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van State



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Answers to questionnaire: Serbia



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ACA Europe Questionnaire Better regulation

Answers to Questionnaire - Republic of Serbia

Part 1: Input mechanisms prior to the drafting of legislation

A) Input from the courts

1. The adoption of the Law in the Republic of Serbia is under jurisdiction of the National Assembly. The National Assembly forms permanent working bodies (boards) aimed at, among others, considering of the draft law and other acts/documents submitted to the National Assembly. The competent board of the National Assembly shall adopt an act regulating unique methodological rules for drafting laws and other acts passed by the National Assembly. In the Rules of the Procedure of the National Assembly there are contained rules of the procedure for the adoption of the law (who can propose the law and procedure). In order to prepare the draft law, the authorized proposers shall form Working groups, whose members are experts in various professions, to which the matter, which should be regulated, refers to.

After legislation has been drafted, before submitting to the National Assembly, there are planned public consultation on the draft legislation, aiming at discussion on the quality of certain legal solution, so that proposal may be subject to amendments prior submitting to the National Assembly.

a) When forming Working groups for draft legislation, judges are often member of these groups, who in performing their duties deal with the matter that should be regulated by law. Thus, Working group dealing with draft legislation, may be acquainted with the relevant case-law.

b) After starting the implementation of the law, Session of all judges in courts is authorized to decide on making an initiative to institute proceedings to review the constitutionality and legality of regulations and other general acts.

c) Courts may, if they notice in their practice deficiencies in the application of the law, to draw the attention to the authorized proponents to deficiencies of certain legal solutions.

d) For instance, courts may draw attention that it is necessary to amend the Law on Court Fees with, to determine tariff.

2. The answer to this question is contained in the answer to question No. 1.

3. Opening of public consultation on draft legislation provides possibility to each person to propose, until the completion of the public discussion, various solutions that are subject to the assessment of the proposers before that and could be accepted or not.

B) Input from advisory bodies

4. Most of the regulations, concerning the implementation of legislation by the Administrative Court, are submitted to the Administrative Court for giving the eventual remarks/observations.

e) Such input mechanisms would be desirable, but it must be strictly regulated by law.

f) The basis must be statutory for existing mechanisms.

Part 2: Input mechanisms after legislation has been drafted

A) Feedback from courts

9. The answer to this question is contained in the answer to question No. 1

a) The courts are consulted according to the matter of jurisdiction for which the new law is enacted.

b) Feedback from the courts shall go directly to the legislator/proposers of legislation.

c) The courts participate in the manner so the judges of some courts are members of working groups for amending the law, then they participate in public discussion regarding the adoption or the amendment of laws, then participate in professional meetings (conferences, seminars), whose subject/topic is the quality of certain legislation, they also participate in writing and publishing of professional papers on the topic of the quality of legislation.

d) Special attention is given to the quality of legal standard, and the harmonization of the Law with the Constitution, international regulations and terminology compliance.

e) If there is a problem in the practical implementation of law, it shall be notified to the proponent/legislator with a request for a submission.

f) The professional public can always give their comments during the public discussion.

g) If there is no legally regulated situation when deciding a court may point out to the proponent/legislator the necessity of subsequent regulation.

10. and 11. The answer to this question is contained in the answer to question No. 1

B) Feedback from advisory bodies.

e) Feedback mechanisms at this stage would be desirable.

f) Legal basis.

C) General

14. There are public consultations, but not via internet, then in form of professional panel discussion.