

OUR STORY

The Assembly of Serbia prolonged the age limit for retirement from 65 to 67 years because of the judges of the Supreme Court of Cassation

The Law Changed only Because of Three Judges

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Belgrade – Although recently made changes of the Law on Judges are relating all the judges, the effects of the change will be directly felt by the three judges who, according to the previous Law, were to be retired this year. Namely, since the Law changes provide conditions for retirement at the age of 67 seven instead of so far 65, the judges of the Supreme Court of Cassation - Snežana Andrejević, Janko Lazarević and Novica Peković will stay at their positions for another two years.

According to the schedule of the jobs for the year 2015 which is available on the Supreme Court of Cassation web site, Andrejević and Veselinović are the deputies of the Court President, Dragomir Milojević. Besides, the judge Ms Andrejević is Editor in Chief of the *Jurisprudence Newsletter*, President of the Second Council of the Civil Department and President of the Second Section for Protection of the Right on Trial within reasonable time.

Apart from being the Court President Deputy, Veselinović is also President of the Second Council of the Criminal Section of the Supreme Court of Cassation and member of *Jurisprudence Newsletter* editorial staff.

Although his current position is President of the Court of Appeal in Novi Sad, Novica Peković will stay in active service for another two years due to the fact that he is judge of the Supreme Court of Cassation. In April, 2013, he was appointed the Acting President of the Court of Appeal by the Supreme Court of Cassation President Milojević. After that, on 23 May 2014, the National Assembly made the decision official and appointed Peković President of the Court of Appeal in Novi Sad.

It is expected that several important cases will be considered in the Court of Appeal in Novi Sad during the coming period of one year, and “the most complicated” one is the case of *ATP Vojvodina*, and this is the case for which the European Commission has shown interest. The case in which Ilija Dević, former owner of 82% of the shares in *ATP Vojvodina* company, in litigation proceedings is demanding the damage compensation from the City of Novi Sad is at this moment in the Higher Court in Novi Sad and it is

expected that, till the end of this year, the case will come to the Court of Appeal in Novi Sad.

Just to remind you, Ilija Dević bought *ATP Vojvodina* company in 2004 and it was considered in that time to be one of the successful privatizations because they managed to accomplish the investment plan during the first year of the company's work, they expanded the scope of the activities and employed another 200 workers. Next year, based on the contract concluded with the City, *ATP Vojvodina* began and in 2007 it completed building of the new international bus station with the Service Centre for "Setra" and "Mercedes" vehicles for which the company in the meantime got the official authorization. However, the City did not respect its part of the obligations from the contract, i.e. they did not redirect the traffic to the now location in order to provide conditions for the new bus station to start to work. Under the credit installments pressure, *ATP Vojvodina* went bankruptcy, 500 employees were sent to the Employment Bureau and the European Union put the case among five biggest out of 24 compromised privatizations with the emphasis on the fact that this is the only case in which the investor, but not the state, is the one who has suffered the damage.

The claim filed to the Higher Court in Novi Sad was preceded by the proceedings launched in 2007, when bankrupted *ATP Vojvodina* and Dević as an intervener in the dispute filed the criminal charges to the Commercial Court in Novi Sad against the City of Novi Sad because of the contract mismanagement. In 2009 that Court made the decision in favour of the City of Novi Sad. After the complaint, the case was sent to the Commercial Court of Appeal in Belgrade and in 2012 the Court made the decision in favour of *ATP Vojvodina* and Dević. The City was ordered to pay 13 million Euros +interest rate and the value of the interest rate was 17 million Euros at that moment. The enforced collection of the amount was to be done in January, 2013.

Instead of paying the money, in 2012 the City of Novi Sad filed the demand for protection of legality to the Supreme Court of Cassation. The Court the President of which was Dragomir Milojević made the decision within the period of mere 20 work days saying that the City of Novi Sad was to pay 4 million Euros. Because of this decision and suspicion that the Supreme Court of Cassation was dealing with the work of the expert, Dević filed remonstrance to the Constitutional Court, but the Court has not uttered for more than two years.

In the second court proceedings which Dević is conducting against the Capital of Vojvodina before the Higher Court in Novi Sad, compensation of the personal damage is demanded. According to so far submitted expert findings, including the expertise of the Mechanical Engineering Faculty in Belgrade, the amount will exceed 56 million Euros. After the judgement of the Higher Court which is expected to be brought by the end of this year, the case will come to the Court of Appeal in Novi Sad.