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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

SERBIA

DRAFT LAW ON THE JUDICIAL ACADEMY

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I. BASIC PROVISIONS

Subject of the law

Article 1

This law shall regulate the status, activity, management bodies and funding of the Judicial Academy, training of judges and holders of the public prosecutor's office, training of judicial and prosecutorial assistants and interns, and training of the judicial and prosecutorial staff.

Purpose of the operation of the Judicial Academy

Article 2

The purpose of the operation of the Judicial Academy (hereinafter referred to as Academy) shall be to contribute, by providing the theoretical and practical training, to the professional, independent, autonomous, impartial and efficient performance of judicial and prosecutorial functions and the professional and efficient performance of the judicial and prosecutorial staff.

Academy status

Article 3

The Republic of Serbia is the founder of the Academy.

The Academy is an institution that performs the activities aimed at ensuring the exercising of rights specified by law.

The Academy has the capacity of a legal entity.

The registered office of the Academy is in Belgrade.

The internal arrangement and the affairs performed by the Academy are accordingly regulated by the provisions of the law governing public services, if not stipulated otherwise by this law.

Relationship with the High Judicial Council and the High Prosecutorial Council

Article 4

The High Judicial Council and the High Prosecutorial Council shall monitor the operation of the Academy and perform professional supervision.

The Academy shall provide an annual report to the High Judicial Council and the High Prosecutorial Council.

Academy stamp

Article 5

The Academy shall have its stamp.

The contents and the manner of use of the Academy stamp shall be regulated by the Academy Statute (hereinafter referred to as the Statute), in accordance with law governing the stamp of state authorities and other authorities.

II. ACTIVITY AND ORGANISATION OF THE ACADEMY

Activity of the Academy

Article 6

The Academy shall:

- 1) Organise and carry out the entrance exam for the prior training;
- 2) Organise and carry out the prior training;
- 3) Organise and carry out the final exam for the prior training;
- 4) Organise and carry out the continuous training of judges and holders of the public prosecutor's office (hereinafter referred to as: public prosecutors);
- 5) Organise and carry out training of lecturers and mentors;
- 6) Organise and carry out the entrance exam for the judicial and prosecutorial interns;
- 7) Organise and carry out professional training of judicial and prosecutorial assistants and interns;
- 8) Organise and carry out professional training of the judicial and prosecutorial staff;
- 9) Establish and maintain cooperation with domestic, foreign and international institutions, organisations and associations in relation to the affairs it performs;
- 10) Issue publications and perform other publishing activities;
- 11) Perform research and analytical affairs and cooperate with scientific institutions;
- 12) Collect systematically data of relevance for the operation of the Academy, especially for carrying out training and training results, and manage a documentary and information centre;
- 13) Collect and process the judicial and prosecutorial practice for the needs of carrying out training;
- 14) Perform other duties determined by the law and Academy Statute.

The Academy may implement programmes of professional training of lawyers, lawyer interns, bailiffs, public notaries, public notary assistants and public notary interns, based on a contract between the Academy and the Bar Association of Serbia, the Chamber of Bailiffs, or the Chamber of Public Notaries.

Academy bodies

Article 7

The bodies of the Academy shall be the Management Board, the Director and the Programme Council.

Management Board of the Academy

Article 8

The Management Board of the Academy (hereinafter referred to as: Management Board) shall be managing the Academy and consists of 11 members.

The members of the Management Board shall be: five members appointed from the ranks of judges by the High Judicial Council, among whom, two members appointed at the proposal of the Judges' Association; four members appointed from the ranks of public prosecutors by the High Prosecutorial Council, and among them, one appointed at the proposal of the Prosecutors Association; the Minister of Justice; one member appointed by the Government from the ranks of employees in the Academy.

Members of the High Judicial Council and the High Prosecutorial Council may not be the members of the Management Board.

The term of office of members of the Management Board, except for the Minister of Justice, shall be five years, without a possibility for re-election.

The members of the Management Board shall have the right to remuneration for their work in the amount of 20% of the basic salary of a judge of the Supreme Court.

President and Deputy of the Management Board

Article 9

Members of the Management Board shall elect the President and Deputy President of the Management Board from among the members of the Management Board, from the ranks of members – judges and public prosecutors.

The term of office of the President and Deputy President of the Management Board shall be five years, without a possibility for re-election for one more term.

The President and Deputy President of the Management Board may be dismissed from that function before the expiry of the term of office, based on a decision of the Management Board.

The President of the Management Board shall convene and preside over meetings of the Management Board.

The Deputy President of the Management Board shall replace the President of the Management Board in case of his/her absence.

Competences of the Management Board

Article 10

The Management Board shall:

- 1) Adopt the Statute and other acts of the Academy, in accordance with law and shall monitor their application;
- 2) Select and dismiss the Management Board President;
- 3) Select and dismiss the Academy Director, based on prior public call;
- 4) Appoint and dismiss members of the Programme Council of the Academy (hereinafter referred to as: Programme Council);
- 5) Adopt a programme for the entrance exam for the prior training upon approval of the High Judicial Council and the High Prosecutorial Council;
- 6) Adopt a rulebook on taking the entrance exam for the prior training upon approval of the High Judicial Council and the High Prosecutorial Council;
- 7) Adopt a rulebook on taking the final exam for the prior training upon approval of the High Judicial Council and the High Prosecutorial Council;
- 8) Adopt a programme for prior training, upon approval of the High Judicial Council and the High Prosecutorial Council;
- 9) Adopt a programme of compulsory continuous training for judges and public prosecutors elected to the office for the first time, upon approval of the High Judicial Council and the High Prosecutorial Council; **(NOTA BENE: In case that the Article 56 is to be deleted, this Point would also be deleted)**
- 10) Adopt a programme for voluntary continuous training, upon agreement of the High Judicial Council and the High Prosecutorial Council;
- 11) Adopt a programme for training of judicial assistants and interns, upon agreement of the High Judicial Council;
- 12) Adopt a programme for training of prosecutorial assistants and interns, upon agreement of the High Prosecutorial Council;
- 13) Adopt a programme for training of the judicial staff, upon agreement of the High Judicial Council;
- 14) Adopt a programme for training of the prosecutorial staff, upon agreement of the High Prosecutorial Council;
- 15) Adopt a programme for the entrance exam for judicial and prosecutorial interns;
- 16) Adopt a programme for training of mentors and lecturers;

- 17) Make decision on the amount of the remuneration for the lecturers' work;
- 18) Adopt an annual report on the operation of the Academy and annual account;
- 19) Propose members of the Commission for the entrance exam for prior training (hereinafter referred to as: Examination Commission);
- 20) Propose members of the Appeals Commission;
- 21) Propose members of the Commission for the final exam for prior training (hereinafter referred to as: Final Exam Commission);
- 22) Give consent for a decision on appointment of members of commissions of the Programme Council;
- 23) Adopt its Rules of Procedure;
- 24) Give consent for an internal arrangement act and job classification in the Academy;
- 25) Make decision on the use of assets of the Academy, in accordance with law;
- 26) Perform other tasks in accordance with law and the Statute.

Termination of the office of members of the Management Board

Article 11

The office of a member of the Management Board shall cease on the day:

- 1) The term of office he/she is elected for expires;
- 2) He/she submits resignation;
- 3) His/her judicial or public prosecutor's office is terminated;
- 4) His/her employment in the Academy is terminated;
- 5) A decision is adopted on his/her dismissal from office by the authority that designated him/her.

The body responsible for appointment shall appoint a new member within 30 days from the date of termination of office of a member of the Management Board.

Exceptionally from paragraphs 1 and 2 of this Article the Minister of Justice shall have his/her function of the member of the Management Board terminated only with the termination of the office of the Minister.

The method of work of the Management Board

Article 12

The President of the Management Board shall convene and preside over meetings of the Management Board. The Management Board shall have at least four meetings in a year.

The President of the Management Board shall convene a meeting at the proposal of at least one third of the members.

A meeting of the Management Board may also be convened based on an explained written request by the Director of the Academy or a member of the Management Board.

The Management Board shall hold the meetings if more than a half of the total number of members is present.

The method of decision-making of the Management Board

Article 13

The Management Board shall adopt its decisions by the majority of votes of the present members.

Decisions on the election and dismissal of the President and the Deputy President of the Management Board and the Director of the Academy, the Statute and the Rules of Procedure of the Management Board shall be adopted with three-thirds majority of votes of all the members of the Management Board.

The method of work and decision-making of the Management Board shall be regulated in more detail with the Rules of Procedure of the Management Board.

Director of the Academy

Article 14

The Director shall be an executive body of the Agency.

The Director of the Academy shall be elected for five years, with a possibility for re-election for one more term.

A person may be elected as Director of the Academy if he/she meets the following requirements, in addition to general ones; he/she shall:

- 1) have a university degree acquired at basic academic studies at the Faculty of Law within the scope of at least 240 ECTS credits or university degree acquired at the basic studies at the Faculty of Law in the duration of at least four years;
- 2) have at least seven years of working experience in the profession;
- 3) have organisational and managerial skills;
- 4) have active knowledge of one international language.

Competencies of the Director of the Academy

Article 15

The Director of the Academy shall:

- 1) Represent the Academy;
- 2) Execute decisions of the Management Board and the Programme Council;
- 3) Coordinate and organise the operation of the Academy;
- 4) Take part in the work of the Management Board and the Programme Council;
- 5) Submit an annual report on the work of the Management Board;
- 6) Adopt an act on internal arrangement and job classification in the Academy, upon the consent of the Management Board;
- 7) Manage the professional and technical service of the Academy;
- 8) Perform other tasks in accordance with law and the Statute and other acts.

Termination of function of the Director

Article 16

The Director of the Academy shall have his/her office terminated:

- 1) Upon the expiration of the term of office for which he/she was elected;
- 2) Upon personal request;
- 3) Upon the loss of the working capacity and fulfilment of the requirements for retirement;
- 4) Upon dismissal due to unprofessional and unconscientious work.

Programme Council

Article 17

The Programme Council is the professional body of the Academy.

The Programme Council consists of 17 members appointed by the Management Board.

Seven members of the Programme Council shall be appointed from the ranks of judges, of whom one member shall be a member of the High Judicial Council, upon a proposal of the High Judicial Council.

Five members of the Programme Council shall be appointed from the ranks of public prosecutors, of whom one member shall be a member of the High Prosecutorial Council, upon a proposal of the High Prosecutorial Council.

One member each of the Programme Council shall be from the ranks of the judicial, or prosecutorial assistants, and they shall be appointed upon a proposal of the High Judicial Council, or High Prosecutorial Council.

One member of the Programme Council shall be appointed from the ranks of the beneficiaries of prior training.

The State Secretary in the Ministry of Finance and the State Secretary in the Ministry of Justice, who are appointed upon a proposal of the Minister of Finance, or the Minister of Justice, respectively.

The term of office of members of the Programme Council shall be six years, except for the members from the ranks of the state secretaries.

Members of the Management Board may not be the members of the Programme Councils.

Members of the Programme Council shall have the right to remuneration for their work in the amount of 10% of the basic salary of a judge of the Appellate Court.

Competences of the Programme Council

Article 18

The Programme Council of the Academy shall:

- 1) Determine a draft programme for the entrance exam for the prior training;
- 2) Determine a draft programme of the final exam for the prior training;
- 3) Determine a draft programme of the prior training;
- 4) Determine a draft programme of compulsory continuous training for judges, or public prosecutors elected to the office for the first time (**NOTA BENE: In case that the Article 56 is to be deleted, this Point would also be deleted**)
- 5) Determine a draft annual programme of the voluntary continuous training of judges and public prosecutors;
- 6) Determine a draft programme of training of judicial and prosecutorial assistants and interns;
- 7) Determine a draft programme of training of the judicial and prosecutorial staff;
- 8) Determine a draft programme of training of mentors and lecturers and other specialised training programmes;
- 9) Determine a draft programme for the entrance exam for judicial and prosecutorial interns;
- 10) Appoint members of standing commissions of the Programme Council, upon consent of the Management Board;
- 11) Form short-term commissions and task groups, in line with the Statute;
- 12) Give consent for a decision on the selection of permanent lecturers who are not judges and public prosecutors;
- 13) Determine conditions for appointing and appoint mentors and short-term lecturers;
- 14) Determine a draft rulebook on taking the entrance exam for the prior training;
- 15) Determine a draft rulebook on taking the final exam for the prior training;
- 16) Adopt its Rules of Procedure;
- 17) Perform other tasks in line with this law and the Statute.

Standing commissions of the Programme Council

Article 19

The Programme Council shall have standing commissions for:

- 1) Prior training;
- 2) Continuous training;
- 3) Training of judicial and prosecutorial assistants and interns;
- 4) Training of the judicial and prosecutorial staff;
- 5) Training of mentors and lecturers.

The members of the standing commissions shall be appointed by the Programme Council, upon consent of the Management Board.

The number, composition and term of office of members of the standing commissions shall be governed by the Statute.

The members of the standing commissions shall have the right to remuneration for work in line with a decision of the Management Board.

Mentors and lecturers

Article 20

Mentors and lecturers are specifically trained persons from the ranks of judges, public prosecutors and other professions that implement the training programmes.

Mentors may be only judges and public prosecutors.

Lecturers may be permanent and short-term.

Permanent lecturers from the ranks of judges and public prosecutors are seconded for work in the Academy for a period of three years.

Permanent lecturers who are not judges and public prosecutors establish employment at the Academy.

Short-term lecturers are engaged as required, for implementation of the training programme.

The rights and obligations of mentors and short-term lecturers shall be regulated by a contract between them and the Academy.

Salaries and remuneration fees of mentors and lecturers

Article 21

Mentors in the programme of prior training and mentors in the programme of training of judicial, i.e. prosecutorial interns shall have the right to remuneration for mentorship work in the amount of 10% of their basic salary of a judge in a higher court.

Short-term lecturers shall have the right to remuneration for work and compensation for expenses concerning the preparation and carrying out training in line with the act of the Management Board.

Professional and technical service

Article 22

A professional and technical service shall be established for the performance of professional, administrative, and technical jobs in the Academy.

Job and task description for employees in the professional and technical services shall be governed by an act of an internal organisation and job systematisation.

Rights and obligations of employees in the Academy shall be governed by the provisions of the law and other regulations governing labour relations.

Salaries of employees in the Academy shall be determined in accordance with the law governing salaries of civil servants and officials.

Funds and conditions for work

Article 23

The funds for the work of the Academy shall be provided in the budget of the Republic of Serbia, , from income from publications and implementation of projects, donations and gifts and other sources in accordance with law.

The conditions for the operation of the Academy shall be provided by the Government.

III. PRIOR AND CONTINUOUS TRAINING

Concept and purpose of training

Article 24

Training is organised acquisition and advancement of practical and theoretical knowledge and skills with a purpose of independent, autonomous, professional and efficient performance of the judicial and prosecutorial office.

Types of training

Article 25

Training may be prior and continuous.

1. Prior training

Concept and purpose of prior training

Article 26

The initial training is organised acquisition of practical and theoretical knowledge and skills, with a purpose of understanding the role and the basic principles of action of the judge and public prosecutor, required for independent, professional and efficient performance of judicial and public prosecutorial office.

Beneficiaries of prior training

Article 27

The beneficiaries of prior training shall be persons admitted to the Academy for prior training after passing the entrance exam.

The High Judicial Council, or the High Prosecutorial Council shall determine the number of beneficiaries of the prior training at least once a year and shall notify the Academy thereof.

The High Judicial Council and the High Prosecutorial Council shall determine the number of beneficiaries of the prior training based on assessment of vacant judicial and prosecutorial positions.

Public call for entrance in prior training

Article 28

The Academy shall announce a public call for election of candidates for prior training.

The public call referred to in paragraph 1 of this Article shall be published in the "Official Gazette of the Republic of Serbia" and in another public information media that covers the whole territory of the Republic of Serbia.

The deadline for application by candidates shall be 15 days from the date of announcement of the public call in the "Official Gazette of the Republic of Serbia".

Requirements for entrance in prior training

Article 29

Requirements for entrance in prior training shall be:

- 1) Passed Bar Exam;
- 2) Meeting the general requirements for work in state authorities;
- 3) Passed entrance exam for the prior training.

a) Entrance exam for the prior training

Purpose of the entrance exam

Article 30

The purpose of the entrance exam shall be determining the level of professional knowledge required for attendance of the programme of prior training and capabilities for the performance of the judicial and prosecutorial offices.

Subject and programme of the entrance exam

Article 31

The subject of the entrance exam shall relate to determining the level of professional knowledge required for attendance of the programme of prior training, which includes applicable material and procedural law in the field of civil, criminal, economic, administrative and misdemeanour law, human rights, and knowledge of the general culture.

The programme of the entrance exam shall be regulated by an act, which shall be adopted by the Management Board upon agreement of the High Judicial Council and the High Prosecutorial Council and is published not later than within six months before the date of exam taking.

Time and manner of taking the entrance exam

Article 32

An entrance exam for the prior training shall be organised at least once a year.

The entrance exam consists of the written and oral part, and a personality test.

The manner of taking the entrance exam shall be regulated in more detail in the rulebook on taking the entrance exam for the prior training, adopted by the Management Board upon agreement of the High Judicial Council and the High Prosecutorial Council.

Examination Commission

Article 33

The entrance exam shall be taken before the Examination Commission.

The Examination Commission shall have five members, who are appointed for four years.

Three members of the Examination Commission shall be from the ranks of judges appointed by the High Judicial Council, upon a proposal of the Management Board, and two members from the ranks of public prosecutors, appointed by the High Prosecutorial Council, upon a proposal of the Management Board.

Members of the High Judicial Council, the High Prosecutorial Council, the Management Board and the Programme Council may not be the members of the Examination Commission.

The Examination Commission shall engage professionals for carrying out the personality test.

Evaluation

Article 34

The Examination Commission shall evaluate the entrance exam.

The written part of the exam shall be graded with points from 1 to 100.

The oral part of the exam shall be graded with points from 1 to 100.

Grades at the test of personality shall be “satisfies” and “does not satisfy.”

A candidate receiving less than 50 points in the written or oral part of the entrance exam, and a candidate receiving the grade “does not suffice” has not passed the exam.

The final grade at the entrance exam shall be a sum of scores from the written and oral parts of the entrance exam.

Appeal to a grade

Article 35

A candidate shall have the right to make inspection in his/her written part of the entrance exam within 24 hours from the announcement of results of the written part of the exam.

A candidate shall have the right to file an appeal to the grade for the written part of the entrance exam, within 24 hours from the expiry of the term referred to in paragraph 1 of this Article.

A candidate shall have the right to file an appeal to the grade for the oral part of the entrance exam, within 24 hours from the announcement of results for the oral part of the entrance exam.

The appeal referred to in paragraphs 2 and 3 of this Article shall be submitted to a special commission (hereinafter referred to as: Appeals Commission).

The Appeals Commission shall be obliged to decide on the appeal within three days from the day of receipt of the appeal.

The Appeals Commission may dismiss an appeal, reject the appeal or adopt the appeal in its decision and change the grade.

The decision of the Appeals Commission referred to in paragraph 5 of this Article shall be final.

Appeals Commission

Article 36

The Appeals Commission shall have five members, who are appointed for four years.

Three members of the Appeals Commission shall be from the ranks of judges appointed by the High Judicial Council, upon a proposal of the Management Board, and two members from the ranks of public prosecutors, appointed by the High Prosecutorial Council, upon a proposal of the Management Board.

Members of the High Judicial Council, the High Prosecutorial Council, the Management Board and the Programme Council may not be the members of the Appeals Commission.

Ranking list

Article 37

The Examination Commission shall determine a ranking list of candidates based on the final grade.

If the candidates have the same final grade, the precedence shall be given to the candidate with a better grade at the Bar exam, and if these grades are also the same, the precedence shall be given to the candidate who has more working experience after passing the Bar exam.

For the beneficiaries of the prior training, whose training is funded from the budget of the Republic of Serbia, candidates shall be admitted according to their order in the ranking list until the number of beneficiaries determined by the High Judicial Council and the High Prosecutorial Council is filled.

Candidates who are not covered by paragraph 3 of this Article, and have passed the entrance exam, may attend prior training as the beneficiaries of the prior trainings, with an obligation to bear the costs of the training on their own.

The amount of compensation of cost of the training referred to in paragraph 4 of this Article, shall be determined in line with an act of the Management Board.

Submitting a report

Article 38

After determining the ranking list, before its publishing, the Examination Commission shall submit to the High Judicial Council and the High Prosecutorial Council a report on the entrance exam, with the determined ranking list.

The High Judicial Council or the High Prosecutorial Council may reject the report on the entrance exam, at the first next regular session.

In the case referred to in paragraph 2 of this Article, the entrance exam shall be annulled.

b) Carrying out prior training

The programme and carrying out prior training

Article 39

The programme of prior training covers the application of material and procedural laws, judicial and prosecutorial practice, standards of judicial and prosecutorial ethics, European Union law, the practice of the European Court for Human Rights, international legal standards, internal organisation of the operation of the courts and the public prosecutor's office, scientific and professional works in the area of domestic and international law, and skills of the judicial and prosecutorial affairs.

A proposed programme of prior training shall be determined by the Programme Council and submitted to the Management Board.

The programme for prior training shall be adopted by the Management Board, upon approval of the High Judicial Council and the High Prosecutorial Council.

The practical part of the prior training shall be performed in the court, at the public prosecutor's office, and in other state authorities, law offices and other organisations.

The court, the public prosecutor's office, another state authority or law office where the beneficiary shall have prior training shall be determined by the Prior Training Commission, according to the place of residence or temporary residence of the beneficiary of prior training.

The theoretical part of training is carried out through elaborating certain thematic entities in the organisation of the Academy, and the practical part through work in judicial authorities under the supervision of a mentor and through work in institutions outside the judiciary.

Duration of prior training

Article 40

A beneficiary of prior training shall attend the programme of prior training depending on the duration of his/her work experience after passing the bar exam.

The prior training in the duration of 24 months is attended by beneficiaries with up to two years of working experience after passing the Bar exam.

The prior training in the duration of 12 months is attended by beneficiaries with at least two years of working experience after passing the Bar exam.

The prior training in the duration of six months is attended by beneficiaries with at least four years of working experience after passing the Bar exam.

The prior training in the duration of three months is attended by beneficiaries with at least six years of working experience after passing the Bar exam.

Grading prior training

Article 41

After the completion of each part of the prior training carried out in a court, or in the public prosecutor's office, the mentor for that part of the prior training gives a grade.

The grading of the prior training shall be made with a grade from 1 to 5.

The beneficiary of the prior training who is dissatisfied with their grade has the right to submit a complaint to the Prior Training Commission within 48 hours of receiving notification of the grade.

The Prior Training Commission shall make a decision on the complaint referred to in paragraph 3 of this Article, within eight days from the date of submission of the complaint.

The Prior Training Commission may dismiss, reject, or adopt the complaint and change the grade, and it may organise taking an oral exam for that part of the exam.

The Prior Training Commission's grade shall be final.

In case the beneficiary of prior training gets a final grade 1 for a part of the prior training, his capacity of the beneficiary of prior training shall cease.

Final Exam

Article 42

After the completion of the prior training, beneficiaries of the prior training shall take a final exam where only practical knowledge and capabilities acquired in the prior training for the performance of the job of a judge or a public prosecutor are assessed.

The programme and method of taking the final exam of the prior training shall be regulated in more detail by the rulebook on taking the final exam of the prior training adopted by the Management Board, upon agreement of the High Judicial Council or the High Prosecutorial Council.

Final Exam Commission

Article 43

The final exam for the prior training shall be taken before the Final Exam Commission.

The Final Exam Commission shall have five members, who are appointed for four years.

Three members of the Final Exam Commission shall come from the ranks of judges appointed by the High Judicial Council, upon a proposal of the Management Board, and two members from the ranks of public prosecutors, appointed by the High Prosecutorial Council, upon a proposal of the Management Board.

Members of the High Judicial Council, the High Prosecutorial Council, the Management Board and the Programme Council, and the Prior Training Commission may not be the members of the Final Exam Commission.

Evaluation of the final exam

Article 44

The evaluation of the final exam shall be expressed by a grade from 1 to 5.

The beneficiary of prior training obtaining the grade 1 in the final exam shall be considered not to have finished the prior training.

Appeal for a grade

Article 45

A beneficiary of the prior training who is not satisfied with the grade at the final exam shall have the right to an appeal for the grade to the Programme Council within three days from the date of receipt of notification of the grade.

The Programme Council shall decide on the appeal within eight days from the day of submission of the appeal.

The Programme Council may dismiss, reject or adopt the appeal and change the grade.

The Programme Council's decision is final.

Final grade

Article 46

At the end of the prior training, the beneficiary of prior training receives a final grade, which is a sum of the grades obtained for individual parts of the training and the final exam.

Certificate of completed prior training

Article 47

The Academy issues a certificate of completed prior training to the beneficiary containing a grade for each part of the training and a final grade.

The certificate referred to in paragraph 1 of this Article is issued on a form specified by an act of the Management Board.

b) Rights and obligations of beneficiaries of prior training

Rights of beneficiaries of prior training

Article 48

A beneficiary of prior training, whose training is funded from the budget of the Republic of Serbia, who attends training in the duration of 24 months, shall establish employment for a definite time with the Academy, for the duration of 30 months.

A beneficiary of prior training, whose training is funded from the budget of the Republic of Serbia, who attends training in the duration of 12, six or three months, shall establish employment with the Academy, for the duration of the training.

The beneficiary of prior training referred to in paragraph 2 of this Article who is employed with another employer shall have his/her employment suspended.

The beneficiary of prior training shall have a salary in the amount of 80% of the basic salary of a judge of the basic court during the employment for definite term in the Academy.

The beneficiary of prior training referred to in paragraph 2 of this Article shall have his/her employment suspended in the public authority and shall be entitled to a salary in the amount he/she had in the public authority, if it is more favourable for him/her.

Attending the prior training shall be considered working experience in the legal profession.

Postponing the prior training

Article 49

The Director of the Academy may issue a decision to postpone the attendance of the prior training not more than 12 months based on a request of a beneficiary of the prior training.

The beneficiary of prior training shall have the right to file an appeal to the Management Board, within eight days from the date of delivery of the decision referred to in paragraph 1 of this Article. The decision of the Management Board shall be final.

Exceptionally, the Director of the Academy shall issue decision on postponing attendance of prior training for a beneficiary who is on pregnancy or maternity leave. The decision on postponement shall be issued for a period specified in law governing this right.

Right to establish employment after the end of the prior training

Article 50

A person who has acquired a certificate of the completed prior training in the duration of 24 months, whose training has been funded from the budget of the Republic of Serbia, shall establish employment for definite term in the duration of not more than 2 years, at the jobs of a judicial or prosecutorial assistant, in a court or in the public prosecutor's office, or at professional jobs in the High Judicial Council or the High Prosecutorial Council.

A person who has acquired a certificate of the completed prior training in the duration of 12, 6 or 3 months, whose training has been funded from the budget of the Republic of Serbia, may establish employment for definite term in the duration of not more than two years, at the jobs of a judicial or prosecutorial assistant, in a court or in the public prosecutor's office, or at professional jobs in the High Judicial Council or the High Prosecutorial Council.

In the case referred to in paragraphs 1 and 2 of this Article, the employment for definite term shall be established with the High Judicial Council or the High Prosecutorial Council, according to the number of beneficiaries they have specified.

Obligations of beneficiaries of prior training

Article 51

A beneficiary of prior training shall be obliged to regularly attend the prior training and respect the rules specified with the general acts of the Academy.

For violation of the obligation referred to in paragraph 1 of this Article, the beneficiary of prior training may have his/her employment contract cancelled, or other measures may be imposed on him/her for failure to adhere to the working discipline, or for violation of working obligations in line with the provisions of the Law on Labour.

2. Continuous training

Concept and purpose

Article 52

Continuous training is the advancement of theoretical and practical knowledge and skills with the purpose of independent, autonomous, professional and efficient performance in the judicial and prosecutorial office.

Right and obligations of continuous professional training

Article 53

Judges and public prosecutors shall have the right and obligation for continuous professional training that is carried out through the programme of continuous training.

The Academy keeps records of judges and public prosecutors who have taken part in the programme of continuous training and submits that data to the High Judicial Council and the High Prosecutorial Council.

Types of Continuous Training

Article 54

The continuous training may be compulsory and voluntary.

The continuous training is compulsory when it is provided for by law or a decision of the High Judicial Council and the High Prosecutorial Council in case of change of the specialisation, essential changes in regulations, introduction of new techniques for work and for the purpose of removal of deficiencies in the work of a judge and a public prosecutor observed during evaluation of their work.

Continuous Training Programmes

Article 55

The continuous training programmes are as follows:

- 1) programme of compulsory continuous training for judges and public prosecutors elected for the first time; (**NOTA BENE: In case that the Article 56 is to be deleted, this Point would also be deleted**)
- 2) programme of compulsory continuous training;
- 3) special programme of compulsory continuous training;
- 4) annual programme of compulsory continuous training.

Programme of compulsory continuous training for judges and public prosecutors elected for the first time

Article 56

Continuous training shall be compulsory for a judge, or a public prosecutor who is elected to the office for the first time and has not completed the prior training previously.

A judge, or a public prosecutor shall attend the continuous training referred to in paragraph 1 of this Article at the Academy, in the duration of 30 days, and he/she shall be obliged to start the attendance within three months since the day of assuming the judicial, or prosecutorial office.

The continuous training programme referred to in paragraph 1 of this Article shall be adopted by the Management Board upon a proposal of the Programme Council, and approval of the High Judicial Council and the High Prosecutorial Council.

The Academy shall issue a certificate of attendance at the training referred to in paragraph 1 of this Article on a form stipulated by the Management Board.

- **NOTA BENE: Alternative solution would imply deletion of this Article**

Compulsory Continuous Training Programme

Article 57

A decision of the High Judicial Council, or the High Prosecutorial Council for individual categories of judges and public prosecutors may provide for compulsory continuous training.

The decision referred to in paragraph 1 of this Article shall specify the number of days and themes of the compulsory training for a calendar year.

The decision referred to in paragraph 1 of this Article shall be adopted by the end of June for the next year.

The Programme Council is obliged to draft a programme of compulsory continuous training, in accordance with the decision from paragraph 1 of this Article and provide it to the High Judicial Council and the High Prosecutorial Council.

Special Compulsory Continuous Training Programme

Article 58

Beneficiaries of a special programme of compulsory continuous training are judges and public prosecutors, specified by a decision of the High Judicial Council, or the High Prosecutorial Council, when it is required in order to remove deficiencies in the work of a judge or a public prosecutor, observed during evaluation of their work, in accordance with the Law on Judges and the Law on Public Prosecutor's Office.

The Programme Council is obliged to draft a special programme of compulsory continuous training, in accordance with the decision from paragraph 1 of this Article and provide it to the High Judicial Council and the High Prosecutorial Council.

Annual Voluntary Continuous Training Programme

Article 59

The Academy shall be obliged, once a year, not later than 1 December, to provide an annual voluntary training programme for the next calendar year to courts and public prosecutor's offices.

A draft annual voluntary continuous training programme shall be determined by the Programme Council.

The annual voluntary continuous training programme shall be adopted by the Management Board, upon agreement of the High Judicial Council and the High Prosecutorial Council.

The academy shall issue certificates to judges and public prosecutors, about participation in the voluntary continuous training programme.

IV. TRAINING OF MENTORS AND LECTURERS

Programme for training of mentors and lecturers

Article 60

Mentors and lecturers from the ranks of judges and public prosecutors shall attend a training programme adopted by the Management Board upon a proposal by the Programme Council.

The Academy shall issue mentors and lecturers a certificate of the completed training from paragraph 1 of this Article.

The certificate referred to in paragraph 2 of this Article is issued on a form specified by an act of the Management Board.

Mentors for carrying out training of judicial and prosecutorial assistants and interns

Article 61

Judicial and prosecutorial assistants and interns shall have mentors for carrying out the training, coming from the ranks of judges, or public prosecutors appointed by the Court President, or the Chief Public Prosecutor.

The mentors referred to in paragraph 1 of this Article shall be obliged to complete the training programme for mentors organised by the Academy.

V. TRAINING OF JUDICIAL AND PROSECUTORIAL ASSISTANTS AND INTERNS

Training of judicial and prosecutorial assistants

Article 62

Proposals for the programme for training of judicial and prosecutorial assistants shall be determined by the Programme Council in cooperation with court presidents and chief public prosecutors.

The programme for training judicial assistants, or the programme for training prosecutorial assistants shall be adopted by the Management Board, upon agreement of the High Judicial Council, or the High Prosecutorial Council.

The judicial and prosecutorial assistants shall be obliged to attend the training programme from paragraph 2 of this Article.

Entrance exam for interns

Article 63

Candidates for judicial or prosecutorial interns shall be obliged to take an entrance exam in order to be accepted in a court or a public prosecutor's office to undertake their intern service.

The entrance exam programme for interns shall be adopted by the Management Board upon proposal of the Programme Council.

Candidates for judicial or prosecutorial interns shall be admitted to work in a court, or public prosecutor's office, based on the total grade.

The total grade consists of the sum of the average grade from the studies and grade from the entrance exam, with 40% of the total grade being the grade from basic studies, and 60% from the entrance exam.

Employment as judicial or prosecutorial interns shall be established by candidates who have the highest total grade.

Training of judicial and prosecutorial interns

Article 64

Proposals for the programme for the training of judicial and prosecutorial interns shall be determined by the Programme Council in cooperation with court presidents and chief public prosecutors.

The programme for training judicial interns, or prosecutorial interns shall be adopted by the Management Board, upon agreement of the High Judicial Council, or the High Prosecutorial Council.

The judicial and prosecutorial interns shall be obliged to attend the training programme referred to in paragraph 2 of this Article.

The judicial and prosecutorial volunteers shall have the same rights and obligations concerning the training as the interns.

VI. TRAINING OF THE JUDICIAL AND PROSECUTORIAL STAFF

Concept and purpose

Article 65

Training of the judicial and prosecutorial staff is the organised acquisition of knowledge and skills with a purpose of professional and efficient performance of jobs in a court or the public prosecutor's office.

Beneficiaries and programme of training of the judicial and prosecutorial staff

Article 66

The beneficiaries of training referred to in Article 65 of this law shall be the judicial and prosecutorial staff performing administrative tasks.

Proposals for the programme of training of the judicial and prosecutorial staff shall be determined by the Programme Council.

The programme for training judicial and prosecutorial staff, shall be adopted by the Management Board, upon approval of the High Judicial Council, or the High Prosecutorial Council.

VII. TRANSITIONAL AND FINAL PROVISIONS

Continuation of the operation of the Judicial Academy

Article 67

The Judicial Academy established by the Law on Judicial Academy (“Official Gazette of the RS”, No. 104/09, 32/14 – CC, and 106/15), as of the date of entry into force of this law shall continue to work in line with this law.

The Judicial Academy Director elected in accordance with the Law on Judicial Academy (“Official Gazette of the RS”, No. 104/09, 32/14 – CC, and 106/15), as of the date of entry into force of this new law shall continue to perform his/her office until the expiry of the term of office for which he/she was elected.

Constitution of the Management Board of the Academy

Article 68

Members of the Management Board of the Academy shall be appointed within 30 days as of the date of entry into force of this law.

The constitutive meeting of the Management Board of the Academy shall be convened by the oldest member from the rank of the judges and public prosecutor, within 15 days as of the date of appointment of members of the Management Board.

Establishment of the Programme Council

Article 69

The Programme Council shall be formed within two months as of the date of constituting the Management Board.

Adoption of the Statute and by-laws

Article 70

The Statute shall be adopted within 30 days as of the date of constituting the Management Board of the Academy.

Other by-laws provided for in this law shall be adopted within 60 days from the date of constitution, i.e. establishment of the authorities and bodies competent for their adoption, or proposal.

The by-laws adopted in accordance with the Law on the Judicial Academy (“Official Gazette of the RS”, No. 104/09, 32/14 – CC and 106/15), shall apply until the adoption of acts referred to in paragraphs 1 and 2 of this Article, if they are not in contravention to this law.

Application or regulations to beneficiaries of the prior training

Article 71

Regulations that were applicable by the date of entry into force of this law shall apply to beneficiaries of the prior training who were admitted for prior training, started or completed the prior training before the entry into force of this law, in accordance with the Law on the Judicial Academy (“Official Gazette of the RS”, No. 104/09, 32/14 – 106/15).

Termination of validity of the law

Article 72

Entry into force of this law shall supersede the Law on the Judicial Academy (“Official Gazette of the RS”, No. 104/09, 32/14 – CC and 106/15).

Entry into force

Article 73

This law enters into force on 1 March 2025.