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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

SERBIA

**DRAFT AMENDMENTS
TO THE CONSTITUTION
OF THE REPUBLIC OF SERBIA**

**As submitted by the Ministry of Justice
of Serbia on 12 October 2018**

DRAFT AMENDMENTS TO THE CONSTITUTION OF THE REPUBLIC OF SERBIA

~~(for public debate)~~

Amendments I to XXXII to the Constitution of the Republic of Serbia

Amendments I to XXXII are an integral part of the Constitution of the Republic of Serbia and shall enter into force on the day of promulgation by the National Assembly.

Constitutional law shall be adopted for implementation of the amendments I to XXXII to the Constitution of the Republic of Serbia.

AMENDMENT I

The legal system is ~~uniform~~. **unitary**.

The organization of power rests on the division of power into legislative, executive and judicial.

The relation among the three branches of power shall be based on mutual checks and balances.

The judicial power is independent.

The present Amendment shall supersede Article 4 of the Constitution of the Republic of Serbia.

AMENDMENT II

3. elect five members of the High Judicial Council, four members of the High Prosecutorial Council and elect the Supreme Public Prosecutor of Serbia and decide on the termination of his or her term of office

The present Amendment shall supersede Article 99 Para 2 Item 3 of the Constitution of the Republic of Serbia.

AMENDMENT III

The words: "**12.** elect the president of the Supreme Court of Cassation, presidents of the courts, the Republic Public Prosecutor and public prosecutors and decide on termination of their term of office,

13. elect judges and deputy public prosecutors, in accordance with the Constitution" shall be deleted.

The National Assembly shall elect five members of the High Judicial Council **and** four members of the High Prosecutorial Council **by means of a three-fifths two-thirds** majority vote of

all deputies and elect the Supreme Public Prosecutor of Serbia and decide on the termination of his or her term of office by means of **a three-fifths majority vote of all deputies**.

The present Amendment shall delete Article 105 Para 2 Items **12 and 13** and add Para 4 in Article 105 of the Constitution of the Republic of Serbia.

AMENDMENT IV

Principles on the courts

Judicial power shall belong to the courts, as autonomous and independent state authorities.

Judicial power shall be **uniform unitary** on the territory of the Republic of Serbia.

Court decisions shall be rendered in the name of the people.

A court decision may only be reviewed by legally authorized court in the proceedings prescribed by law, and by the Constitutional court in the proceedings upon constitutional appeal.

The hearing before the court shall be public and this may be restricted only in accordance with the Constitution and the law.

Judgements are rendered by judges, while lay judges **and judicial assistants** may also take part in the trial, pursuant to the law.

The present Amendment shall amend the heading of Article 142 and supersede Article 142 of the Constitution of the Republic of Serbia.

AMENDMENT V

Organization of courts

Courts shall be established and dissolved by the law.

The types of courts, jurisdiction, territory and seats of courts and court proceedings shall be regulated by law.

Provisional courts, courts-martial or emergency courts shall not be established.

The present Amendment shall amend the heading of Article 143 and supersede Article 143 of the Constitution of the Republic of Serbia.

AMENDMENT VI

Independence of judges

A judge shall be independent and shall rule in accordance with the Constitution, ratified international treaties, laws and other general acts, taking into account the harmonized case law. Any influence on a judge while performing judicial function is prohibited.

The present Amendment shall amend the heading of Article 144 and supersede Article 144 of the Constitution of the Republic of Serbia.

AMENDMENT VII

Conditions for election of judges

A citizen of the Republic of Serbia who fulfills the general conditions for work in state bodies, who is a law school graduate with a Bar exam, has a working experience required for a particular court and is competent, qualified and creditable of judicial office, can be elected as a judge.

A person who is elected as a judge for the first time may be elected only if he or she has completed training at the Judicial Academy.

Conditions for the election and the term of office of lay judges shall be regulated by law.

The present Amendment shall amend the heading of Article 145 and supersede Article 145 of the Constitution of the Republic of Serbia.

AMENDMENT VIII

Permanent Tenure of Judicial Office

Tenure of judicial office shall be permanent and shall last from the moment of the election until the retirement.

Prior to the retirement, a judge's tenure of office shall cease at personal request, in case of permanent loss of ability to exercise judicial function, in case of termination of citizenship of the Republic of Serbia or in a case of dismissal.

A judge shall be dismissed if he/she is convicted of a criminal offense to at least six months of imprisonment or if it is determined in the disciplinary proceedings that he/she has committed a serious disciplinary offense which, pursuant to assessment of the High Judicial Council, seriously damages the reputation of judicial office or public confidence in the courts.

A judge may also be dismissed due to incompetence if, in a significant number of cases, he or she **clearly** does not meet the benchmarks of satisfactory performance prescribed **by law** and evaluated by the High Judicial Council.

A judge and a president of the court shall have the right to lodge an appeal with the Constitutional Court against the decision of the High Judicial Council on cessation of judicial tenure, which shall exclude the right to lodge a Constitutional appeal.

The present Amendment shall amend the heading of Article 146 and supersede Article 146 of the Constitution of the Republic of Serbia.

AMENDMENT IX

Non-transferability of judges

A judge shall have the right to perform judicial function in the court to which he/she was elected, and may be relocated to another court only with his/her own consent.

Regardless, in case of dissolution of the court or revocation of the substantial part of the jurisdiction of the court, a judge may be relocated to another court of the same type and instance, or the same instance, without his/her consent, while retaining the salary the judge had in the court from which he or she was relocated if it is more favorable for him/her.

The revocation of the substantial part of the jurisdiction of the court shall exist when the necessary number of judges in the court is decreased due to the change of jurisdiction, or the establishment of a new court, or in other situations provided for by law.

A judge shall have the right to lodge an appeal with the Supreme Court against the decision on relocation.

The present Amendment shall amend the heading of Article 147 and supersede Article 147 of the Constitution of the Republic of Serbia.

AMENDMENT X

Immunity and Incompatibility

A judge and a lay judge cannot be held accountable for an opinion expressed within the court proceedings or voting in the process of passing a court decision, unless they commit a criminal offense of violation of law by a judge, public prosecutor or his deputy.

A judge may not be deprived of liberty in the legal proceedings initiated against him/her for a criminal offense committed while performing judicial function without the approval of the High Judicial Council.

The law shall stipulate which functions, activities or private interests are incompatible with the judicial function, function of a court president and a lay judge.

The present Amendment shall amend the heading of Article 148 and supersede Article 148 of the Constitution of the Republic of Serbia.

AMENDMENT XI

The Supreme Court of Serbia

The Supreme Court of Serbia shall be the highest court in the Republic of Serbia.

The Supreme Court of Serbia shall ensure uniform application of the law by the courts through the ~~harmonization of~~ case law.

The present Amendment shall amend the heading of Article 149 and supersede Article 149 of the Constitution of the Republic of Serbia.

AMENDMENT XII

President of the Supreme Court and Presidents of Courts

The president of the Supreme Court of Serbia shall be elected by the High Judicial Council, upon obtaining opinion of the general session of the Supreme Court of Serbia, for a five-year term.

The same person cannot be elected more than once as a President of the Supreme Court of Serbia.

The High Judicial Council shall elect presidents of other courts for a five-year term.

The present Amendment shall amend the heading of Article 150 and supersede Article 150 of the Constitution of the Republic of Serbia.

AMENDMENT XIII

*High Judicial Council
Jurisdiction of the High Judicial Council*

The High Judicial Council is an autonomous and independent state body that guarantees the autonomy and independence of the courts and judges, court presidents and lay judges, by deciding on the issues of the status of judges, presidents of courts and lay judges determined by the Constitution and the law.

The High Judicial Council shall elect and dismiss the President of the Supreme Court of Serbia and the presidents of other courts; elect judges and lay judges and decide on the cessation of their tenure; collect statistical data relevant to the work of judges; evaluate the performance of judges, ~~and~~ presidents of courts **and judicial assistants**; decide on the transfer and temporary relocation of judges; appoint and dismiss the members of the disciplinary bodies; determine the necessary number of judges and lay judges; propose the budgetary funds for the work of the High Judicial Council and the work of courts in matters within its competence

pursuant to the law and autonomously dispose of these funds, and shall decide on other issues related to the status of judges, presidents of courts and lay judges provided by law.

The present Amendment shall amend the heading of Article 151 and supersede Article 151 of the Constitution of the Republic of Serbia.

AMENDMENT XIV

Composition of the High Judicial Council

The High Judicial Council shall be composed of ten members: five judges elected by the judges and five prominent lawyers elected by the National Assembly. A prominent lawyer shall be a law school graduate ~~with a Bar exam~~ who has at least ten years of **relevant** working experience **as defined by law** in the field of law relevant for the jurisdiction of the High Judicial Council, **and** who demonstrated professional work and enjoys **good** personal reputation.

The National Assembly shall elect five members of the High Judicial Council upon the proposal of the competent committee of the National Assembly after having conducted a public competition, by a ~~three-fifth~~ **two-thirds** majority vote of all deputies, within 20 days of receipt of the proposal.

The competent committee of the National Assembly shall propose twice as many candidates as the number of members elected.

If the National Assembly does not elect all the five members within the stipulated deadline, the remaining members, upon the expiry of the next ten days, shall be elected from among the candidates who meet the criteria for election, by a commission comprised of the President of the National Assembly, the President of the Constitutional Court, the President of the Supreme Court of Serbia, the Supreme Public Prosecutor of Serbia and the Ombudsman, by majority vote.

The principle of equal representation of courts shall be taken into account in the process of election of judges as members of the High Judicial Council.

Presidents of courts may not be elected in the High Judicial Council.

The present Amendment shall amend the heading of Article 152 and supersede Article 152 of the Constitution of the Republic of Serbia.

AMENDMENT XV

Term of Office of Members of the High Judicial Council

Member of the High Judicial Council shall be elected to a five-year term of office.

The same person may not be reelected as a member of the High Judicial Council.

Before the expiry of the period to which he or she is elected, the term of office of a member of the High Judicial Council shall cease upon personal request, or if he or she is convicted of a criminal offense to a prison sentence; the term of office of a member who is a

judge shall cease in case of the termination of judicial office; and the term of office of a member who is not a judge shall also cease in case of permanent loss of ability to exercise the function of a member of the High Judicial Council.

The decision on termination of the term of office of a member of the High Judicial Council shall be made by the High Judicial Council. An appeal against the decision is allowed to the Constitutional Court, which excludes the right to a constitutional appeal.

The present Amendment shall delete the label of the Section 8 and the heading of the Section 8 and shall amend the heading of Article 153 and supersede Article 153 of the Constitution of the Republic of Serbia.

AMENDMENT XVI

President and vice president of the High Judicial Council

The High Judicial Council shall have a president and a vice president.

The president of the High Judicial Council shall be elected from among members of the High Judicial Council who are judges and the vice president from among members who are not judges, for the period of five years.

The present Amendment shall amend the heading of Article 154 and supersede Article 154 of the Constitution of the Republic of Serbia.

AMENDMENT XVII

Work and Decision-making of the High Judicial Council

The High Judicial Council shall make decisions by the votes of at least six members of the High Judicial Council.

The term of office of the members of the High Judicial Council shall cease in the case that the High Judicial Council does not make a decision within 60 days from the day of the first attempt to make it, on the issues of: the proposal of budgetary funds; the adoption of regulations within its jurisdiction; the proposals relating to the election or termination of office of judges and presidents of courts and in other matters prescribed by law. This cessation of the term of office shall be determined by the President of the National Assembly. An appeal against the decision of the President of the National Assembly shall be allowed to the Constitutional Court, which excludes the right to a constitutional appeal.

The High Judicial Council shall publicly announce and explain its decisions, and make the decisions on the election and cessation of the term of office of judges, presidents of courts, and lay judges, decisions on the transfer and temporary relocation of judges, and decisions on the appointment and dismissal of members of disciplinary bodies on the basis of the criteria determined in accordance with the law and in a legally prescribed procedure.

The present Amendment shall amend the heading of Article 155 and supersede Article 155 of the Constitution of the Republic of Serbia.

AMENDMENT XVIII

Immunity of the members of the High Judicial Council

Members of the High Judicial Council cannot be held accountable for an opinion expressed in the proceedings before the High Judicial Council or vote given in decision-making within the High Judicial Council, unless they have committed a criminal offense.

The members of the High Judicial Council cannot be deprived of liberty in the proceedings initiated against them for a criminal offense they have committed as members of the High Judicial Council without the approval of the High Judicial Council.

The present Amendment shall delete the label and the heading of the Section 9 and shall amend the heading of Article 156 and supersede Article 156 of the Constitution of the Republic of Serbia.

AMENDMENT XIX

8. Public Prosecutor's Offices

Status

The Public Prosecutor's Office shall be an autonomous state body which shall prosecute the perpetrators of criminal offenses and other punishable actions and perform other tasks to protect public interest as prescribed by law.

The Public Prosecutor's Office shall perform its function in accordance with the Constitution, ratified international treaties, laws and other general acts.

Any influence on Public Prosecutor's Office in an individual criminal prosecution case is prohibited.

Public prosecutor's offices shall be established and dissolved by law, and organization and jurisdiction of the public prosecutor's offices shall be regulated by law.

The Supreme Public Prosecutor's Office shall be the highest public prosecutor's office in the Republic of Serbia.

The Supreme Public Prosecutor of Serbia shall perform the function of the public prosecution within the rights and duties of the Republic of Serbia.

The function of the public prosecutor's office shall be performed by the public prosecutor, and the deputy public prosecutors may replace the public prosecutor in the exercise of his/her function.

The present Amendment shall add the label for Section 8, above the Article 157, and the new heading of the Section 8 and shall amend the heading of Article 157 and supersede Article 157 of the Constitution of the Republic of Serbia.

AMENDMENT XX

Responsibility

The Supreme Public Prosecutor of Serbia shall be responsible to the National Assembly for the work of the public prosecution and his/her own work. The Supreme Public Prosecutor of Serbia shall not be responsible to the National Assembly for acting in the individual case.

Public prosecutors shall be responsible for the work of the public prosecution and their own work to the Supreme Public Prosecutor of Serbia, and public prosecutors of lower-instance shall also be responsible to the immediately higher public prosecutors.

Deputy public prosecutors are responsible for their work to their public prosecutor.

The present Amendment shall amend the heading of Article 158 and supersede Article 158 of the Constitution of the Republic of Serbia.

AMENDMENT XXI

Mandatory instructions for acting of the public prosecutors and deputy public prosecutors

The Supreme Public Prosecutor of Serbia shall issue general mandatory instructions for acting of all public prosecutors in order to achieve legality, effectiveness and uniformity in performance.

An immediately higher public prosecutor may issue a mandatory instruction for acting in a particular case to the lower public prosecutor if there is doubt about the efficiency and legality of his or her acting. The Supreme Public Prosecutor of Serbia may issue such instructions to any public prosecutor.

Public Prosecutor may issue mandatory instructions for work and acting to his or her deputy.

Public Prosecutor and deputy public prosecutor shall be obliged to act pursuant to mandatory instructions.

A lower public prosecutor who considers that the mandatory instruction of an immediately higher public prosecutor is unlawful or ill-founded has the right to object to the Supreme Public Prosecutor of Serbia, and the deputy public prosecutor who considers that the mandatory instruction of an immediately higher public prosecutor is unlawful or ill-founded - to an immediately higher public prosecutor.

The present Amendment shall amend the heading of Article 159 and supersede Article 159 of the Constitution of the Republic of Serbia.

AMENDMENT XXII

Election of the Supreme Public Prosecutor of Serbia and Public Prosecutors and termination of the term of office of public prosecutors

The Supreme Public Prosecutor of Serbia shall be elected by the National Assembly to a six-year term of office, upon the proposal of the High Prosecutorial Council, after having conducted a public competition, by majority vote of three fifths of deputies, within 20 days from the receipt of the proposal.

If the National Assembly does not elect the Supreme Public Prosecutor of Serbia within the stipulated deadline, upon the expiry of the next ten days, the commission comprised of the President of the National Assembly, the President of the Constitutional Court, the President of the Supreme Court of Serbia, the Supreme Public Prosecutor of Serbia and the Ombudsman, shall perform the election by majority vote, from among the candidates who meet the criteria for election.

The same person cannot be reelected as the Supreme Public Prosecutor of Serbia.

The public prosecutors shall be elected by the High Prosecutorial Council to a six-year term of office.

Prior to the termination of the term of office, the function of the public prosecutor shall cease at personal request, if the public prosecutor's office is dissolved, in case of permanent loss of ability to exercise public prosecutorial function, in case of termination of citizenship of the Republic of Serbia or in a case of dismissal.

Public prosecutor shall be dismissed if he/she is convicted of a criminal offense to a sentence of imprisonment or if some of the legally stipulated reasons occur that render him/her unworthy for the function of public prosecutor.

Public prosecutor shall have the right to lodge an appeal with the Constitutional Court against a decision of the High Prosecutorial Council on termination of the term of office, which shall exclude the right to lodge a Constitutional appeal.

In the case of termination of their term of office, the Supreme Public Prosecutor of Serbia and public prosecutors shall retain the position of deputy public prosecutor, in accordance with the law.

The present Amendment shall amend the heading of Article 160 and supersede Article 160 of the Constitution of the Republic of Serbia.

AMENDMENT XXIII

Conditions for election of public prosecutors and deputy public prosecutors

A citizen of the Republic of Serbia who fulfills the general conditions for work in state bodies, who is a law school graduate with a Bar exam, has a working experience required for a particular public prosecutors' office and is competent, qualified and creditable of public prosecutorial office, can be elected as a public prosecutor.

A person who is elected as a deputy public prosecutor for the first time may be elected only if he or she has completed training at the Judicial Academy.

The present Amendment shall amend the heading of Article 161 and supersede Article 161 of the Constitution of the Republic of Serbia.

AMENDMENT XXIV

Permanent Tenure of Deputy Public Prosecutors

The tenure of deputy public prosecutor shall be permanent and shall last from the moment of the election until the retirement.

A deputy public prosecutors' tenure shall cease, prior to the retirement, upon personal request, in case of permanent loss of ability to exercise the function of deputy public prosecutor, in case of termination of citizenship of the Republic of Serbia or in a case of dismissal.

A deputy public prosecutor shall be dismissed if he/she is convicted of a criminal offense to a sentence of imprisonment of at least six months or if it is determined in the disciplinary proceedings that he/she has committed a serious disciplinary offense which, pursuant to assessment of the High Prosecutorial Council, seriously damages the reputation of the public prosecutors' office or public confidence in the public prosecutors' office.

A deputy public prosecutor may also be dismissed due to incompetence if, in a significant number of cases, he or she **clearly** does not meet the benchmarks of satisfactory performance prescribed **by law** and evaluated by the High Prosecutorial Council.

A deputy public prosecutor shall have the right to lodge an appeal with the Constitutional Court against a decision of the High Prosecutorial Council on cessation of tenure, which shall exclude the right to lodge a Constitutional appeal.

The present Amendment shall amend the heading of Article 162 and supersede Article 162 of the Constitution of the Republic of Serbia.

AMENDMENT XXV

Immunity and Incompatibility

Public prosecutor and deputy public prosecutor may not be held accountable for an opinion expressed or a decision made in performing their function, unless they commit a criminal offense of violation of law by a judge, public prosecutor or his deputy.

Public prosecutor and deputy public prosecutor may not be deprived of liberty in the legal proceedings initiated against him/her for a criminal offense committed while performing the function of a public prosecutor or deputy public prosecutor without the approval of the High Prosecutorial Council.

The law shall stipulate which functions, activities or private interests are incompatible with the function of a public prosecutor or deputy public prosecutor.

The present Amendment shall amend the heading of Article 163 and supersede Article 163 of the Constitution of the Republic of Serbia.

AMENDMENT XXVI

High Prosecutorial Council Jurisdiction of the High Prosecutorial Council

The High Prosecutorial Council is an autonomous state body that guarantees the autonomy of the public prosecutors' offices, public prosecutors and deputy public prosecutors by deciding on the issues related to the status of public prosecutors and deputy public prosecutors, which are determined by the Constitution and the law.

The High Prosecutorial Council shall propose to the National Assembly the election and dismissal of the Supreme Public Prosecutor of Serbia, elect public prosecutors and deputy public prosecutors and decide on the cessation of their term of office; evaluate the performance of public prosecutors, ~~and~~ deputy public prosecutors **and prosecutorial assistants**; appoint and dismiss the members of the disciplinary bodies; submit the annual report on the work of the public prosecutors' offices to the National Assembly; propose the budgetary funds required for the work of the High Prosecutorial Council and the work of public prosecutor's offices in matters within its competence pursuant to the law and autonomously dispose of these funds and shall decide on other issues related to the status of the Supreme Public Prosecutor of Serbia, public prosecutors, and deputy public prosecutors provided by the law.

The present Amendment shall amend the heading of Article 164 and supersede Article 164 of the Constitution of the Republic of Serbia.

AMENDMENT XXVII

Composition of the High Prosecutorial Council

The High Prosecutorial Council shall have ten members: four deputy public prosecutors elected by public prosecutors and deputy public prosecutors, four prominent lawyers elected by the National Assembly, the Supreme Public Prosecutor of Serbia and the minister in charge of the judiciary. A prominent lawyer shall be a law school graduate ~~with a bar exam~~ who has at least ten years of **relevant** working experience **as defined by law** ~~in the field of law relevant for the jurisdiction of the High Prosecutorial Council~~, **and** who demonstrated professional work and enjoys **good** personal reputation.

The National Assembly shall elect four members of the High Prosecutorial Council upon the proposal of the competent committee of the National Assembly after conducting a public competition, by a ~~three-fifth~~ **two-thirds** majority vote of all deputies, within 20 days upon the receipt of the proposal.

The competent committee of the National Assembly shall propose twice as many candidates as the number of members elected.

If the National Assembly does not elect all the four members within prescribed deadline, the remaining members shall be elected within the next ten days by a commission comprised of the President of the National Assembly, the President of the Constitutional Court, the President of the Supreme Court of Serbia, the Supreme Public Prosecutor of Serbia and the Ombudsman, by majority vote, from among the proposed candidates who meet the criteria for election.

The principle of equal representation of public prosecutors' offices shall be taken into account in the process of election of deputy public prosecutors as members of the High Prosecutorial Council.

Public prosecutors may not be members of the High Prosecutorial Council.

The present Amendment shall amend the heading of Article 165 and supersede Article 165 of the Constitution of the Republic of Serbia.

AMENDMENT XXVIII

*The term of office of members elected to the High Prosecutorial Council
and the president and vice-president of the High Prosecutorial Council*

The member elected to the High Prosecutorial Council shall be elected to a five-year term.

The same person may not be re-elected to the High Prosecutorial Council.

The Supreme Public Prosecutor of Serbia is ex officio the President of the High Prosecutorial Council. The Vice-President of the High Prosecutorial Council shall be elected by

the High Prosecutorial Council from among its members for a five-year term, whereby the deputy public prosecutor or the minister in charge of judiciary may not be elected as vice-president.

Prior to the expiry of the term of office to which he or she was elected, the term of office of the member of the High Prosecutorial Council shall cease upon personal request, or if he/she is convicted of a criminal offense to a sentence of imprisonment; the term of office of the member who is a deputy public prosecutor shall cease if the function of a deputy public prosecutor ceases; and the term of office of the member who is not a deputy public prosecutor shall also cease in case of permanent loss of ability to exercise the function of a member of High Prosecutorial Council.

The decision on the termination of the term of office of a member of the High Prosecutorial Council shall be made by the High Prosecutorial Council. An appeal against the decision shall be allowed to the Constitutional Court, which excludes the right to a constitutional appeal.

The present Amendment shall add the heading of Article 165a and Article 165a to the Constitution of the Republic of Serbia.

AMENDMENT XXIX

Work and Decision-making of the High Prosecutorial Council

The High Prosecutorial Council shall make decisions by the votes of at least six members of the High Prosecutorial Council, at a session where at least seven members of the High Prosecutorial Council are present.

The term of office of the members of the High Prosecutorial Council shall cease in the case that the High Prosecutorial Council does not make a decision within 60 days from the day of the first attempt to make it, on the issues of: the proposal of budgetary funds; the adoption of regulations within its competence; the proposals relating to the election or termination of office of the Supreme Public Prosecutor of Serbia; the proposals relating to the election or termination of office of the public prosecutors and deputy public prosecutors and in other matters prescribed by law. This cessation of the term of office shall be determined by the President of the National Assembly. An appeal against the decision of the President of the National Assembly shall be allowed to the Constitutional Court, which excludes the right to a constitutional appeal.

The High Prosecutorial Council shall publicly announce and explain its decisions, and make the decisions on the proposal of election and cessation of the term of office of the Supreme Public Prosecutor of Serbia, on the proposals relating to the election or termination of office of the public prosecutors and deputy public prosecutors and decisions on the appointment and dismissal of members of disciplinary bodies on the basis of the criteria determined in accordance with the law and in a legally prescribed procedure.

The present Amendment shall add the heading of Article 165b and Article 165b to the Constitution of the Republic of Serbia.

AMENDMENT XXX

Immunity of Members of the High Prosecutorial Council

Members of the High Prosecutorial Council may not be held accountable for an opinion expressed or vote given in decision-making within the High Prosecutorial Council, unless they have committed a criminal offense.

The members of the High Prosecutorial Council may not be deprived of liberty in the proceedings initiated against them for a criminal offense they have committed as members of the High Prosecutorial Council without the approval of the High Prosecutorial Council.

The present Amendment shall add the heading of Article 165v and Article 165v to the Constitution of the Republic of Serbia.

AMENDMENT XXXI

9. Judicial Academy

The Judicial Academy is an autonomous institution that trains judges, public prosecutors and deputy public prosecutors, as well as candidates for those functions and performs other tasks determined by law.

The composition of the managing bodies of the Judicial Academy shall reflect the composition of the High Judicial Council and the High Prosecutorial Council.

The position, organization and activities of the Judicial Academy shall be regulated by law.

The present Amendment shall add the label for Section 9 and the new heading of Section 9 above Article 165g and add the new heading of Article 165g and Article 165g to the Constitution of the Republic of Serbia.

AMENDMENT XXXII

Five judges of the Constitutional Court are elected by the National Assembly, five are appointed by the President of the Republic, and five at the general session of the Supreme Court of Serbia.

The National Assembly shall elect five judges of the Constitutional Court from among ten candidates nominated by the President of the Republic, the President of the Republic shall

appoint five judges of the Constitutional Court from among the ten candidates nominated by the National Assembly, and the General Session of the Supreme Court of Serbia shall appoint five judges from among the ten candidates proposed by the High Judicial Council and the High Prosecutorial Council.

The present Amendment shall supersede Article 172 Paras 2 and 3 of the Constitution of the Republic of Serbia.