



**Seminar organized by the Supreme Court of Ireland and
ACA-Europe**

**How our courts decide: The decision-making processes
of Supreme Administrative Courts**

Dublin, 25 – 26 March 2019

Answers to questionnaire: Serbia



Seminar co-funded by the «Justice » program of the European Union

ACA Seminar
How our Courts Decide: the Decision-making Processes
of Supreme Administrative Courts
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Supreme Court of Ireland

Questionnaire

I. Introduction

1.1 The seminar will focus on the process followed by our national Supreme Administrative Courts in reaching their decisions. Each court will have its own formal rules, whether provided for in substantive law or in the internal rules or formal procedures of the court. Furthermore, each legal system will have its own culture and traditions which will inform the way in which the decision making process progresses.

1.2 The purpose of this questionnaire and the seminar which will follow is to provide a greater understanding of both the similarities and differences which exist between the decision making process in the respective Supreme Administrative Courts. It is hoped that this will provide useful information both for comparative purposes but also to give each Supreme Administrative Court a better understanding of the process which may have led to decisions of the courts of other EU member states.

1.3 The Dublin seminar on the 25th and the 26th March 2019 for which this preparatory questionnaire is being distributed is envisaged as a sister seminar to that which will be organised by our German colleagues in conjunction with the General Assembly of the 12th to the 14th May 2019 in Berlin. While there may be some small and unavoidable overlap between the issues raised it is intended that the Dublin Seminar will focus on the decision making process of the court whereas the Berlin Seminar will focus on access to the Supreme Court and its functions including, for example, the question of whether ‘filters’ are provided for in administrative procedural law.

1.4 Further, while this project is independent of the ACA-Europe transversal analysis project on ‘The Quality of Judgments’, there will be an inevitable link between certain elements of the questionnaire formulated for that project and aspects of this questionnaire.

1.5 Please note that when answering the questions in this questionnaire it is not (with the exception of the statistical questions regarding caseload under Part C) necessary to consider proceedings which lead to the making of provisional orders.

1.6 In addition, in the event that your institution undertakes legislative functions such as providing advice on proposed legislation as well as the function of adjudicating cases in the context of court litigation, it is not necessary to include information pertaining to the legislative functions when responding to the below questions.

II. Questions

A. Background questions in relation to your Supreme Administrative Court/Council of State

1. What is the formal title of your Supreme Administrative Court/Council of State ('institution')? Please provide the name of your institution in your national language and the English translation if possible.

Serbian: Vrhovni kasacioni sud

English: Supreme Court of Cassation

2. What country/jurisdiction does your institution serve?

Supreme Court of Cassation serves to the Republic of Serbia and its jurisdiction.

3. Where is your institution based (i.e. its seat)?

Court Seat of the Supreme Court of Cassation is in Belgrade. Administrative Court of Serbia has its Court Seat in Belgrade and three Court Units – in Novi Sad, Nis and Kragujevac.

4. Please provide a link to your institution's website (if available), including a link to the English or French version or pages of the website if available.

web site in Serbian (Cyrillic): <http://www.up.sud.rs/cirilica>;

web site in Serbian (Latin): <http://www.up.sud.rs/latinica>;

web site in English: <http://www.up.sud.rs/english> .

B. The Structure of your Supreme Administrative Court/Council of State

5. Please provide an outline of:

(a) The main functions of your institution (e.g. a first and last instance court, court of cassation or court of appeal);

Supreme Court of Cassation as the highest court in the Republic of Serbia and has Criminal department, Civil department, Department for protection of the right to a trial held within a reasonable period of time and Case Law Department. Within the

Civil department there is panel specialized in administrative matters which decides on declared extraordinary legal remedies against decisions of the Administrative Court ruled in the administrative disputes.

Administrative Court is one single instance court with special jurisdiction and its Court Seat in Belgrade and three Court Units – in Novi Sad, Nis and Kragujevac. Administrative disputes falls under jurisdiction of the Administrative Court, which provides also protection of electoral right, provides international legal assistance within its jurisdiction and performs other duties in accordance with a law. There is no appeal allowed against Administrative Court decisions. Administrative Court has territorial jurisdiction over the whole territory of the Republic of Serbia.

(b) The nature of your institution (e.g. a Supreme Administrative Court or a Supreme Court with jurisdiction in other areas of law); and

Answered in previous question.

(c) Its place within the overall court structure in your country/jurisdiction.

Answered in previous question.

C. Caseload

6. How many judges¹ serve on your institution?

Supreme Court of Cassation has one panel specialized in administrative matters which consists of two administrative judges and one judge of Civil department.

According to the Decision of the High Judicial Council on number of judges, Administrative Court has 50 judges and president, but due to fulfilment of conditions for retirement in 2018, in Administrative Court 36 judges and president.

¹ Please include figures concerning judges only and not the number of Advocates General (which will be dealt with under question 11) or judicial assistants/clerks/researchers (which will be dealt with under question 13).

7. How many cases² are brought to your institution per year on average?

In 2017 panel specialized in administrative matters of the Supreme Court of Cassation has received 675 cases. In 2018 panel specialized in administrative matters of the Supreme Court of Cassation has received 569 cases.

In 2017 Administrative Court has received 21.741, while in 2018 it has received 25.426 cases.

8. How many cases does your institution dispose of³ per year on average?

In 2017 panel specialized in administrative matters of the Supreme Court of Cassation has resolved 660 cases. In 2018 panel specialized in administrative matters of the Supreme Court of Cassation has resolved 593 cases.

In 2017 39 judges acted and 19.180 cases were resolved, while in 2018 36 acted and 18.666 cases were resolved.

D. Internal organisation of the Supreme Administrative Court

9. Does your institution have chambers/divisions?

Yes.

10. If yes, provide the following details:

a. How many chambers/divisions?

In Supreme Court of Cassation there is one panel specialized in administrative matters, while in Administrative Court there are 16 panels.

According to the Annual Calendar of Tasks for 2018, in the Court Seat there are 8 panels, in Court Unit in Kragujevac 2 panels, in Court Unit in Novi Sad 3 panels and in in Court Unit in Nis 3 panels. Also, by the Annual Calendar of Tasks judges are assigned to Preparatory Department and Case Law Department. Head of Department manages work of the department, which is managed by the President of the Department

² In this question 'cases' means the average number of incoming cases per year, whether litigious (in which the judge(s) decides a dispute) or non-litigious (where a case in which there is no dispute is brought before the Supreme Administrative Court) and in all categories of cases if your Supreme Administrative Court does not deal solely with administrative law cases (for example, civil and commercial law, criminal law etc). It refers to both cases decided in writing and by oral hearing. It includes applications submitted to a Supreme Administrative Court before any filtering process is undertaken if such a mechanism exists.

³ Please indicate the average number of cases that come to an end in your Supreme Administrative Court each year either through a judgment or any other decision that ends the procedure, whether it has been considered in writing or by oral hearing.

who is appointed by the Court president after given opinions of the judges of department.

b. How many judges serve in each chamber/division?

Panel specialized in administrative matters of the Supreme Court of Cassation has three judges.

In the Administrative Court panels decide in composition of three judges. Case Law Department has 6 judges, while Preparatory Department has 2 judges. When it comes to the decision which judge shall be assigned to the court unit or department outside Court Seat, Court President shall take into account circumstances which affect efficiency and expenses of the proceeding, sufficient number of judges for certain legal area, as well as number and type of cases which will be dealt.

All judges which are assigned to the Case Law Department and Preparatory Department are members of panels and they are deciding caseload within their panels.

c. The nature of particular areas of specialisation in your Supreme Administrative Court by chamber or otherwise (if any) (e.g. commercial division, environmental division etc.).

In Supreme Court of Cassation there is one panel specialized in administrative matters, so there is no possibility for specialization.

Due to lack of judges in the Court Seat as well as in the Court Units, it is not possible to have specialization neither judges nor chambers.

d. Do judges move between chambers/divisions? If yes, how is such movement determined?

Court President, by the Annual Calendar of Tasks, defines kind of judicial tasks for each judge in Court, department and Court Unit outside Court Seat.

Annual Calendar of Tasks for next year is determined after submitted opinions of the judges and is presented at the Session of all judges no later than 1st December of the of the current year.

e. Is it possible for a judge to be assigned to more than one Chamber at a time?

By the Annual Calendar of Tasks in the Supreme Court of Cassation, one judge of the Civil Department, who shall along with its work in Civil Department, fill in panel specialized in administrative matters.

Chairpersons of the all 16 panels in the Administrative Court shall act as members of the Special panel which decides on the plea on resolutions of the single judge in administrative dispute.

f. Are there different levels of chambers, for example, an ‘ordinary chamber’ and Constitutional Review Chamber?

In the Supreme Court of Cassation there is neither ‘ordinary chamber’ nor Constitutional Review Chamber.

In Administrative Court there is Special panel which decides on the plea on resolutions of the single judge in administrative dispute.

g. How many judges are usually assigned to consider and decide an average case?

In the Supreme Court of Cassation within the panel specialized in administrative matter, two judges are assigned to consider and decide cases.

According to current systematization, in Administrative Court all 47 judges are assigned to consider and decide cases.

h. Does the number of judges assigned to decide cases vary? If yes:

(i) Based on what rules or factors?

Number of judges who decide cases vary within the period from termination of the judicial function (due to retirement) until filling up the job vacancy. Because of these reasons, in the Administrative Court minor number of judges are acting, than the number prescribed in the Decision of the High Judicial Council on number of judges in courts.

(ii) Who decides how many judges are assigned to consider and decide a particular case?

Already answered under 10 e). Curt president determines the Annual Calendar of tasks for next year.

i. Is there a procedure for certain cases to be elevated to a grand chamber or plenary session? If yes, how is this decided and how many judges decide?

There is no grand chamber in the Supreme Court of Cassation and Administrative Court. According to the articles 31. and 32. of the Rulebook on the Organization and Operation of the Supreme Court of Cassation it is prescribed that, if panel during deliberation finds that law or other regulation which is implemented should be amended, panel drafts proposal which is submitted to the President of the Department to whom panel is assigned.

If panel finds that on controversial legal issue, which is subject of deliberation, should be determined legal understanding in order to ensure the uniform application of regulations, it shall inform the President of the Department to whom panel is assigned.

Until the decision is dispatched from the court, the matter can be re-decided, but only within the panel of the same composition. Article 35 of the Rulebook on the Organization and Operation of the Supreme Court of Cassation prescribes that work of the departments is conducted within sessions, and that Session of the Court's Department: discusses legal issues; determines legal views on controversial legal issues; considers ways to improve the work and expertise of judges and judicial assistants; proposes to the Session of All the Judges initiatives to regulate certain issues and to amend and supplement the existing regulations; provides initiatives to the Session of all the Judges for the creation of proposals for assessing the constitutionality and legality of laws and other general enactments and considers other issues decided by the Session of all the Judges; reviews the work of the departments; provides an opinion on the work of the advisors to the Court for the purpose of performance evaluation; considers issues important for the operation of the courts; determines the sentences to be published in the Court Practice Bulletin; considers other matters within the purview of the department. Regarding the controversial legal issue, panel drafts paper which is discussed on the Session of the Court's Department.

In Administrative Court, according to the Article 196. of the Court Rules of Procedure, if, during deliberations, the panel finds that a law or other applicable regulation should be modified, it shall draft a proposal and submit it to the president of the department to which this panel belongs. If the panel finds that a legal opinion should be established on the legal issue it is resolving so that uniform application of regulations can be ensured, it shall inform the department president about this and suspend the work on the case until the matter has been discussed at a department session or session of all judges.

Articles 199. and 200. of the Court Rules of Procedure, when the case law department has no objections, the written decision shall be transferred to the court clerk's office for the purpose of making transcriptions and dispatching. If the case law department assesses that the decision has departed from the case law of the court, the presiding judge shall present the matter again at a panel session. If the panel does not change its decision, the case shall be sent to the department president in order to be presented at the department session. If the department session, by the majority of votes of the department judges, decides that the decision did depart from the case law of the court, it shall return the case to the panel for review. If, during a second vote, the panel does not act in accordance with department's legal opinion the disputed issue shall be presented to the session of all judges.

If the panel remains its decision, even if the Session of all judges no matter if the panel remains in its decision, despite the fact that the Session of all judges has declared by majority vote that the legal attitude expressed in the judgment is not in accordance with the applicable legal attitude of the court, there is no possibility for such a judgment to be stopped and amended, but delivered to the parties.

j. Are judges assigned certain additional roles (e.g., rapporteur, case manager, other specific responsibilities etc.) relating to a particular case?

Yes.

If yes, specify the additional roles and explain how these roles are assigned.

The judge, who was assigned to the case, is the judge rapporteur. According to the Article 24 of the Law on judges cases are allocated to a judge according to a schedule that is independent of personality of parties and circumstances of the legal matter. Cases are entrusted to a judge on the basis of the Annual schedule of tasks, pursuant to the Court Rules of Procedure, according to the order determined in advance for each calendar year, exclusively on the basis of the designation and the number of the case file. No one has the right to establish panels of judges and allocate cases by bypassing the work schedule and the order of receiving the cases.

k. How significant is the role of the Chief Judge or President of the court in determining:

(i) The assignment of cases to chambers or panels of judges;

The judge receives the cases and becomes a rapporteur by means of an annual schedule of tasks in a particular panel, and receives the cases in the manner determined by the Court Rules of Procedure and thus becomes the judge rapporteur. According to the Article 24 of the Law on judges cases are allocated to a judge according to a schedule that is independent of personality of parties and circumstances of the legal matter. Cases are entrusted to a judge on the basis of the Annual schedule of tasks, pursuant to the Court Rules of Procedure, according to the order determined in advance for each calendar year, exclusively on the basis of the designation and the number of the case file. No one has the right to establish panels of judges and allocate cases by bypassing the work schedule and the order of receiving the cases

According to the Article 25 of the same Law, derogation from the order of the receiving of cases is possible only due to a justified preclusion of a judge, pursuant to the Court Rules of Procedure. In accordance with the Court Rules of Procedure, a case may be taken from a judge if due to his/her prolonged absence it is required to act in the case that is urgent in accordance with the law or in accordance with its substance; or if efficient court operation is endangered or if he/she was issued a final disciplinary sanction due to a disciplinary offence for unjustified procrastination, and other situations provided by the law. Another judge shall be assigned with the taken cases referred to in paragraph 2 herein in accordance with the Court Rules of Proceedings.

(ii) The number of judges assigned to consider and decide a particular case;

Judge rapporteur is in charge of a case and he/she prepares it, refers it and acts upon it, while decision on the case is delivered by panel.

(iii) The assignment of certain additional roles to judges (see (f) above);

Already answered.

(iv) Any other matters you consider relevant in this context. For example, are there any other special panels, General Assemblies or bodies of judges to which cases are assigned.

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11. Does the position of Advocate General exist in your legal system? If yes, please indicate:
- (i) The number of Advocates General or equivalent members of your institution;
 - (ii) The function of the Advocate General in the context of your institution; and
 - (ii) The extent to which the Advocate General participates in proceedings before your institution.

No.

E. Research and Administrative Assistance

12. What level of research and/or administrative assistance is available to your institution?

When it comes to the research assistance, such type of support does not exist in the Administrative Court. The Case Law Department (6 judges and 7 judicial assistants) monitors and examines the case law of the Administrative Court as well as courts, international judicial authorities and international institutions that monitor the protection of human and minority rights and notifies judges and judicial assistants on the legal attitudes of the courts. In terms of administrative support, it is provided through the work of Court Administration of the Court.

13. How many officials provide legal research support to your institution?

Seven judicial assistants are assigned to the Case Law Department.

14. Do officials which provide legal research assistance to your institution also provide administrative assistance?

No.

15. Are research and administrative supports pooled (i.e. shared between judges) or assigned individually to judges or is there both a pool and some researchers assigned to individual judges? Please explain.

Research and administrative support to all judges of the Administrative Court, in one part, is provided by a judicial assistant who carries out the affairs of the Secretary of the Case Law Department.

16. If research and administrative support is assigned individually to judges, is there also a research and documentation or equivalent department which provides additional pooled research support?

No.

17. To what extent, if at all, do assistants/*référendaires* provide support to judges in your institution as regards specifically:

According to the Rulebook on Internal Organization and Job Classification of the Administrative Court, judicial assistant is conducting most complicated jobs for judge, panel or department, performs a preliminary assessment of the acts initiating proceedings before the Court; takes care of completing the case and removes any deficiencies, helps the judge in the work, examines legal issues related to the work of judges in individual cases; independently drafts the most complex court decisions and prepares legal attitudes for publication; review the decisions of the trial chambers and supervise the implementation of the adopted legal attitudes; attend the meetings of the council and, according to the order of the president of the council, keep the minutes and record of the work of the council, arranges, announces and organizes the delivery of certain letters upon the order of the president of the council, retracts reports in case of suspicion of legality or the regularity of legal attitudes expressed in a court decision, drafts a sentence, records the movement of cases through an electronic database in the court, performs other duties by the order of the Court President or a judge.

F. Oral hearings

18. Is there an oral hearing in all cases?

Panel specialized in administrative matters of the Supreme Court of Cassation decides without holding an oral hearing in cases where is filed extraordinary legal remedy on decisions of the Administrative Court rendered in the administrative dispute.

Administrative Court as a rule is holding a hearing while deciding in all cases, but there are exceptions when Court may decide without oral hearing. The Court shall decide without holding an oral hearing only if the subject of the dispute is such that it clearly does not require direct hearing of the parties and separate establishment of the facts, or if the parties expressly agree to this. The Court is obliged to state in particular

the reasons why it did not hold an oral hearing. However, according to the Law on administrative disputes, Article 34, the hearing is also mandatory if two or more parties with opposing interests are participating in the administrative proceeding, as well as when the Court is establishing the state of the facts for the purpose of adjudicating in full jurisdiction. In these cases oral hearing shall be held and there is no possibility of resolving the case without holding an oral hearing.

19. If there is not an oral hearing in all cases:

(a) What percentage of cases typically involves an oral hearing?

In 2018, there were scheduled oral hearings in total of 1276 cases, of which in 1089 cases were held. In 141 cases were postponed and cancelled in 46 cases.

(b) On what basis (formal rules or informal determinations) is it determined which cases will have an oral hearing?

Already answered under 18.

(c) Can parties to a case request an oral hearing? If yes, what is the significance or consequence of such a request?

The Court shall decide without holding an oral hearing only if the subject of the dispute is such that it clearly does not require direct hearing of the parties and separate establishment of the facts, or if the parties expressly agree to this.

20. Does deliberation take place between the judges before the oral hearing? If so, is this the practice in all cases or in some cases?

In Administrative Court deliberation is taking place after holding an oral hearing.

21. Are time limits imposed on parties making oral submissions before your institution?

There is no time limit for oral submission of the parties.

22. Are parties permitted to address the Court for an uninterrupted period of time? If so, for how long?

It is possible that parties until holding an oral hearing address. If an oral hearing is not held, then they may address until the decision of the Court is reached.

23. Is discussion in the oral hearing confined to matters set out in the statements or written submissions of the parties or may it involve broader legal discussion between the lawyers/a party and the Court?

According to the Article 39 of the Law on Administrative disputes at the hearing, the judge rapporteur of the panel shall be the first to be given the right to speak. The judge rapporteur shall present the situation and the substance of the dispute, without providing an opinion. The President of the judicial panel shall then let the petitioner present his arguments, followed by the representative of the respondent and the interested parties, taking care that their statements relate only to the controversial issues and circumstances of relevance for the resolution of the matter. At the hearing, the Court shall decide which evidence will be presented for the purpose of establishing the state of the facts.

24. Are parties permitted to file further written submissions following an oral hearing?

No.

25. Is it possible for a judge to be excluded from proceedings based on a legal opinion expressed during an oral hearing giving rise to the perception of bias?

When it comes to the rules for exclusion of the judge from the proceeding, the provisions of the Law on Civil Procedure are implemented. According to the Article 66 of the Law on Civil Procedure a judge shall refrain from adjudicating if there are reasons for doubt about his or her impartiality.

G. Written submissions of parties

26. What is the usual length and level of detail of written submissions of parties provided to your institution? Please indicate the approximate number of pages (1.5 line spacing) of a 'typical' written submission

We do not have a statistical indicator for identifying such issue, therefore, we cannot provide an answer.

27. Is there a maximum length for written submissions filed by parties in a case? If yes, please provide details.

There is no determined maximum length for initial acts. There are those ones which are written in one page and those written in dozens of pages.

H. Consideration of the case

28. Can your institution raise points of law of its own motion (i.e. ex officio) or is it limited to the points raised by the parties to the case?

Supreme Court of Cassation, upon a request for review of a court decision, by reviewing the decision of the Administrative Court only within the limits of the request.

Administrative Court examines legality of the administrative act within the points raised by the reasons of lawsuit.

29. How is discussion, deliberation and decision-making structured in your institution?

According to the Article 194 of the Court Rules of Procedure judge rapporteurs shall prepare written reports in more complex cases. They shall make draft decisions at the request of panel members and present them before sessions for the purpose of preparation and in other cases at the request of the presiding judge. The panel may designate another member of the panel to participate in the preparation of the report together with the judge rapporteur. According to the Article 198 of the Court Rules of Procedure written court decisions shall be transferred to the court clerk's office department together with the case file and analysis sheet. The dispatch DO shall be placed on the original court decision. Also, according to the Article 201 of the Court Rules of Procedure records shall be kept of all panel sessions in a separate book of panel sessions and the following data shall be entered: date of the session, composition of the panel, case with the register reference number and parties' names, discussed legal remedy and summary of the decision. The panel shall keep a book on the movement of files, noting the receipt of the file by the panel, presentation to the judge rapporteur, case law department, etc.

30. Does your institution deliberate in a number of different languages? If so, please provide some detail. For example, does your institution have more than one official language?

No. Constitution of the Republic of Serbia determines Serbian language as the official language.

31. Are there rules, processes, or conventions about how discussions and votes take place?

If yes, specify the relevant rules etc.

Rules are determined under the Law on administrative disputes, Law on Civil Procedure, Rulebook on the Organization and Operation of the Supreme Court of Cassation and Court Rules of Procedure.

32. How are preferences for particular outcomes communicated between the judges?

According to the Articles 29. and 30. of the Rulebook on the Organization and Operation of the Supreme Court of Cassation, the session of a department is convened by the Head of the Department and the case is presented by the judge rapporteur. Panel judges, in composition which is determined by the implementation of the process law, deliberate and render decision. Chairperson of the panel may determine that the judge rapporteur, in more complex cases, prepare a written analysis of the disputed legal issues and submit it to the members of the panel in preparation for the session. In case of need, every member of panel may ask case for an inquiry before deliberation and voting. While decision-making, panel examines whether adopted legal understanding should be recorded in the Case Law Department.

Panel may render a decision unanimously or by majority vote. A separate record shall be kept on deliberation and voting, signed by all members of the panel and by the record-keeper. Deliberation and voting is done without the presence of parties. If the decision is not made unanimously, the judge who announces the vote must attach to the minutes of the deliberation and voting separate opinion which is placed in the record sheet.

33. Where there is an oral hearing, to what extent does the oral hearing (as opposed to written submissions) influence the court's discussion, deliberation and decision-making?

During deliberation and voting, judicial panel must take into account statements of the parties and representatives given written or orally at hearing.

34. Are there any other procedural rules or conventions that you believe impact significantly on the way in which cases are considered?

Already answered.

I. The decision of the institution

35. Is the decision delivered on behalf of the institution or is it open to each individual judge assigned to the particular case to deliver a separate judgment?

Judgments are delivered on behalf of the people by the court with an indication of the composition of the judicial panel. In administrative disputes the Supreme Court of Cassation delivers judgements only in one panel consisted of three judges.

In the Administrative Court, beside judicial panel, a single judge may also deliver decision when it is prescribed by law (certain number of the decisions is made in the preparatory procedure).

36. If the decision is delivered on behalf of the institution, does one judge write for the institution? If not, please explain how the judgment of the court is written for your institution. Are there formal rules or informal practice governing this?

Judgement is delivered by judicial panel. Judgement is prepared and drafted by judge rapporteur who submits it to the president of the judicial panel and judicial assistant who acts as record keeper during the deliberation and voting to sign it. When it comes to the Administrative Court, judgement is delivered no later than 15 days from concluding the hearing.

37. How is the court's ruling/reasoning recorded?

According to the Article 47 of the Law on Administrative Disputes the judgment shall contain the information about the Court; the name and surname of the President of the judicial panel, members of the judicial panel and the record keeper; the information about the parties and their representatives; the subject matter of the dispute; the day when the judgment was issued and announced; the operative part of the judgment; the reasoning; and the instruction on the legal remedy. The operative part of the judgment must be separate from the reasoning. The original of the judgment shall be signed by the President of the judicial panel and the record keeper. The judgment shall be submitted to the parties in the form of a certified copy.

38. Is there a distinction in your Supreme institution between the Judgment (i.e. reasons) and the Order (i.e. the operative ruling of the court)?

Already answered in previous question.

39. Are there any other distinctions of this nature in the decisions delivered by your institution?

Supreme Court of Cassation and Administrative Court may decide by judgement and resolution.

J. Timeframes for the decision-making process

40. How long, on average, between consideration of a case by your institution and the making of a decision? Please indicate the approximate length of time between the introduction of the case into the system of the Supreme Administrative Court (rather than the time when the case first comes before a judge for consideration) and the final resolution of the case through, for example, the pronouncement of the final decision.

In Administrative Court average time for resolving the case (time between the introduction of the case into the system until the expedition of judgement) is 556,90 days.

41. Is there a specific mandatory timeframe for deciding all cases? If yes, please provide details.

There is an obligation to deliver judgement within reasonable time in administrative disputes which lasts, for this type of dispute, two years.

42. Are there specific mandatory timeframes for particular categories of cases? If yes, please provide details of the categories of cases and the relevant timeframes.

There are “particularly urgent” cases (when law is prescribing the time limit within which case should be resolved, for example protection of electoral right within 48 hours, competition and anti-trust cases within 90 days and other), and “urgent” cases (which are designated by law as urgent or by its nature).

43. If there are no mandatory timeframes for deciding cases, is there a certain amount of time that it is considered appropriate for the decision-making process to take? If yes, please provide details.

Already answered.

44. If there are mandatory timeframes applicable to the decision-making process in your institution, is it ever difficult for the court to abide by these timeframes? If yes, what are the main reasons for this?

In Supreme Court of Cassation timeframes for decision-making are abided due to fact that the caseload is not too big.

When it comes to the timeframes for decision-making in the Administrative Court, due to annual large case overload and insufficient number of judges, it's hard to abide time limits.

45. If there are no mandatory timeframes for deciding cases, but by convention or practice, there is a certain amount of time that is considered appropriate for the decision-making process to take, is it ever difficult for the court to abide by this timeframe? If yes, what are the main reasons for this?

Already answered.

K. Developments over time

46. Have the processes you have outlined in the preceding answers been subject to any significant changes in the last five years?

No.

47. If yes, have these changes had an effect on the way cases are considered and decided?

No.

48. Do these changes constitute an improvement in your view? If yes, please provide details.

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I. Further comments or observations

49. Is there anything about your institution and/or its particular decision-making processes that you believe is not captured in the questions above, or any contextual information that you believe would aid our understanding of the decision-making processes in your court?

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Thank you for completing this questionnaire.