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Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**SERBIA**

**DRAFT AMENDMENTS TO THE LAW ON JUDGES AND**  
**THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE**  
**RELATING TO THE JUDICIAL ACADEMY**  
**(OPTION 1)**

- **The proposal which is aligned with the version of the Draft Law on Judicial Academy with which the Ministry of Justice agreed.**

## DRAFT LAW AMENDING THE LAW ON JUDGES

### Article 1

In the Law on Judges (“Official Gazette of the RS”, No. 10/23), in Article 51 paragraph 3, the words: “in the basic or misdemeanour court” shall be deleted, the word “initial” shall be replaced with the word “previous”, and the word “initial” shall be replaced with the word “previous”.

### Article 2

A candidate for judge elected at the judicial office in a basic or misdemeanour court for the first time, who was admitted to initial training, started the initial training or completed the initial training by the date of the entry into force of this law, in line with the Law on Judicial Academy (“Official Gazette of the RS”, No. 104/09, 32/14 – CC and 106/15), shall be subject to the provision of Article 51 paragraph 3 of the Law on Judges (“Official Gazette of the RS”, No. 10/23) after the entry into force of this law.

### Article 3

This law shall enter into force on 1 March 2025.

## OVERVIEW OF THE PROVISIONS OF THE LAW ON JUDGES BEING AMENDED

### Article 51

Expertise and competency of a candidate for judge elected at the judicial office for the first time shall be verified at an exam organised by the High Judicial Council.

The performance at the exam shall be expressed by a grade from 1 to 5.

A candidate for judge elected for the judicial office ~~in the basic or misdemeanour court~~ for the first time, who has completed ~~initial~~ PRIOR training at the Judicial Academy, shall not be obliged to take an exam organised by the High Judicial Council; the final grade at the ~~initial~~ PRIOR training at the Judicial Academy shall be taken for him/her as the measure of expertise and competency.

The High Judicial Council shall stipulate the programme and the method of taking the exam, which evaluates the expertise and competence of a candidate for judge.

**DRAFT LAW AMENDING THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE****Article 1**

In the Law on Public Prosecutor's Office ("Official Gazette of the RS", No. 10/23), Article 84, in paragraph 4 the words "elected for a public prosecutor in the basic public prosecutor's office" shall be amended with the words "elected for a public prosecutor for the first time", the word "initial" shall be replaced with the word "prior", and the word "initial" shall be replaced with the word "prior."

**Article 2**

A candidate for public prosecutor elected as the public prosecutor in a basic public prosecutor's office for the first time, who was admitted to initial training, started the initial training or completed the initial training by the date of the entry into force of this law, in line with the Law on Judicial Academy ("Official Gazette of the RS", No. 104/09, 32/14 – CC and 106/15), shall be subject to the provision of Article 84 paragraph 4 of the Law on Public Prosecutor's Office ("Official Gazette of the RS", No. 10/23) even after the entry into force of this law.

**Article 3**

This law shall enter into force on 1 March 2025.

**OVERVIEW OF THE PROVISIONS OF THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE BEING AMENDED****Article 84**

In the procedure of election of the holder of a public prosecutor's office, the expertise and competency of a candidate elected for the first time as the public prosecutor at the public prosecutor's office shall be individually assessed.

Expertise and competency of the candidate shall be assessed at an exam organised by the High Prosecutorial Council.

The performance at the exam shall be expressed by a grade from 1 to 5.

A candidate for a PUBLIC PROSECUTOR ELECTED FOR THE FIRST TIME, who has completed PRIOR training at the Judicial Academy, shall not be required to take the exam organised by the High Prosecutorial Council, and the final grade of PRIOR training at the Judicial Academy shall be taken as a measure of expertise and competency.

The High Prosecutorial Council shall stipulate the programme and the method of taking the exam, which evaluates the expertise and competence of the candidate.