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no. 52/26

Dear Members of the Venice Commission,
Dear Secretariat,

On behalf of Union of Judicial Power, we would like to respectfully inform you of our serious concerns regarding the manner in which the executive and legislative authorities of the Republic of Serbia have begun implementing the recommendations contained in Opinion No. CDL-PI(2026)007 of 24 April 2026.

From the very outset, the process has been marked by a lack of transparency, inclusiveness and democratic standards. The Working Group established for the preparation of amendments to the set of judicial laws, commonly referred to as the "Mrdić laws", was formed without the participation of a significant part of the civil society actors with whom the rapporteurs of the Venice Commission had the opportunity to speak during their visit and consultations on these laws.

This exclusion is particularly concerning because the implementation of the Venice Commission's recommendations should have represented an opportunity to restore public confidence, not to further narrow the circle of participants in the process.

An additional and highly troubling development concerns the conduct of the High Prosecutorial Council. In relation to the **seventh recommendation** concerning the reinstatement of public prosecutors to their positions in the Special Department for Organised Crime, the Council acted only partially. What is most concerning is that Mr Nenad Vujić, Minister of Justice and ex officio member of the High Prosecutorial Council, advocated and voted for only partial implementation of this recommendation.

At present, only two out of four prosecutors have been returned, and even they have been temporarily assigned rather than permanently reinstated. One of the prosecutors who has not been reassigned is connected with the case concerning the collapse of the railway station canopy in Novi Sad, in which representatives of the executive authorities are among the accused. This event resulted in the death of 16 persons and triggered mass protests which continue to this day, more than a year and a half after the tragedy.

We are also deeply concerned by the manner in which the "public hearings" for implementing the recommendations were organised. Interested professional associations received the Draft Amendments to the "Mrdić laws" only two hours before the public hearings were held. The hearings themselves were structured in such a way that they did not allow for genuine debate, but only for short presentations limited to five minutes.

In our view, such a format cannot be considered a proper public debate, particularly where public debate is mandatory under Serbian law when the Republic of Serbia acts as the proposer of legislation. This raises serious concerns as to compliance with the Law on State Administration and with the standards of meaningful public participation in the legislative process.

This letter will address the substance of the Draft Amendments only briefly. We sincerely hope that, in a renewed procedure for proposing this set of judicial laws, we will have the opportunity to present our views in greater detail at a new meeting with the rapporteurs, especially given that the Union of Judicial Power did not participate in any genuine dialogue with representatives of the Government of the Republic of Serbia.

With regard to the **first recommendation** of the Venice Commission, the recommendation was to restore a non-hierarchical system of decision-making on objections to mandatory instructions, as well as on

decisions concerning devolution and substitution. However, the Serbian authorities appear to comply with this recommendation only formally. The Draft restores the institute of a commission whose members would be elected by the High Prosecutorial Council, but it preserves hierarchical features through the very criteria for the selection of commission members, where hierarchy remains the essential criterion.

Regarding the **third recommendation** concerning agreements on international legal assistance, the proposed solution appears to be even more problematic than the initial "Mrdić laws". The new Draft allows only the conclusion of protocols, not agreements, and introduces not merely a notification requirement, as suggested by the Venice Commission, but prior notification combined with an additional requirement for the Ministry of Justice to issue an opinion. The Venice Commission's recommendation, as we understand it, was that the Ministry of Justice should only be informed of the conclusion of agreements and under clearly defined and limited conditions.

With regard to the **fourth recommendation**, we must underline that the Draft Amendments contain an unacceptable removal of the qualified majority requirement for decisions on the temporary appointment of the Supreme Public Prosecutor and chief public prosecutors. The very nature of a qualified majority is to ensure broader legitimacy and institutional balance in relation to the most important questions. The temporary appointment of the Supreme Public Prosecutor undoubtedly belongs to that category.

Regarding the **fifth recommendation**, the Government of the Republic of Serbia has again chosen not to fully follow the recommendation of the Venice Commission, since the Draft leaves open the possibility of re-election under certain circumstances.

As to the **sixth recommendation**, the Government has likewise failed to accept the Venice Commission's position, since the Draft does not limit temporary assignments to prosecutorial positions of the same level.

The situation appears perhaps most concerning in relation to the **eighth recommendation**, which concerns the Special Department for High-Tech Crime. The Draft Amendments do not ensure a higher degree of structural and operational autonomy for this department. On the contrary, through the proposed system for appointing the head of the department, the Draft continues to leave decisive control in the hands of the Higher Public Prosecutor's Office in Belgrade.

Finally, regarding the **ninth recommendation**, concerning the fixed term of office of court presidents, the Venice Commission left room for a repeated mandate only in limited and exceptional circumstances. However, the Government of the Republic of Serbia appears to be attempting to circumvent this recommendation. Instead of defining limited and exceptional circumstances, the Draft introduces an evaluation criterion which, in practice, is almost uniform across the judicial system. To our knowledge, there has been no case in which a court president was not evaluated as "performing the judicial function exceptionally". Concerns also arise in relation to the second proposed condition, namely the requirement that a majority of half of the judges of a court support a new candidacy for court president. Since the criterion is supposed to reflect exceptional circumstances, it is unclear why such majority is not qualified, for example two thirds of all judges of the court. In the view of the Judicial Power Trade Union, an exceptional circumstance could exist, for example, where there are no other candidates, which would be suitable for smaller courts located in remote parts of the Republic of Serbia. Such a solution would be concrete, limited and genuinely exceptional, unlike the broad and easily applicable model currently proposed.

For all the above reasons, we respectfully invite the Venice Commission to closely monitor the implementation of its Opinion No. CDL-PI (2026)007 of 24 April 2026. We also respectfully express our hope that the Venice Commission will remain engaged in this process and insist not only on formal amendments, but on genuine compliance with the purpose and spirit of its recommendations.

Please accept the assurances of our highest consideration.
Respectfully, date 08.05.2026.

President of Union of Judicial Power
Nemanja Đurić