



Analysis

Court Fee Waiver System in the Republic of Serbia

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Multi-Donor Trust Fund for Justice Sector Support in Serbia, World Bank



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¹ All terms used in the text in the male grammatical gender include the male and female individuals to which they relate.

Multi-donor Trust Fund – Justice Sector Support (MDTF-JSS) in Serbia

ANALYSIS OF THE COURT FEE WAIVER SYSTEM IN THE REPUBLIC OF SERBIA

With the aim of accelerating the justice sector reforms in Serbia, the Multi Donor Fund for Justice Sector Support (MDTF-JSS) was established with support of the key development international partners and is jointly managed by the World Bank and the Ministry of Justice of the Republic of Serbia. The main areas of focus of the MDTF-JSS relate to various aspects of the reform of the judiciary in the process of Serbia's EU accession, strengthening institutional capacity and resource management in judicial institutions and ensuring the coordination and efficiency of donor support.

One component of MDTF-JSS is to support the Ministry of Justice and judicial institutions in the planning, implementation and evaluation of reforms in the justice sector, which includes technical support and implementation of analyses and evaluation, as well as provision of recommendations and proposals - in order to adopt guidelines for the reform in the individual areas, development of strategic plans to improve assistance and coordination, as well as effectiveness and facilitation in the design and implementation of projects.

This analysis of the court fee waiver system (system for exemption from payment of court fees), supported by MDTF-JSS, involves a review of the legislative framework in the Republic of Serbia, with regard to key international documents in this field. Analysis includes a comparative review of the provisions relating to court fee waiver system in some of the EU Member States, as well as countries in the region, Slovenia, Croatia and Montenegro. The analysis contains a brief comparative review of the level of court fees in certain countries in the region, with an overview of the main economic indicators. It also includes analysis and display of current practices of the courts of the Republic of Serbia, with the presentation of the basic criteria to be met for exemption from payment of court fees. For the purposes of data collection, a questionnaire was used to obtain information from judges and lawyers dealing with requests for exemption from payment of court fees. Different views regarding potential amendment of the court fees are also discussed. Finally, recommendations for improvement of the court fee waiver system that would allow easier access to justice for the citizens are provided.

Introduction

In democratic societies, availability of effective protection of a breached or hindered right represents one of the basic preconditions for the exercise of the legal order and the rule of law. Provided legal protection must meet certain standards, derived from the right to a fair trial, a basic human right guaranteed by international documents on human rights and the Constitution of the Republic of Serbia. Fair trials means that individuals have equal access to justice and that they can access the court and other public institutions for protection, and exercise their rights equally and effectively, under equal conditions and without discrimination. Access to justice is one of the basic human rights and therefore must be provided to all under equal conditions; hence it must apply to all layers of the population, regardless of the financial and other personal circumstances or traits. In order to achieve this, each individual must have access to legal aid, which implies the duty of the state to ensure the provision of legal aid of satisfactory quality, without payment or at reduced costs, in case the person in need of legal aid is unable to cover the costs of legal representation or when the provision of legal aid is necessary for the reasons of fairness.

In accordance with the Constitution of the Republic of Serbia², Serbia is defined as a state based on the rule of law and social justice, founded on the principles of protection of human and minority rights and freedoms and democracy. The Constitution also establishes the obligation of the state to ensure effective access to justice for all citizens. This obligation arises from the ratified international human rights instruments, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention)³.

It should be noted that equal access to justice represents a much broader concept than the right to a fair trial and the right to trial within a reasonable time. Equal access to justice implies an equal opportunity of citizens to protect their rights before the court and other state authorities. Equal access to justice also includes the existence of regulations that take into account the needs and specific circumstances of citizens belonging to vulnerable and marginalized groups, as well as the effective implementation of these regulations which do not depend on the social power of citizens who seek protection of their rights.

In Article 47 of the Charter of Fundamental Rights⁴ it is stated that "legal aid should be available to those who lack sufficient resources and if the provision of such aid is necessary to ensure effective access to justice." Thus, unavailability or refusal of legal aid may constitute a violation of the basic right of access to justice, given that the lack of legal aid could lead, for example, to the inequality of arms in court proceedings. European Convention for the Protection of Human Rights and Fundamental Freedoms, expressly recognizes the right to legal aid only to individuals accused of a crime, by providing in

²Constitution of the Republic of Serbia, Official Gazette RS, no. 98/06

³http://www.echr.coe.int/Documents/Convention_BOS.pdf

⁴http://www.europarl.europa.eu/charter/pdf/text_en.pdf

Article 6, paragraph 3 (c) that "everyone charged with a criminal offence has the right to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require".

However, since the standard of effective access to justice and fair trial also applies to the field of civil protection, the right to legal aid is also guaranteed in proceedings regarding civil rights and obligations. According to the European Convention, the duty of providing free legal aid exists when the "interests of justice" so require. The criteria for the "interests of justice" standard have been developed in a long practice of the European Court of Human Rights and expressed in its numerous decisions. These crucial criteria refer to: the legal and factual complexity of the case, the severity of the imposed penalty, the nature of substantive law in the process, as well as its importance for the individual, lack of capacity of an individual under the provisions of national law, the actual ability of an individual to defend himself, and undertake the procedural steps, whereby all the circumstances relating to the individual are considered, such as age, level of literacy, belonging to the socially disadvantaged, and marginalized social groups, etc.

Therefore, in order to achieve equality in practice, it is necessary to provide assistance to those citizens who do not have the financial means to bear the costs of legal advice, information, representation or defense. In principle, legal aid may have two complementary forms:⁵

(a) exemption from payment of all or part of the court fees; and/ or

(b) assistance of a lawyer, through provision of advice or representation, for free or at a subsidized rate.

The essence of the issue of access to justice refers to the fact that if there is no possibility of effective judicial protection, it is not possible to exercise the rights that belong to citizens, in which case the principle of the rule of law shall not be achieved.

Analysis of relevant practices of the EU member states shows that the fear of incurring additional costs, which refers to the high costs of legal proceedings related to court fees and lawyers' fees, can represent a significant factor which often hinders access to justice, and determines whether the person will decide to address the court, especially given the prevalence of the practice in the EU that the losing party pays the costs. For these reasons, the research shows that in some countries the space is left to the courts to determine whether to request the payment of court costs. Depending on the financial situation of the individual, as well as the merits of the case, the court may decide to fully or partially exempt a party from payment of court costs. In addition, a person may receive other types of legal aid from the state, such as the appointment of counsel for representation in court proceedings.⁶

⁵European Union Agency for Fundamental Rights , Annual Report 2014, p. 13-15
http://fra.europa.eu/sites/default/files/fra-annual-report-2014_en.pdf

⁶European Union Agency for Fundamental Rights , Annual Report 2014, p. 13-15

Most of the states stipulate payment of court fees, which contribute to the budget of the court, as well as the state budget in various ways. There are many and varied reasons which establish levels of revenue from court fees in the EU Member States. Therefore, it is difficult to precisely define the *ratio* of existence of a particular system in a particular country, especially bearing in mind that it varies during time. CEPEJ⁷ report indicates that the level of income earned by the state from court fees depends on several factors, including:

- 1) the number of cases before the court;
- 2) the nature and complexity of the cases;
- 3) the value of the cases before the court;
- 4) the structure of fees prescribed by the state (definition of the type of cases for which the fee is charged);
- 5) the actual level of income from fees, including when some persons are exempted from payment of court fees;
- 6) the categories of persons exempted from paying court fees.

These factors influence policy making on court fees in a different way in individual states.

However, access to justice in the Republic of Serbia is one of the main issues in the process of accession to the European Union. The EC Progress Report on Serbia 2015, similar to the previous years, states that availability of legal aid is not satisfactory in the Republic of Serbia⁸.

Existing mechanisms for provision of free legal aid have a number of disadvantages, some of which are essential:

- free legal aid is inaccessible to many citizens;
- there is no possibility of collecting credible statistical data on the state level that are necessary for the successful planning and management of the system of free legal aid;
- there is no possibility for collecting complete and accurate data providing insight into the efficiency of existing mechanisms, analysis of expenditures and making valid financial plans (e.g. In court statistics there are no consolidated data on the number of defendants who received *ex officio* defense counsel);
- quality control is not provided for free legal aid services;
- free legal aid providers are not sufficiently motivated to provide high quality free legal aid services.

http://fra.europa.eu/sites/default/files/fra-annual-report-2014_en.pdf

⁷ CEPEJ http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf

⁸ http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/godinji_izvestaj_15_final.pdf

Although the Law on Local Self-Government⁹ stipulates that the municipality shall organize free legal aid service through its bodies, in accordance with the Constitution and the law (Article 20, Para 1, item 31), majority of municipalities in Serbia have not yet fulfilled this obligation. Similarly, the Law on Legal Profession¹⁰ ("Law on the Bar"), in Article 66, item 7 and Articles 73 and 74 provides that the Bar Association of Serbia and regional bar associations shall organize the provision of free legal aid in accordance with the law and that the bar association may organize free provision of legal aid within its territory. However, beyond a few exceptions in the recent past (in cooperation with municipalities in Nis, Pancevo, New Belgrade), and in the absence of project financing, the Bar Association does not provide free legal aid to citizens in a systematic and organized way.

Access to justice is one of the key factors in humanization and democratization of a society and the exercise of the principle of the rule of law. Access to justice is, at the same time, one of the instruments for reducing poverty and has a strong impact on citizens' satisfaction and their identification with the legal, political and social system. A long lasting degradation of the judiciary as a system, has generated a deep crisis of rights, and a loss of citizens' trust that the values of freedom, equality and justice are truly accessible, and resulted in diminishing legal awareness of citizens. Nowadays, citizens have meager level of understanding of legal principles and procedures, and almost no knowledge of their rights and methods how to exercise and protect them. Bearing in mind that the existence of a legislative framework that puts an excessive financial burden on individuals seeking to receive compensation for the violation of their rights may be considered as interference with the rights to an effective remedy, and can discourage them from exercising their rights in general, there is a clear need to examine the justification and efficiency of the existing system.

In anticipation of the adoption and implementation of the Law on Free Legal Aid, there are alternative methods that can be used to facilitate access to justice. In this sense, the possibility of exemption from payment of court fees is one of potential ways to enable more efficient access to justice to citizens in financial difficulties. In some EU member states, exemption from payment of court fees for the applicant in financial difficulties, legal aid insurance, as well as the agreed limits of attorney fees, represent some of the available methods. In order to identify a suitable model in the Republic of Serbia, the current situation and identified shortcomings of the system of court fees will be analyzed, as well as comparative practice of the EU member states and countries in the region.

⁹Law on Local Self-Government, Official Gazette RS, no. 129/07

¹⁰ Law on Legal Profession, Official Gazette RS, no. 31/11 and 24/12

Legislative framework in the Republic of Serbia

In the Republic of Serbia, the matter of court fees is regulated by the Law on court fees¹¹. The Law regulates the system of court fees and contains the Tariff specifying the amount of court fees in different proceedings.

According to the Law on Court Fees (hereinafter: LCF), exemption from payment of court fees is possible with regard to specific subjects, as well as in case a person does not have sufficient financial resources. Some subjects are *ex lege* exempted from payment of court fees (*mandatory exemption from payment of court fees*). These subjects are the following: the Republic of Serbia, state authorities and special organizations, bodies of autonomous province and local self-government bodies, organizations of the Red Cross, as well as dependents in proceedings regarding alimony and persons who are seeking payment of the minimum wage (Article 9 Para 1, LCF). Similarly, the court fee for submissions and actions shall not be paid by persons who gave their property to the Republic of Serbia, socio-humanitarian, scientific or cultural organizations, institutions and foundations that waived their right to ownership of real estate or gave other real rights to immovable property without compensation in their favor. The foreign country is exempted from paying court fees if it is provided by an international treaty or subject to the principle of reciprocity. In non-contentious proceedings, the party is exempted from the payment of court fees for the acts or actions that are entrusted by the court to the notary public (Article 9 - new Para 5, LCF).

On the other hand, exemption from payment of the fee is also possible in case of other persons who are not specifically listed in the law, but there are reasons of socio-economic nature that require exemption (*potential exemption from payment of court fees*). In accordance with the law (Article 10, LCF), the court may exempt a person from payment of court fees if the payment of court fees would hinder his/her social security (and/or social security of the members of his household), given the level of resources used for maintenance of this person and the members of his/her household. For the purposes of this Law, a household means a community of living, earning and spending of income. The Law defines dependant persons including the following: 1) minor children or foster children, 2) children or foster children in regular education or in early studies, if they are unemployed - up to the age of 26, 3) grandchildren, if they are not supported by parents and if they live together in a household, 4) the spouse and 5) parents or adoptive parents.

The decision on the exemption from court fees shall be made by the first instance court at the applicant's request (motion), considering all the circumstances, particularly taking into account the relevant value of the court fee, the total income of the applicant and members of his household, and number of the persons maintained by the applicant. The Court shall determine the amount of applicant's revenue based on the *certificate of the competent authority* ("Uverenje") or other evidence submitted by the applicant on his financial situation

¹¹ Law on court fees, Official Gazette RS, no. 28/94, 53/95, 16/97, 34/2001 –oth.law, 9/02, 29/04, 61/05, 116/08 –oth.law, 31/09, 101/11, 93/12, 93/14 and 106/15

(Article 11, LCF). The certificate contains information on income of the applicant and members of his household, as well as general information on the financial situation. The certificate is submitted by the applicant, along with the Proposal (motion) for exemption from payment of court fees.

However, this certificate serves as a proof for exemption from payment of court fees only if it is submitted to the court within than six months from the date the certificate was issued. This condition may further complicate the situation of the applicant, bearing in mind the need to collect various document on income his income, from various institutions, and also taking into account average duration of the court proceedings in Serbia. The Court may also obtain and verify the necessary information on the financial situation of the applicant and members of his household *ex officio*, and may also hear the opposing party's position. The decision of the court approving the motion for exemption from payment of court fees is not subject to appeal. In the case of a foreign national, exemption from payment of fees is possible if it is stipulated by international treaty or subject to reciprocity (Article 12)

When the decision for exemption from payment of fees is brought in civil, non-contentious and criminal proceedings, as well as the proceedings in administrative disputes, the same decision applies in the process of enforcement of the decisions in these proceedings if enforcement is required within three months after the final completion of the procedure (Article 13 LCF). When the decision for exemption from payment of court fees is brought in non-contentious and enforcement proceedings, it applies in civil proceedings arising during and in relation to non-contentious and enforcement proceedings. The decision on exemption from court fees applies to all fees in the specific case regardless when it was incurred (Article 14 LCF).

If the proceedings for the collection of fees for submissions, actions and documents for which the fee obligations were incurred prior to the decision granting the exemption, the proceeding will be terminated and paid court fees will be refunded to the applicant. In accordance with Article 15 of the LCF, the court may revoke the decision granting the exemption from paying court fees at any time during the proceedings if the court finds that the applicant is able to pay the fee; on that occasion, the court shall decide whether the applicant must pay back the fees fully or partially. If the court proceeding take more than two years, a person exempted from paying court fees is obliged to submit the certificate on financial situation after the second and each subsequent year of the proceedings (Article 16 LCF).

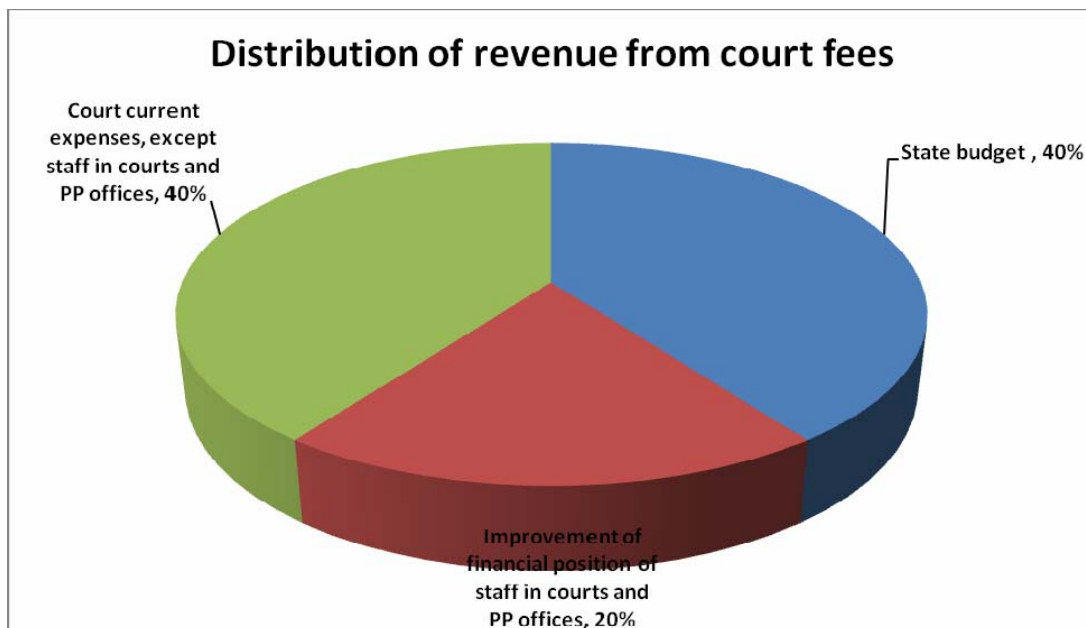
The guardian of the absent person whose whereabouts are unknown, guardian of property whose owner is unknown, the temporary representative of the party appointed by the court in the proceedings and appointed counsel, are not required to pay a fee for a person who is represented (Article 17 LCF). In these cases the collection of court fees shall be made from the assets of the represented person.

Exemption from payment of court fees benefits only the person who has been granted exemption (Article 18 LCF). When several persons make a joint court submission or

undertake joint action in the proceedings, and one or more of them is exempted from paying the fees, a person who is not exempted shall be obliged to pay the fee as if there is no exemption from payment of court fees, except in cases of formal litigation.

If the person exempted from paying court fees succeeds in the civil, enforcement or criminal proceedings brought by private prosecution, the fees that the party would be obliged to pay if it has not been exempted, shall be paid by a party that does not enjoy the exemption and in the proportion in which the exempted party has failed in the proceedings (Article 19). If a party exempt from payment of court fees and the party that is not exempted reach a settlement, the fee that should be paid by the party exempted from payment of court fees shall be paid by a party that is not exempted. According to Article 20 of LCF, where the court proceedings include one party who is exempt from payment of court fees and the other is not exempted, the court is obliged to keep a list of fees that should be paid by the party exempt from payment of court fees. List shall be concluded at the end of the proceedings and the court shall issue an order for the payment of the fee to the person who is not exempted.

When considering the legal framework, it is important to mention the structure of revenues that are generated from court fees. In accordance with Article 51 of the LCF, the collected court fees are revenue of the budget of the Republic of Serbia. This income is distributed so that 40% of the collected taxes is used for current expenses of the courts, except for expenses for court staff and the staff of the Republic Public Prosecutor's Office, whereas 20% is used for an improvement in the material position of the employees in the courts and public prosecutors' offices (court staff and staff in public Prosecutor's Office), other expenditures, as well as investments in accordance with the law. The remaining 40% is the revenue of budget of the Republic of Serbia.



Comparative overview

This section presents the findings of a comparative analysis of the court fees rules in some of the EU member states and countries in the region such as Croatia, Montenegro and Slovenia, with special emphasis on the exemption from payment of court fees (waiver) in the countries in the region, with the aim of reviewing practices in neighboring countries and identifying potential methods for improving the practice and/or legal framework in the Republic of Serbia.

Brief review of practices in the European Union

According to CEPEJ report¹², in most EU Member States, court fees are used to cover a part of the operating costs of the courts. With the exception of France and Luxembourg, which apply the principle of free access to the courts, all Member States generate revenue from court fees. Also, in most countries which apply court fees, the revenue from fees represents also a general income of the state budget. Revenues from court fees have different levels of impact on the judicial budgets. For example, in Serbia, Bosnia and Herzegovina, Turkey, Malta and the UK, revenue from court fees makes more than half of the courts' budget, while in Austria it generates revenue surplus that exceeds the self-financing of the judicial system.

An overview of the systems of court fees in individual countries in the CEPEJ report indicates that only France and Luxembourg provide free access to all courts. In criminal matters, in all Member States, there is no court fee to initiate proceedings before the court, except in Croatia, Cyprus, Greece, Monaco, Montenegro, Portugal, Serbia and Switzerland, where court fees are charged (unless free legal aid, which includes court fees, is granted). In Austria there is an obligation to pay court fees as of initiation of civil proceedings in the court, but the court process does not depend on the payment of this fee. In other words, even if the fee is not paid, a request can be filed for waiver of court fees. In the Netherlands, in order to improve access to justice, a new service model has been developed, whereby citizens can receive free legal aid in the form of initial advice at the so-called 'Legal Service Counters', whereas more complex cases are referred to lawyers or mediators who participate in the free legal aid system.

The Czech law regulates exceptions of the obligation to pay court fees, such as for certain subjects (e.g. government, diplomatic missions, foundations), and the types of procedures (e.g. procedure for guardianship, adoption, inheritance), which are exempt from court fees. In addition to the mandatory exemption, there is a possibility that the party submits a request for exemption from court fees. Sweden provides for exemption from

¹² CEPEJ Evaluation Report, 2014. (based on 2012. data).

payment of court fees in administrative proceedings. In Greece, a party has to pay fee stamps, which is followed by depositing a certain amount depending on the type of claim¹³. The deposit is intended to prevent frivolous or unfounded lawsuits. A party may apply for exemption from court fees on the grounds of indigence. If the request is approved by the court, the applicant is exempted from all costs of the proceedings, as well as fees for a lawyer.

In the United Kingdom¹⁴, a system of exemption from payment of court fees is available only for citizens who are unable to fully or partly cover the costs of legal process. There are three ways for exemption from payment of fees: (*ex lege*) exemption from payment of fees for citizens who are eligible to receive social support, full exemption from payment of fees (*upon request*) for citizens whose gross annual income is lower than the set threshold, and complete or partial exemption from payment of fees based on the calculation of income and expenses (*test* to calculate the monthly disposable income). Mainly civil and family courts are self-financed through the revenue from court fees, while the rest of the expenses that are not covered by court fees are covered from contributions by taxpayers made through the Ministry of Justice budget. The contribution of the taxpayer may cover two elements: a potential revenue shortfall due to the court fee waiver, and a lack of revenue when the court fees do not cover the total cost even if there is no exemption from paying the fees. Thus, the fees are generally set at the level that, on average, and if charged without any fee waivers, should cover the total cost. That is, fees are not set in a way to generate any profit. The basic principle in determining court fees is to promote the efficient allocation of resources so that service users are encouraged to use them efficiently, and to maintain the relationship between costs and contributions, thereby improving decision-making and responsibility.

In the Netherlands, court fees are primarily determined based on the value of claims, but certain (relatively lower) court fees are charged in labor disputes and in the family law matters. One of the factors influencing the amount of court fees is the jurisdiction of the court¹⁵. There are statutory exceptions to the basic rules, for example, in civil proceedings, the court may cover the costs fully or partially, if the parties are married or live in a registered consensual union, or otherwise live together, or if they are relatives in the direct vertical line. Also, in the Netherlands, a significant number of people use *legal aid insurance*. In one of the studies from 2003, over 53% of the respondents used insurance to cover the costs of the legal proceedings¹⁶. Individual consumers represented by consumer organizations do not bear any costs in the proceedings in which the reached solution is binding¹⁷. However, in practice, the negotiating consumer organizations, represents the interests of its members *ad hoc* and is funded from relatively modest membership dues. The membership fee is used to facilitate the negotiation process (which also covers the costs of an attorney by the *ad hoc* consumer organizations).

¹³ CECL, www.cecl.gr

¹⁴ CEPEJ Evaluation Report, 2014. (based on 2012 data).

¹⁵ Cost and fee allocation in civil procedure Dutch report *Prof. dr. M.B.M. Loos (University of Amsterdam)*, Available at: http://www-personal.umich.edu/~purzel/national_reports/Netherlands.pdf

¹⁶ *Id.*

¹⁷ *Id.*

The parties are free to represent themselves if the complaint is within the jurisdiction of *kantonrechter* (district court). This is the case when the dispute does not exceed the value of 5,000 € (including interest accumulated by the date of the claim), the disputes of uncertain value, and if there are clear indications that the value is below this amount. In addition, all cases relating to labor law, collective labor contracts, employment agencies, rental agreements, and purchase agreement, also fall under the jurisdiction of the district court; hence the same rules apply, reducing the mandatory cost for a lawyer. It is interesting that there is a special tax which aims to prevent groundless litigation and ensure efficiency of the process. So, for example, the court may order that the costs which were incurred unnecessarily shall be borne by the party that caused such costs, even if that party has won the case¹⁸. If the claim is submitted to the court without any prior communications between the parties, the court may consider that the action was premature (given that the defendant may be willing to voluntarily perform its obligations, or settle the claim). In this case, the court may determine that the costs of the proceedings have been unnecessarily incurred and decide that such costs shall be borne by the complainant.

It is necessary to take into account the fact that in most Member States citizens with lower income may qualify for free legal aid in civil, administrative and criminal proceedings. In this regard, the exemption from payment of court fees is possible (in addition to cases provided by the regulations on court fees) through the application for free legal aid. Exemption from payment of court fees in this case represents a form of free legal aid. In addition, in many Member States, it is possible to exercise the right to free legal aid for alternative dispute resolution (Netherlands, Portugal, Bulgaria, France, Slovakia, United Kingdom), thereby reducing the number of court proceedings and facilitating access to justice for citizens in difficult financial situation. Furthermore, in some of the Member States, free legal aid users are encouraged to attempt peaceful resolution of the dispute, before initiating court proceedings.

Croatia

In Croatia, the Law on Court Fees¹⁹ regulates this matter. The law is drafted in a similar way to the Serbian law, but provides wider guarantees for individuals in terms of exemption from payment of court fees. Fees are paid in civil proceedings, extra-judicial, enforcement proceedings, inheritance proceedings, the land registry proceedings, private criminal proceedings, in administrative disputes, the procedure of entry into the court registry, bankruptcy and liquidation, and in other cases prescribed by law.

The court fee for initiation of the proceedings in the Republic of Croatia is stipulated in the range from 100 kuna to the maximum of 5,000 kuna (7.5 kuna = 1 EUR).

¹⁸Stein/Rueb 2007, p. 202-203, in: Cost and fee allocation in civil procedure Dutch report *Prof. dr. M.B.M. Loos* (University of Amsterdam), Available at: http://www-personal.umich.edu/~purzel/national_reports/Netherlands.pdf

¹⁹Law on court fees, NN [74/95](#), [57/96](#), [137/02](#), [\(26/03\)](#), [125/11](#), [112/12](#), [157/13](#), [110/15](#)

Thus, in accordance with Article 15 of the Law on Court Fees, *ex lege* exemption from payment of court fees includes a substantially wider range of subjects than in Serbia, and they are enumerated in the law:

- “Republic of Croatia and state authorities,
- persons and bodies in the exercise of public authority,
- workers and employees in labor disputes and civil servants in administrative disputes concerning the exercise of their rights in civil servants relations,
- individuals disabled during Homeland War, on the basis of appropriate documents proving their status,
- spouses, children and parents of soldiers who were killed, missing and detained in the Homeland War, on the basis of appropriate documents proving their status,
- spouses, children and parents of killed, missing and detained persons in the Homeland War, on the basis of appropriate documents proving their status,
- refugees, displaced persons and returnees, on the basis of appropriate documents proving their status,
- recipients of social subsistence allowance,
- humanitarian organizations and organizations dealing with the protection of disabled persons and families of killed, missing and detained persons, in carrying out humanitarian activities,
- plaintiffs in lawsuits concerning the right to legal maintenance or claims based on that right,
- plaintiffs in lawsuits on the recognition of motherhood and fatherhood and on the costs incurred during pregnancy and childbirth outside of marriage,
- parties seeking restoration of legal capacity,
- minors who authorization of the acquisition of legal capacity because they became parents,
- parties in the proceedings for the surrender of the child and for the exercise of the decision to meet and spend time with the child,
- plaintiffs in disputes over rights from compulsory pension and basic medical insurance, on the rights of unemployed persons on the basis of regulations on employment and rights in the field of social welfare,
- plaintiffs, and advocates in procedures for the protection of constitutionally guaranteed human rights and freedoms against final individual acts, or for the protection from the illegal action,
- plaintiffs in disputes on compensation for environmental pollution,
- trade unions and trade union coalitions in the civil proceedings before court and in collective labor disputes and the union representatives in civil proceedings in the exercise of the powers of the workers council”.

The same article provides for the exemption from paying the court fee, if so provided by international treaty or subject to reciprocity. Given the above, it can be concluded that the legislator carefully specified the circle of subjects which are subject to mandatory exemption

from payment of court fees, citing the specific vulnerable groups, children and humanitarian organizations, as well as representatives in human rights cases.

Croatian law also stipulates that the court may waive the court fees. According to Article 14, the party whose general financial situation is such that it cannot bear the costs of court fees without adverse consequences for the necessary maintenance of themselves and their families, shall be exempted from payment of court fees by the court. Along with a motion for exemption from payment of court fees, the party shall submit a certificate of financial status and give a statement on its financial condition and financial status of their spouse to the court. The certificate of financial status is issued by the Tax Administration of the Ministry of Finance (Article 13).

It is interesting that this provision clearly *specifies the competent authority* which prescribes the conditions and issues such certificate, unlike the law in Serbia, where such the competent authority is not clearly defined (which implies that the person in Serbia may have to obtain different certificates from different state bodies). In making the decision to waive the fees, the court considers all circumstances, particularly the value of the dispute, number of persons maintained by the applicant, and the income of the party and members of his/her household.

As in Serbia, exemption from payment of fees in civil, non-contentious and criminal proceedings, as well as in administrative disputes, is also applied in the enforcement of the decision in these proceedings (Article 11), whereby exemption from payment of court fees in non-contentious and enforcement proceedings applies in civil proceedings incurred during and in relation to these proceedings. According to Article 12, the decision on exemption from payment of court fees applies from the day the motion for exemption was submitted to the court and applies to all submissions and actions for which the obligation was created on that day or later. Appeal against the decision to grant exemption from payment of court fees is not allowed.

The law defines the rules in the case when the party exempt from payment of court fees wins the case, in which case the amount of such fees shall be borne by the other party (not exempt from the payment of court fees), to the extent that the winning party succeeded in the proceedings (Article 18). In the event of a settlement, the amount of court fees shall be borne by the party that is not exempt from the payment of court fees, unless the parties agree otherwise. In accordance with the law (Article 19), the court shall maintain a list of court fees to be paid, and shall issue the order for the payment of fees upon completion of the proceedings to the party who that obliged to pay court fees.

When considering the exemption from payment of court fees in Croatia, it is important to bear in mind that this mechanism is also possible on the basis of the granted free legal aid. In Croatia, the exemption from payment of court fees and exemption from payment of litigation costs are recognized as separate forms of free legal aid. Moreover, the approval

of the secondary legal aid includes exemption from payment of court fees and exemption from payment of litigation costs.

Montenegro

Law on Court Fees²⁰ of the Republic of Montenegro establishes the basic rules in this field. As in other countries in the region, the revenues generated from court fees also represent income of the state budget.

The amount of fees for proceedings before a court in Montenegro is prescribed in a range from 20 EUR up to 750 EUR, and 1,500 EUR before the commercial court.

In accordance with Article 8, certain subjects are exempt from payment of court fees *ex lege*:

- ✓ Republic, state bodies and public institutions;
- ✓ local self-government bodies;
- ✓ humanitarian organizations;
- ✓ persons involved in the process of exercising rights from labor, or civil servant relations;
- ✓ dependents in the process of legal support;
- ✓ plaintiffs in court proceedings for the recognition of motherhood and fatherhood;
- ✓ plaintiffs in disputes over preserving and educating children;
- ✓ spouse, child or parent of a missing person in the process of declaration of missing person deceased and proof of death.

Foreign countries and citizens are exempt from paying court fees only if so provided by international treaty or subject to reciprocity.

In addition to the mandatory exemption from payment of court fees, under Article 9 the court may exempt a party from payment of court fees, if the payment of court fees would significantly impair the resources for maintenance of that person and his/her family. The provisions of the Civil Procedure Code on exemption from payment of the costs of the proceedings apply with regard to the exemption from court fees. Hence, the law does not prescribe precise rules but refers to the rules of civil proceedings. These rules are almost identical to the rules in Serbian Law on Civil Procedure Code presented above. In this way, citizens are not sufficiently informed in advance about the expected costs of the court proceedings or method for exemption from payment of these costs.

²⁰Law was published at the "Official Gazette RCG", no. 76/2005. See: Decision CC RCG no. 5/06, 8/06, 10/06, 19/06, 24/06, 39/06 and 110/06 - 39/2007-7. See: Art 7. Law - 40/2010-5
<http://www.pravda.gov.me/biblioteka/zakoni?pagerIndex=2>

Similarly as in other countries in the region, a party claiming exemption must submit a certificate of financial status, not older than six months. However, the Montenegrin law, as well as Croatian, specifies that the certificate of financial status is issued by the administration in charge of income in the place of residence of a party. Certificate on financial status contains data on the amount of income of the party and members of his/her household, as well as on other sources of income and general financial situation of the party. The income *does not include earnings from disability insurance, material security, education, nutrition, social assistance and child allowance* (Article 11 and 12). The court decide upon the request (motion) for exemption from payment of court fees. Appeal is not allowed against the decision granting the motion (Article 13).

As in Serbia and Croatia, exemption from payment of court fees granted in civil, non-contentious and criminal proceedings by private prosecution, as well as in administrative dispute, applies in the process of enforcement of the decisions in these proceedings. Court keeps a list of unpaid taxes that were supposed to be paid by persons exempted from paying taxes. List of unpaid taxes is concluded with the completion of the proceedings, and a the order for the payment of court fees is forwarded to the party bound to pay court fees immediately upon completion of the proceedings.

The Law on Court Fees previously stipulated that if the party did not pay the court fee after an order and warning issued by the court, the submission would not be taken into consideration (Article 4, paragraph 4) and that if the party did not pay the prescribed fee for the court decision after an order and warning issued by the court, the verdict would not be delivered to that party, without prior to presentation of the proof that the court fees have been paid in full (Article 5 § 2). However, these provisions were challenged before the Constitutional court of Montenegro and the Court found that such rules limit the principle of Article 17 of the Constitution, which stipulates that everyone is entitled to equal protection of his freedoms and rights in due process and that everyone is guaranteed the right to appeal.

The cited provisions of the Constitution show that the Republic is solely authorized to regulate the method of exercising the rights and freedoms, necessary for their implementation, but is not authorized to restrict the constitutionally guaranteed rights by a law. As the challenged provisions of the Law imposed a condition for the exercise of such rights, providing that payment of the court fee represents a procedural precondition for the court to take action, the Constitutional Court held that these provisions are not in conformity with the Constitution of the Republic of Montenegro.

Although there are many similarities in the legislative framework, it is necessary to also bear in mind that the Law on Free Legal Aid is in full implementation in Montenegro. Free legal aid can be granted in the form of exemption from payment of costs of the proceedings before the courts, especially in the form of exemption from payment of court fees. Moreover, the law in Montenegro specifies which earnings will not be counted as income, thus additionally protecting the most vulnerable citizens. These differences represent an additional guarantee of equal access to justice for citizens with lower income.

Slovenia

In the Republic of Slovenia, the field of court fees is regulated by the Law on Court Fees²¹. There are different types of costs in the proceedings. Fixed costs for parties in civil and criminal proceedings include: court fees, attorneys' fees (which depend on the number of hearings), expert witness fees, fees for translators and interpreters, as well as travel expenses. Court fees are usually paid on the initiation of proceedings. In some cases, fees are paid when the court imposes a decision (e.g. disputes in the field of social protection at first instance, land registry, proceedings concerning first instance decision on compensation for damages). In inheritance proceedings, the fee is paid at the end of the process, when the property is accurately determined. If the client requires the presentation of evidence (expert or witness), or the services of an interpreter or translator, the costs are paid in advance. Lawyer's fee is paid after the court issues an order on the costs of the proceedings, although lawyers can request that a portion or the entire amount of the fee is paid in advance, which is a common practice.

However, it is worth noting that in Slovenia, unlike solutions in force in Serbia, Montenegro and Croatia, the maximum amount of court fees in civil and some other types of cases is not limited, and depends on the value of the dispute. Specific value is calculated based on the value of the claim multiplied by certain coefficients, so, for example, in the case of a dispute with a value of 30 million EUR, the court fee would be as much as 60,975 EUR²² (see the attached table of court fees in Slovenia, Annex 3).

In criminal proceedings, court fees and other costs are usually paid after the court has issued a final decision or after the court subsequently issued a separate decision on the costs of the proceedings which cannot be appealed. Lawyer's fee is usually paid after the court decision on the costs of the proceedings. In proceedings before the Constitutional Court there are no court fees. Other expenses (such as attorney's fees and travel costs) constitute part of each party's own expenses.

The cost of the proceedings may be covered through free legal aid. Slovenia has adopted and implements the Law on Free Legal Aid. The law stipulates eligible beneficiaries who can be granted free legal aid and determines the precise criteria for potential beneficiaries. The criteria include the financial resources of the applicant. Legal aid will be granted to an applicant who, taking into account his financial position and financial position of his family, cannot bear the costs of the proceedings without worsening his social status and the status of his family. The law specifies what is considered a worsening of one's social status. The district court president and president of the Administrative Court shall decide upon the request for granting free legal aid.

²¹ Law on Court Fees (Zakon o sodnih taksah, Official Gazette of the Republic of Slovenia 37/2008)

²² http://www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/mp.gov.si/zakonodaja/Sodne_takse_16_clen.pdf

However, exemption from payment of court fees is not covered by the law on free legal aid. Outside the area of criminal law, the scope of free legal aid does not include exemption from payment of court fees. Court fee waivers are possible in special cases, for example in the field of labor law and/or social rights. Legal aid may include compensation of a consultant or technical expert with required court expertise. At the same time, free legal aid may be granted outside judicial proceedings in order to prevent proceedings before court (alternative dispute resolution). According to the CEPEJ report 2014²³, Slovenia recorded a decrease in revenue from court fees of approximately 8% (in terms of percentage of the court budget), which is associated with a reduction of over 20% in the number of court cases in 2010 – 2012.

²³ CEPEJ 2014 http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf

Court fees & financial factors in the region

A review of the provisions of the presented laws on court fees of the states in the region indicates that there is a very similar approach in determining the amount of court fees. Each of the laws includes a Tariff and almost identical methodology is utilized to specify the amount of court fees by the type of the proceedings, value of the dispute, etc, as well as cases when part of the fee is paid.

Comparative review of these payment amounts indicates that the amounts of fees, with some differences, are actually very similar. The parameters used are also nearly identical, and usually depend on the value of the dispute.

For example, in Serbia, for the civil and enforcement proceedings, under the Tariff number 1, it is stipulated that for the claim and counterclaim submitted before a court of general jurisdiction, court fee shall be paid in line with the value of the dispute:

- for the value up to 10,000 dinars (about 82 €) - 1,900 dinars (15 €);
- for the value of 10,000 to 100,000 dinars (from 82 to 812 €) - 1,900 dinars (15 €) plus 4% of the value of the dispute;
 - for the value of 100,000 to 500,000 dinars (of 812 - 4,000 €) - 9,800 dinars (80 €) plus 2% of the value of the dispute;
 - for the value over 500,000 to 1,000,000 (4,000- € 8,000) - 29,300 dinars (240 €) plus 1% of the value of the dispute;
 - for the value over 1,000,000 (8000 €) - 48,800 dinars (€ 400) plus 0.5% of the value of the dispute, and not more than 97,500 dinars (790 €).

Similarly, in Montenegro, for the civil and enforcement proceedings, under Tariff number 1, it is stipulated that for the claim and counterclaim court fee shall be paid in line with the value of the dispute:

- for the value up to 500 € - court fee 20 €;
- for the value over 500 € to 5,000 € - court fee 20 € and 2% on the difference above 500 €;
- for the value over 5,000 € - court fee 110 € and 1% on the difference above € 5,000 but not more than 750 € before a court of general jurisdiction, that is not more than 1,500 € before commercial court.

In the Republic of Croatia, the Tariff provides that for the claim and counterclaim, court fee shall be paid in line with the value of the dispute²⁴:

from	to	court fee (in Croatian kuna)
0,00	3,000	100
3,000	6,000	200
6,000	9,000	300
9,000	12,000	400
12,000	15,000	500
Over 15,000 kuna the fee shall be paid in the amount of 500 kuna plus 1% on the amount over 15,000 kuna, but not more than 5.000		

As already noted, from among all the surveyed countries, only in the Republic of Slovenia the maximum level of court fees is not limited but depends entirely on the value of the dispute²⁵.

All regulations in the countries included in the analysis provide that when the spouses seek divorce by mutual agreement, only a single court fee shall be paid for the lawsuit.

In Serbia, for the proposal to initiate proceedings in non-contentious matters not covered by specific provisions on the payment of fees in certain types of non-contentious proceedings, the court fee is 390 dinars (3 €). For an appeal against the decision of the first instance court, court fee is 390 dinars (3 €). In Montenegro, initiation of proceedings in non-contentious matters is 10 euros.

For a court settlement, half of the prescribed fee is provided in Montenegro, Serbia, Croatia, according to the value on which the parties have settled (half fee from the Tariff 1).

In Serbia, for a lawsuit against an administrative act initiating the administrative dispute, the court fee is 390 dinars (3 €), while in Croatia for the lawsuit in the first instance administrative proceedings, if the value of the dispute is assessable, the court fee referred to in Tariff no. 1 is paid, but not less than 200 kuna (3,309RSD / 26 €), and if the value of the dispute cannot be assessed, court fee amounts to 500 kuna.

In Serbia, for inheritance proceedings, Tariff number 7, stipulates that for the proceedings in the first instance court fee is 1,000 to 75,000 dinars (8 € - 600 €). This fee is payable only if the decision on inheritance is made. Court fee is paid when the inheritance decision has become final, or within 15 days of the receipt of order for the payment of fees. The Court determines the value relevant for determination of court fee at its discretion, based on the statements of heirs and data submitted. The court fee is not paid for proposal to conduct hearing and for other submissions during the inheritance proceedings.

In Croatia, for inheritance proceedings, if the procedure is completed by a decision on inheritance, lump-sum fee to be paid depends on the value of the legacy:

²⁴ 100 kuna is 1654 RSD (13€), 3.000.000 kuna is 49.648 RSD, 6.000,00 kuna is 99.297 RSD

²⁵ http://www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/mp.gov.si/zakonodaja/Sodne_takse_16_clen.pdf

from	to	court fee (in Croatian kuna)
0	25,000	100
25,000	35,000	150
35,000	60,000	200
If the value of inheritance is over 60,000 kuna, additional 200 kuna is paid plus 100 kuna on each additional 10,000 kuna, but not more than 2,500 kuna		

In Montenegro, Tariff number 5, there is a fixed court fee for inheritance proceedings according to the value of legacy:

- Up to 1,000 € - 20 €,
- More than 1,000 € to 5,000 € - 20 € and 1% on the difference above 1,000 €,
- Over 5,000 € - € 60 and € 0,5% on the difference above € 5,000 but not more than 300 €.

In Serbia, the process of preparation and depositing a will in the court, Tariff number 9, for the preparation of the court will and international will, as well as for keeping or revoking the will before the court, the court fee is 980 dinars (8 €). The preparation and deposit of court will in Montenegro, Tariff number 6, it is provided as follows: 1) for the preparation of court will, the fee is 15 €; 2) for depositing the court will, the court fee is 10 €; 3) to revoke the court will the fee is 15 €.

In Serbia, the process of verification of signatures, handwritings, transcription and translation, Tariff number 13, for application, oral or written, requesting verification of signatures, manuscripts and transcripts, court fee is 70 dinars (0.56 €); for: 1. verification of signatures, and handwriting, 2. court interpreter certification of signatures on translations for their use in the country, 3. verification of handwriting, for each page of manuscripts A4, 4. verification of transcripts or copies of each page, court fee is 160 dinars (1.30 €); while court fee is 490 dinars (4 €) for: 1. the verification of signatures on translations, court interpreter for their use abroad, 2. the verification of signatures on the power of attorney. In Montenegro, the equivalent actions cost 1 €, 2 € and 5 €.

For criminal proceedings brought privately, the Tariff No. 26, for a private lawsuit and countersuit in Serbia, court fee is 980 dinars (8 €), while a request for retrial amounts for 590 dinars (4.80€). For the same actions in Montenegro, court fee is 25€ in both cases, while in Croatia for a private lawsuit and countersuit it is necessary to allocate 250.00 kuna (33 €).

The presented data indicate that there are slight differences in the amount of court fees among the states included in the analysis - while in some cases the amounts are almost identical, sometimes there are significant differences. The Tariff in the Republic of Serbia in some cases has lower amounts than other countries, while in other cases it is somewhat higher. However, what is different is the *level of precision of legal provisions*. Thus, it appears that Serbian law lacks sufficient clarity in terms of the amount of court fees, which can create legal uncertainty, because citizens cannot know what to expect, or may leave a too

wide range of the amount of court fees (e.g. from 1,000 RSD to 75,000 RSD in the inheritance proceedings).

In euro (€)	Serbia	Croatia	Montenegro	Slovenia
The lawsuit, an appeal in civil proceedings	15 - 790 (economy 3.200)	13 - 660	20 - 750 (economy 1.500)	Min: 17 Max no limitations
Review	200%	200%	100%	Min: 17 Max no limitations
Court settlement	50%	(not paid in first instance proceedings) 50%	50%	Min: 17 Max no limitations
Administrative dispute	Lawsuit - 3 Decision - 16	26 - 660	25 - 65	146
Inheritance proceedings	8 - 620	13 - 330	20 - 300	45
Criminal proceedings by private action	8	33	25	120
Verifications	0.2 (per page)	0.66 (per page)	1 - 3 (per verification)	0.2 (per page)

When these amounts of certain court fees in the countries covered by this report are analyzed, it is important to consider other economic indicators as well, in order to assess the actual burden for citizens. Among the countries in the region, Croatia has the highest GDP per capita in purchasing power standard, which is 58% of the EU average, while Montenegro is in second place at the level of 41% of the EU average. Macedonia and Serbia are at the level of 37% and 36% of the European average, Albania at 30%, while Bosnia and Herzegovina at the level of 29% of the European average.

According to data from the Statistics Institute of Montenegro, in 2015 the average net salary was 480€. Monthly average users of financial support for 2015, according to the type of support were:

- material support was used by 11. 463 families and 36.986 family members

- the right to personal disability support was used by 2 033 persons
- the right to care and help was used by 11.439 persons.

Comparison shows that Montenegro with 620.000 inhabitants, has an unemployment rate of 13.48 and average gross income of employees of 727€, net 480€, with the minimum consumer basket of 808.6 EUR per month.²⁶ Serbia, with the population of 11.7 million inhabitants, has an unemployment rate of 19.2% with an average gross income of employees 564.71€, net 372 €, with a consumer basket of 558€. Recent data show that the average net salary paid out in Serbia in March 2016 amounted to 45,870 dinars, or € 372²⁷. According to the abovementioned data of the Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia, 628.000 people are considered poor, while about 700,000 people receive social assistance.

Croatia has 4,238,000 inhabitants, with a total of 1,342,000 employed, while the registered unemployment rate in 2016 amounted to 14.4%. The average monthly net salary per employee in legal entities of the Republic of Croatia in 2016 amounted to 5 633 kuna (about 700 €). Data on the threshold of risk of poverty shows that 29.3% of people are at risk of poverty or social exclusion.

In Slovenia, with population of 2.062.874, in the period 2013–2015, the employment rate increased from 68.2 % to 70.2 % and the unemployment rate decreased from 9.4 % to 8.6 %²⁸. In August 2015, the number of registered unemployed decreased to less than 90 000 (from the peak of 150 000 in 2009). The relative level and the number of recipients of the minimum wage are decreasing. In 2015, the minimum gross wage for a full-time worker amounted to EUR 790.73. In January 2016, the nominal minimum wage did not increase. At the same time, the number of minimum wage recipients decreased substantially in 2015. The number of people at risk of poverty and social exclusion stabilized in 2014 for the first time after the crisis, despite a small increase in the poverty threshold. The rate remained at 20.4 %, with income poverty risk (at risk of poverty rate) below the EU average (24.4 %). The at risk of poverty rate decreased slightly for some of the most vulnerable groups (unemployed and single households, aged over 65) partly due to the changes to social legislation in 2013.

These data show that the countries included in the analysis differ from Serbia in terms of population, GDP, average wages and the number of unemployed persons and persons at risk of poverty. At the same time, it shows that the amount of court fees does not vary significantly, with certain exemptions in specific types of proceedings and maximum court fees in Slovenia.

²⁶<http://www.vijesti.me/forum/realnost-crna-gora-vs-srbija-846865>

²⁷<http://www.novosti.rs/vesti/naslovna/ekonomija/aktuelno.239.html:602328-Prosecna-zarada-u-Srbiji-u-martu-45870-dinara>

²⁸http://ec.europa.eu/economy_finance/eu/countries/slovenia_en.htm

	Serbia	Croatia	Montenegro	Slovenia
Population	7.110.000	4.238.000	620.000	2.062.874
GDP per capita	5.720 EUR	12.600 EUR	6.390 EUR	20.960 EUR
Average income (2015)	372EUR	740 EUR	480 EUR	1.004 EUR
Consumer basket	558€	820 EUR	770 EUR	/
Population below poverty line	628.000	18.5%	8.3%	14.5%
Unemployment rate	19,2%	14,4%	13,50%	8,6%

However, what is important for this analysis is that these countries have clearly prescribed legal provisions determining which persons can be exempt from payment of court fees (vulnerable groups, the poorest segments of the population, etc.). In this sense, it can be concluded that any reform of the system of court fees in Serbia does not need to concentrate on amending the amounts of the prescribed fees, since they are generally consistent with the amounts of fees prescribed in other similar countries in the region, but it is necessary to lay down precise rules on the exemption from payment of court fees in order to ensure better access to justice for all citizens. The recommendations are further elaborated in the last chapter of this analysis.

Implementation of the provisions on exemption from payment of court fees in the Republic of Serbia

Problems identified in practice

Although the legislative framework provides various possibilities for exemption from court fees, there are a number of problems in practice. The lack of consolidated data on the implementation of the court fee waiver rules further complicates the assessment of this mechanism in practice. Except for the amount of court fees, the parties often point to unequal treatment by the courts, and the lack of information as the key problems experienced²⁹. When deciding on the waiver requests in the proceedings, the court will assess all the circumstances of the case, in particular taking into account the value of the dispute, number of persons maintained by the party, income and assets of the party and the members of his/her family. If a person applies for exemption from payment of court fees, it is necessary to submit a variety of evidence (income level certificate, evidence of unemployment, evidence of property ownership, payment of property taxes, number of under aged children, minimum wage, etc.), and the court will assess all the circumstances of the present case. Also, absence of timely information often creates problems regarding the deadline for submitting the request for exemption. The parties are often not warned that they could seek exemption from court fees and if the request is made too late the court usually rejects the waiver request. More details on the practice of courts are presented in the analysis of the results of the questionnaire on court practice when considering court fee waiver requests (see page 34, and Annex 1).

The first Commissioner for the Protection of Equality, Nevena Petrusic, believes that it is necessary to enable indigent citizens to be exempt from payment of court fees, prior payment of costs for taking evidence, special expertise, translation costs and other costs that are necessary for the exercise of legal protection. As Petrusic pointed out: "Essential equality in access to justice implies, that proceedings before courts and other state bodies are simple, transparent and affordable, that citizens have enough information on courts, judges, judicial proceedings and decisions, on the location and methods to pursue and exercise the rights guaranteed by the legal order"³⁰.

During the court proceedings, there are a number of expenses that may discourage citizens from trying to protect their rights before court. In criminal proceedings, there are costs for fees and necessary expenses of defense counsel, witnesses, expert witnesses, interpreters, experts, site investigations, the costs of the defendant, the defendant's treatment during the time spent in detention, the travel expenses of officials, etc. On the other hand, the costs of litigation³¹ include attorneys' fees and other persons to whom the law recognizes the

²⁹CINS report, Available at: <https://www.cins.rs/srpski/printer/article/227>

³⁰3/29/2016 Vreme - Milenijumskiciljevaposle 2015.: Pravda zasve <http://www.vreme.com/cms/view.php?id=1267990&print=yes> 2/3

³¹Whether it comes to divorce, debt repayment or dispute over the division of property, each party to the proceedings is faced with the amounts to be paid, such as court fees, fees for lawyers, representation and drafting motions, as well as the presentation of evidence, ie, evidence and expert opinion

right to remuneration. The amounts that a party in the proceedings must pay depend on the value of the dispute, including various submissions: claim, counterclaim, defense, proposal for a provisional measure, decision on provisional measure, judgment, appeal, and a decision on the appeal. Research shows that it often happens that citizens give up the proceedings, bearing in mind that the total costs for the conduct of litigation exceed its value.³²

In addition to the Law on Court Fees, exemption from payment of court fees can be based on other procedural laws.

In civil proceedings, exemption from payment of the costs of the proceedings as well as court fees is also possible, but in practice there are many problems in the implementation of these provisions. Exemption from payment of litigation costs is regulated by Article 168 of the Civil Procedure Code³³. The court shall exempt the party from payment of the costs of proceedings in case the party's overall financial situation is such that he/she cannot able to bear these costs. Exemption from payment of the costs of proceedings includes exemption from payment of court fees and exemption from payment of the costs of witnesses, experts, crime scene investigation and judicial announcements in advance. In doing so, the court may exempt the party solely from payment of court fees in accordance with the special law. When making a decision on the exemption from the payment of costs of the proceedings, the court considers all the circumstances, particularly taking into account the value of the dispute, the number of persons maintained by the party, the income and assets of the party and members of her family.

The Civil Procedure Code provides in Article 170³⁴ that the court shall recognize the right to free legal aid to the party *when he/she is fully exempt from paying the costs of the proceedings*, if that is necessary to protect the rights of a party, or if it is prescribed by a special law. Thus, the law links the recognition of the right to free legal aid to the outcome of the decision on the exemption from the costs of proceedings, i.e. the right to free legal aid receives a subsidiary character. This interpretation is also supported by arguments of systemic interpretation of the provisions, given that free legal aid is located in another part of the subchapter "Costs of proceedings", entitled "Exemption from payment of litigation costs".

The new Law on Mediation³⁵, in force since January 1, 2015, stipulates in Article 31 that *if a settlement in mediation is reached after the start of the court proceedings, but before the end of the first main court hearing, the parties may be exempt from payment of court or administrative fees, in accordance with the law determining court or administrative fees*. Although this provision was intended as an incentive for the parties to attempt out of court settlement, so far there has not been a single recorded case of the exemption from the payment of court fees, based on the settlement in mediation. Main reason for this is inconformity of the Law on Court Fees with Article 31 of the Law on Mediation.

The decision on the exemption from payment of the costs of proceedings is made by the first instance court at the request (motion) of a party. However, *the law does not prescribe*

³²CINS report, Available at: <https://www.cins.rs/srpski/printer/article/227>

³³Civil Procedure Code, Official Gazette RS, no. 72/11 49/13 – CC, 74/13 – CC and 55/14, Art. 168.

³⁴Civil Procedure Code, Official Gazette RS, no. 72/11 49/13 – CC, 74/13 – CC and 55/14, Art. 170.

³⁵http://www.paragraf.rs/propisi/zakon_o_posredovanju_u_resavanju_sporova.html

the deadline within which the court shall decide on the motion for the exemption from the costs of the proceedings. In this sense, there is a legal uncertainty for the party which has submitted a proposal as to whether and when the party will be assigned free legal counsel (and whether it will be exempt from the payment of costs). The character of this provision prevents the party to obtain free legal representation at the time of filing a lawsuit, the quality of which will largely influence the outcome of the proceedings. Also, the party is not informed in advance within which deadline the court will issue a decision on the application for exemption from payment of costs (and court fees), prolonging in this way the uncertainty even after the submission of such a request.

From the practice of functioning of the free legal aid system in civil proceedings, a very few conclusions can be drawn, since this system still does not actually function in practice. Earlier studies³⁶ indicate that, for example, before the First basic court in Belgrade, from the start of implementation of the Civil Procedure Code on 1 February 2012 until 2014 there was not a single request for assignment of free legal counsel. Bearing in mind that socio-economic data illustrate that there is a great need for this kind of assistance, it seems that it is not sufficiently known to the parties of the proceedings, or that its subsidiary character contributed to the very seldom use of this opportunity. Also, the absence of clear provisions as to whether the proposal for the assignment of a free legal counsel can be placed simultaneously with the proposal for exemption from court costs, creates additional legal uncertainty. Submitting proposals with two different motions seems logical, but uncertainty arises from the legal solutions which prescribe no deadline for deciding upon the motion for exemption of court costs (Article 169), while for the request to assign a free counsel there is a deadline of 8 days for the decision of the court (Article 170).

Similar problems exist in the criminal proceedings; except in cases of mandatory defense, it is also possible to assign free legal counsel to a defendant who cannot pay the fees and expenses of the defense counsel due to his financial status, at his request, only in criminal proceedings for a criminal offense which is punishable by imprisonment of more than three years or if it is required for reasons of fairness³⁷. *Ex officio* lawyer may be appointed to represent indigent citizens, but there are problems regarding the mechanisms by which they are elected and the absence of any quality control. This feature is also very rarely used in practice and there is no available data on the number of persons who were assigned free defense counsel on the basis of Article 77 of the Criminal Procedure Code.

Bearing in mind the presented solutions and practices in Serbia, it is inevitable conclusion that there is a need for comprehensive amendments to the legal framework and the court practice in this field. In this regard, it is important to note that the UN Commissioner for Human Rights stated³⁸ that "*the imposition of court fees to the parties that would de facto prevent their access to justice can lead to problems in the application of Article 14, Para 1*"³⁹. *In particular, solid legal obligation that the costs are to be borne by the party who wins the dispute, without considering the implications of the such solution or without providing legal*

³⁶<http://www.secons.net/admin/app/webroot/files/publications/Pristuppravdi.pdf>

³⁷Criminal Procedure Code, Official Gazette RS, no. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14, Art. 77

³⁸ UN Human Rights Committee, General Comment No. 32 (n. 7), paragraph 11

³⁹ *N.b.* EU Convention on Human Rights

aid, may have the effect of deterring persons from seeking protection of their rights under the Covenant in proceedings available to them". Similarly, the European Court of Human Rights has taken the view that court fees to be paid before initiation of the proceedings should not constitute such a financial burden which essentially prevents or discourages individuals from exercising their right to a remedy⁴⁰. However, the imposition of high court fees and high legal costs will not necessarily lead to a finding of a violation of the right to a fair trial (Article 6 of the European Convention), but the overall assessment depends on the specific circumstances of the case.

Functional Review⁴¹, performed by the World Bank, indicates that the financial accessibility of judicial services is one of the most serious barriers to access to courts in Serbia. Solving even the simplest case is financially inaccessible to many. According to the analysis: "Citizens do their best to avoid the courts: almost 63% of the general population say that if they have a dispute they believe should be resolved in court, they will still try to avoid the court; fear of the cost entails one of the most common obstacles. More than half of interviewed users of court services deemed that legal costs in their case were excessive⁴²".

Analyses of socio-economic status of citizens indicate that there is a large number of poor people and those at risk of poverty. According to data from the last publication of the Team for Social Inclusion and Poverty Reduction⁴³, the poverty rate in Serbia in 2014 was 8.9%, which means that the consumption of such per cent of the population was below the poverty line (11,340 dinars per month for the equivalent adult). The above 8.9% means that 628.000 people are considered poor. In the total number of poor citizens, the younger generation (under 24 years) accounted for 31.8% and 68.2% of the elderly. Such low participation of the younger generation, where the poverty rate is higher, is explained by the unfavorable demographic processes in Serbia. In 2014, poverty has remained at approximately the same level as the previous year - 8.9% versus 8.6% (similar the data can be expected for 2015).

According to the Household Budget Survey conducted by the Team for Social Inclusion and Poverty Reduction, there were a total of 627.000 poor citizens in Serbia, and the most affected by poverty were members of larger households, the unemployed, the inactive (excluding pensioners) and unskilled citizens and residents of the East/South East Serbia. Poverty data can be viewed by the geographical factors, where particular attention needs to be paid to the socio-economic situation in certain municipalities which are classified in the III and IV group of underdeveloped municipalities in accordance with the provisions of the Law on Regional Development. Along with this data, different vulnerable/marginalized groups, socially excluded citizens and particularly vulnerable groups should also be taken into account, which additionally indicates the degree of poverty.

⁴⁰ECtHR, *Scordino v. Italy*, No. 36813/97, 29 March 2006, paragraph 201. In this context, see also ECtHR, *Perdigão v. Portugal*, No. 24768/06, 16 November 2010, in which it was held by the ECtHR Grand Chamber that forcing the applicant to pay court fees that were higher than the compensation awarded breached Article 1 of Protocol No. 1 to the ECHR

⁴¹ *Functional Review* <http://www.mdffjs.org.rs/sr/srbija-funkcionalna-analiza-pravosudja#.VxiOFdR97cs>

⁴² *Id*

⁴³Team for Social Inclusion and Poverty Reduction, *Poverty in Serbia in 2014*⁴⁴

Table: Poverty per regions in Serbia, 2014.

	Number of poor, in 000	Degree of poverty, in %
Serbia	627	8,9
Vojvodina	149	7,8
Belgrade	77	4,7
Central Serbia without Belgrade	402	11,4
Šumadija, west Serbia	154	7,6
South East Serbia, East Serbia	248	16,4

Source: SIPRU report 2014, based on data of the Republic Statistics Institute

In fact, taking into account this data, as well as the average salary in Serbia, the level of court fees and fees for lawyers seem unattainable for a large number of citizens. For example, in the Tariff which forms an integral part of the Law on Court Fees, it is stipulated that the value of the dispute used to calculate court fees for disputes on determination of the validity of marriage, annulment of marriage or divorce, the court fee is 19,000 dinars (154 euro). In case such a dispute also involves the exercise of parental rights (which is usually the case), only a single court fee is paid. In this case, the fee for the lawsuit and the judgment of divorce is 2,660 RSD (22 euro), in total 5.320 RSD (43euro).

However, these are not the only costs that may arise in the context of these proceedings, given that parties often hire lawyers. If the cost of a lawyer is added to this amount in line with the Bar Association Tariff⁴⁴, the preparation of submissions for divorce will cost 16,500 RSD (134 euro), while access to the hearings in case of amicable divorce is 18,000 RSD (146 euro). When it is not a consensual divorce, additional hearings, delayed hearings, reviewing records and the like should also be added. If the need for protection from domestic violence is taken into account, the costs increase further; while according to the Autonomous Women's Center, most of their clients cannot bear these costs. Hiring an attorney for drafting submissions for protective measures is 7,500 RSD (61euro), while for a hearing on protection measures it is necessary to allocate 8,750 RSD (71 euro). Furthermore, according to the Bar Tariff, submission/brief for the exercise of parental rights costs 11,250RSD (92euro), hearing is 12,750RSD (104 euro), postponed hearing 7.125RSD (58 euro) and appeal is 22,500RSD (167euro). It is similar in other cases, so for services of a lawyer in disputes on obstruction of possession, invaluable labor disputes, other offenses, land registry - priceless objects, administrative proceedings (Law on Administrative Procedure or the Family Law), for entry into the Business Registry, it is necessary to allocate 16,500RSD (134 euro) for submission, 18,000RSD (146 euro) for the hearing, postponed hearing 9,750 RSD (80 euro) and 33,000 RSD (268 euro) for an appeal.

⁴⁴ Bar Association Tariff, table of fees with each hour, on force as of March 6 2014.

In fairness, it should be noted that a general reduction in the buying power of citizens brings into question such income of the lawyers and in practice, in most cases lawyers accept significantly lower amounts for actions taken in the proceedings than those prescribed by the Bar Tariff. However, in accordance with the rule that the winner in court proceedings is entitled to recover the costs from the other side, the amounts anticipated in the Bar Tariff are regularly taken into account in calculating the cost at the end of the proceedings.

In addition to the poorest citizens, who receive social assistance, it is clear that other citizens also have a rather difficult access to court, if one takes into account the above Bar Tariff and court fees. Also, it is necessary to take into account those citizens who do not fall into the category of the most poor, but who would jeopardize their own maintenance or support of family members if they would bear the costs of the proceedings. At the same time, Functional Review⁴⁵ states that the manner of presentation of the amount of court fees and fees for lawyers is very complex, and the court users have difficulty to estimate the expected costs. The fees of lawyers are determined on the basis of the Bar Tariff, which also contains relatively high amounts for certain actions. As noted above, in practice it is known that the lawyers' fees are largely unrealistic (although Tariff prohibits reduction for more than 50%), and that lawyers often charge less than the prescribed minimum; however, the parties do not have enough information, nor they can expect with certainty that in the particular case they would pay reduced amount. Given that prescribing mandatory minimum tariffs is not in line with European practice⁴⁶, it is expected that within the EU accession process (through changes under Chapter 3), Serbia will change the regulatory framework and eliminate this practice.

Although the amount of court fees and other costs, as noted, impairs access to justice for many citizens, it should be noted that there is simultaneously an illogical limit of the amount of court fees for cases of great value. Thus, the Tariff, in the tariff number 1 provides that for a submission of a lawsuit and legal action in a dispute over the value of 1.000,000 RSD, the maximum court fee is 97,500 RSD. In other words, the maximum court fee applies for dispute with a value of 80,000 €, as well as for the dispute with a value of 300.000 €, or even 10 million EUR, or more, before a court of general jurisdiction. This implies a simple, but rather difficult to understand, conclusion, that the level of prescribed court fees actually hinders access to justice for citizens who have disputes of a relatively small value, while effectively encouraging litigation in cases that significantly the "average" value. Unfortunately, this system is not favorable for the citizens of poor financial status, and rather "subsidizes" litigation in high value cases. To be specific, similar restrictions in the maximum amount of court fees also exist in Croatia and Montenegro, but not in Slovenia, where the maximum amount of court fees depends on the value of the dispute (For Slovenia, see the table in Annex 3).

In that regard, it would be interesting to compare the amount of court fees in Slovenia and Serbia according to the value of the claim. As the following table shows, it is clear that

⁴⁵ Functional Review <http://www.mdtfjss.org.rs/sr/srbija-funkcionalna-analiza-pravosudja#.VxiOFdR97cs>

⁴⁶The European Court of Justice found that mandatory minimum charge is a violation of the EU Treaty. Free negotiations between lawyers and clients are possible in 42 of the 47 countries covered in the CEPEJ report

the court fees in Serbia are much higher in civil cases up to the value of 80,000 EUR , while it is more expensive to litigate in high value cases in Slovenia.

Court fees per value of the claim

Value of the claim (€)	Slovenia	Serbia
300	17	27
1.200	38	104
5.000	80	288
10.000	125	446
40.000	265	596
80.000	439	790
160.000	800	790
350.000	1.475	790
700.000	2.375	790
2.000.000	4.975	790
10.000.000	20.975	790
30.000.000	60.975	790

As mentioned above, although the exemption from payment of court fees is possible, it is inconsistent in practice, as it is applied differently from case to case. A small number of citizens are informed about this possibility, often the information is inaccurate, and there is no obligation of the court to familiarize parties with this right. As identified in the Functional Review, the lack of guidelines, monitoring and standardized forms that would be used by judges in case of exemption from payment of court fees⁴⁷, result in limited awareness about the availability of this option and inconsistent implementation of the right to access to justice for indigent citizens.

Bearing in mind the difficulties presented, there is a need for the collection of relevant data on the implementation of this mechanism in practice, as well as activities aimed at raising citizens' awareness of the availability of the possibilities for exemption from payment of court fees (through brochures, provision of information in the courts, public campaigns, etc.). Therefore, there is a need to improve practices, such as specifying the rules regarding the possibility of exemption from payment of court fees, the availability of free legal advice and *pro bono* services, the introduction of simplified procedures in which there is no requirement of representation by a lawyer, as well as development and the general availability of alternative, non-judicial means of dispute settlement, while ensuring that these funds represent only a supplement to, not a substitute for adequate legal aid system, and that there are appropriate safeguards to guarantee the protection of rights and effective

⁴⁷Functional Review <http://www.mdtfjss.org.rs/sr/srbija-funkcionalna-analiza-pravosudja#.VxiOFdR97cs>

participation in the proceedings. Finally, it is essential for effective access to justice that there is availability of accurate and sufficiently precise information. Bearing in mind the possibilities of technology nowadays, it is possible, through free public service, to provide the citizens information concerning laws, procedures, forms, documents on the official websites of the courts⁴⁸.

In addition to adequate information, improvement of practices and effective implementation of existing mechanisms, it seems that there is also a need to improve the legislative framework. Thus, in order to overcome a part of the problems identified in the current system of court fees, in the end of 2015, amendments to the Law on court fees were adopted⁴⁹. Most changes refer to court fees in the process of enforcement, as well as the harmonization of the existence of the public notary.

It is interesting that these changes acknowledge that there is an unjustified burden of parties in enforcement proceedings. More specifically, according to the law that was in force until amendments and supplements, it was scheduled to pay "double" court fee:

- for the proposal for initiating enforcement proceedings (for the proposal for enforcement on the basis of enforcement/authentic instrument), and
- for the decision to be taken on that proposal (enforcement decision on the basis of enforcement/authentic instrument, or decision rejecting or refusing enforcement proposal)

As the legislator stated in the explanation of amendments to the law: *"The payment of both court fees is not justified, since there are practically no court actions undertaken between the receipt of a proposal for enforcement (on the basis of enforcement or authentic document) and decisions on the proposed actions, that would justify a fee for the court decision"*

As it has been acknowledged that this solution generates undue costs for the party, the payment of court fees for court decision on the proposal for enforcement on the basis of the enforcement or the authentic instrument (enforcement decision on the basis of enforcement or authentic document, or decision rejecting or refusing proposal for enforcement) was abolished. Also, it was noted that the adoption of these decisions does not require special material costs or intellectual activities. Thus, in accordance with Article 10, the fee shall not be paid in the future for decisions brought by the court for enforcement on the basis of enforcement or authentic document. In addition, the party pays an advance to the bailiff to carry out the enforcement, which was also an unfair burden for the party in the previous legal provisions. So, as the role of the court solely refers to making a decision on the proposal for enforcement (on the basis of enforcement or authentic documents) and deciding on the legal

⁴⁸Information may be available within the Ministry of Justice, Parliament, the Official Gazette, the portal of the courts, etc.

⁴⁹Law on Court Fees, Official Gazette RS, no. 28/94, 53/95, 16/97, 34/2001 –oth.law, 9/02, 29/04, 61/05, 116/08 –oth.law, 31/09, 101/11, 93/12, 93/14 and 106/15

remedies related to decisions brought by the court, while concurrently increasing the role of bailiffs, such a solution required a reduction of court fees.

Similarly, the legislator took into account the presence of the public notary system, exempting the parties from a former “double” fee through amendments to the Law. Up to these changes, the party was paying:

- court fees (for actions that are entrusted to a notary public, which are therefore not undertaken by the court), and simultaneously,
- fee for a notary public.

In accordance with the amendments to the Law, *the parties in non-contentious proceedings are exempted from payment of fees for the acts and actions entrusted to the notary public by the court.* In this way, costs of the proceedings are reduced and cost duplication is prevented.

However, it should also be noted, that the amendments to the Law on Court Fees failed to recognize the existence of mediators, in addition to public notaries and enforcers, hence the provision of the aforementioned Article 31 of the Law on Mediation, that the parties may be exempt for the payment of court fees on the basis of a mediated agreement, has still not been implemented in practice.

In terms of other novelties, Article 1 of the Law changed the amount of value for which the fee can be paid with revenue stamps of 1,000 dinars (according to the previously applicable law) to 5,000 dinars. A rule is prescribed that up to 5,000 dinars the fee may, but need not, be paid in the revenue stamps, while over 5,000 dinars it can be paid exclusively in cash. The procedure of authorization of persons to sell revenue stamps has also changed, as well as the procedure in which the authority is revoked (Article 7). Namely, according to the previous solution, retail of revenue stamps was carried out by companies and other legal entities; whereas the new solution stipulates that the future authorization for the sale of revenue stamps shall be given by the Government on the proposal of the Minister of Justice.

Apparently, there is a willingness of the legislator to correspond to the needs for amendments to the legal framework dictated by reality. The above shows that it is necessary to accurately identify the current problems that citizens face which arise from the existing legislative framework and practices, in order to define concrete proposals for necessary changes which would improve access to justice for citizens.

Analysis of the questionnaire on courts practice regarding the court fee waiver requests⁵⁰

In order to collect concrete information on the implementation of the provisions on exemption from payment of court fees in the Republic of Serbia, the survey was conducted through a questionnaire in order to prepare a proposal for the reform of the court fee waiver

⁵⁰Annex 1

system. The questionnaire was delivered to the courts, judges and lawyers, as direct actors in the court proceedings. The questionnaire was delivered to a total of 100 respondents, and answers were received from the basic courts in Belgrade, Novi Sad, Kragujevac, Subotica, Uzice, Zajecar, Sabac and Mladenovac, as well as lawyers from Belgrade, Nis and Novi Sad. Based on the analysis of 63 received completed questionnaires, the following results have been identified:

1. With regard to the question **which categories of persons are usually exempt from payment of court fees**, the respondents provided the following answers: persons without income or with low income, unemployed, beneficiaries of social welfare, pensioners, single parents, persons without property

2. With regard to the question **in which types of disputes the parties usually submit a request for exemption from payment of court fees**, the respondents provided the following answers: labor disputes, family disputes, property disputes, payment claims, damages, disturbance of possession, property rights disputes, disputes in criminal matters

3. With regard to the question **what percentage of requests for exemption from payment of court fees is approved by the court**, the respondents provided the following answers (other respondents did not answer this question)

10% - 15%	14 respondents
20%	3
30%	5
40%	6
50%	17
60%	4
70%	3
80%	1

4. With regard to the question **what is the average amount of income of persons whose requests for exemption from payment of court fees are approved**, 18 respondents said that this amount varies from 10,000 to 30,000 RSD, while 36 of respondents stated that these are persons who have no income or at least do not have a steady income.

5. With regard to the question **what were the criteria most frequently used by courts in deciding upon request**, the respondents provided the following answers: assets of a person (whether an applicant has any assets), income, whether the income is permanent or

temporary, what is the general financial situation of the applicant, how many dependents are supported by the applicant, the age of the applicant.

6. With regard to the question **whether the persons belonging to vulnerable social groups are automatically exempt from paying court fees**, the respondents provided the following answers: 36 respondents said that there is no automatic waiver, and 18 of them explicitly stated categories, including the following groups of persons: minors, unemployed, dependent persons, war veterans and children seeking child support, social welfare beneficiaries.

7. With regard to the question **whether the parties are regularly informed of the possibility of exemption from payment of court fees and whether such information is provided by the courts or lawyers**, the respondents provided a variety of different answers, which implies that there is no clear and consistent practice by which judges act in this case. The 20 respondents said that the court never informs the parties about the possibility of exemption because there is no legal obligation to do so, 3 respondents stated that such notice is given only in "justified" cases (?), whereas 15 responded stated that courts regularly provides such information. 20 respondents stated that they have no knowledge. All lawyers who completed the questionnaire claimed they regularly inform their clients about this right.

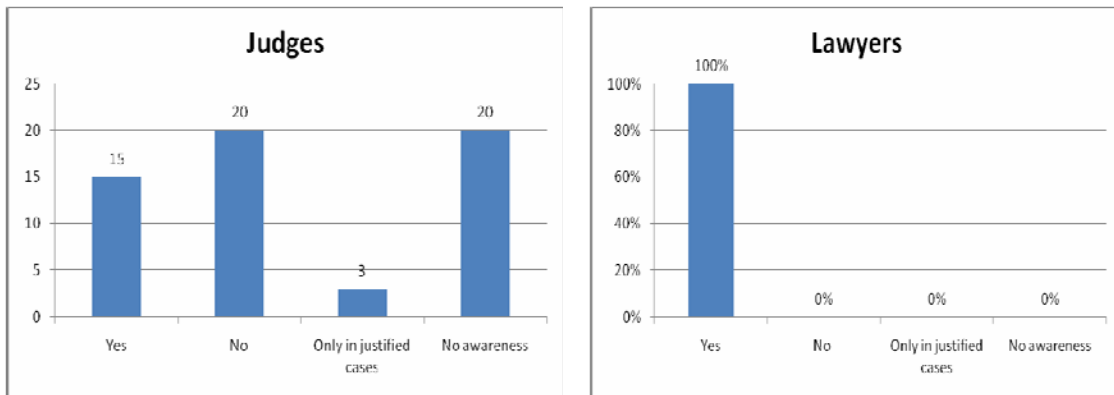
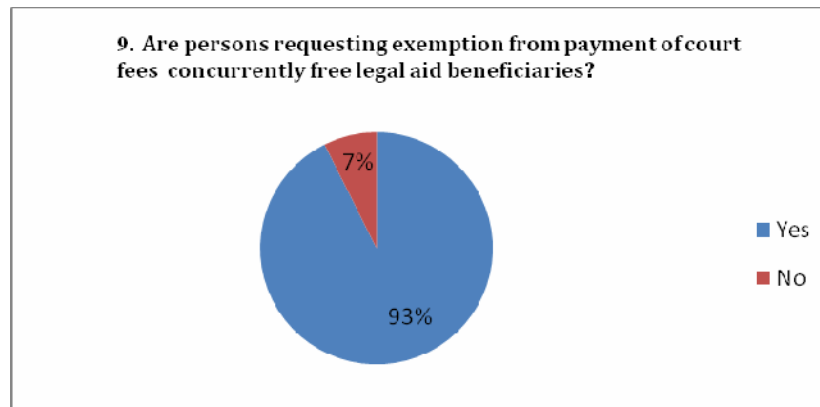


Chart 1: Are the parties regularly informed of the possibility of exemption from payment of court fees?

8. With regard to the question **which facts are taken into account when determining the amount of court fee**, the respondents provided the following answers: the value of the dispute, the type of dispute, and the fee tariff prescribed by the Law on Court Fees, achieved success in the litigation.

9. **Whether persons requesting exemption from payment of court fees are concurrently free legal aid beneficiaries**, from among the total number of respondents who completed the questionnaire, the response YES was provided by 57 respondents.



10. With regard to the question **what amount of revenue from court fees was collected in 2015 and which percentage of revenue remained for the court**, the respondents provided the following answers: 33 respondents said that they have no information about these data, 15 of the respondents stated that according to their knowledge court does not keep any revenues collected on this basis, whereas 5 respondents estimates that the overall amount of revenues is about 20% to 40%. Basic Court in Kragujevac stated that the revenues collected from court fees in 2015 were 120.466.326,24RSD.

11. With regard to the question **which state bodies usually provide a certificate of financial status to the parties**, the respondents gave the following answers: Real Estate Cadaster, National Employment Agency, Tax Administration, Republic Geodetic Institute, Center for Social Work, the PIO (pension) Fund.

12. With regard to the **question whether the provisions on exemption from payment of court fees have an impact on access to court**, the largest number of judges (35) responded that they consider that such provisions have no impact or that they have no knowledge about it. Those who have given affirmative answer to this question concurrently explained that the amount of court fees and an obligations that they are paid, discourages many parties to address the court and seek the protection of their rights.

In the questionnaire, as well as during the presentation of the draft Analysis on 6 September 2016 in the Ministry of Justice, the participants provided additional information and feedback highlighted below:

- Judges are of the opinion that more and more requests for exemption from court fees are being filed, primarily in labor disputes, while one of the judges claimed that in every other case one of the parties request exemption;
- At the same time some of the judges believe that not more than 10% of these requests is actually approved; some judges feel that the motive for such low percentage is monitoring of the collection of court fees by the Ministry of Justice, while others state that the Ministry controls collection of fees in cases where there was no exception;

- Judges also state that the biggest obstacle for the parties is large number of documents that the parties have to collect from different institutions, and for that reason they often fail to obtain the exemption; furthermore, most of these documents carry their own fee, which creates additional difficulties to indigent parties;
- Big problem for the court is absence of unified data bases; for example, litigants can bring a certificate that he does not own any real estate property from one municipality, but he may well own real property in another;
- In terms of the distribution of the collected from court fees, most of the participants stated that they have no information or awareness if these funds are distributed according to the 40:20:40 formula;
- At the presentation of the draft Analysis, the participants supported the recommendation to abolish limitation of court fees for the high value cases, as these additional funds could be used for the fee exemption for indigent citizens;
- Answers from the questionnaire, as well as the feedback obtained during the presentation of the draft Analysis, discussed the absence of consolidated and credible data about the revenue collected from court fees; judges claimed that the fee goes directly to the budget, whereas the court has to rely on the paper payment receipts, provided by the parties; hence, only the accounting department can collect this information from the bank statements, while the total amount of the collected court fees must be obtained manually, from case to case; some data may be ascertained from the court annual reports submitted to the Supreme Court of Cassation.

Conclusions and recommendations

Most of the EU countries and countries in the region use court fees to cover a part of the operating costs of the courts. Revenue from court fees constitutes a revenue of the state budget, which is further allocated within a particular country in many ways - whether exclusively as a revenue of the state budget or in part as revenue for the budget of the court, while some income exceeds the basic purposes and generates a surplus.

As the countries in the region included in this analysis are of particular importance for drawing conclusions and making recommendations to improve the system in the Republic of Serbia, given the similar legal tradition and many common elements of the legal system, as well as similar financial circumstances, the analysis of the regulations in these countries are shown in more detail earlier in the text.

Differences in the amount of court fees in the countries in the region arise from differences in the financial situation of these countries and the income of citizens. However, since the courts fees should not represent an obstacle to the access to justice, it is necessary to align their rate with real possibilities and average income of citizens.

Preconditions for the reform of the system of court fees in the Republic of Serbia

Keeping the above facts in mind, when making decisions about the direction of the reform of the system of court fees in the Republic of Serbia, it would be necessary to take the following steps, and determine the information that may be of importance when deciding on a strategy to reform the system of court fees:

- *Determine precise data on the existing revenues generated from court fees*
- *Collect data on the average number of citizens who can fulfill the conditions for exemption from court fees*
- *Determine the amount required for the efficient functioning of courts, and if such income could otherwise be generated (for example, the introduction of court fees for groundless litigation, or removal of maximum amount of court fees)*
- *Assess the impact of the new Law on Free Legal Aid*

The last precondition is of particular importance, given that it is necessary to harmonize the conditions for exercising the right to free legal aid with the conditions for exemption from payment of court fees. If a citizen realizes the right to free legal aid, it is necessary to include in this right the exemption from payment of court fees as well. Impact assessment of the implementation of this new law may provide useful information on the average number of citizens who may qualify for the free legal aid and request exemption from paying court fees. At the same time, some citizens may not be eligible for free legal aid, due to a slightly better economic position, but they also could be covered by exemption from payment of court fees, if that would facilitate their easier access to the court system.

Recommendations for the reform of the system of court fees in the Republic of Serbia:

Compared to countries in the region, Serbia has similar procedures when it comes to the rules of exemption from payment of court fees. However, in terms of equal access to justice, a more detailed analysis indicates that there are certain differences which may be critical for the exercise of the right to access to justice for indigent citizens or other sensitive (vulnerable) groups. Therefore, with an aim to improve the situation in this field, it is necessary to undertake the following measures and steps:

- ***The law should precisely regulate the conditions/criteria for exemption from payment of court fees and be aligned with the Law on Free Legal Aid***

Of particular importance for the analysis of the impact of court fees and potential exemption from payment of court fees is the fact that states in the region have a developed system of free legal aid. The availability of free legal aid greatly facilitates the position of individuals if they want to protect their rights in court proceedings. In some states, exemption from payment of court fees is one of the forms of free legal aid (Croatia, Montenegro), while in others it entails an additional form of support (Slovenia). Moreover, it is possible to obtain partial exemption from payment of costs of proceedings and/or court fees. This approach is very much different from the current normative framework in the Republic of Serbia, in terms of provision of support to various groups of citizens in their access to court. Therefore, it is necessary to consider how Serbian legislation and practice could be improved in order to create a wider range of options for facilitating access to justice, through the total or partial exemption from payment of court fees.

- ***Conditions for exemption from payment of court fees must be known in advance to the citizens (improve the website of the courts, enable access to information through the portal of courts, distribute brochures);***

The availability of information is also an important factor. The review of the legislative framework in the Republic of Serbia indicates that citizens have very limited access to information before the start of the proceedings, and must rely on the advice of an attorney (if

they have the funds to hire one). Courts in the Republic of Serbia have not sufficiently developed the system of providing information in a comprehensive manner, through which the citizens would be able to inform themselves in advance about the expected costs of the proceedings and options for exemption from court fees, conditions and practice. Although the tariff represents a part of the law on court fees, clients can hardly understand what the total amount that awaits them is. It is necessary that citizens know in advance the expected amount of fees, as opposed to the court's free assessment and the wide range of amounts of courts fees.

- ***Sensitive (vulnerable) social groups must be exhaustively listed in the law, as a category for ex lege exemption from payment of court fees***

The analysis shows that countries in the region have determined a much wider category of persons that may be exempted from paying court fees. This is also true in the case of *ex lege* exemption and exemption upon request. The differences in *ex lege* exemption are of particular importance, given that countries in the region (Croatia in the most comprehensive way) clearly specify numerous sensitive (vulnerable) social groups, ensuring equal access to justice for all citizens. In this context, the Republic of Serbia is currently implementing National Judicial Reform Strategy, in order to, *inter alia*, increase the efficiency of the proceedings. One of the measures of the accompanying Action Plan, also refers to the "Defining and establishing criteria for determining the circle of persons who should be exempted or pay reduced court fees and fines in misdemeanor and criminal cases due to their difficult financial situation".

- ***Align the rules on exemption from payment of court fees and costs of proceedings in Civil Procedure Code and other regulations***

As mentioned above, this particularly refers to the subsidiary character of the right to free legal aid arising from the Article 170 of the CPC, as well as to the absence of a deadline for the courts' decision upon proposal for exemption from the costs of proceedings. Also, Law on Court Fees should be aligned with Article 31 of the Law on Mediation.

- ***Introduce the obligation of the court to inform the parties of the possibility to demand exemption from payment of court fees (in the framework of the Letter of Rights, which will be produced and distributed in accordance with the Action plan for Chapter 23)***

One of the main shortcomings of the system is the fact that the court is not obliged to inform the party about the possibility of exemption from payment of court fees. As the factors taken into account in the exemption from payment of court fees vary from case to case, the court determines the total amount of taxes in each particular case in relation to a number of factors (the value of the dispute, whether the party maintains minors, the income of the party, etc.), it is very difficult to estimate the expected total amount. At the same time, the parties do not know in advance whether they will be exempted from paying court fees, even if they obtain all the necessary evidence on financial status, given that there are no binding guidelines, but decision is made in each specific case.

- ***Develop guidelines for the courts for the purpose of uniform application of the rules for exemption from payment of court fees***

The responses obtained through the Questionnaire, as well as the results of the analysis, indicate that the courts make decisions on exemption from payment of court fees on a case-by-case basis, hence there is no clear practice which could be used to conclude with a higher degree of certainty which costs should be expected and whether a party will be able to be exempted. The so-called "special conditions" under which one will be exempted from payment of court fees include the evaluation of the court in each case. It is therefore necessary to determine precise guidelines and criteria unifying the practice of courts in the field of exemption from payment of court fees.

- ***Consider the possibility of removing the maximum amount of court fees for high value cases***

The maximum amount of court fees in Serbia (97,5000 RSD in courts of general jurisdiction) does not enable easier access to justices for the most citizens, particularly those from marginalized and vulnerable groups. On the contrary, it effectively encourages unreasonable and unfounded litigation for high value disputes. Removal of this limitation would achieve several results: Equal and fair distribution of financial burden through proportional payment of court fees, discouragement of frivolous litigation in higher value cases, increase of judicial efficiency through better allocation of court resources, support to development of alternative methods of dispute resolution, and finally increased revenue in the court and state budget (in case these cases are eventually heard in courts), that could be used for the wider use of the court fee waivers among the indigent citizens.

- ***Precisely determine the authority competent for issuing the certificate of financial status***

In the majority of countries included in the analysis, it is clearly stated which specific body issues a certificate on financial status, while the Serbian Law solely mentions a "competent" authority, implying a range of different administrative procedures by more competent authorities. In this way, access to justice is additionally hindered for the citizens. Furthermore, although in most countries covered by the analysis there is a similar rule of periodical confirmation of the financial status, which requires updating of the certificate on 6 months or annual basis, the duration of the proceedings in the Republic of Serbia should also be taken into account when determining this condition.

- ***Establish monitoring and control mechanism over the implementation of the rules on the exemption from court fees (annual report on the number of requests, approved request, etc.)***

The monitoring over the implementation of the rules on the exemption from court fees is also interesting. With a view to making recommendations, it is important to consider which body would be responsible for the monitoring and control of the system. However, as the appropriate ICT system is still under development in the Republic of Serbia, it is necessary to

concurrently take into account that processing of this information in a comprehensive and coherent manner cannot be simple, given the different databases and indicators in existing information systems used by the courts. For example, the court AVP program for automated case processing, has no possibility to monitor collection of court fees, or cases where the fee is waived. It is also not possible to generate report on the total amount of fees collected/exempt in any given court, hence this question should also be carefully considered in the future.

There is a clear need to improve the legal framework, as well as to specify the conditions required for the exemption from payment of court fees. To achieve this, the existence of relevant statistical data on the implementation of this mechanism in practice are necessary, as well as undertaking activities aimed at strengthening citizens' awareness of the availability of possibilities for waiver of court fees (through brochures, the provision of information in the courts, public campaigns, etc.).

This also implies a need for the availability of free legal advice and pro bono services, the introduction of simplified procedures in which there is no requirement of legal representation, as well as the development and wider availability of alternative, non-judicial means of dispute settlement, for the citizens, always ensuring that these possibilities represent a supplement, and not a substitute for adequate legal aid system, and that there are adequate safeguards to guarantee the protection of citizens rights and effective participation in the proceedings. Finally, the availability of accurate and sufficiently precise information is essential for effective access to justice. Bearing in mind the possibilities of technology today, through free public service it is possible to provide the citizens information concerning laws, procedures, forms, documents on the official websites of the courts.

This analysis, recommendations, and the basic guidelines for the reform of the system of court fees are provided with the aim of assisting the achievement of strategic objectives and priorities for improving efficiency and access to justice, through the exemption from payment of court fees and the expected adoption of the new Law on Free Legal Aid. The findings of this Analysis will be made available to the professional and general public, and we welcome every question, comment, or suggestions that will contribute to the improvement of the text and implementation of the conclusions, suggestions and recommendations in practice.

Annexes

Questionnaire

1. Can you specify the categories of persons who are usually exempted from paying court fees?
2. In what types of cases the parties usually submit a request for exemption from payment of court fees?
3. What percentage of requests for exemption from payment of court fees is, according to your judgment, is adopted by the court in which you work / before which you act?
4. Can you indicate / estimate the average income of persons whose requests for exemption from payment of court fees are usually adopted?
5. What are the key guidelines used by the court when deciding on the request for exemption from payment of court fees?
6. Are there any categories of persons belonging to vulnerable (sensitive) social groups which are automatically exempted from paying court fees? If yes, please explain
7. Are parties regularly informed of the possibility of exemption from payment of court fees? Do the lawyers or the court inform the parties about the possibility of exemption from payment of court fees?
8. Which facts are taken into account when determining the amount of the court fees?
9. Do persons submitting the request for exemption from payment of court fees also have free legal aid?
10. What percentage of revenue from court fees remains for the court?
11. Which state bodies are mostly used by the parties to obtain a certificate of financial status?
12. Do the provisions on exemption from payment of court fees have an impact on the parties' access to court? Please explain

References

- The Constitution of the Republic of Serbia, Official Gazette of RS, no.98/06
- The European Convention for the Protection of Human Rights and Fundamental Freedoms http://www.echr.coe.int/Documents/Convention_BOS.pdf
- The Charter of Fundamental Rights http://www.europarl.europa.eu/charter/pdf/text_en.pdf
- European Union Agency for Fundamental Rights , Annual Report 2014, p. 13-15 http://fra.europa.eu/sites/default/files/fra-annual-report-2014_en.pdf
- CEPEJ Evaluation Report, 2014. (based on 2012 data). Available at: http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf
- EC Progress Report on Serbia, Available at http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/godinj_izvestaj_15_final.pdf
- Law on court fees, Official Gazette RS, no. 28/94, 53/95, 16/97, 34/2001 –oth.law, 9/02, 29/04, 61/05, 116/08 –oth.law, 31/09, 101/11, 93/12, 93/14 and 106/15
- CINS report, Available at: <https://www.cins.rs/srpski/printer/article/227>
- Vreme - Milenijumskiciljeviposle2015.: Pravda zasve <http://www.vreme.com/cms/view.php?id=1267990&print=yes 2/3>
- Law on court fees, Croatia, NN 74/95, 57/96, 137/02, (26/03), 125/11, 112/12,157/13, 110/15
- Law on court fees Montenegro, " Official Gazette RCG", no 76/2005, Decision CC RCG U. no. 5/06, 8/06, 10/06, 19/06, 24/06, 39/06 and 110/06 - 39/2007-7. Art. 7. Of the Law - 40/2010-5. <http://www.pravda.gov.me/biblioteka/zakoni?pagerIndex=2>
- Law on court fees (Official Gazette of the Republic of Slovenia 37/2008)
- Civil Procedure Code, Official Gazette RS, no. 72/11 49/13 – CC, 74/13 – CC and 55/14.
- Criminal Procedure Code, Official Gazette RS, no.. 72/11, 101/11, 121/12, 32/13, 45/13 i 55/14
- Law on Mediation, Official Gazette RS no. 55/2014
- UN Human Rights Committee, General Comment No. 32 (n. 7), paragraph 11
- ECtHR, Scordino v. Italy, No. 36813/97, 29 March 2006, paragraph 201.
- Functional Review <http://www.mdtfjss.org.rs/sr/srbija-funkcionalna-analiza-pravosudja#.VxiOFdR97cs>
- Team for Social Inclusion and Poverty Reduction, Poverty in Serbia in 2014

- Bar Association Tariff, table of fees with each hour, on force as of March 6, 2014.
- Cost and fee allocation in civil procedure Dutch report *Prof. dr. M.B.M. Loos (University of Amsterdam)*, Available at: http://www-personal.umich.edu/~purzel/national_reports/Netherlands.pdf
- Legal Aid in the Netherlands - a broad outline 2015, *Legal Aid Board*, dostupno na: http://www.rvr.org/binaries/content/assets/rvrorg/informatie-over-de-raad/legalaid-brochure_online--2015.pdf

Table of court fees in the Republic of Slovenia

Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee
300	17	380.000	1.575	2.400.000	5.775	4.500.000	9.975	6.600.000	14.175	8.700.000	18.375	10.800.000	22.575	12.900.000	26.775
600	24	410.000	1.675	2.450.000	5.875	4.550.000	10.075	6.650.000	14.275	8.750.000	18.475	10.850.000	22.675	12.950.000	26.875
900	31	440.000	1.775	2.500.000	5.975	4.600.000	10.175	6.700.000	14.375	8.800.000	18.575	10.900.000	22.775	13.000.000	26.975
1.200	38	470.000	1.875	2.550.000	6.075	4.650.000	10.275	6.750.000	14.475	8.850.000	18.675	10.950.000	22.875	13.050.000	27.075
1.500	45	500.000	1.975	2.600.000	6.175	4.700.000	10.375	6.800.000	14.575	8.900.000	18.775	11.000.000	22.975	13.100.000	27.175
2.000	50	550.000	2.075	2.650.000	6.275	4.750.000	10.475	6.850.000	14.675	8.950.000	18.875	11.050.000	23.075	13.150.000	27.275
2.500	55	600.000	2.175	2.700.000	6.375	4.800.000	10.575	6.900.000	14.775	9.000.000	18.975	11.100.000	23.175	13.200.000	27.375
3.000	60	650.000	2.275	2.750.000	6.475	4.850.000	10.675	6.950.000	14.875	9.050.000	19.075	11.150.000	23.275	13.250.000	27.475
3.500	65	700.000	2.375	2.800.000	6.575	4.900.000	10.775	7.000.000	14.975	9.100.000	19.175	11.200.000	23.375	13.300.000	27.575
4.000	70	750.000	2.475	2.850.000	6.675	4.950.000	10.875	7.050.000	15.075	9.150.000	19.275	11.250.000	23.475	13.350.000	27.675
4.500	75	800.000	2.575	2.900.000	6.775	5.000.000	10.975	7.100.000	15.175	9.200.000	19.375	11.300.000	23.575	13.400.000	27.775
5.000	80	850.000	2.675	2.950.000	6.875	5.050.000	11.075	7.150.000	15.275	9.250.000	19.475	11.350.000	23.675	13.450.000	27.875
6.000	89	900.000	2.775	3.000.000	6.975	5.100.000	11.175	7.200.000	15.375	9.300.000	19.575	11.400.000	23.775	13.500.000	27.975
7.000	98	950.000	2.875	3.050.000	7.075	5.150.000	11.275	7.250.000	15.475	9.350.000	19.675	11.450.000	23.875	13.550.000	28.075
8.000	107	1.000.000	2.975	3.100.000	7.175	5.200.000	11.375	7.300.000	15.575	9.400.000	19.775	11.500.000	23.975	13.600.000	28.175
9.000	116	1.050.000	3.075	3.150.000	7.275	5.250.000	11.475	7.350.000	15.675	9.450.000	19.875	11.550.000	24.075	13.650.000	28.275
10.000	125	1.100.000	3.175	3.200.000	7.375	5.300.000	11.575	7.400.000	15.775	9.500.000	19.975	11.600.000	24.175	13.700.000	28.375
13.000	141	1.150.000	3.275	3.250.000	7.475	5.350.000	11.675	7.450.000	15.875	9.550.000	20.075	11.650.000	24.275	13.750.000	28.475
16.000	157	1.200.000	3.375	3.300.000	7.575	5.400.000	11.775	7.500.000	15.975	9.600.000	20.175	11.700.000	24.375	13.800.000	28.575
19.000	173	1.250.000	3.475	3.350.000	7.675	5.450.000	11.875	7.550.000	16.075	9.650.000	20.275	11.750.000	24.475	13.850.000	28.675
22.000	189	1.300.000	3.575	3.400.000	7.775	5.500.000	11.975	7.600.000	16.175	9.700.000	20.375	11.800.000	24.575	13.900.000	28.775
25.000	205	1.350.000	3.675	3.450.000	7.875	5.550.000	12.075	7.650.000	16.275	9.750.000	20.475	11.850.000	24.675	13.950.000	28.875
30.000	225	1.400.000	3.775	3.500.000	7.975	5.600.000	12.175	7.700.000	16.375	9.800.000	20.575	11.900.000	24.775	14.000.000	28.975
35.000	245	1.450.000	3.875	3.550.000	8.075	5.650.000	12.275	7.750.000	16.475	9.850.000	20.675	11.950.000	24.875	14.050.000	29.075
40.000	265	1.500.000	3.975	3.600.000	8.175	5.700.000	12.375	7.800.000	16.575	9.900.000	20.775	12.000.000	24.975	14.100.000	29.175
45.000	285	1.550.000	4.075	3.650.000	8.275	5.750.000	12.475	7.850.000	16.675	9.950.000	20.875	12.050.000	25.075	14.150.000	29.275
50.000	305	1.600.000	4.175	3.700.000	8.375	5.800.000	12.575	7.900.000	16.775	10.000.000	20.975	12.100.000	25.175	14.200.000	29.375
65.000	372	1.650.000	4.275	3.750.000	8.475	5.850.000	12.675	7.950.000	16.875	10.050.000	21.075	12.150.000	25.275	14.250.000	29.475
80.000	439	1.700.000	4.375	3.800.000	8.575	5.900.000	12.775	8.000.000	16.975	10.100.000	21.175	12.200.000	25.375	14.300.000	29.575
95.000	506	1.750.000	4.475	3.850.000	8.675	5.950.000	12.875	8.050.000	17.075	10.150.000	21.275	12.250.000	25.475	14.350.000	29.675
110.000	573	1.800.000	4.575	3.900.000	8.775	6.000.000	12.975	8.100.000	17.175	10.200.000	21.375	12.300.000	25.575	14.400.000	29.775
125.000	640	1.850.000	4.675	3.950.000	8.875	6.050.000	13.075	8.150.000	17.275	10.250.000	21.475	12.350.000	25.675	14.450.000	29.875
140.000	707	1.900.000	4.775	4.000.000	8.975	6.100.000	13.175	8.200.000	17.375	10.300.000	21.575	12.400.000	25.775	14.500.000	29.975
155.000	774	1.950.000	4.875	4.050.000	9.075	6.150.000	13.275	8.250.000	17.475	10.350.000	21.675	12.450.000	25.875	14.550.000	30.075
170.000	841	2.000.000	4.975	4.100.000	9.175	6.200.000	13.375	8.300.000	17.575	10.400.000	21.775	12.500.000	25.975	14.600.000	30.175
185.000	908	2.050.000	5.075	4.150.000	9.275	6.250.000	13.475	8.350.000	17.675	10.450.000	21.875	12.550.000	26.075	14.650.000	30.275
200.000	975	2.100.000	5.175	4.200.000	9.375	6.300.000	13.575	8.400.000	17.775	10.500.000	21.975	12.600.000	26.175	14.700.000	30.375
230.000	1.075	2.150.000	5.275	4.250.000	9.475	6.350.000	13.675	8.450.000	17.875	10.550.000	22.075	12.650.000	26.275	14.750.000	30.475
260.000	1.175	2.200.000	5.375	4.300.000	9.575	6.400.000	13.775	8.500.000	17.975	10.600.000	22.175	12.700.000	26.375	14.800.000	30.575
290.000	1.275	2.250.000	5.475	4.350.000	9.675	6.450.000	13.875	8.550.000	18.075	10.650.000	22.275	12.750.000	26.475	14.850.000	30.675
320.000	1.375	2.300.000	5.575	4.400.000	9.775	6.500.000	13.975	8.600.000	18.175	10.700.000	22.375	12.800.000	26.575	14.900.000	30.775
350.000	1.475	2.350.000	5.675	4.450.000	9.875	6.550.000	14.075	8.650.000	18.275	10.750.000	22.475	12.850.000	26.675	14.950.000	30.875

Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee	Value	Court fee
15.000.000	30.975	17.100.000	35.175	19.200.000	39.375	21.300.000	43.575	23.400.000	47.775	25.500.000	51.975	27.600.000	56.175	29.700.000	60.375
15.050.000	31.075	17.150.000	35.275	19.250.000	39.475	21.350.000	43.675	23.450.000	47.875	25.550.000	52.075	27.650.000	56.275	29.750.000	60.475
15.100.000	31.175	17.200.000	35.375	19.300.000	39.575	21.400.000	43.775	23.500.000	47.975	25.600.000	52.175	27.700.000	56.375	29.800.000	60.575
15.150.000	31.275	17.250.000	35.475	19.350.000	39.675	21.450.000	43.875	23.550.000	48.075	25.650.000	52.275	27.750.000	56.475	29.850.000	60.675
15.200.000	31.375	17.300.000	35.575	19.400.000	39.775	21.500.000	43.975	23.600.000	48.175	25.700.000	52.375	27.800.000	56.575	29.900.000	60.775
15.250.000	31.475	17.350.000	35.675	19.450.000	39.875	21.550.000	44.075	23.650.000	48.275	25.750.000	52.475	27.850.000	56.675	29.950.000	60.875
15.300.000	31.575	17.400.000	35.775	19.500.000	39.975	21.600.000	44.175	23.700.000	48.375	25.800.000	52.575	27.900.000	56.775	30.000.000	60.975
15.350.000	31.675	17.450.000	35.875	19.550.000	40.075	21.650.000	44.275	23.750.000	48.475	25.850.000	52.675	27.950.000	56.875		
15.400.000	31.775	17.500.000	35.975	19.600.000	40.175	21.700.000	44.375	23.800.000	48.575	25.900.000	52.775	28.000.000	56.975		
15.450.000	31.875	17.550.000	36.075	19.650.000	40.275	21.750.000	44.475	23.850.000	48.675	25.950.000	52.875	28.050.000	57.075		
15.500.000	31.975	17.600.000	36.175	19.700.000	40.375	21.800.000	44.575	23.900.000	48.775	26.000.000	52.975	28.100.000	57.175		
15.550.000	32.075	17.650.000	36.275	19.750.000	40.475	21.850.000	44.675	23.950.000	48.875	26.050.000	53.075	28.150.000	57.275		
15.600.000	32.175	17.700.000	36.375	19.800.000	40.575	21.900.000	44.775	24.000.000	48.975	26.100.000	53.175	28.200.000	57.375		
15.650.000	32.275	17.750.000	36.475	19.850.000	40.675	21.950.000	44.875	24.050.000	49.075	26.150.000	53.275	28.250.000	57.475		
15.700.000	32.375	17.800.000	36.575	19.900.000	40.775	22.000.000	44.975	24.100.000	49.175	26.200.000	53.375	28.300.000	57.575		
15.750.000	32.475	17.850.000	36.675	19.950.000	40.875	22.050.000	45.075	24.150.000	49.275	26.250.000	53.475	28.350.000	57.675		
15.800.000	32.575	17.900.000	36.775	20.000.000	40.975	22.100.000	45.175	24.200.000	49.375	26.300.000	53.575	28.400.000	57.775		
15.850.000	32.675	17.950.000	36.875	20.050.000	41.075	22.150.000	45.275	24.250.000	49.475	26.350.000	53.675	28.450.000	57.875		
15.900.000	32.775	18.000.000	36.975	20.100.000	41.175	22.200.000	45.375	24.300.000	49.575	26.400.000	53.775	28.500.000	57.975		
15.950.000	32.875	18.050.000	37.075	20.150.000	41.275	22.250.000	45.475	24.350.000	49.675	26.450.000	53.875	28.550.000	58.075		
16.000.000	32.975	18.100.000	37.175	20.200.000	41.375	22.300.000	45.575	24.400.000	49.775	26.500.000	53.975	28.600.000	58.175		
16.050.000	33.075	18.150.000	37.275	20.250.000	41.475	22.350.000	45.675	24.450.000	49.875	26.550.000	54.075	28.650.000	58.275		
16.100.000	33.175	18.200.000	37.375	20.300.000	41.575	22.400.000	45.775	24.500.000	49.975	26.600.000	54.175	28.700.000	58.375		
16.150.000	33.275	18.250.000	37.475	20.350.000	41.675	22.450.000	45.875	24.550.000	50.075	26.650.000	54.275	28.750.000	58.475		
16.200.000	33.375	18.300.000	37.575	20.400.000	41.775	22.500.000	45.975	24.600.000	50.175	26.700.000	54.375	28.800.000	58.575		
16.250.000	33.475	18.350.000	37.675	20.450.000	41.875	22.550.000	46.075	24.650.000	50.275	26.750.000	54.475	28.850.000	58.675		
16.300.000	33.575	18.400.000	37.775	20.500.000	41.975	22.600.000	46.175	24.700.000	50.375	26.800.000	54.575	28.900.000	58.775		
16.350.000	33.675	18.450.000	37.875	20.550.000	42.075	22.650.000	46.275	24.750.000	50.475	26.850.000	54.675	28.950.000	58.875		
16.400.000	33.775	18.500.000	37.975	20.600.000	42.175	22.700.000	46.375	24.800.000	50.575	26.900.000	54.775	29.000.000	58.975		
16.450.000	33.875	18.550.000	38.075	20.650.000	42.275	22.750.000	46.475	24.850.000	50.675	26.950.000	54.875	29.050.000	59.075		
16.500.000	33.975	18.600.000	38.175	20.700.000	42.375	22.800.000	46.575	24.900.000	50.775	27.000.000	54.975	29.100.000	59.175		
16.550.000	34.075	18.650.000	38.275	20.750.000	42.475	22.850.000	46.675	24.950.000	50.875	27.050.000	55.075	29.150.000	59.275		
16.600.000	34.175	18.700.000	38.375	20.800.000	42.575	22.900.000	46.775	25.000.000	50.975	27.100.000	55.175	29.200.000	59.375		
16.650.000	34.275	18.750.000	38.475	20.850.000	42.675	22.950.000	46.875	25.050.000	51.075	27.150.000	55.275	29.250.000	59.475		
16.700.000	34.375	18.800.000	38.575	20.900.000	42.775	23.000.000	46.975	25.100.000	51.175	27.200.000	55.375	29.300.000	59.575		
16.750.000	34.475	18.850.000	38.675	20.950.000	42.875	23.050.000	47.075	25.150.000	51.275	27.250.000	55.475	29.350.000	59.675		
16.800.000	34.575	18.900.000	38.775	21.000.000	42.975	23.100.000	47.175	25.200.000	51.375	27.300.000	55.575	29.400.000	59.775		
16.850.000	34.675	18.950.000	38.875	21.050.000	43.075	23.150.000	47.275	25.250.000	51.475	27.350.000	55.675	29.450.000	59.875		
16.900.000	34.775	19.000.000	38.975	21.100.000	43.175	23.200.000	47.375	25.300.000	51.575	27.400.000	55.775	29.500.000	59.975		
16.950.000	34.875	19.050.000	39.075	21.150.000	43.275	23.250.000	47.475	25.350.000	51.675	27.450.000	55.875	29.550.000	60.075		
17.000.000	34.975	19.100.000	39.175	21.200.000	43.375	23.300.000	47.575	25.400.000	51.775	27.500.000	55.975	29.600.000	60.175		
17.050.000	35.075	19.150.000	39.275	21.250.000	43.475	23.350.000	47.675	25.450.000	51.875	27.550.000	56.075	29.650.000	60.275		