

NEWSLETTER 5

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LAW ON MISDEMEANORS („Off. Gazette of RS“ 65/2013)



The National Assembly of the Republic of Serbia has adopted the Law on Misdemeanors ("Off. Gazette of RS" No. 65/2013 hereinafter referred to as "the Law") which came into force on 02.08.2014., and commenced implementation on March 1 2014.

The Law prescribes new rules on burden of proof, whereas the burden of proof is not assigned to the parties – the petitioner of the motion to institute the misdemeanor proceedings – who bears the burden of proof in regard to the essential elements of a misdemeanor and misdemeanor liability. The parties are obliged to procure the evidence that they proposed to be presented, and

exceptionally the court ex officio if the accused is not able to obtain evidence himself/herself or that is justified due to the appropriateness and efficiency.. The court may also present additional evidence if it finds the evidence vague and contradictory or it finds it necessary for the thorough and full examination of the case.

Further, there is a possibility of issuing a misdemeanor order for misdemeanors which are fined in fixed amounts, as prescribed by the law or any other regulation. An offender will not be obliged to pay the remaining unpaid portion of the imposed fine if he/she pays the

half of the amount of the imposed fine within eight days from the day of issuance of the misdemeanor order. An offender may file the motion for court deliberation upon the misdemeanor order before the competent court by signing one copy of the misdemeanor order in the corresponding place and submit it before the court, in person or by mail, within eight days from the day of issuance of the misdemeanor order. If the misdemeanor order was served in accordance with the provisions herein, and the offender does not pay a half of the fine imposed by the misdemeanor order nor file a motion for court deliberation within eight days following the day of issuance of the misdemeanor order, it will thereby be deemed that he/she assumed liability by failing to do so, and the misdemeanor order shall become final and enforceable.

Unlike previous solutions, motoring disqualification shall hereon refer to the motor vehicle of specific type or category.

The court may, permit payment of a fine in installments in the course of six months, whereas in accordance with the previous solution, the court could permit payment of a fine in installments in the course of three months.

The Law regulates the consolidated Register of fines and the Register of unpaid fines and other monetary obligations. Until all registered fines and court fees are paid, the person registered will not be able to obtain licenses or certificates issued by the administrative authorities, except ones referring to personal status, to restitution of revoked personal and other documents, and registration that is change in registration of a legal entity or entrepreneurship activities implying change of the tax identification number.