

SERBIA: DISPUTE RESOLUTION

New Law on Civil Proceedings¹ - *An attempt to fix a notoriously inefficient litigation system*

The new Serbian Law on Civil Proceedings, which was enacted in September, will become applicable on 1 February 2012. This new piece of legislation represents an effort to curtail notoriously long litigations. However, as the rules of procedure are only partly to blame for the inefficiency of the Serbian civil courts, it remains to be seen how quickly the situation will improve in practice.

The new law introduces preclusive deadlines for particular procedural milestones and penalties for parties which engage in delaying tactics. Accordingly, the law mandates shorter intervals in between two hearings and limits the reasons that may give rise to the postponement of a hearing. Furthermore, it is stipulated that, as a rule, no new evidence can be introduced following the preliminary hearing.

It also provides that all written submissions must be filed no later than 15 days before the date of the hearing. As a matter of principle, parties will be able to make filings by e-mail. The new law makes it clear that expertise provided prior to initiation of litigation is admissible as evidence.

The rules on service of process have been made stricter, i.e. in cases where personal delivery is unsuccessful, service can be officially made by publication on the court's notice board.

The deadline for appeal in commercial litigation has been extended from 8 to 15 days.

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The most significant novelty is probably the requirement that a judge acting in the first-instance proceedings must draft the terms of references in agreement with the parties, and must also define the time frame of the proceedings. The law also sets a deadline for the appellate courts to decide on the appeal within a period of nine months from the receipt of the file from the court of first instance (60 days in collective bargaining disputes). Failure to comply with the said procedural provisions may lead to disciplinary proceedings against the judge, while the recalcitrant party faces penalties for obstructing the proceedings.

The new on Civil Procedure introduces two new types of civil proceedings: consumer litigation and proceedings pursuant to class-action.

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¹ *Zakon o parničnom postupku*, Official Gazette of Republic of Serbia no. 72/2011