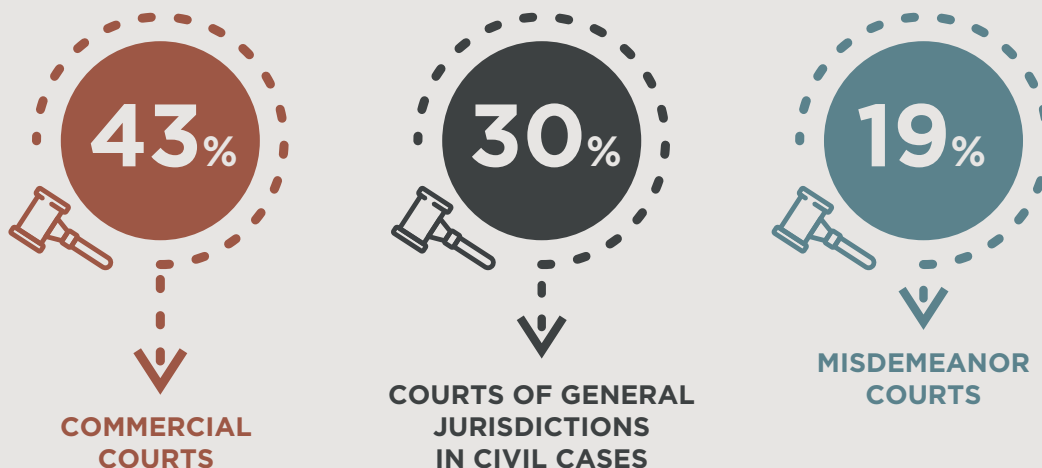


Challenges Facing the **COMMERCIAL COURTS IN SERBIA**

According to the Investment Climate Statement 2022 one of the key factors impeding the business climate in Serbia is **the inefficient judiciary**.

Businesses in Serbia most often have experience with commercial courts (**43 percent**), followed by courts of general jurisdictions in civil cases (**30 percent**) and misdemeanor courts (**19 percent**).



BANKRUPTCY CASES

A Labyrinth of Inefficiencies:

- The Serbian bankruptcy system went through a range of reforms from 2004 onwards.
- The courts' hands are tied in many cases due to the dependence on external factors, primarily other state bodies.



RIGHT TO A TRIAL WITHIN A REASONABLE TIME CASES

Burdening the System Unreasonably:

- Although many of the factors remain outside of their competence, courts remain to be responsible for possible violations of the right to a trial within a reasonable time.
- Currently, the number of requests has declined due to an ACC's opinion that each party may submit a claim only once concerning a particular case.



COMMERCIAL OFFENSES

Criminal Law in Commercial Courts:

- Commercial offenses made up roughly 20 to 25 percent of the CCs' caseloads, workloads, and dispositions.
- Most commercial offenses are not serious offenses but, according to the 1977 Law on Commercial Offenses, they are nevertheless processed before a jury consisting of a professional judge and two jurors.



ENFORCEMENT CASES

Still Occupying the Courts:

- The lack of effective enforcement is one of the biggest challenges for the Serbian court system
- Regardless of the introduction of private bailiffs, a notable portion of the enforcement cases remained in the CCs. In 2021, 31 percent of the received cases in CCs were enforcement cases.



USE OF ICT

Untapped Opportunities:

- The presently used outdated Automated Case Management System (AVP) should be replaced soon by a new and more advanced “Super SAPS”.
- the number of computers is adequate but the use of many older and slower computers impedes their efficiency and effectiveness.
- Although the system uses ICT and its benefits to some extent, more could be done to ease and modernize the work of CCs.



SPECIALIZATION OF JUDGES

A Real Chance Only in Few Larger Courts:

- Only the largest CCs in Serbia have a real chance to ensure the specialization of judges and the benefits the specialization.
- The law has become so complex or specific in some fields, the provision of appropriately qualified judges who are responsible for specific fields is recommended in the assessment of the Consultative Council of European Judges.



UPHOLDING MULTIPLE COURT LOCATIONS

Dispersed Resources:

- The Serbian judicial network had undergone a series of changes in 2010 and 2014.
- Some of the CCs still have remote court units which complicate the management of the courts and consume their resources.

