination of witnesses in presence or absence of other witnesses and experts.

Article 319

When the court deems that a subject has been discussed and that the decision could be taken, the court shall announce that the trial is concluded.

The court may also decide to conclude the trial also when certain documents remain to be acquired, containing evidence required for decision making or if records about evidence presented before the invited judge are being expected, and parties give up the argument about such evidence or council deems that such argument isn't necessary.

Article 320

The court may decide in the course of deliberation and voting that the already concluded trial should be re-opened if such re-opening is necessary to supplement the proceedings or to give explanation of certain significant issues.

2. Public nature of the trial

Article 321

The trial is public.

Only persons older than 16 years may attend the trial, unless specified otherwise by the law.

Article 322

The court may exclude the public from the whole trial or its part if it is required by reasons of national security, public security, moral, in the interest of public order, privacy of the parties involved or when directed by law. The court may

also exclude the public in case when measures for maintaining of order provided under this law would not secure undisturbed proceedings at the trial.

Article 323

Exclusion of the public does not apply to the parties, their legal representatives, attorneys and interveners.

The court may allow certain officials as well as scientists and public workers to attend the trial where the public has been excluded, if in the interest of their official activity, scientific or public work.

The court may allow, upon the motion of a party, presence of two persons at most, designated by such party.

The court will warn persons attending the trial where public is excluded that they are obliged to keep confidential all they learn at the trial, and instruct them about consequences of the breach of such confidentiality.

Article 324

The court shall decide about exclusion of the public by an explained and publicly announced ruling.

No special appeal is allowed against the ruling on exclusion of the public.

Article 325

Provisions about publicity of the trial will accordingly apply to all other hearings.

3. Trial management

Article 326

The court manages the trial, questions the parties, presents evidence, and allows parties, their legal representatives and attorneys to speak and announces decisions of the panel.

The court shall take care that the case is thoroughly examined, that proceeding is not extended beyond reason, so that the proceeding can, if possible, be completed in one hearing.

If a participant at the hearing objects to a decision of the court concerning trial management or to a question asked by the presiding judge of the panel, member of the panel or another participant in the proceedings, such objection is decided by the panel.

No special appeal is allowed against the decision about trial management.

Article 327

Outside the trial hearing, the court makes a decision about correction of a motion, appointment of temporary attorney, proper form of the letter of attorney, deposit for expenses of undertaking certain procedural actions, release from payment of proceeding's expenses, securing litigation expenses, delivery of court documents, securing evidence, temporary security measures, proceedings

interruption and suspension, cost of proceedings when claim is withdrawn, scheduling hearings and their adjournment, joining litigation, as well as setting and extending deadlines.

After receiving the records about evidence presented before the invited court, the court is also authorized to order necessary corrections or supplements.

Outside the trial hearing, the court is authorized to render a judgment on the grounds of absence or judgment on the grounds of waiver based on appropriate statement of the defendant and plaintiff, respectively, given in writing or on record with litigation court, as well as to allow court settlement that will be put on court's record.

Article 328

If several civil actions between the same parties are under way before the same court or if the same person is the opposing party to different plaintiffs or different defendants, the panel may decide to join all these civil actions for common argument if such decision would speed up the argument or reduce expenses. The Court may render a single judgment for all such joint actions.

The court may order separate argument about individual claims from the same complaint and may render separate decision on such claims upon conclusion of such separate arguments.

Article 329

When the court decides to adjourn the trial hearing, the court will take care that all evidence to be presented at such hearing are acquired and other preparations made in order to conclude the argument at that hearing.

No appeal is allowed against decision of the court adjourning the hearing or rejecting proposals of the parties for the hearing to be postponed.

Article 330

If a hearing is adjourned, the new hearing will be held before the same judge sitting alone, or the same panel, if possible.

If a new hearing is held before the judge sitting alone, or the same panel, the trial will continue.

Article 331

If a hearing is held before an altered panel of judge sitting alone, the trial must commence again from the beginning, but the court may, decide not to question again witnesses and experts and not to undertake new investigation, but to read records about presentation of such evidence instead.

4. Maintaining of order at the trial

Article 332

The court shall maintain order in the courtroom and dignity of the court in the course of the trial.

Article 333

If a participant in the proceedings or person attending the hearing offends the court or other participants in the proceedings, disturbs the work or does not obey orders of the court on maintaining order, the president of the panel may fine such person from 10.000 to 150.000 dinars, or remove the person from the courtroom.

If a party or its attorney is removed from the courtroom, the hearing may be held in its absence.

When the court fines or removes a lawyer or lawyer's intern acting as attorney, it shall inform the bar association accordingly.

An appeal against the decision on the fine or removal from the courtroom shall not suspend enforcement of the decision.

The fine from paragraph 1 of this Article is enforced in the manner provided in Article 190 of this law.

Article 334

Provision from Article 333 of this law is applied accordingly on public prosecutor or public attorney, or on persons replacing them.

Competent public prosecutor and the State Chamber of Prosecutors, or the public attorney shall be notified about sanctioning of persons from paragraph 1 of this Article.

Article 335

Authority regarding maintaining order at the trial from Article 332 and 334 of this law, the president of the panel shall also have at other hearings.

Chapter 24

SETTLEMENT BEFORE THE COURT

Article 336

The court will indicate to parties the possibility of settlement before the court during proceeding.

Parties can conclude a settlement before the court in any time during proceedings until its legally binding completion.

If a judicial settlement is achieved after rendering of first instance verdict, the court shall issue a decision that will determine the first-instance verdict to be without effect and terminate the proceedings.

No settlement can be made before the court concerning claims not under the parties' competence for disposal (Article 3, paragraph 3).

When the court takes a decision denying settlement between the parties, it will suspend proceedings until such decision comes into effect.

Article 337

Agreement of the parties about the settlement is entered in record.

Settlement will be complete when parties sign records about the settlement after such records have been read.

Certified copy of the records containing the settlement will be issued to parties and this copy has the same effect as verdict.

Article 338

In the whole course of proceedings, the court will take care, ex officio, whether litigation is already under way about the issue that was earlier subject of settlement before the court, and if such litigation exists, the court will reject the claim.

Article 339

Court settlement can be challenged only by lodging of complaint.

If a judicial settlement is suspended proceeding shall be continued as if the lawsuit on the claim has not been concluded.

Article 340

If regulated by a special law, or parties in accordance suggest that the dispute could be resolved through mediation, the court shall refer the parties to mediation procedure, and suspend the proceeding.

Article 341

Mediation procedure is implemented in accordance with a special law.

The court will schedule a hearing for the trial if the parties do not resolve the dispute through mediation upon expiry of 30 days from the day when a party informs the court that it has receded from the mediation.

Chapter 25

JUDGMENT

1. General provisions

Article 342

The court decides by judgment on the complaint concerning the main issue and auxiliary claims.

As a rule, if there are several claims, the court will decide about all such claims in one judgment.

If several civil actions are joined for the purpose of common argument, and only one it is ready for final adjudication, the judgment may be made only with regards to such litigation.

Article 343

The court may order the defendant to perform a specific act only if that act has become due by the commencement of the trial.

If the court grants a motion for maintenance, reimbursement of damage in the form of rent due to lost wage or other incomes based on personal work or due to lost maintenance, it may oblige the defendant to perform also those acts that have not become due.

A judgment imposing on the respondent the obligation to deliver or take possession of objects that have been leased may be rendered even before the termination of such relationships.

Article 344

If the plaintiff requested in his claim that certain object should be assigned to him/her by judgment, and if he/she stated his willingness to accept certain amount of money or some other performance (activity) instead of such object simultaneously with his claim or before concluding of the trial, court will, if the complaint is accepted, declare in its judgment that the defendant may be released from surrendering such object if he/she pays such amount of money or fulfill that other performance (activity).

Article 345

When a party is ordered by judgment to act in a certain way, deadline for such action will be set as well.

If special regulations do not prescribe otherwise, the deadline for such activity will be fifteen days. In case of actions that do not involve payment of money, the court may set a longer deadline. In litigation concerning bills of exchange and checks this deadline is eight days.

The deadline for performing ordered action starts from the first day after transcript of judgment is delivered to party ordered to perform such action.

2. Types of judgments

Article 346

In case of several claims, if only some of them are ready for final decision on the grounds of admission or argument, or if only one part of the claim is ready for final decision, the court may conclude the trial and render judgment referring to claims that are ready, or to a part of the claim (partial judgment).

The court may also make partial judgment when counter-claim is submitted and only the claim or the counter-claim is ready for decision-making.

When evaluating whether to make partial judgment, the court will especially take into account the volume of the claim or a part of the claim ready for decision-making.

In regard to legal remedies and enforcement, partial judgment is deemed to be an independent judgment.

Article 347

If the defendant challenges both basis and volume of the complaint, and issue is ready for decision-making regarding basis of the claim, the court may, for reasons of suitability, first render only the judgment on the basis of the complaint (interim judgment).

The court will suspend argument about volume of the claim until inter-judgment comes into effect.

The interim judgment has effect only in the procedure in which it was sentenced.

Article 348

If the defendant admits the claim before conclusion of the trial, the court will render judgment without further argument, accepting the claim (judgment on the grounds of admission).

The court will not render judgment on the grounds of admission even when statutory conditions are met, if it finds that the claim is not under competence of the parties to dispose (Article 3, paragraph 3).

The court will defer rendering of judgment on the grounds of admission if preliminary information must be acquired about circumstances specified in paragraph 2 of this Article.

An admission of the claim, at the hearing or in writing, may be revoked by the defendant without approval of the plaintiff prior to rendering of the judgment.

Article 349

If plaintiff waives his/her claim before the closing of the trial, the court will make a judgment rejecting the claim without further argument (judgment on the grounds of waiver).

No approval of the defendant is required for waiver of the claim.

The court will not make the judgment on the grounds of waiver even when required conditions are met if it finds that claim is such that it cannot be made by the parties (Article 3, paragraph 3).

The court will postpone the judgment on the grounds of waiver if preliminary information must be acquired about circumstances from paragraph 3 of this Article.

Waiver of the claim given at the hearing or in writing may be revoked by the plaintiff without any approval of the defendant before judgment is made.

Article 350

If the defendant does not submit a reply to the complaint within the time limit set, a judgment shall be rendered to grant the claim (judgment on the grounds of absence) if these conditions are met:

1) if the complaint and the summons to provide the reply to the complaint were orderly served to the defendant;

2) if the facts underlying the claim are not inconsistent with the evidences submitted by the plaintiff or the facts of common knowledge;

3 if merits of the claim arise from the facts alleged in the complaint;

4) If there are no generally known circumstances from which it is arises that the respondent was prevented by justified reasons from submitting an answer to the complaint.

Judgment on the grounds of absence shall not be issued even when conditions from paragraph 1 of this Article are fulfilled, if the court establishes that it is the request that is not available to the parties (Article 3, paragraph 3).

If from the facts given in the complaint the grounds for the claim are not discernible, the court shall schedule a preparatory hearing and if the plaintiff does not amend the claim at that hearing, it shall render a judgment dismissing the claim.

The court will defer rendering of judgment on the grounds of absence if preliminary information must be acquired regarding circumstances from paragraph 2 of this Article.

The court will also postpone rendering of judgment on the grounds of absence in case when there is no evidence that defendant was properly subpoenaed, although it is beyond doubt that subpoena was sent to him/her. In such case, the court will set a deadline that may not be longer than thirty days for delivery in the country, or longer than the deadline in accordance with article 133 paragraph 2, in order to investigate whether the defendant was properly subpoenaed. If within such deadline it is established that the defendant has been properly subpoenaed, the presiding judge will make a judgment on the grounds of absence.

In cases from paragraphs 4 and 5 of this Article judgment on the grounds of absence may be made by the court without questioning of the parties.

Article 351

When the defendant to whom the complaint is not submitted for reply, but when it is only submitted to him together with the notice of summons for the hearing, does not appear at the preparatory hearing until its conclusion, or at the first hearing of the trial if the preparatory hearing is not held, or if he/she comes to the hearing, but does not want to discuss about it or leaves the hearing, and does not contest the claim, the court shall take a judgment by which it adopts the claim (judgment due to non-appearance) if the following conditions are fulfilled :

1) if the defendant was regularly summoned,

2) if the defendant did not deny the claim by a writ,

3) if merits of the claim arise from the facts alleged in the complaint;

4) if facts on which merits of the claim are not contrary to evidence submitted by the plaintiff himself or to facts that are generally known,

5) if there are no generally known circumstances from which it is arises that the defendant was prevented by justified reasons to come to the hearing.

A judgment due to non-appearance shall not be taken also when conditions are fulfilled from Paragraph 1 of the present Article when it is to claims which the parties may not dispose off (Article 3 Paragraph 3).

Taking of a judgment due to non-appearance shall be postponed if it is necessary that concerning circumstances from Paragraph 2 of the present Article previous information should be acquired.

If from the facts given in the complaint the grounds for the claim are not discernible and if the complaint is not amended at that hearing, the court shall render a judgment dismissing the claim.

The court will also postpone rendering of judgment due to non-appearance in case when there is no evidence that defendant was properly summoned, although it is beyond doubt that notice of summons was sent to him/her. In such case, the court will set a deadline that may not be longer than thirty days for delivery in the country, or longer than the deadline in accordance with Article 133 Paragraph 2 of the present Code, in order to investigate whether the defendant was properly summoned. If within such deadline it is established that the defendant has been properly summoned, the court will take a judgment due to non-appearance.

In cases from Paragraphs 4 and 5 of this Article judgment due to non-appearance may be taken by the court without questioning of the parties.

3. Rendering and announcing the judgment

Article 352

The judgment is rendered and announced in the name of the people.

When trial is being held before a panel, judgment is rendered by the presiding Judge of the panel and panel members who have participated in the hearing when the trial was concluded. Immediately after the trial is concluded, the court renders judgment that is announced by the presiding judge.

In more complex cases the court may postpone judgment ***making*** ~~**announcing**~~ for eight days after conclusion of the trial. ***In such cases judgment will not be announced but the court will send the transcript of the judgment to the parties***.

In case specified in Article 319, paragraph 2 of this law, judgment is rendered at latest within eight days after written documents or records have been received, This judgment will not be announced.

Article 353

When judgment is being announced, the presiding judge will read in public the operative part and briefly explain the reasons for the judgment.

The court may state at announcing of the judgment that it will decide about the issue of expenses subsequently.

If the public was excluded from the trial, the operative part of the judgment will always be read in public, and the court will decide whether and to which extent to exclude the public from the announcement of the reasons for the judgment.

All present will rise to hear the reading of the operative part of the judgment.

4. Drafting of the judgment in writing and delivery

Article 354

Judgment must be made in writing within eight days after ~~**announcement**~~ ***rendering***. In complicated cases the court may postpone written drafting of the verdict for another 15 days.

The first copy of the judgment is signed by the presiding judge of the panel.

A certified transcript of the judgment is delivered to the parties with instructions on the right to declare legal remedy against the judgment.

The court is in obligation to send a certified transcript of the judgment the day after expiry of the deadline from paragraph 1 of this Article.

Article 355

Judgment made in writing shall have introduction, statement and explanation.

Introduction of the judgment contains: indication that the judgment is made in the name of the people, the name of the court, name and surname of the presiding judge and council members, name and surname, permanent or temporary residence of the parties, headquarters of the parties, their representatives and attorneys, the value of dispute, brief description of the subject of dispute, the day when the trial was closed, indication of the parties, their representatives and attorneys who did attend such trial, as well as the day when the judgment was ~~**announced**~~ ***rendered***.

The statement of the judgment contains the decision of the court about accepting or rejecting individual claims concerning main issue and auxiliary demands and decision about the existence or non-existence of the claim declared for the purpose of compensation (Article 359, paragraph 3).

In the explanation the court states: claims of the parties and their allegations about the facts on which such claims are based, evidences and regulations on which the court has founded its judgment, if not otherwise provided by the law.

Explanation of the judgment on the grounds of absence, judgment on the grounds of admission or judgment on the grounds of waiver rendered in accordance with article 291 paragraph 2 of this law, will only contain reasons justifying the making of such judgments.

~~**The verdict will not contain an explanation if the parties have waived their right to a legal remedy, if not otherwise provided by a special law**~~.

5. Supplemental judgment

Article 356

If the court has failed to decide all claims for which a decision must be made in the judgment, or it had failed to decide about a part of the claim, the party may propose to the litigation court within fifteen days after receiving the judgment to supplement the judgment.

Late or unjustified proposal for supplemental judgment will be rejected or refused by the court without a hearing.

If a party does not propose making additional judgments within a deadline stipulated in paragraph 1 of this Article it shall be deemed that the complaint in that part is withdrawn.

Article 357

When the court finds that proposal for the additional judgment is justified, it will schedule a main hearing in order to render judgment on the unresolved (supplemental judgment).

Supplemental judgment can also be made with no main hearing if this judgment is rendered by the same panel or by the same judge sitting alone that had made the original judgment and the claim for which supplement is being requested was sufficiently argued.

If the court finds that proposal for supplemental judgment is late or unjustified, it will decide to reject or refuse such proposal with decision.

If proposal for supplemental judgment refers only to expenses of the proceeding, decision about such proposal is made by the court without a main hearing.

Article 358

If an appeal was made against a judgment with proposal for supplemental judgment, the first instance court will halt delivery of this appeal to the second instance court until decision is made about the proposal for supplemental judgment and until the deadline for an appeal against such decision expires.

If an appeal has been made against a decision about supplemental judgment, this appeal will be delivered to the court of second instance court together with the appeal against the original judgment.

If the first instance judgment is being challenged by the appeal only because of the fact that the first instance court failed to rule in its judgment about all claims of the parties which are subject of the litigation, the appeal will be deemed to be party's proposal for supplemental judgment.

6. Finality of judgment

Article 359

Judgment that can no longer be contested by an appeal becomes legally effective.

Court throughout the proceedings in official capacity (ex officio), pays attention that the issue is legally adjudicated, and if it finds that the litigation was initiated on the request on which has already been legally decided, it will dismiss the claim.

If in the judgment was declared on the claim which defendant has stated with objection to compensation, the decision about the existence or non existence of such claim becomes final.

Article 360

The final judgment is effective only between the parties.

The final judgment is also effective toward third parties due to the nature of legal relationship, or the legal relationship that exists between the parties and third parties, or when the law so provides.

Finality of judgment is related to the facts found until the conclusion of the hearing.

Article 361

The court is bound to its decision as soon as it was released.

The judgment has the effect to the parties from the date the judgment is delivered to them.

7. Judgment corrections

Article 362

Mistakes in names and numbers, as well as other obvious mistakes in writing and counting, faults in form and discrepancies between the transcript and the original judgment will be corrected by the presiding judge of the panel.

Correction will be made by special decision and it will be written at the end of the original, and verified transcript of such decision will be delivered to the parties.

If there is a discrepancy between the original and the transcript of the judgment regarding certain decision contained in the judgment statement, the corrected transcript of the judgment will be delivered to parties with indication that this transcript is replacing the earlier transcript of the judgment. In such case, deadline for declaring legal remedy with regard to the corrected part of the judgment starts from the day when the corrected transcript of the judgment is delivered.

The court may decide to correct the judgment without questioning the parties.

Chapter 26

DECISION

Article 363

All decisions made at the hearing are being announced by the presiding of the panel.

The decision announced at the hearing will be delivered to parties in certified transcript only if special appeal is allowed against such decision, or if immediate enforcement can be requested on the basis of such decision, or if litigation management requires so, within eight days from publishing.

The court is bound by its decisions if they do not refer to litigation management or if this law does not provide otherwise.

When decision is not delivered in writing, its effect to the parties starts immediately upon its announcement.

Article 364

Decisions made by the court outside the hearings are sent to the parties in certified decision transcripts.

If one party's proposal is being refused by decision without previous questioning of the opposing party, such decision will not be delivered to that party.

Article 365

The decision must contain an explanation if a special appeal is permitted against it.

Written decision must always contain introduction and statement, while explanation is required only if decision must be explained according to paragraph 1 of this Article.

Article 366

Provisions of Article 345, Article 352 paragraph 2, Article 353 paragraph 2, Articles 354 to 358, Article 361 paragraph 2, and Article 362 of this law apply accordingly to decisions as well.

Chapter 27

ORDINARY LEGAL REMEDIES

1. Appeal against the judgment

a) Right to appeal

Article 367

Parties may file an appeal against the first instance judgment within fifteen days from the day when judgment transcript is delivered, unless otherwise stipulated under this law. In litigation about bills of exchange and checks this deadline is eight days from the day when judgment transcript is delivered.

A duly filed appeal precludes judgment to come into effect in the part challenged by the appeal.

The second instance court rules on an appeal against the judgment.

Article 368

~~**An appeal against the first instance judgment by which it is ordered to a natural person to pay a claim whose principal sum does not exceed 300 euros in**~~

~~dinars counter-value at the medium exchange rate of the National Bank of Serbia on decision day, i.e. it is ordered to an entrepreneur or a legal person to pay a claim whose principal sum does not exceed 1.000 euros in dinars counter-value at the medium exchange rate of the National Bank of Serbia on decision day, does not postpone its execution.~~

~~If in the judgment it is ordered to some person from Paragraph 1 of the present Article only to compensate costs of the proceedings for an amount that does not exceed amounts indicated in the previous Paragraph, an appeal against the decision on compensation of costs of the proceedings does not postpone its execution~~.

Article 369

A party may waive its right to appeal from the moment when judgment is announced.

A party may resign from filed appeal before the decision of the second instance court is made.

The party may not revoke its declaration of renunciation of the right to a legal remedy or a statement of withdrawal of the appeal.

b) Contents of the appeal

Article 370

An appeal should contain:

1) designation of the judgment appealed;

2) declaration that judgment is being challenged completely or partially;

3) reason for the appeal;

4) appellant's signature.

Article 371

If from the contents of the appeal it cannot be established which judgment is being challenged or if the appeal is not signed (incomplete appeal), the first instance court will take a decision ~~against which no appeal is allowed~~ to reject such appeal as incomplete (Article 101, paragraph 5).

If the appeal contains other deficiencies, the first instance court will deliver the appeal to the second instance court without invitation to the appellant to supplement or correct such appeal.

Article 372

New facts may not be presented and new evidence may not be offered in an appeal unless appellant makes it credible that he/she, without his/her guilt, could not present or propose those facts and evidences until the conclusion of the trial.

The appeal can not emphasize substantive objections.

c) Permitted reasons for refuting the judgment

Article 373

A judgment can be challenged:

1) due to significant violation of the civil procedure rules;

2) due to incorrectly or incompletely established facts;

3) due to incorrect application of the material law.

A judgment made due to absence may not be challenged on the grounds of incorrectly or incompletely established facts.

A judgment made on the basis of recognition or rejection of a claim may be challenged due to significant violation of the civil procedure provisions or because recognition or rejection of a claim was made in error or under the threat of force or fraud.

Article 374

A significant violation of the civil procedure provisions exists if the court does not apply, or improperly applies certain provision of this Law in the course of the proceedings, which affected or might have affected a legal and proper judgment.

Significant violations of the civil procedure provisions always exist:

1) if the court was of improper composition or if was presided by judge who, in accordance with the law should have been excluded, if the judge who has not taken part in the trial participated in passing a judgment;

2)) if a decision was made about a claim that does not fall within court's jurisdiction (Article 16), or the court refused to deliberate on request that is within courts jurisdiction.

3) if a decision was made about a claim filed after a deadline prescribed by the law;

4) if the court made a decision on a claim which is under the subject matter jurisdiction of the higher court of the same kind, or the court of another kind (Art. 17), or if the court, in the course of deciding about objections of the parties, wrongly decided that it had territorial jurisdiction;

5) if contrary to the provisions of this Law, the court made a decision on the basis of impermissible disposals of the parties (Article 3 Paragraph 3);

6) if contrary to the provisions of this Law, the court passed a judgment due to absence, or due to recognition or rejection of a claim;

7) if a party was prevented from arguing before the court by illegal means, especially by court's failure to deliver documents;

8) if contrary to this Law, the court refused the request of a party to use their own language and alphabet in the proceeding or if the civil procedure was not conducted in official language of a national minority although the legal assumptions for that were fulfilled;

9) if a person who cannot be a party to the proceedings participated in the proceedings as the plaintiff or defendant, or if a party which is a legal entity was not represented by an authorized person, or if a party who is incompetent of litigation had no legal representative, or if the legal representative or attorney of a party did not have authorization required for participation in litigation or for certain actions, unless participation in litigation or certain actions was approved later;

10) if a decision was made about a claim for which is going on a litigation, or concerning a claim subject of a previous effective judgment, or of settlement previously made before the court;

11) if the public was excluded from the trial contrary to the law;

12) if there were faults in the judgment because of which it cannot be examined, especially if the operative part of the judgment is not understandable, if it is contradictory to itself or to the reasons for judgment, or if the judgment has no reasons whatsoever or it does not contain the reasons for decisive facts or such reasons are unclear or contradictory, or if contradiction exists about the decisive facts between what is quoted in the reasons for judgment about the contents of the documents or records with statements given in the course of procedure and such documents or records themselves.

Article 375

Incorrectly or incompletely established factual state exists when the court establishes certain decisive fact incorrectly, or when it does not establish such fact at all.

Understatement of facts exists also when the new facts or new evidence point to that (Article 372).

Article 376

Incorrect application of the material law exists when the court did not apply provision of the material law it was supposed to apply or when it does not apply such provision properly.

d) Appeal procedure

Article 377

An appeal is submitted to the court which passed the first instance judgment, in sufficient number of copies for the court and for the opposite party.

Article 378

Untimely, incomplete (Article 371, paragraph 1) or inadmissible appeals will be rejected by the decision of the first-instance court without delay.

An appeal is untimely if it is filed after the expiry of the legal deadline for its submission.

An appeal is inadmissible if it is filed by a person who has no authority to file an appeal, or a person who waived or gave up the right to appeal, or if a person who filed the appeal has no legal interest to appeal.

Article 379

In the event that the appellant withdrew the appeal, the court of first instance will ascertain that the appeal is withdrawn.

Article 380

The first instance court shall deliver a copy of a timely, complete and admissible appeal to the other party who may submit a reply to the appeal to the court within fifteen days. In litigations related to bills and checks the deadline to submit a reply to the appeal is eight days.

A sample of the reply to the appeal shall be serviced to the applicant by the first instance court.

Untimely submitted reply to the appeal shall not be considered by the second instance court.

Article 381

The court of first instance shall, upon receiving a reply to an appeal or upon the expiry of the time limit to submit a reply, serve an appeal and the reply to an appeal, if submitted, attached to the case file, on the court of second instance within time limit of eight days.

If an appellant alleges substantial violations of civil procedure rules in the course of the first instance proceedings, the court of first instance may provide its reasoning pertaining to allegations of the appeal in respect of these infractions.

Article 382

When records upon appeal reach the court of second instance, a judge reporter prepares report for the panel for consideration.

The court of second instance may, if necessary, obtain from the court of first instance a report on violations of procedural rules and request investigations in order that such violations may be identified.

The court shall, according to necessity, investigate in order to check the truthfulness of such allegations.

Article 383

The second instance court shall rule on the appeal, as a rule, without a hearing.

~~**In case when the second instance court does not hold the hearing, it is in obligation to make decision not later than nine months from the day of reception of writ of the first instance court**~~.

When the second instance court panel finds that it is necessary to repeat the presentation of evidence before the second instance court, or evidence whose taking was rejected by the first instance court, in order to establish the facts correctly, it can schedule a hearing before the second instance court.

The court of second instance will schedule a hearing and decide on complaint and requests of the parties when in the same litigation the first instance judgment was revoked, and the contested decision is based on incorrectly and incompletely established facts or when in the procedure before first instance court substantial violation of civil procedure was made, except when the judgment for failure to act, judgment based on admission, judgment based on waiver or judgment reached without hearing is contested, ~~**i.e. if it is related to judgment in dispute with small value**~~.

~~**If the second instance court opens the hearing it shall define the time frame for conduct of the procedure**~~.

The provision in paragraph 3 of this Article shall also apply when in retrial the lawsuit is altered by increasing the existing requirement.

~~**Failure of the judge to act within the time provided in paragraph 2 of this Article is ground for initiating of the discipline procedure against the president of the panel to whom the case was awarded, in accordance with provisions of the Law on Judges**~~.

Article 384

Parties or their legal representatives or attorneys as well as those witnesses and expert witnesses the court decides to hear shall be summoned to the hearing.

Where one or both parties do not attend a hearing, the court shall deliberate on the appeal and take a decision taking into consideration in particular what was stated in the appeal and in the response to the appeal.

The hearing before the court of second instance shall start with a report of the reporter, who presents the facts without presenting his opinion on the merits of the case.

Thereafter the judgment, or a part of the judgment that the appeal refers to and, where necessary, the minutes of the main hearing before the court of first instance, shall be read. The appellant shall then provide argumentation for his appeal and the opposing party its response to the appeal.

A party may present facts to the debate and propose evidences in the appeal pursuant to Article 372 of this law.

A party may propose to the court to present also the evidences whose presentation were rejected at first instance proceeding.

Article 385

If in articles 383 and 384 of this law was not stipulated otherwise, the provisions of the trial at first instance court (article 310 to 335), as well as provisions of Articles 67, 70,202, Articles 336 to 345, Articles 352 to 354, Articles 356 to 358, and Article 362 of this Law shall apply accordingly to the hearing and proceedings before an second instance court.

Dispositions of this Law on establishing discontinuance (Article 223) and suspension of the proceedings (Article 227) shall not be applied at proceedings before a second instance court.

Article 386

The second-instance court reviews the first-instance court decision in the part which is being challenged by the appeal, and if the appeal does not make it clear which part is being challenged, the second-instance court shall deem that the judgment is being challenged in the part where a party lost litigation.

The second-instance court examines the judgment also in the part where it is not denied by the appeal, if provided so by a special law.

The second instance court examines the first-instance judgment within boundaries of the reasons stated in the appeal, paying attention, in official capacity, on substantial violation of civil procedure proceeding from Article 374 Paragraph 2 items 1), 2), 3), 5), 7) and 9), to the correct application of substantive law.

The second instance court pays attention over excess of the litigation claim only at the request of the parties.

e) Decisions of the second instance court about appeal

Article 387

The second instance court may at the session of the panel or based on held hearing:

1) dismiss the appeal as untimely, incomplete or invalid;
2) reject the appeal as unfounded and confirm the first instance judgment;
3) abolished the judgment and refer the case to first instance court for retrial;
4) revoke the first instance judgment and dismiss the complaint;
5) alter the first instance judgment and decide on requests of the parties;
6) adopt an appeal, revoke the judgment and decide on requests of the parties.

The second instance court may revoke the first instance judgment, only in the amount of the claim when it finds that the decision on the basis of the claim has no grounds on which the judgment is challenged, as well as the reasons to pay attention in official capacity (ex officio).

In cases when the first instance judgment was once already abolished, the second instance court may not revoke the judgment and refer the case to first instance court for retrial, ***except if it is judgment based on confession, judgment based on denial, judgment due to omission and judgment due to absence***.

The appellate court is not bound by the appeal proposal.

Article 388

The court will determine that the first instance judgment is without giving effect and that the appeal is withdrawn, if the parties have concluded a court settlement during the appeals proceedings.

Article 389

The second instance court will reject without delay untimely, incomplete or improper appeal, if not done by the first instance court (Article 378).

If the appeal is withdrawn in the proceedings before the second instance court, the court shall determine that an appeal has been withdrawn.

Article 390

The second instance court will reject an appeal as unfounded and confirm the first instance judgment if it finds that there are no grounds on which the judgment is challenged as well as reasons for paying attention in official capacity (ex officio).

Article 391

The second instance court will repeal the first instance judgment by a decision if it finds that there are significant violations of the civil procedure provisions (Article 374) and return the case to the same first instance court or transfer it to a competent first instance court for new trial. In this decision, the second instance court will determine which actions, affected by the violation of the civil procedure provisions, will be annulled.

If a violation referred to under Art. 374, paragraph 2, points 2), 3), ~~5)~~ and 10) of this Law was made in the proceedings before the first instance court, the second instance court will repeal the first instance judgment and reject the complaint.

If a violation referred to under Art. 374, paragraph 2, point 9) of this Law was made in the course of the proceedings before the first instance court, the second instance court will, taking into account the nature of such violation, repeal the first instance judgment and return the case to the first instance court having jurisdiction, or suspend the first instance judgment and reject the complaint.

The second instance court decides the judgment pursuant to Article 387 Paragraph 2 in a way that appeal is dismissed as unfounded and confirms the contested judgment with regard to decisions on the basis of the claim, and annuls it in part where it was judged about the amount of the claim and in this part returns the case back to the first instance court for retrial.

Article 392

The second instance court will repeal the judgment of the first instance court by a decision and return the case to the same court for repeated trial if it deems that new trial should be held before the first instance court due to emergence of new facts and exhibits (article 372) in order to establish facts correctly.

The second instance court will annul by decision the judgment of the first instance court and return the case to the first instance court for retrial if due to wrong use of material law the factual condition was determined incompletely, if provided so by the law.

Article 393

If the second instance court establishes that the first instance judgment exceeded the claim by awarding more than that was claimed, it will reverse the judgment of the first instance court in the part where litigation claim was exceeded.

If by the first instance judgment the claim was exceeded in a way decision was rendered about something else and not about what was required by the legal action, the second instance court will revoke the first instance judgment and remand the case for retrial.

In case of Paragraph 2 of the present Article, dispositions of Article 383 Paragraph 3 of the present Law shall not be applied.

Article 394

The second instance court will reverse the first instance judgment by its own judgment:

1) if, after a hearing, it establishes different facts from those in the first instance judgment;

2) if the first instance court incorrectly evaluated the documents or the presented evidence, and the decision of the first instance court was based solely on such evidence;

3) if the first instance court, based on the established facts, wrongly concluded that there were other facts on which the judgment was based;

4) if it deems that the facts in the first instance judgment were established correctly, but the first instance court applied the material law improperly.

Article 395

The second instance court cannot reverse the first instance judgment to the detriment of a party, if this party is the only one who appealed.

Article 396

In its explanation of the judgment or decision the second instance court shall consider the allegations in the appeal which are of decisive nature as well as state reasons taken into consideration in official capacity (ex officio).

If the appeal is repealed by the judgment, in explanation of the judgment the court shall not give detail explanation of the judgment in case of accepting of the factual state established by the first instance judgment, as well as application of the material law.

When the first instance judgment is repealed because of significant violation of the civil procedure provisions, the explanation should state which provisions have been violated and the nature of violation as well as all noticed insufficiencies of consequence for rendering of correct decision..

If the first instance judgment is repealed due to wrongly and insufficiently concluded facts conditions and case returned to the first instance court for repeated trial in order to establish the facts properly, the explanation should state the

omissions in establishing the facts, that is, the reasons why new facts and evidence are important for the right decision.

If the first-instance judgment is revoked and the case returned to the first instance court for retrial, when due to the wrong implementation of material law facts were concluded incomplete, it is on a point of law incompletely established facts, the second instance court will indicate the reasons why new facts and evidence are important for the right decision.

Article 397

The second instance court will return all documents related to the case to the first instance court within 30 days from rendering of the decision.

Article 398

The first instance court shall within ~~**30**~~ ***60*** days of receipt of the decision of second instance court hold the hearing where it will define the time frame for new main hearing in the first instance court.

The first instance court has a duty to carry out all procedural actions and to discuss any issues on which the second instance court pointed in its decision.

At the new trial the parties may present new facts and propose new evidences on the same request, ~~**only if able to prove to that without their guilt they could not be presented or proposed**~~ ***under conditions from Article 314, paragraph 2***, or if the appellant was not a party in litigation or had a party (intervener) until revocation, except unless otherwise stipulated by the law.

The party has no right at this trial to modify the lawsuit by changing the identity of claim or put forward another claim together with existent one, which does not derive from the same factual basis.

If the judgment is reversed because the judgment was rendered by non-competent court, a new hearing before the Court of First Instance will be held under the provisions applicable to holding the trial in the case when the panel is changed (Article 331).

2. Appeal against the decision

Article 399

A decision of the first instance court may be appealed unless otherwise provided by the Law.

If this Law specifically provides that special appeal is not allowed, decision of the first instance court can be challenged only in the appeal against the final decision.

Against decision about temporary measure special appeal is permitted, unless otherwise provided by the Law.

An appeal against the decision of the court of second instance is not permitted, except against decision from Article 186, Article 187 paragraph 1, Article 189, Article 243 paragraph 1, Article 257 paragraph 1 and 2, Article 267 paragraph 1 to 3, Article 272, Article 333 paragraph 1, and Article 334 paragraph 1 of this law.

In case when the decision from paragraph 4 of this Article was made by the panel of the Court of Appeal, decision on the appeal against that decision shall be made by another panel composed from three judges of that court.

Article 400

A timely submitted appeal postpones the execution, unless otherwise provided in this Law.

A decision which may not be appealed can be executed immediately.

Article 401

When deciding about the appeal, the second instance court may:

1) reject the appeal as untimely, incomplete or not-permitted (Article 378, and Article 399, paragraph 1);

2) reject the appeal as groundless and confirm the decision of the first instance court;

3) accept the appeal and reverse or repeal the first-instance decision, and, if appropriate, return the case for repeated trial.

Article 402

In the appeal procedure against decisions, provisions governing appeals against judgments accordingly apply, with the exception of provision from Article 383 paragraph 3 of this law, unless otherwise stipulated by this law.

Chapter 28

EXTRAORDINARY LEGAL REMEDIES

1. Review

Article 403

Parties may file a request for a review of the effective second instance judgment within 30 days of the delivery of the judgment transcript.

Revision is always permitted when stipulated by special law.

Review is not allowed in property-related litigation where the complaint refers to determination of title over real estate or pecuniary claim or hand-over of things or another action, if the value of the subject of litigation as regards the challenged part of the effective judgment does not exceed ~~**100.000**~~ ***15.000*** Euros in

dinar counter-value at medium exchange rate of the National Bank of Serbia on the day of submission of the complaint.

Article 404

The revision is allowed in extreme case when due to wrong implementation of material right and against second instance judgment that could not be challenged by revision, when in the opinion of the ~~**Appellate Court**~~ ***Supreme Court of Cassation*** on the admissibility of this revision, it is necessary to consider the legal issues relevant to the unification of court practice or when new interpretation rights is needed (special review).

Whether the review from paragraph 1 of this Article is allowed shall be decided by ~~**the Court of Appeal in the panel of three judges who did not participate in making of the second instance judgment**~~ ***panel of three members of the Supreme Court of Cassation***.

Adequacy of the review shall be established by the five member panel of the Supreme Court of Cassation.

~~**Appeal against the decision from paragraph 3 of this Article that does not allow the preview, is allowed to the Supreme Court of Cassation**~~.

Article 405

The review is decided by the Supreme Court of Cassation.

Article 406

Submitted review shall not delay the execution of a final judgment against which it was filed.

Article 407

Review may be requested because of:

1) significant violation of the civil procedure provisions from Article 374, Paragraph 2 item 2) of this law;

2) significant violation of the civil procedure provisions under Article 374, paragraph 1 of this Law that was undertaken in the proceedings before the second instance court;

3) incorrect application of the material law.

3) excess of the claim only if that violation occurred in proceedings before an second instance court.

The revision can not be filed due to incorrect or insufficient facts, except in case from Article 403 paragraph 2 of this law.

Article 408

The Supreme Court of Cassation examines the challenged judgment only in the part challenged in the request for review and within limits mentioned in the request, checking in official capacity (ex officio) on significant violation from Article 374 paragraph 2 item 2) of this law and the correct application of material right.

Article 409

A request for review is filed to the court which passed the first instance judgment.

Article 410

Untimely, incomplete or non-permitted request for review is rejected by a decision of the first-instance court, without a hearing.

Review is not allowed:

1) if the review submitted the person who is not authorized to submit a revision;
2) if the review is not submitted by the ***lawyer's*** attorney;
3) if the review is submitted by the person who withdrew the review;
4) if the person who submitted the review has no legal interest in the submission of the review;

5) If the review is submitted against the judgment against which, under the law, can not be submitted (Article 403 paragraph 1 and 3), apart from Article 404 of this law.

Article 411

A copy of the timely, complete and approved review the first instance court shall provide to the opposing party within eight days from reception of the review.

Within 30 days of receipt of the review the opposite party may file a response about review to the court.

Upon receipt of a response, or after the deadline for response, the first instance court shall provide review and response to the review with all records, to the Supreme Court of Cassation through court of second instance, within 15 days.

Article 412

The Supreme Court of Cassation shall decide about review without debate.

Article 413

The Supreme Court of Cassation will reject untimely, incomplete or improper review by the decision, if the first instance court did not within its powers (Article 410).

Article 414

The Supreme Court of Cassation shall reject the review as unfounded if it determines that there no reason exist why the review was submitted or the grounds on which, in official capacity (ex officio) the court has to pay attention.

The Supreme Court of Cassation will not thoroughly explain the judgment on which the review is refused, if it determines that it is not necessary because the review repeated complaints or when by explaining the of reasons of judgment for rejecting the review would not achieve a new interpretation of the law or contribute to a balanced interpretation of the law.

Article 415

If the Supreme Court of Cassation establishes a significant violation of the civil procedure provisions under Article 374, paragraph 1 and 2 of this Law, due to which a review may be requested, it will make a decision completely or partially repealing the judgments of the second instance and first instance court or only the judgment of the second instance court, and return the case for repeated trial to the same or another first instance or second instance court, or another court having jurisdiction.

If in the proceeding before the first instance or second instance court violation has been performed from the Article 374 Paragraph 2 item 2) and 10) of this Law, the Supreme Court of Cassation shall abrogate decisions and dismiss the complaint.

Article 416

If the Supreme Court of Cassation finds that the material law was applied incorrectly, it shall pass a judgment approving the request for review and reverse the challenged judgment.

If the Supreme Court of Cassation finds that facts were established incompletely due to incorrect application of the material law, and consequently there are no grounds for the challenged judgment to be reversed, it will make a decision approving a review and fully or partially repeal the judgment of the first instance and second instance court, or only of the second instance court, and return the case for repeated trial to the same or another court panel of the first instance or second instance court, if that is provided by the law (Article 392 paragraph 2).

If the Supreme Court of Cassation finds that in case from Article 403 paragraph 2 of this law, the factual state was improperly or incompletely established, it shall revoke the second instance judgment and return the case to the second instance court for taking of new decision.

Article 417

If the Supreme Court of Cassation finds that the effective second instance judgment exceeded the claim, it shall, based on the nature of such exceeding, pass a decision repealing the second instance court's judgment in a part where the claim was exceeded.

If the second instance decision exceeded the claim in a way that decided about something else, not on what was requested by the lawsuit, the Supreme Court of Cassation shall abolish the second instance judgment and remand the case for retrial.

Article 418

The Supreme Court of Cassation decision is to be delivered to the first instance court through the second instance court.

Article 419

Unless Articles 403 to 418 of this Law do not provide otherwise, provisions of this Law under Article 67, 70, and 355, Article 369, paragraph. 2. and 3, Article 370, 371 and 376, Article 380 paragraph. 2.and 3, Article 381 Paragraph 2, Article 382, 378 and Article 395-398 related to an appeal against judgment will accordingly apply to review proceedings.

Article 420

The parties may also request review of the second instance court's decision by which the proceedings were effectively concluded.

Review of the decision referred to in paragraph 1 of this article is not permitted in civil actions where review of the effective judgment is not be permitted.

Review is always permitted against a decision by which a second instance court rejects an appeal, i.e. by which is confirmed the decision of the court of first instance on rejection of the appeal pronounced against the decision on the main matter.

Review is always permitted against a decision by which a second instance court confirms a decision of the court of first instance on rejection of the review pronounced against the decision on the main matter in disputes where the review would be allowed.

Review is always permitted against a decision by which a second instance court confirms a decision of the court of first instance on rejection of the proposal for repeating the proceedings pronounced against the decision on the main matter.

The provisions of this Law governing the review of a judgment shall accordingly apply to the review of a decision.

2. Request for examining of final judgment

Article 421

The Republic Public Prosecutor may submit to the Supreme Court of Cassation the request for examination of final judgment against the final judgment sentenced in the second instance.

The request from paragraph 1 of this law may be submitted against the final judgment that has violated the law with damage of the public interest.

The request from paragraph 1 of this law may be submitted within three months from the finality of the judgment.

The second instance court is in obligation to service the case files to the Supreme Court of Cassation within 30 days from submission of the request.

Article 422

The request for examining of the final judgment contains the marking of the court judgment which examination is sought, as well as reasons and scope of the proposed examination.

If the request for examination of the final judgment is incomplete, incomprehensible, prohibited, untimely or if it was not submitted by an authorized person, the Supreme Court of Cassation shall reject it by its decision.

If the Supreme Court of Cassation does not reject the request for examination of final judgment, it shall be serviced to parties from the civil procedure where the final judgment was sentenced against which the request was submitted, and the parties may, within the period defined by the court, to submit respond to the request for examination of the final judgment.

Article 423

The Supreme Court of Cassation decides on the request for examination of final judgment also without hearing, and examines the denied judgment only in limits of the request.

Article 424

The Supreme Court of Cassation can reject or adopt the request for examination of final judgment.

In case when the Supreme Court of Cassation adopt the request for examination of final judgment, it shall be proceeded in accordance with Article 415 to 417 of this Law, and if it reject the request, it shall be proceeded in accordance with Article 414 of this Law.

Article 425

If both the review and the request for examination of final judgment were submitted against the same decision, the Supreme Court of Cassation shall decide about those legal remedies in one decision.

3. Repeated trial

Article 426

A trial completed by an effective court decision may be repeated upon the request of a party:

1) if the court was irregularly composed, or if a judge who was supposed to be excluded judged, or if in decision taking participated a judge who did not participate during the main hearing;

2) if a party did not have an opportunity to argue before the court, either due to an illegal action, or especially due to the failure of the court to effect service;

3) if a person who cannot be a party to the proceedings took part in the proceedings as plaintiff or defendant, or if a party who is a legal entity was not represented by an authorized person, or if a party incompetent for litigation was not represented by a legal representative, or if a legal representative or attorney of a party was not properly authorized to participate in the proceedings or as regards certain actions in the proceedings, unless their participation in the proceedings or certain actions was later approved;

4) if a decision of the court is grounded on a false testimony of a witness or expert witness;

5) if a decision of the court is based on a counterfeited document or document certifying false contents;

6) if a decision of the court was made through a criminal offence of the judge, or lay-judge, legal representative or attorney of a party, the other party or third party;

7) if a party gains the possibility to implement an effective decision of the court made earlier between the same parties about the same claim;

8) if a decision of the court is based on another decision of the court or another body, and such decision is subsequently reversed, repealed or annulled;

9) if subsequently in front of judicial body the previous question was solved (Article 12) on which the court's decision is based;

10) if a party learns about new facts or finds or obtains the possibility to use new evidence, which could have, caused a more favorable decision for such party had it been used in the previous procedure.

11) if the party gets the opportunity to use the decision of the European Court of Human Rights that found violations of human rights, which could have affected the adoption of favorable decisions.

12) if, in the proceedings following a constitutional appeal, the constitutional court has established violations or denial of human or minority rights and freedoms guaranteed by the Constitution in a litigious proceedings, and this could have influenced taking of a more favorable decision.

Article 427

Repeated trial may not be requested due to reasons referred to in Article 426, points 1) to ~~**4)**~~ ***3)*** of this Law if such reasons were presented unsuccessfully in the course of the previous procedure.

Trial may be repeated due to circumstances stipulated in Article 426, points 1), 2), 7), 8) and 9) of this Law only if a party was unable, through no fault of

his/her own, to present such circumstances before the previous procedure was finished by an effective court decision**.**

Article 428

A request for repeated trial is submitted within 60 (sixty) days:

1) in case referred to under Art. 426, Point 1) and 2) of this Law, of the day when the decision was delivered to the party;

2) in case referred to under Art. 426, point 3) of this Law, if a person who cannot be a party to the proceedings did participate in the proceedings as plaintiff or defendant, of the day the decision is delivered to such person; in case a party who is a legal entity was not represented by an authorized person, or a party incompetent for litigation was not represented by a legal representative, of the day when the decision was delivered to the party or their legal representative; in case a legal representative or attorney was not properly authorized to take part in the proceedings or certain actions of the proceedings, of the day the party became cognizant of this reason;

3) in cases referred to in Art. 426, points 4) to 6) of this Law, of the day a party was informed about the effective judgment in a criminal procedure, and if criminal procedure is not feasible, of the day the party finds out about the suspension of such procedure or about the circumstances due to which procedure could not be started;

4) in cases under Art. 426, points 7), 8), 11) and 12) of this Law, of the day when a party could have used the effective judgment which is the reason for repeating the procedure;

5) in the case of Article 426 item 9) of this law, from the date when the decision by which the legally competent authority decided on previous question on which the decision is based, delivered to the party.

6) in cases under Art. 426, point 10) of this Law, of the day when a party could have presented new facts or evidence to the court.

If the time limit set in Paragraph 1 of this Article starts to run before the decision comes into effect, the time limit will be counted as of the day when the decision comes into effect, unless a legal remedy is requested against it, i.e. of the day of service of the effective judgment of the court made in the last instance.

A motion for repeated trial may not be submitted after the expiry of five years from the day the judgment came into effect.

Excluded from Paragraph 3 of this article, motion for repeated trial from reasons mentioned in Article 426 Paragraph 1 Point 2) of this Law can not be submitted before expiration of period of 10 years from the day when decision became effective.

Article 429

A motion for repeated trial is always submitted to the court which made the first-instance decision.

The motion must indicate the legal basis for requesting repeated trial, circumstances showing that the motion is being submitted within a legal time limit and evidence supporting the allegations of the applicant.

Article 430

Untimely (Article 428), incomplete (Article 429, paragraph 2) or non-permitted (Article 428) motions for repeated trial will be rejected by a decision of the first instance court without a hearing.

If the court does not reject the motion, he/she shall deliver a copy of the motion to the other party in accordance with provisions of Article 141 of this Law, and the other party may submit a reply within thirty days. When the court receives the reply or the time limit for a reply expires, the court shall schedule a hearing to discuss the motion.

Article 431

The hearing for the argument about the request for repeated trial is held before the court of first instance.

If there is a need to hold more than one hearing from paragraph 1 of this Article, the court shall define the time frame.

Article 432

After the hearing related to the request for repeated trial, the court of the first instance makes a decision about the request, unless the request refers exclusively to the procedure before the court of higher instance (Art. 433).

The decision allowing repeated trial contains the statement that the decision made in previous procedure is repealed.

The first instance court shall order the trial only after the finality of the ruling that allows the reopening of proceedings. At the new trial the parties may present new facts and to propose new evidence, in accordance with the time court set by the court.

Article 433

If reasons for repeated trial refer exclusively to the procedure before the higher instance court, the first instance court will submit the case to the higher instance court to reach the decision.

The higher court deliberates about the request for repeated trial without a hearing.

If the higher court finds that the motion for repeated trial is justified and that no new trial is necessary, it shall repeal decisions made in the previous procedure and make a new decision about the main issue.

4. Relation between the motion for repeated trial and other extraordinary legal remedies

Article 434

In cases where a party applies for review and simultaneously or subsequently applies for repeated trial, the court is to decide which procedure should continue and which one should stop, taking into account all the circumstances and especially the reasons for which each remedy is requested as well as evidence proposed by the parties.

In cases where a party files the request for retrial and after this applies for review, the court will, as a rule, suspend the procedure for review by the end of proceedings on the proposal for a retrial, unless it finds that there are serious reasons to the contrary.

~~**Provisions of paragraph 1 and 2 of this Article shall be applied accordingly even if the public prosecutor submit the request for examination of the final judgment, and a party submit the proposal for repeating of the procedure, before, simultaneously or after it**~~.

Article 435

The decision referred to in Article 434 paragraph 1 of this Law is made by the first instance court if a motion for repeated trial reaches the first instance court before the case is sent to the Supreme Court of Cassation. If a motion for repeated trial arrives after the case is sent to the Supreme Court of Cassation, the decision referred to in Article 434 paragraph 1 of this Law is to be made by the Supreme Court of Cassation.

The decision referred to under Article 434 paragraph 2 of this Law is made by the first instance court, unless at the time when review case is delivered to the first instance court, the case for repeated trial is sent to the higher court (Art. 433, paragraph 1), in which case decision shall be made by the higher instance court.

No appeal is allowed against the decision of the court referred to in paragraph 1 and 2 of this Article.

Part Three

SPECIAL PROCEDURES

Chapter 29

LABOUR-RELATED LITIGATION

Article 436

Unless this chapter contains special provisions, other provisions of this Law shall apply to labor-related litigation.

Article 437

In litigation proceedings involving labor relations judgment is rendered by judge sitting alone.

Article 438

In labor-related litigation, and in particular before setting time limits and scheduling hearings, the court shall always pay special attention to the need for urgent solving of labor disputes.

Article 439

During the proceedings, the court may also in official capacity (ex officio) order temporary measures to be applied in executive action in order to prevent violent actions or unrecoverable damage.

The court will render decision about issuance of temporary measure according to the suggestion from the party within eight days from the day receipt of suggestion.

No special appeal is allowed against decision of the court about temporary measure.

Article 440

The court shall in its judgment for performing some activity set an eight-day time limit for execution.

If the defendant fails to appear at a hearing for the trial, and has been regularly summoned, the court will decide on the basis of previously established facts.

The court shall warn the defendant in the summons for hearing on consequences of absence from the hearing for the main hearing from paragraph 1 of this Article.

Article 441

Review is allowed in actions related to entering into employment, validity and termination of employment.

Chapter 30

PROCEDURE ON LITIGATIONS CONCERNING COLLECTIVE AGREEMENTS

Article 442

If in this chapter, there are no special provisions for litigation concerning collective agreements, than other provisions of this Law will be applied.

Article 443

In the process of litigation regarding the collective agreements parties in collective bargaining with the employer protect protect their rights when dispute arises about a particular issue in the process of concluding or amending of a signed

collective agreement with the employer if a dispute regarding some issue is not resolved by peaceful means or through arbitration formed by the parties in a collective bargaining in accordance with the provisions of special laws.

Article 444

In the proceedings in concerning collective agreements the court may suspend the proceedings up to 30 days so that the parties may attempt to resolve the dispute peacefully.

The court will always, when determining deadlines and hearings in pending collective agreement litigation, pay particular attention to the urgent need to resolve these disputes.

Article 445

In judgment in these cases the court proclaims the form of the legal norm in collective agreement with employer by which the disputed issue is resolved and that proclamation of the judgment represents integral part of the collective agreement during its validity.

In ruling ordering the execution of some activity the Court will set a deadline for execution.

Article 446

The deadline for filing the appeal is eight days.

The deadline for a decision on the appeal is 60 days.

Article 447

In cases regarding collective agreements the review is allowed.

Chapter 31

CIVIL ACTION FOR TRESPASSING

Article 448

Unless this chapter contains special provisions, other provisions of this Law shall apply to civil actions related to trespassing.

Article 449

In actions related to trespassing, the court shall always pay special attention to the need for urgent solving of disputes, taking into account the circumstances of each case.

In the litigation procedure for trespassing, provisions of this Law are not applied relating to the answer to the lawsuit, and scheduling and holding of preliminary hearing. In the summon for the main hearing it shall be mentioned, among the other, that the court shall make decision due to non-appearance if the defendant fails to appear at the main hearing.

Article 450

Argumentation in trial related to trespassing shall be limited only to examination and proving of facts about the last state of possession before trespassing and the state after trespassing. The right to possession, legal title, good will or malevolence concerning possession or a claim for damages shall not be considered.

If the defendant fails to appear at a hearing for the trial, and has been regularly summoned, the court shall take a decision due to non-appearance (Article 351).

Article 451

During the proceedings, the court may also ex officio order temporary measures, even without interrogation of the opposing party, in accordance with the law that regulates enforcement and securing in order to eliminate urgent risk of unlawful damage or to prevent violent actions or to eliminate unrecoverable damage.

The court will decide on the temporary measure at the request of a party made within eight days following the submission of proposal.

No special appeal is allowed against decision about temporary measure of the court.

Article 452

The court shall set a time limit for the parties to perform ordered measures in accordance with the circumstances of each case.

The time limit to appeal is eight days.

Due to justified reasons the court may decide that the appeal does not postpone the enforcement of the decision.

In the procedure upon appeal against the first instance decision made in litigation related to trespassing, provisions of Article 383 paragraph 4 and Article 384 and 385 of this law shall be applied accordingly.

No revision is allowed against decisions made in litigation related to trespass.

Article 453

A plaintiff will lose his/her right to request the enforcement of a decision ordering the defendant from the appeal related to trespass to perform certain action, if he/she does not make a request within 30 days of the expiry of the deadline set in the decision of the court.

Article 454

Repeated trial after a valid court decision has been passed is allowed only due to reasons stipulated in Article 426, point 1), 2) and 3) of this Law, within deadline of 30 days after the decision on trespassing comes into effect.

Chapter 32

PAYMENT ORDER

Article 455

Where the complaint refers to a money claim due and such claim is supported by a valid document filed with the complaint either as an original document or a certified transcript, the court will order the defendant to settle the claim (payment order) provided that the proof of delivered reminder for payment of overdue receivables is attached.

The following shall be considered valid documents:

1) official documents;

2) private documents where the signature of the debtor is certified by a competent body;

3) drafts with protest and checks with protest with return bills if necessary to support the claim;

4) excerpts from certified business books;

5) invoices;

6) documents which are considered official documents in accordance with special provisions.

The court shall issue a payment order regardless of whether the plaintiff requested so in the complaint, if all conditions required for issuing of such payment order are met.

If there is a valid document on the basis of which execution may be requested pursuant to the Law on Enforcement and Securing, the court shall issue the payment order only if the plaintiff satisfies the court that there is a legal interest to do so. If the plaintiff does not satisfy the court that there is a legal interest to issue a payment order, the court will reject the complaint.

Article 456

Where the complaint concerns a due money claim not exceeding the amount of 2,000 euros in dinar counter value according to the median exchange rate of the National Bank of Serbia on the day the lawsuit was submitted, the court shall issue a payment order to the defendant although no valid documents are attached to the complaint, but the complaint specifies the basis and amount of the debt and evidence which can prove the truthfulness of such allegations.

The payment order referred to in paragraph 1 of this Article may be issued only against the main debtor.

Article 457

The court issues a payment order without a hearing.

In payment order the court will state that the defendant is obliged to fulfill the request from the complaint as well as pay the costs evaluated by the court within eight days of receiving the order, and in litigation concerning drafts and checks, within three days, or file an objection against the payment order within the same deadlines. The court shall advise the defendant in such payment order that late objections will be rejected.

A payment order is delivered to both parties.

A copy of the complaint and attachments is delivered to the defendant with the payment order.

Article 458

If the court does not accept the request to issue a payment order, it will continue the proceedings according to the complaint.

No appeal is allowed against the decision of the court not accepting the proposal to issue a payment order.

Article 459

The defendant may challenge the payment order only by an objection. If the payment order is challenged only as regards the decision on expenses, such decision may be challenged only by an appeal against the decision.

The part of the payment order which has not been challenged by the objection comes into effect.

Article 460

The court shall reject untimely, incomplete or non-permitted objections without a hearing.

If an objection is submitted in time, the court shall immediately schedule a hearing for trial.

In the course of trial, the parties may present new facts and propose new evidence, and the defendant may make new objections concerning the challenged part of the payment order, not later than the first hearing for the main hearing.

In its decision about the main claim the court decides whether the payment order remains valid fully or partially or is to be revoked.

Article 461

If the defendant objects that there was no legal basis for payment order to be issued (Art. 455 and 456) or that there are obstructions for further proceedings, the court shall first make a decision about such objection. If it finds the objection justified, it shall revoke the payment order by its decision and after

such decision comes into effect, the court shall start debate about the main claim, if appropriate.

If the court does not accept such objection, it shall proceed with the debate about the main claim, and the decision about the objection is to be included in the decision about the main claim.

If, in case of an objection that the debt is not due, the court finds that the claim from the complaint became due after a payment order was issued and before the trial was concluded, the court shall revoke the payment order by a judgment and make a decision about the claim (Art. 343, paragraph 1).

Article 462

The court may in official capacity (ex officio) declare that it has no territorial jurisdiction not later than a payment order is issued.

The defendant may make an objection about the lack of territorial jurisdiction only in the objection against the payment order.

Article 463

If after the payment order has been issued, the court declares that it has no material jurisdiction, it shall revoke the payment order and send the case to the court having jurisdiction after the decision related to the lack of jurisdiction comes into effect.

If after the payment order has been issued, the court finds that it has no territorial jurisdiction, it shall not revoke the payment order, but transfer the case to the court having jurisdiction after the decision declaring the lack of jurisdiction comes into effect.

Article 464

If the court issues a decision rejecting the complaint in cases determined by this Law, it also revokes the payment order.

Article 465

The plaintiff may withdraw the complaint without the consent of the defendant only before the defendant makes an objection. If the complaint has been withdrawn, the court will suspend the payment order by its decision.

If the defendant withdraws all objections before the trial is closed, the payment order remains in force.

Article 466

In the procedure for issuing a payment order in front of court of commerce, document which is the base for issuance of payment order does not have to be presented in the original or certified copy.

A transcript of this document may be certified by an authorized employee of a legal entity.

Chapter 33

PROCEDURE IN SMALL VALUE LITIGATIONS

Article 467

Unless this chapter contains special provisions, other provisions of this Law shall apply to small value litigations.

Article 468

Small claims, in terms of the provisions of this chapter, shall mean monetary claims not exceeding the amount of 3.000 euros in dinar counter-value according to the middle exchange rate of the National Bank of Serbia on the day the lawsuit was submitted.

Change of exchange rate from paragraph 1 of this article after lawsuit was submitted does not affect the application of the rules of procedure.

Small claims shall also include complaints where the main claim is not money claim, but the plaintiff stated in the complaint that he would accept to be paid an amount of money not exceeding the amount specified in paragraph 1 of this Article instead of the fulfillment of a request (Article 33, paragraph 1).

Small claims shall also include complaints where the main claim is not money claim and value of dispute stated by the plaintiff in lawsuit is not exceeding the amount specified in paragraph 1 of this Article instead of the fulfillment of a request (Article 33, paragraph 2).

Article 469

Disputes related to real estate, labor relations and trespassing are not considered small claims.

Article 470

Small claim proceedings shall also be conducted in case of objection against a payment order, if the value of the disputed part of the payment order does not exceed the amount of 3.000 Euros in dinar counter-value according to the median exchange rate of the National Bank of Serbia on the day the lawsuit was submitted.

Article 471

Small claim proceedings are conducted before the lower first instance courts, unless this Law provides otherwise.

Article 472

In the process of low-value disputes a complaint is not submitted to the defendant to answer.

With the summons to the defendant a lawsuit will be sent to him/her.

In these cases preliminary hearing is not scheduled to be held.

Article 473

The summons for the main hearing shall state, among other things, that it will be regarded that the plaintiff withdrew the complaint if he/she fails to appear at the trial hearing, and that the court shall, if the defendant fails appear at the trial hearing, take a judgment due to non-appearance (Article 351). The court shall warn the parties that in this procedure, the parties will have to present all the facts and evidences until the conclusion of the trial, that in the appeal against the judgment new facts and evidences can not be presented, as well as that a decision can be challenged only in case of significant violation of civil procedure from Article 374 paragraph 2 of this law and wrong implementation of material law.

Article 474

Apart from the information specified under Art. 116, paragraph 1 of this Law, the transcript of the trial shall contain:

1) significant statements made by the parties, and especially those statements which admit the claim in whole or in part, and/or those statements waiving, altering or withdrawing the claim or appeal;

2) the relevant evidence that was presented;

3) the decisions which may be appealed and which have been declared at the trial;

4) whether parties were present when the judgment was pronounced and, if they were present, whether they were advised about the conditions under which they may appeal.

Article 475

If the plaintiff does not appear at the trial hearing and was properly summoned, it shall be deemed that he/she has withdrawn the complaint.

If the defendant is absent at the trial hearing and was properly summoned, the court shall take a judgment due to non-appearance (Article 351).

Article 476

If the plaintiff alters the claim so that the value of the subject of litigation exceeds the amount of 3.000 Euros in dinar counter-value according to the median exchange rate of the National Bank of Serbia on the day the lawsuit was submitted, the proceedings will be completed in accordance with the provisions of this Law governing regular proceedings.

If the plaintiff decreases the claim before closing of the trial which is conducted pursuant to the provisions of this Law governing regular proceedings, so that it does not exceed the amount of 3.000 Euros in dinar counter-value according to the median exchange rate of the National Bank of Serbia on the day the lawsuit was submitted, the proceedings shall be carried on pursuant to the provisions of this Law governing small claim proceedings.

Article 477

The judgment in small claim proceedings is pronounced immediately after the trial is closed.

Upon pronouncing of the judgment, the court shall shortly explain it and advise the party about the conditions to file an appeal (Article 479).

A written judgment shall contain in its explanation established facts, indication of evidence in virtue of which it was established, and regulations based on which the court established the judgment.

Article 478

In the small claim proceedings, an appeal is allowed only against the decision concluding the proceedings.

Other decisions which may be appealed pursuant to this Law may be challenged only by an appeal against the decision concluding the proceedings.

Decisions referred to in paragraph 2 of this Article are not delivered to the parties, but announced at a hearing and entered into the written part of the decision.

Article 479

A judgment or decision finalizing small claim proceedings may be challenged only due to significant violations of the civil procedure provisions in Article 374, paragraph 2 of this Law and/or due to improper application of the material law.

Provisions from Article 392 of this Law do not apply to the appeal procedure for small claims.

The parties may file an appeal against the first instance judgment or decision referred to in paragraph 1 of this Article within eight days.

The deadline for an appeal starts to run from the day when the judgment (decision) is pronounced, and if the judgment (decision) was delivered to a party, the deadline starts to run from the day of its delivery.

In small claim proceedings, the deadline specified in Article 345, paragraph 2 and Art. 356, paragraph 1 of this Law is eight days.

No review is allowed against the decision of the second instance court.

Chapter 34

PROCEEDINGS FOR COMMERCIAL DISPUTES

Article 480

Provisions of this Law will apply in all disputes where commercial courts are adjudicating in accordance with the law that regulates the real jurisdiction of courts (commercial dispute), if for some disputes another type of procedure is stipulated.

Other provision of this law shall be applied accordingly in the procedure for commercial disputes, if not provided otherwise by provisions of this chapter.

Article 481

In disputes for the establishment of the existence or non-existence of a contract, for the performance of a contract, and in disputes for the payment of compensation for the non-performance of a contract, apart from the general territorial jurisdiction, the court in the place where, according to the agreement between the parties, the respondent is obliged to perform the contract, shall also have territorial jurisdiction.

For statutory disputes arising regarding registration, or deletion from the register, aside of a general court of territorial competence, territorial jurisdiction has also the court of place of registration.

For disputes arising from the entering into a registry i.e. and deletion from the registry, territorial jurisdiction has the court of place of registration.

Article 482

In the first instance court judge sitting alone is rendering decisions.

When deliberating on judgment in the court of second instance the decision is rendered by panel of three judges.

Article 483

The civil action of the representative of the party can be revoked only if related to recognition or renouncement from the claim.

Article 484

In commercial disputes disputed facts are typically proven by documents submitted.

Article 485

Review in commercial disputes is not allowed if the value of the subject of litigation as regards the challenged part of the effective judgment does not exceed ~~**300.000**~~ ***50.000*** Euros in dinar counter-value at medium exchange rate of the National Bank of Serbia on the day of submission of the complaint.

Article 486

The following time limits apply in the proceedings for commercial disputes:

1) 30-day time limit for filing a motion for restitution in previous condition specified under Art. 110, paragraph 3 of this Law;

2) 8-day time limit for a performance, and a longer time limit if the performance is not payment of money.

Article 487

In commercial disputes, small claims shall be claims not exceeding the amount of ~~**30,000**~~ ***10.000*** Euros dinar counter-value according to the median exchange rate of the National Bank of Serbia on the day the lawsuit was submitted.

Small claims shall also include disputes where the main claim is not a money claim, but the plaintiff stated in the complaint that he/she would accept to be paid an amount of money not exceeding the amount specified in paragraph 1 of this Article instead of the fulfillment of a request (Article 33, paragraph 1).

Small claims shall also be disputes where the main claim is not a money claim but the value of the subject of the dispute stipulated, as stated in the complaint, not exceeding the amount specified in paragraph 1 of this Article (Article 33, paragraph 2).

In commercial disputes of small value the complaint is not sent to the defendant for his/her response.

Chapter 35

PROCEEDINGS IN CONSUMER DISPUTES

Article 488

In proceedings in disputes arising from contractual relationship between consumer and traders (consumer disputes), other provisions of this law shall be applied accordingly, unless provided otherwise in provisions of this chapter or by a special law.

Exceptionally from paragraph 1 of this Article, provisions of this chapter shall not be applied in disputes arising due to death, bodily injury or health problems, rendering of health or legal services and transfer of rights on real estate.

If due to complexity of the subject of the procedure, or proposed evidences, the consumer dispute cannot be settled in accordance with provisions of this chapter, the court shall pass decision to continue the procedure in accordance with rules of general civil procedure.

Complaint against decision from paragraph 3 of this Article is not allowed.

Article 489

In consumer disputes the complaint is not sent to the defendant for his/her response.

The complaint shall be serviced to the defendant together with the summons for the main hearing.

The preliminary hearing shall not be scheduled and held in the consumer disputes.

Hearing for the main hearing shall be scheduled and held within 30 days from the day of reception of the complaint in the court.

Article 490

The summons for the main hearing shall contain, among the other, the clause that it shall be deemed that the plaintiff has revoked the complaint if he/she fails to appear at the main hearing, that the court shall, if the plaintiff does not appear at the main hearing, hold the hearing and pass the decision in accordance with the established factual state. The court shall warn the parties that all facts and evidences in this procedure shall be taken until conclusion of the first hearing for the main hearing, that in the complaint related to the judgment the parties cannot present new facts and propose new evidences, as well as that the decision can be denied only due to relevant violation of provisions of the civil procedure from Article 374 paragraph 2 of this law and due to improper implementation of the material law.

Article 491

If the plaintiff fails to appear in the main hearing, and was duly summoned, it shall be deemed that he/she has revoked the complaint.

If the plaintiff fails to appear in the main hearing, and was duly summoned, the court shall hold the hearing and pass the decision in accordance with the established factual state.

Article 492

The judgment in consumer disputes is announced immediately upon conclusion of the main hearing. During announcing of the judgment the court shall briefly explain and instruct the party about conditions for lodging of complaint (Article 493).

Written sample of the judgment shall contain in the explanation the established factual state, mentioning of evidences based on which the factual state was established, and regulations that the court used to make the judgment.

In the proceeding related to consumer disputes, only special complaint against the decision concluding the proceeding is allowed.

Other decisions for which special complaint is allowed in accordance with this law may be denied only with complaint against the decision concluding the procedure.

Decisions from paragraph 4 of this Article are not serviced to parties, but it is announced at the hearing and recorded in the written sample of the decision.

Article 493

Judgment or decision concluding the litigation in consumer disputes can be denied only due to relevant violation of provisions of the civil procedure from Article 374 paragraph 2 of this law and due to improper implementation of the material law.

The parties may lodge complaint against the first instance judgment, or decision from paragraph 1 of this Article, within period of eight days.

The period of complaint shall be counted from the day of announcement of the judgment, or decision, and if the judgment, or decision, is serviced to the party, the time shall be counted from the day of delivery.

In the procedure in consumer disputes, the period from Article 345 paragraph 2 and Article 356 paragraph 1 of this law is eight days.

Chapter 36

PROCEEDINGS FOR PROTECTION OF COLLECTIVE INTERESTS AND RIGHTS

Article 494

In proceedings for protection of collective interests and rights, other provisions of this law shall be applied accordingly, unless provided otherwise in provisions of this chapter or by a special law.

Article 495

Associations, federations and other organizations, founded in accordance with the law, may, when foreseen by the law, initiate proceedings for protection of collective interests and rights of citizens.

Persons from Paragraph 1 of the present Article may initiate proceedings for protection of collective interests and rights of a circle of citizens if such protection is stipulated by their activities registered or established by regulations, if the purpose of their association or activity relates to mutual interests and rights of a bigger number of citizens and when they are violated or gravely endangered by actions of the defendant.

Article 496

In proceedings for protection of collective interests and rights on the side of the plaintiff, in capacity of intervener with position of unique co-litigants, may join also other persons that are authorized to initiate a complaint.

On the side of the plaintiff in disputes for protection of collective interests and rights may intervene also third persons whose collective interests and rights are violated by the defendant.

Article 497

For trials in disputes for protection of collective interests and rights the real competence of courts is established by special laws.

For trials in disputes for protection of collective interests and rights the competent court is, apart from general territorial competence, also the court on whose territory are undertaken actions that violate collective interests and rights, if special regulations do not stipulate otherwise.

Article 498

In litigations for protection of collective interests and rights, if special regulations do not stipulate otherwise, the plaintiff may request by the complaint:

1) prohibition of undertaking activities from which is threatened violation of collective interests and rights of citizens that the plaintiff is authorized to protect by the law,

2) removal of existing violations of collective interests and rights or damaging consequences of actions of the defendant and establishment of previous state, a state

in which such violations could no more be created or a state that corresponds closely to the state that existed before the violation,

3) establishment of illicit character of the action by which are violated collective interests and rights,

4) publication of the judgment by which the claim was accepted (Points 1 to 3 of the present Article) in the media at the expense of the defendant.

Article 499

The person for whom the organization, i.e. the association from Article 495 paragraph 1 of the present Law states that it performs activities that endanger collective interests and rights may submit a complaint:

1) to establish that by undertaken actions are not endangered, i.e. violated collective interests and rights of citizens, i.e. that they are not violated in an illicit manner,

~~**2) that for the authorized person from Article 495 Paragraph 1 of the present Law should be forbidden a certain behavior, specially certain public declarations,**~~

~~**3) for compensation of damage done by untruly publication of statements,**~~

4) for publication of the judgment by which is accepted the claim in the media at the expense of the defendant.

The plaintiff from Paragraph 1 of the present Article may also indicate requests for the judgment in a counterclaim in a litigious matter instigated against him/her by a complaint from Article 498 of the present Law.

Article 500

~~**By the complaint from Article 499 of the present Law, the plaintiff may direct, as defendants, towards persons that are authorized to represent persons from Article 491 Paragraph 1 of the present Law, members of their organs and persons who act publicly in the name of that person**~~.

~~**The plaintiff from Paragraph 1 of the present Law may request that the court condemns persons from Article 495 Paragraph 1 of the present Law and persons from Paragraph 1 of the present Article to compensation of damages at the amount established by free evaluation (Article 232) if the court denies, as unfounded, the claim requested in the complaint from Article 498 of the present Law, if, by conducting that litigious matter and specially by its follow up in the media, have been gravely violated the reputation and business interests of the plaintiff**~~.

Article 501

The court may, before initiating the dispute and during the proceedings, take temporary measures until termination of the procedure, in accordance with dispositions of the Law of Enforcement and Security, in order to prevent violent action or in order to eliminate difficultly compensable or uncompressible damages if the plaintiff makes probable that the defendant has violated or endangered by his acts collective interests and rights.

The court has the duty to take a temporary measure immediately or within eight days at the latest.

Article 502

Until termination of the proceedings in virtue of complaints from Articles 498 and 499 of the present Law may not be instigated another proceedings according to the same request.

Article 503

In the judgment that accepts claims from complaints from Articles 498 and 499 of the present Law, the court may decide that an appeal does not withhold execution or may establish a shorter deadline from the prescribed one for fulfilling the doing that is ordered to the defendant.

Article 504

Natural and legal persons may call, in separate litigious matters for compensation of damage, to legal establishment from an effective judgment by which is accepted the claim from Article 498 of the present Law, taken in proceedings for protection of collective interests and rights.

In case of Paragraph 1 of the present Article, the court is obliged by establishment from an effective judgment to which persons from Paragraph 1 of the present Article are pointing out.

Article 505

Provisions of this chapter shall be applied accordingly also when a consumer initiate the proceeding due to unfair terms of a contract and unfair business operations in accordance with the law regulating protection of consumers.

Part Four

TRANSITIONAL AND FINAL PROVISIONS

Article 506

The procedure that was started but not completed before the entry into force of this Law shall be conducted under the provisions of this Law.

If before the enactment of this law the first instance judgment or decision about termination of proceeding before the Court of First Instance was passed, further proceedings shall be conducted according to current regulations.

If after the entry into force of this Law first instance decision according to paragraph 2 of this article is repealed, further proceedings shall be conducted under the provisions of this Law.

First proposal for paragraph 4: Revision filed against the final decision of the second instance court, in proceedings instituted after the entry into force of this Law, will be decided according to the rules of this Law.

Second proposal for paragraph 4: permissibility of the review filed against the final decision of the second instance court, shall be decided according to rules that were in the force at the day of the submission, or changing of the complaint.