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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

WORKING VERSION OF
THE DRAFT
HIGH COURT COUNCIL ACT
OF SERBIA

**WORKING VERSION OF THE DRAFT
HIGH COURT COUNCIL ACT**

The working group of the Commission for implementing the National Judicial Reform Strategy, formed at the session held on 16 April 2007, comprising:

1. Dragisa Slijepcevic, judge Supreme Court of Serbia, chairman of the WG;
2. Milena Savatic, judge Supreme Court of Serbia, member of the WG;
3. Jasmina Stamenkovic, judge High Commercial Court, member of the WG (deputy for Radomir Lazarevic);
4. Dragana Boljevic, judge Belgrade District Court, member of the WG;
5. Dimitrije Popic, deputy prosecutor, Special Prosecution for Suppression of Organised Crime, member of the WG;
6. Dusica Bulatovic, head magistrate of the City of Belgrade Magistrate Court, member of the WG;
7. prof. dr Zoran Stojanovic, Belgrade Faculty of Law, member of the WG;
8. Slobodan Batricevic, attorney at law, Belgrade, member of the WG;
9. Ana Maricic, legal advisor, SIS, secretary of the WG (deputy to Vladan Draskovic)

has drafted the working version of the High Court Council Act.

**WORKING VERSION OF THE DRAFT
HIGH COURT COUNCIL ACT**

I GENERAL PROVISIONS

Scope of the Act

Article 1

This Act regulates the status, competence, organisation and manner of work of the High Court Council (hereinafter "the Council"), requirements and election procedure for elected Council members, term of office and termination of their duty, ensuring conditions and means for work and establishing and the work of the Administrative Office and working bodies of the Council.

1. STATUS OF THE COUNCIL

Independence and Autonomy

Article 2

The Council is an independent and autonomous body that ensures and guarantees independence and autonomy of courts and judges.

Within its purview the Council realises co-operation with the State Prosecutors Council, all domestic bodies and organisations, judicial councils of other countries and international organisations and bodies protecting the rights and liberties of citizens.

Funds for the work of the Council

Article 3

Funds for the work of the Council are provided in the Republic of Serbia budget.

The Council drafts the proposal of required funds for work in the coming year and forwards it to the Government in accordance with law.

Article 4

The ordering authority for implementing the financial plan of funds for the work of the Council from the Republic budget is the president of the Council.

Seat and Symbols of the Council

Article 5

The seat of the Council is in Belgrade.

The Council has a stamp containing its name and the seal of the Republic of Serbia.

Composition of the Council

Article 6

The Council has eleven members.

The composition of the Council comprises the president of the Supreme Court of Cassation, the minister responsible for the judiciary and the chairperson of the relevant committee of the National Assembly, as members by virtue of office, and eight members elected by the National Assembly, in accordance with this Act.

Elected members comprise six judges with tenure of office, one of whom is from the territory of autonomous provinces, and two distinguished and prominent jurists with minimum 15 years professional experience, one of whom is an attorney at law and the other a law faculty professor.

President and deputy president of the Council

Article 7

The president of the Supreme Court of Cassation is also the president the Council.

The Council elects and dismisses the deputy president from the ranks of judges – Council members, by secret ballot and by majority vote of all members,.

The deputy chairman manages the work of the Council in case of absence of the president or when prevented.

Alternative: The president and deputy president from the ranks of judges-Council members are elected and dismissed by the Council, by secret ballot and majority vote of all members.

The deputy president manages the work of the Council in case of absence of the president or when prevented.

Relationship with other bodies

Article 8

Courts and other government authorities, as well as judges and court presidents, are required to act on Council's requests for submission of information, documents and other material related to performance of tasks from the Council's purview.

2. STATUS OF MEMBERS

Immunity

Article 9

A Council member enjoys immunity equal to that of a judge.

A Council member may not be held accountable for expressed opinion or voting in taking decisions of the Council, except in case of criminal offence of violation of law by a Council member.

A Council member may not be detained in proceedings instituted for a criminal offence committed in discharge of office of Council member without approval of the High Court Council.

Emoluments

Article 10

All Council members are entitled to special compensation for work amounting to one third of the salary of a judge of the Supreme Court of Cassation.

Term of Office

Article 11

The term of office of Council members is five years, except for members by virtue of office.

Elected members of the Council may not be elected to the Council in the next subsequent term of the Council.

During the term in the Council a judge-member may not be elected judge of a higher court or president of a court.

II COMPETENCE AND MANNER OF WORK OF THE COUNCIL

Competence

Article 12

The Council:

- Issues acts regulating application of criteria set by law for election, promotion and termination of judge's function;
- Nominates to the National Assembly candidates for first-time election as judges;
- Elects judges to permanent function of judge;
- Nominates to the National Assembly the candidate for election as president of the Supreme Court of Cassation;
- Nominates to the National Assembly the candidates for election as court presidents;
- Decides on election of judges with tenure to another court of same or other type or to a higher court;
- Decides on transfer or assignment of judges to another court;
- Decides on legal remedy against the decision on performance evaluation of judges;
- Decides on termination of function of a judge;
- Participates in procedure for termination of the function of the president of the Supreme Court of Cassation and court presidents, in accordance with law;
- Proposes to the National Assembly dismissal of the president of the Supreme Court of Cassation, in accordance with law;
- Proposes to the National Assembly dismissal of court presidents, in accordance with law;
- Proposes to the Supreme Court of Cassation candidates for judges of the Constitutional Court on joint session with the State Prosecutors Council;
- Regulates disciplinary proceedings and determines disciplinary responsibility of judges;
- Defines the composition of the disciplinary board, duration and termination of mandate of members of disciplinary boards, appoints members of disciplinary boards and their deputies;
- Decides on legal remedies in disciplinary proceedings;
- Defines standards of behaviour for judges and other staff in courts, in accordance with law;
- Decides on incompatibility of performance of particular engagements with the function of a judge;
- Proposes job classification of judges' and other staff positions in courts, in accordance with law;
- Decides on immunity of judges, in accordance with law;
- Decides on immunity of Council members, in accordance with law;
- Drafts and submits the proposal of court budget, in accordance with law;
- Allocates court budget and controls earmarked use of budget funds;
- Ensures the material status of courts;
- Determines general framework for internal organisation and work of courts;
- Collects information and manages documents on professional status of judges, as well as other statistical data relating to their performance;
- Maintains a standing directory of judges and decides on objections against violation of voting right;
- Established its working bodies and standing and ad hoc commissions and elects their members;
- Passes training programs for judges and court staff and exercises oversight over its implementation, in accordance with law;
- Determines requirements for standing and ad hoc lecturers from the ranks of judges, in accordance with law;
- Gives opinions on amendments to current or enactment of new legislation regulating the status of judges, organisation and procedure of courts, as well as other systemic laws applied by courts or that impact exercising of a judge's function;
- Determines criteria for selection of trainees and judge's assistants;
- Appoints lay judges;

- Decides on existence of grounds for reimbursement of a claim of the state against a judge or court staff;
- Drafts and submits an annual report on its work to the National Assembly;
- Informs the public regularly of its work;
- Determines general guidelines for co-operation with judicial councils of other countries and organisations and bodies protecting rights and freedoms of citizens;
- Performs other tasks provided by separate law.

Manner of Work

Article 13

The Council works in closed session.

Exceptionally, the Council may decide to work in public session on issues that do not relate to status rights and status of judges.

Council sessions are convened by the chairman at his discretion or at the motion of minimum three Council members.

The Council has quorum if minimum six Council members are present.

Alternative: The Council, as a rule, works in public session.

The Council works in closed session when deliberating issues relating to status rights and status of judges, at the request of whose rights are being deliberated.

Issues that are deliberated in closed session are determined by the Council's Rules of Procedure.

Sessions of the Council are convened by the president at own initiative or at the motion of minimum three Council members.

The Council has quorum if minimum six Council members are present.

Working Bodies

Article 14

To discharge tasks from its purview the Council establishes separate working bodies for nominating and appointing judges, performance evaluation of judges, disciplinary, court budget, training, statistics, analysis and reporting, international co-operation, media relations and other issues from the Council's purview.

Decision Taking

Article 15

The Council takes decisions in closed session.

Decisions of the Council are taken by majority vote of all members.

Decisions on election, promotion, transfer, assignment, dismissal of a judge, dismissal of elected member of the Council, and other issues regarding the material status of judges and courts under the competence of the Council by law, require a majority of minimum seven votes of Council members.

Decisions of the Council on status rights of judges must be reasoned.

Reasoned decisions of the Council on termination of a judge's function include the legal grounds for termination of judge's function and facts on which the determination of the existence of grounds for termination is made.

Publication

Article 16

General acts of the Council are published in the Official Gazette of the Republic of Serbia.

Legal remedy

Article 17

A decision of the High Court Council on termination of a judge's function may be appealed before the Constitutional Court of Serbia.

Rules of Procedure

Article 18

The Council shall issue Rules of Procedure regulating in more detail the work of the Council, establishing, purview and work and decision taking of commissions and other working bodies of the Council.

Rules of Procedure are adopted when voted in favour by minimum seven Council members.

Rules of Procedure shall come into force on the eighth day of publication in the Official Gazette of the Republic of Serbia.

Publicity of work

Article 19

The Council submits an annual report of its work to the National Assembly.

The Council informs the public regularly of its work in the manner set forth under the Rules of Procedure.

III PROCEDURE FOR ELECTION OF MEMBERS OF

THE HIGH JUDICIAL COUNCIL

1. GENERAL REQUIREMENTS

Representation of Courts

Article 19

The composition of elected members of the High Court Council from the ranks of judges must ensure the widest representation of courts of all types and instances, as well as one member representing the courts of the provinces.

Elected members of the Council from the ranks of judges are elected from the courts of following instances and types:

- One from the Supreme Court of Cassation;
- One from the Commercial Courts;
- One from the Administrative Courts;
- One from the Appellate Courts, the Organised Crime Court and War Crimes Court;¹
- One from the first-instance courts of general jurisdiction (municipal and district courts);

¹ Proposed types of courts determined by Basic principles for Judges

- One from the misdemeanour courts.

Authorised nominators

Article 21

Elected members of the Council are elected by the National Assembly at the nomination of authorised nominators.

The Council is the authorised nominator for elected Council members from the ranks of judges.

The Council is obliged to propose to the National Assembly candidates that are directly elected by judges in the manner and in procedure provided under this Act.

The authorised nominator for the elected member of the Council from the ranks of attorneys at law is the Serbian Bar.

The authorised nominator for the elected member of the Council from the ranks of professors is the joint session of deans of accredited faculties of law in the Republic of Serbia.

Requirements for Candidacy

Article 22

A candidate for elected member of the Council may be any judge in the Republic of Serbia who is registered in the Directory and is an incumbent judge for minimum seven years.

A candidate is a judge who is supported by signatures of minimum 10 judges and/or nominated by the general session of one or more courts with minimum 10 judges from the court or courts by type and instance wherefrom he comes from.

One judge and/or general session of judges may support only one candidate.

A court president may not be nominated for candidacy in the Council.

Electoral right of judges

Article 22

Judges elect candidates for the Council based on free, general, equal and direct franchise, by secret ballot.

No one has the right on any grounds whatsoever to prevent or force a judge to vote or to hold him accountable for voting.

The right to elect candidates for the Council is vested with all judges who on election day hold judgeship and are registered in the standing electoral directory of judges.

A judge may vote only for the candidate on the candidacy list to which he belongs.

Standing Electoral Directory of Judges

Article 23

A standing Electoral Directory of Judges (hereinafter „Directory“) is maintained and published by the High Court Council.

A judge is recorded in the Directory on assuming office.

A judge is entitled to inspect the Directory and is entitled to demand correction in writing if not registered or his relevant data is erroneous.

The request for correction of erroneous entry may be filed with the Council within 3 days from the day of publication of the Directory.

The Council is required to decide on the request within 48 hours.

Electoral Commission

Article 25

The procedure for nomination of candidates for elected members of the Council from the ranks of judges is organised and conducted by the Election Commission of the High Court Council (hereinafter "Election Commission").

The Election Commission comprises a chairman and four members and their deputies, elected by the Council from the ranks of judges with permanent judgeship, with their consent.

Deputy members of the Election Commission have the same rights and responsibilities as the members for whom they deputize.

The term of office of members of the Election Commission is five years and may be re-elected.

Members of the Election Commission may not run for elected members of the Council.

Article 26

The Election Commission is autonomous and independent in its work and works on basis of law and regulations enacted on basis of law.

The Election Commission takes decisions by majority vote of all members.

The Election Commission is accountable for its work to the Council which ensures the requirements for its work.

All courts are required to extend assistance to the Election Commission and forward information necessary for its work.

Election Activities

Article 27

The Election Commission, on receiving the decision to commence procedure for nomination of candidates, shall take decision on election activities and timeframes.

The chairman of the Election Commission forwards to court presidents the decision to commence procedure for nominating candidates and the decision on election activities and time frames.

Court presidents are required to make available the decision to commence nomination procedure and the decision on election activities and timeframes to all judges in their court, in appropriate manner.

2. PROCEDURE

Running for Office and Nomination

Article 28

The president of the Council shall issue the decision on commencing the nomination procedure for elected members of the Council at least 180 days before the end of the term of office of the elected members of the Council.

The decision referred to in para 1 is published in the "Official Gazette of the Republic of Serbia".

The president of the Council shall submit the decision to commence the nomination procedure for elected members to the president of the Election Commission of the Council, president of the Bar Association of Serbia and deans of all accredited Faculties of Law in Serbia.

Authorised nominators shall submit the lists of candidates for elected Council members to the National Assembly of Serbia not later than 90 days before the end of the term of office of the elected members of the Council.

The nomination procedure is concluded when the lists of candidates are submitted to the National Assembly of Serbia.

Registration of Candidacy

Article 29

Registration of candidacy is submitted to the Election Commission within 30 days of the date of publishing the decision to commence the nomination procedure for elected members of the Council in the *Official Gazette of the Republic of Serbia*.

The signed statement of accepting the candidacy, the list with signatures of judges who support the candidacy and their official ID numbers, and/or the decisions of the General Session of the court or courts supporting the candidacy, as well as personal and professional data about the candidate is attached to the candidacy registration form.

Procedure following Registration

Article 30

The Election Commission shall examine if the registration was made in due time and if complete.

The Commission shall reject an untimely registration form with a decision.

The Election Commission shall within 24 hours of receiving an incomplete registration form issue a decision inviting the candidate to complete the registration within 48 hours of receiving the decision, with a caution that otherwise the registration will be rejected.

Final List of Candidates

Article 31

After expiry of the deadlines under article 28, para 1 and article 29, para 3 the Election Commission determines the final list of candidates in the subsequent 15-day period.

The Election Commission shall determine one final list of candidates for each instance and type of courts whose judges are nominated for elected members of the Council under article 19, para 2 hereof.

The sequence of candidates in the lists is determined based on the sequence of submission of registration forms to the Election Commission.

Ballots
Article 32

A ballot must contain:

1. Ordinal number before the name of the candidate;
2. The name and surname of the candidate, in the same sequence as in the final list of candidates;
3. A note that only one candidate is voted, by circling the ordinal number or name or surname of the candidate.

Article 33

On the basis of the determined lists of candidates, the Election Commission shall prepare and order printing of the ballots and stamp the same.

The Election Commission shall specify the number of ballots to be printed in one place under the supervision of authorised representatives of the Election Commission.

Time of Election and Polling Stations

Article 34

The Election Commission shall set the date and time of election and notify all presidents of courts ten days before election day.

The presidents of courts shall send a public notification to all judges about the date and time of the election 7 days before the election day.

Voting for elected members from among judges shall be carried out in polling stations in the courts designated by the Election Commission.

Polling Boards and Voting Material

Article 35

The Election Commission shall prepare in due time the voting material for every polling station consisting of the necessary number of ballots, the determined list of candidates and the excerpt from the permanent electoral directory for particular polling station.

Elections are conducted by polling boards appointed by the Election Commission.

A polling board consists of three judges who are not running for election.

Article 36

The polling board shall, before voting, hand a ballot with a self-adhesive envelope to every judge with the right to vote.

Each judge shall sign in the excerpt from the permanent electoral directory and take over the ballot.

Article 37

On voting day the list of candidates must be placed in a visible place in all polling stations and in all courts forming the electorate for that particular list.

Every judge shall vote in person.

Ballot is secret.

Only stamped ballots are used for voting.

Article 38

The polling board conducts voting in premises designated in due time by the president of that court.

After voting a judge shall put the ballot in the envelope, seal the envelope personally and hand it to the polling board.

Procedure after Ballot**Article 39**

After balloting the polling board establishes the number of unused ballots, determines the number of valid and invalid ballots and the number of votes for each candidate in that particular polling station and shall make a record thereof.

An invalid ballot is a blank ballot, a ballot where more than one candidate has been circled or a ballot filled in a manner wherefrom it can not be established which candidate received the vote.

The polling board shall put into separate folders the unused, invalid and valid ballots and promptly submit them to the Election Commission together with the excerpt from the standing electoral directory and the signed record of voting results

Establishing of Results**Article 40**

The Election Commission shall establish the number of judges entered in the excerpts from the standing directory for each polling station, the total number of judges entered in the electoral directory, the total number of judges who voted in each polling station, the number of received ballots, the number of unused, invalid and valid ballots, and the number of votes for each candidate per polling station, as well as the total number of votes per candidate for each list of candidates.

If determined that the number of ballots exceeds the number of judges who voted, balloting shall be repeated in that particular polling station.

The Election Commission shall particularly establish and enter in the record the total number of votes for the candidates from the courts with seats in the territory of autonomous provinces which were given to them by judges forming the electorate for the list these candidates are on.

3. DECISION ON NOMINATION OF CANDIDATES FOR ELECTED MEMBERS
A. Nomination of Candidates from among Judges**Article 41**

The Council shall issue a decision on nomination of candidates for the Council based on the record of election results.

The Council shall decide to repeat the ballot if two or more candidates receive an equal number of most votes or in case of equal pro rata largest support for a candidate from the territory of autonomous provinces.

Ballot is repeated only for the list of candidates and for the candidates referred to in the previous paragraph.

Nomination of Candidates from among Judges from the Territory of Autonomous Provinces

Article 42

The Council shall nominate as candidate from the territory of the autonomous province the judge who has received proportionally biggest support.

It is deemed that the biggest support was given to the candidate who won the biggest number of votes in proportion to the total number of registered voters for the type and instance of the courts with the seat in the territory of autonomous provinces whose representative the candidate is.

The candidate nominated from the territory of autonomous provinces also represents the type and instance of courts forming the electorate for the list of candidates on which he is listed, regardless of the number of votes given to other candidates on the same list of candidates.

Nomination of other Candidates from among Judges

Article 43

After determining nomination of the candidate from the territory of autonomous province, the Council shall nominate as candidate from other lists of candidates the judge with the biggest number of votes received from all courts that by type and instance represent the electorate for that list.

The Council shall submit their final decision on nomination of candidates from among judges to the National Assembly of Serbia within the timeframe set forth under this Act.

B. Nomination of Candidates from among Barristers

Article 44

The procedure for the nomination of the candidate for elected member of the Council from among attorneys-at-law is organised and carried out by the Bar Association of Serbia in a manner ensuring the broadest possible representation.

The procedure for candidature, selection and nomination is carried out within timeframes set by the Election Commission.

The Bar Association of Serbia shall submit nominations to the National Assembly of Serbia within a timeframe set forth under this Act.

C. Nomination of Candidates from among Professors

Article 45

The nomination of candidates for elected members of the Council from among professors of the faculties of law is carried out under the procedure defined by the general session of the deans of all accredited faculties of law in Serbia, following the opinions obtained from the teaching staff councils.

The oldest dean shall call the general session referred to in para 1.

The procedure for candidature, selection and nomination is carried out within time limits that are set by the Election Commission of the Council.

The chair of the general session of deans shall submit the nominations of candidates to the National Assembly within the time limit specified by this Law.

4. ELECTION AND TAKING OF OFFICE

Election of Members

Article 46

The National Assembly shall elect the members of the Council from among the candidates proposed by authorised nominators.

At least one elected member of the Council from among judges must be from the territory of autonomous provinces.

Article 47

If any of the nominated candidates is not elected by the National Assembly, the procedure for nominating candidates to the National Assembly shall be repeated based on the results of election that will be carried out within 90 days.

Article 48

The Council is deemed constituted after election of all elected Council members from the ranks of judges.

Oath

Article 49

Before taking office, a member of the Council shall take the following oath before the speaker of the National Assembly: «I swear to uphold the Constitution and laws of the Republic of Serbia in discharge of the office of member of the High Court Council and that I will faithfully and responsibly perform my duties.»

Taking of Office

Article 50

Council members by virtue of office shall take office of Council member on the day of taking their elected office.

An elected member of the Council shall take office within 15 days of the date of election, and/or the end of office of the elected member – member of the previous composition of the Council.

If an elected member of the Council fails to take office within the time limit specified in para 2 of this article without a justifiable reason, it shall be deemed that he/she is not elected.

Article 51

The obligation of the elected members of the Council from among judges to deal with cases in the court where they discharge their judicial duty ceases with their taking of office as members of the Council.

Official IDs

Article 52

A member of the Council shall have an official ID.

The design, content and issuing procedure of IDs is set forth under the Rules passed by the High Court Council

IV PROCEDURE FOR TERMINATION OF OFFICE OF THE MEMBERS OF THE HIGH JUDICIAL COUNCIL

Grounds and Time of Termination

Article 53

The term of Council members by virtue of office shall cease on the date of termination of the office which was the basis for their appointment.

The office of elected members shall cease with the end of the term of office or with the election of new members.

The term in the Council of elected Council members from among judges shall cease with the date of termination of their judicial function.

The term in the Council an elected member of the Council from among attorneys-at-law shall end on the date of deletion from the register of attorneys.

The term in the Council an elected member of the Council from among professors shall terminate as of the day his/ her professorship at law faculty ends.

The office of a member of the Council shall also end with superannuation, loss of working capacity, resignation, dismissal or death.

Early Termination of the Term of Office

Article 54

If the term of office of an elected member ends before the term he/she was initially appointed to, the Council shall within 15 days take the decision referred to in article 27, para 1 of this Law.

The procedure of nomination and election of a new member shall be carried out pursuant to the provisions of the present Law.

The term of office of the new member shall be 5 years.

V PROCEDURE FOR DISMISSAL

Reasons

Article 55

An elected member of the Council shall be dismissed before the term he/she has been elected if he/she fails to perform the duty in compliance with the Constitution and law or if convicted for a criminal offence.

Initiative for Dismissal

Article 56

An initiative for the dismissal of an elected member of the Council may come from a member of the Council, the general session of judges of any court represented by the elected member from among the judges, the Bar Associations in case of an elected member from among attorneys-at-law, the bodies and teaching staff councils) of the faculties of law in case of an elected member from among professors.

Assessment of the Initiative for Dismissal

Article 57

The Council shall within appropriate time following receiving of initiative assess the credibility of grounds for the initiative.

If the Council's determination is that grounds for dismissal are not credible, the Council shall notify the movant that the initiative was not adopted.

Statement

Article 58

On accepting the initiative the Council shall, prior to taking decision to institute proceedings, allow the relevant member to make a statement about the allegations.

Instituting the Proceedings

Article 59

The Council shall take the decision to institute dismissal proceedings within 15 days of receiving the initiative.

The decision to initiate the proceedings may order the measure of suspension until the conclusion of the dismissal proceedings.

An elected member shall be allowed to make a statement on all the allegations relevant for taking the decision on dismissal.

Dismissal

Article 60

The Council shall take a decision on dismissal within 30 days of initiating the proceedings.

The member whose dismissal is under deliberation does not take part in taking of the decision referred to in para 1.

VI COURT BUDGET

Article 61

Based on the budget requirements presented by all courts in the Republic the Council determine the final draft budget and submits it to the Ministry of Finance of the Republic of Serbia.

The draft budget shall define the scope and rate of the inflow of funds required to ensure independent, autonomous and efficient operation of courts and settlement of all financial commitments of the courts on due date.

Article 62

The allocation of the court budget to individual courts is carried out on the basis of the Council's decision based on criteria defined and published by the Council

The presidents of the courts shall submit to the Council quarterly and annual reports on budget spending.

The council shall publish and submit to the National Assembly the annual court budget statement by 31 March of the following year.

VII ADMINISTRATION OFFICE
Tasks and Organisation of Work

Article 63

The Administration Office is hereby established for professional, administrative and technical affairs of the Council (hereinafter, the Office).

The Council shall adopt a General Act on the organisation of the Office, job classification, professional qualifications and the number of staff, as well as other issues that are relevant for efficient operation of the Council.

Director and Staff

Article 64

The Office is managed by a director appointed by the Council to a five-year term of office and may be re-appointed.

The director shall have a degree in law and minimum ten years of professional experience and meet the requirements for working in a court.

The Director is accountable to the Council for his own work and the work of the Office.

The regulations governing labour relations in the courts shall apply to the director and Office staff.

The director shall decide on all issues related to the employment of Office staff.

VIII TRANSITIONAL AND FINAL PROVISIONS
First Election of the Members of the High Court Council

Article 65

The National Assembly shall within 90 days of entering into force of this Law elect the elected members of the first constitution of the High Court Council.

Until such time as the first constitution of the Council is elected, the members of the High Judicial Council shall perform the tasks from the purview of the Council.

Article 66

The general acts of the High Judicial Council shall apply until the general acts of the High Court Council enter into force.

Article 67

The elected members of the first constitution of the Council from among the judges shall be elected from the courts of the following instances and types:

1. one from the Supreme Court of Serbia;
2. one from the commercial courts;
3. two from district courts, one of whom from the territory of autonomous provinces;
4. two from municipal courts, one of whom from the territory of autonomous provinces;

alternative

- one from the Supreme Court of Serbia;
- one from the commercial courts;
- two from district courts;
- two from municipal courts, one of whom from the territory of autonomous provinces;

Article 68

The candidacy procedure, election and nomination of candidates for the elected members of the first constitution of the Council shall be carried out under the provisions of this Law, except for article 41.

Article 69

The term of the elected members of the first constitution from the ranks of judges shall end on the date the elected members of the permanent composition take office, at latest at expiry of the five-year term of office.

Article 70

The term of the elected members of the first constitution of the Council from among the attorneys-at-law and professors shall end with the expiry of the term of office stipulated by this Act.

Article 71

The term of the elected members of the first constitution of the Council shall also end in all other cases as provided under the provisions of this Act.

Article 72

An elected member from the ranks of judges shall on termination of the term in office of the first constitution of the Council continue to discharge judicial function in the court wherefrom he/she was elected, and/or in the court that has taken over jurisdiction of the court wherefrom he/she was elected or the jurisdiction in the areas where the judge had discharged his function.

The decision on the court wherein the elected member specified in paragraph 1 continues to discharge judicial function is taken by the Council in permanent composition.

Article 73

The procedure for the election of the permanent composition of the Council must be carried out within 90 days from the day the newly constituted courts become operational under the law governing their organisation and jurisdiction.

Article 74

Until such time as the president of the Supreme Court of Cassation is elected, the president of the Council *ex officio* shall be the president of the Supreme Court.

Article 75

With entering into force of this Act, the Law on the High Judicial Council shall be revoked ("Official Gazette of the RS", nos. 63/2001, 42/2002, 39/2003, 44/2004 and 61/2005).

Article 76

This Act shall come into force on the eighth day after publication in the Official Gazette of the RS.

The provisions of Chapter VI of this Act shall apply as of 1 January 2011.