

LAW ON CIVIL PROCEDURE

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Law on Civil Procedure, adopted by the Parliament of the Republic of Montenegro at the first sitting of the first regular session in 2004, on 23 March 2004, is hereby promulgated.

LAW ON CIVIL PROCEDURE¹

PART ONE

GENERAL PROVISIONS

TITLE ONE

BASIC PROVISIONS²

Article 1

This Law shall define rules of procedure based on which the court hears and decides on personal and family disputes, labour disputes, property and other civil disputes between natural and legal persons, unless some of the mentioned disputes have been placed under the competence of another public authority under a separate law.

Article 2

Court shall decide within the limits of the claims filed during the procedure in civil proceedings.

Court may not refuse to decide on the claim that falls within its competence.

Article 3

¹ Official Gazette of the Republic of Montenegro 022/04 of 2 April 2004, 028/05 of 5 May 2005, 076/06 of 12 December 2006, Official Gazette of Montenegro 073/10 of 10 December 2010, 047/15 of 18 August 2015, 048/15 of 21 August 2015, 051/17 of 3 August 2017, 075/17 of 9 November 2017, 062/18 of 21 September 2018, 034/19 of 21 June 2019, 042/19 of 26 July 2019, 076/20 of 28 July 2020, 108/21 of 12 October 2021, **012/26 of 6 February 2026 and 098/26 of 9 July 2026.**

² Law Amending the Laws and Other Regulations due to Constitutional Changes in the Name of the State (Official Gazette of Montenegro 073/10 of 10 December 2010)

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 1)

Party shall have a legal interest in filing a complaint and in taking any other action in civil proceedings.

Article 4

Parties may freely dispose of claims they filed during the procedure. They may waive their claim, recognise the claim of the adverse party or settle the dispute.

Court shall not recognise dispositions by parties, which contravene mandatory regulations and moral rules.

Article 5

Court shall decide on the statement of claims based on an oral, direct and public hearing.

Notwithstanding paragraph 1 of this Article, the court shall decide on the statement of claims based on legal actions taken in writing and evidence taken indirectly when so provided by law.

Court shall exclude the public from the main hearing only in cases prescribed by law.

Article 6

Court shall ensure that each party has the right to present their arguments on the claims and statements of the adverse party.

Court shall be authorised to decide upon a claim with regard to which the adverse party has not been given a possibility to respond only when so provided by this Law.

Article 7

Civil procedure shall be conducted in the language, which is in official use in the court.

Parties and other participants in the procedure who do not understand or speak the language in official use in the court shall have the right to use their own language or a language they understand.

Article 8

Parties shall present all facts on which they ground their claims and present evidence supporting those facts.

Court shall be authorised to take into consideration facts that were not presented by parties and present the evidence that was not proposed by parties if the outcome of the hearing and taking of evidence indicate that the parties intend to dispose of claims, which they may not dispose of (Article 4, paragraph 3).

Court may not ground its decisions on the facts and evidence about which the parties were not given a possibility to be heard.

Article 9

Court shall decide on its own which facts shall be considered as proved based on conscientious and meticulous evaluation of each individual piece of evidence and all evidence in their entirety, as well as based on the results of entire procedure.

Article 10

Parties, interveners and their representatives shall speak truth before the court and conscientiously use the rights conferred on them under this Law.

Article 11

Court shall conduct the procedure without any unnecessary delay, within reasonable period, with the lowest possible costs and shall also prevent any abuse of rights pertaining to the parties in the procedure.

Should parties, interveners, their legal representatives or proxies abuse the rights conferred on them by this Law with the intention of harming another person or for a purpose contrary to good customs, good faith and fairness, the court may impose a fine or other measures prescribed by this Law.

Article 12

Party that does not have a qualified representative (a lawyer or a person who passed bar examination) and therefore does not exercise the right provided under this Law because of not being aware of it shall be informed by the court about the civil actions it is entitled to undertake.

Article 13

Shall be deleted. (Law Amending the Civil Procedure Law, Official Gazette of the Republic of Montenegro 76/06 of 12 December 2006, Article 2)

Article 14

When the decision of the court depends on preliminary ruling on the matter as to the existence of a certain right or legal relationship and such a decision has not yet been rendered by the court or another competent authority (Preliminary Matter) the court itself may resolve the matter unless otherwise stipulated by special regulations.

Court decision on a Preliminary Matter shall have legal effect only in the litigation in which that matter has been determined.

Article 15

Court shall be bound in civil proceedings by a final judgment pronouncing the defendant guilty with respect to the existence of a criminal offence and criminal liability of the offender.

Article 16

Single judge shall adjudicate in the first instance procedure and procedure upon the motion for reopening the procedure.

Three judge Panel shall adjudicate in the second instance procedure.

Five judge Panel shall adjudicate in the procedure instituted upon motion for review and request for the protection of legality.

Three judge Panel shall decide on the conflict of jurisdiction and determination of territorial jurisdiction.

Article 17

Provided that for some actions the Law does not prescribe the form in which they may be taken, parties take civil actions in writing outside the hearing and verbally at the hearing.

TITLE TWO

COURT JURISDICTION

COMMON PROVISIONS

Article 18

Court shall assess whether it has jurisdiction upon receipt of the complaint. Assessment of jurisdiction shall be based on statements in the complaint and the facts known to the court.

Provided that the circumstances on which the jurisdiction of the court is based change during the procedure, the court that was competent at the moment of filing the complaint shall remain competent even if another court would become competent due to those changes.

Article 19

Court shall ex officio have due regard to whether the dispute falls within court jurisdiction throughout the procedure.

When, in the course of procedure, the court finds that another authority has jurisdiction for resolving the dispute instead of the court it shall declare that it is not competent, annul the actions conducted in the procedure and reject the complaint.

When in the course of procedure, the court finds that a domestic court does not have jurisdiction over the dispute it shall declare that it is not competent, annul the actions conducted in the procedure and reject the complaint, except in cases when jurisdiction of the domestic court is dependent on consent of the defendant whereby the defendant granted consent.

Article 20

Court shall ex officio have due regard to its subject matter jurisdiction throughout the first-instance procedure.

Article 21

Provided that the parties have agreed to arbitration for the resolution of a particular dispute, the court with which the complaint has been filed in the same dispute between the same parties shall, upon an objection by the defendant, declare that it has no jurisdiction, annul the actions conducted in the procedure and dismiss the complaint, unless it finds that the arbitration agreement is invalid (Article 474 of this Law), has ceased to be valid or cannot be performed.

Objection referred to in paragraph 1 of this Article may be filed by the defendant no later than in the response to the complaint.

Article 22

Procedure shall be continued before the competent court in line with the rules of non-contentious procedure after the ruling becomes final and enforceable.

Actions conducted and decisions rendered by the civil court (on-the-spot investigation, expert evaluation, hearing witnesses and the like) shall not be considered null and void due to the fact that they were conducted in the contentious procedure and they do not need to be repeated.

Article 23

Court may, upon the objection of the defendant, which shall be filed no later than at the time of responding to the complaint, declare that it has no territorial jurisdiction.

Court may ex officio declare that it has no territorial jurisdiction only when another court has the exclusive territorial jurisdiction and not after the response to the complaint has been filed.

Court shall decide on objection referred to in paragraph 1 of this Article at the preliminary hearing at the latest or at the main hearing if the preliminary hearing has not been held.

Article 24

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 3)

Court shall promptly and no later than three days forward the case to the competent court after the ruling declaring that it lacks jurisdiction (Articles 20 and 23) becomes final and enforceable.

Court, to which the case has been assigned as the competent court, shall continue the procedure as if they were initiated before that court.

Civil actions taken by non-competent court (on the spot investigation, expert evaluation, hearing of witnesses and the like) shall not be considered null and void due to the fact that they were conducted by the court that was not competent and they do not need to be repeated.

Article 25

Provided that the court to which the case has been forwarded as the competent one considers that the jurisdiction lies with the court that forwarded the case or some other court it shall forward within three days the case to the court which is competent to resolve the conflict of jurisdiction, except if it finds that the case was forwarded to it by obvious mistake when it should have been forwarded to some other court in which case it shall forward the case to another court and notify accordingly the court which has originally assigned the case.

When the second instance court rendered decision acting on an appeal against first instance decision declaring that it does not have territorial jurisdiction, the determination as to the jurisdiction shall be also binding for the court to which the case has been forwarded if the second instance court which rendered the decision is competent for resolving the conflict of jurisdiction between those courts.

Decision of the second-instance court on the lack of subject matter jurisdiction of the first-instance court shall be binding on any court to which the same case is subsequently assigned, provided that the second-instance court is competent to resolve the conflict of jurisdiction between those courts.

Article 26

Court to which the case has been assigned shall undertake those procedural actions that may be affected by delay until the conflict of jurisdiction is resolved.

Appeal shall not be allowed on the ruling that decides on the conflict of jurisdiction.

Article 27

Each court shall conduct procedural actions on its territory of jurisdiction, but if there is a danger of delay, the court shall conduct some actions on the territory of another court as well. Court on whose territory the actions are to be taken shall be informed accordingly.

Article 28

Rules of international law shall apply with respect to the jurisdiction of the courts of Montenegro to try foreign nationals enjoying immunity, foreign states and international organisations.

JURISDICTION OF COURTS IN DISPUTES WITH INTERNATIONAL ELEMENTS

Article 29

Court of Montenegro (hereinafter referred to as the "domestic court") shall be competent to act in the dispute involving international elements when its jurisdiction is expressly provided by the Law or an international treaty. Provided that the Law or international treaties do not contain an explicit provision about jurisdiction of the domestic court for particular category of disputes, the domestic court shall also be competent to decide in such disputes where its competence originates from the provisions of the Law related to the territorial jurisdiction of the domestic court.

SUBJECT MATTER JURISDICTION

Article 30

Courts shall adjudicate within the scope of their subject matter jurisdiction prescribed by law in civil proceedings.

DETERMINING THE VALUE OF THE DISPUTE

Article 31

Plaintiff shall state the value of the subject matter of the dispute in the complaint in property-law disputes.

Only the value of the main claim shall be taken as the value of the disputed matter. Interests, litigation costs, contractual penalty and other subsidiary claims shall not be taken into account if they are not part of the main claim.

Article 32

Provided that the claim concerns some future instalment payments which repeat, the value of disputed matter shall be calculated according to their total sum, but only up to the sum that equals the payments made over a five-year period.

Article 33

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 1)

Provided that one complaint against the same defendant includes several claims based on the same factual and legal basis, the value shall be decided according to the sum of values of all claims.

Should claims in a complaint arise from different grounds or individual claims be brought by different plaintiffs or against different defendants, the value shall be determined according to the value of each individual claim, unless otherwise provided by this Law.

Article 34

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 4)

Should a dispute concern the existence of a lease relationship or the use of a dwelling or business premises, the value shall be calculated according to one year of rent, unless the lease relationship was concluded for a shorter period.

Article 34a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 2)

Provided that the claim refers to the establishment of property rights or other real rights to immovable property, the establishment of nullity or annulment of contracts, which have as their subject immovable property, the value of the subject of the dispute shall be

determined according to the market value of the immovable property or its part in the place where the immovable property is located.

Article 35

Provided that the complaint requests only the security for certain claim or determination of a pledge right, the value of disputed matter shall be determined according to the amount of claims that need to be secured. Provided that the value of the pledged object is lower than the claim that needs to be secured, the value of the disputed matter shall be the value of the pledged object.

Article 36

Provided that the statement of claims does not disclose a monetary value, but the plaintiff states in their complaint that they accept a certain monetary sum, instead of fulfilment of that claim, that sum shall be taken as the value of disputed matter.

Value stated by the plaintiff in the complaint shall be taken as the applicable value of the dispute in other cases when the statement of claims does not refer to a monetary amount.

Article 37

Provided that the plaintiff has not defined value of disputed matter in the complaint or has evidently set the value of the disputed matter either too low or too high, the court shall ex officio or upon objection of the defendant no later than at the preliminary hearing and if the preliminary hearing has not been held, at the main hearing before the discussion on the main subject matter, in an expedited and appropriate manner check and verify accuracy of the stated value. Court shall decide on it with its ruling against which the appeal shall not be allowed.

TERRITORIAL JURISDICTION

1. General Territorial Jurisdiction

Article 38

Provided that the law does not determine exclusive territorial jurisdiction of some other court, the court that has general territorial jurisdiction for the defendant shall be competent for the trial.

Another designated court shall also be competent to adjudicate in cases prescribed by this Law, in addition to the court of general territorial jurisdiction.

Article 39

Court on whose territory the defendant has permanent place of residence shall have the general territorial jurisdiction for the trial.

Provided that the defendant does not have a permanent place of residence, the court on whose territory the defendant has a temporary place of residence shall have general territorial jurisdiction.

Provided that the defendant, in addition to a permanent place of residence also has a temporary place of residence somewhere else and the circumstances lead to the assumption that they shall reside for a longer period in that other place, the court which has the territorial jurisdiction over the temporary place of residence of the defendant shall have the general territorial jurisdiction as well.

Article 40

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 051/17 of 3 August 2017, Article 1)

General territorial jurisdiction for adjudicating disputes against Montenegro shall lie with the court on whose territory the plaintiff has their permanent place of residence or seat.

Should the plaintiff have no permanent place of residence, general territorial jurisdiction for adjudicating disputes against Montenegro shall lie with the court on whose territory the plaintiff has their temporary place of residence.

Should the plaintiff have no permanent or temporary place of residence or seat in Montenegro, jurisdiction for adjudicating disputes against Montenegro shall lie with the court having general territorial jurisdiction over the defendant.

General territorial jurisdiction for adjudicating disputes against a local self-government unit or another form of territorial organisation shall lie with the court on whose territory the seat of its assembly is located.

Court on whose territory a legal person has its seat shall have general territorial jurisdiction in trials relating to that legal person. Place where its management is located shall be considered its seat in case of doubt.

Article 41

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 5)

Court on whose territory a citizen of Montenegro had their last permanent place of residence in Montenegro shall have general territorial jurisdiction in proceedings against that citizen who permanently lives abroad where they have been posted for service or work by a public authority or legal person.

2. Special Territorial Jurisdiction

2.1. Exclusive Territorial Jurisdiction

Jurisdiction in Real Estate Disputes

Article 42

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 6)

Court on whose territory the real estate is located shall have the exclusive jurisdiction for adjudicating disputes involving ownership rights and other substantive rights in or over the real estate including disputes involving trespass to the real estate and disputes involving rent of real estate.

Provided that the real estate is located on the territory of several courts each court on whose territory such real estate is located shall be competent.

Jurisdiction in Disputes Involving Military Units

Article 43

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 7)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 3)

Exclusive jurisdiction in disputes against Montenegro arising from relations with military units shall lie with the court on whose territory the seat of the military unit command is located.

Jurisdiction over Disputes in Enforcement and Bankruptcy

Article 44

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 4)

Exclusive territorial jurisdiction for adjudicating disputes arising in the course of and in connection with enforcement proceedings or bankruptcy proceedings shall lie with the court on whose territory the court conducting enforcement proceedings or bankruptcy proceedings is located or with the court on whose territory the seat of the public enforcement officer determining and conducting enforcement is located.

Article 45

Territorial jurisdiction in disputes in which bankruptcy proceedings have been opened over both the plaintiff and the defendant shall lie with the court before which bankruptcy proceedings were opened earlier against one of the parties.

Notwithstanding paragraph 1 of this Article, the territorial jurisdiction for deciding on unsecured and secured rights, existence or non-existence of claim towards the bankruptcy debtor and contesting legal actions of the bankruptcy debtor shall be that of the court on whose territory the bankruptcy debtor is seated.

2.2. Elective Territorial Jurisdiction

Jurisdiction in Marital and Partnership Disputes

Article 46

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 1)

Jurisdiction for adjudicating disputes concerning determination of the existence or non-existence of marriage, annulment of marriage or divorce (hereinafter referred to as: marital disputes) and disputes concerning determination of the existence or non-existence of a same-sex life partnership, annulment of a same-sex life partnership or dissolution of a same-sex life partnership (hereinafter referred to as: partnership disputes)

shall also lie, in addition to the court of general territorial jurisdiction, with the court on whose territory the spouses or partners in a same-sex life partnership had their last joint permanent place of residence.

Jurisdiction in Disputes over Determination or Contesting Paternity or Maternity

Article 47

Child may file a complaint either with the court of general territorial jurisdiction or with the court on whose territory they have their permanent or temporary place of residence in disputes concerning determination or contesting of paternity or maternity.

Jurisdiction in Disputes on Maintenance Support

Article 48

Court in whose territory the plaintiff has their permanent or temporary place of residence shall also be competent for statutory maintenance disputes, in addition to the court of general territorial jurisdiction, provided that the plaintiff is the person claiming maintenance.

Jurisdiction in Disputes for Damages

Article 49

Court on whose territory the harmful act was committed or the court on whose territory the harmful consequence occurred shall also be competent to adjudicate disputes concerning non-contractual liability for damage, in addition to the court of general territorial jurisdiction.

Provided that the damage has been caused as a result of death or severe bodily injury, the court on whose territory the plaintiff has permanent or temporary place of residence shall also be competent to adjudicate in addition to the court referred to in paragraph 1 of this Article.

Provisions of paragraphs 1 and 2 of this Article shall also apply to disputes against insurance company for compensation of damage to third parties, based on regulations on direct liability of insurance companies, while provision of the paragraph 1 of this Article shall also apply to disputes concerning regress claims for compensation of damages against regress debtors.

Jurisdiction in Disputes for the Protection of Rights Based on a Warranty Issued by a Manufacturer

Warranty

Article 50

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 5)

Court having general territorial jurisdiction over the seller who delivered the warranty of the manufacturer to the buyer at the time of sale shall also be competent in disputes for the protection of rights based on a warranty against the manufacturer that issued it, in addition to the court having general territorial jurisdiction over the defendant.

Jurisdiction in Labour Disputes

Article 51

Court on whose territory the service is being done or has been done or the court on whose territory the service should be done as well as the court on whose territory the employee has been employed shall also be competent to adjudicate in a labour dispute where the plaintiff is an employee, in addition to the court that has the general territorial jurisdiction for the defendant.

Jurisdiction Based on the Place where a Branch Office of Legal Person is Located

Article 52

Court on whose territory the branch of a legal person is located shall also be competent to adjudicate a dispute arising from the legal relationship of that branch, in addition to the court of general territorial jurisdiction.

Jurisdiction According to the Location of Payment

Article 53

Court of the place of payment shall also be competent to adjudicate disputes brought by the holder of a bill of exchange or cheque against a signatory, in addition to the court of general territorial jurisdiction.

Jurisdiction in Inheritance Disputes

Article 54

Court on whose territory the court conducting probate proceedings is located shall also have territorial jurisdiction to adjudicate inheritance disputes and disputes involving claims of creditors against the deceased, in addition to the court of general territorial jurisdiction, until the probate proceedings are finally concluded.

Jurisdiction in Disputes on Interference of Movables

Article 55

Court on whose territory interference occurred shall also be competent to adjudicate disputes concerning interference with possession of movable property, in addition to the court of general territorial jurisdiction.

Jurisdiction in Disputes from Contractual Relations

Article 56

Court of the place where the defendant is required to perform the contract under the agreement of the parties shall also have territorial jurisdiction in disputes concerning the existence or non-existence of a contract, performance or termination of a contract and compensation for damage due to non-performance, in addition to the court of general territorial jurisdiction.

2.3. Subsidiary Territorial Jurisdiction

Jurisdiction over Co-litigants

Article 57

Provided that one complaint is filed against several individuals (Article 197, paragraph 1, item 1) and the same court does not have the territorial jurisdiction for all of them, the court that has territorial jurisdiction over any one of the defendants shall be competent to adjudicate, whereas if among them there are main and subsidiary debtors, territorial jurisdiction shall be that of the court of main debtor.

Jurisdiction in Marital and Partnership Disputes Based on Permanent Place of Residence

Article 58

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 2)

Should a domestic court have jurisdiction in marital or partnership disputes because the spouses or partners in a same-sex life partnership had their last joint permanent place of residence in Montenegro or because the plaintiff has their permanent place of residence in Montenegro, territorial jurisdiction shall lie with the court on whose territory the spouses or partners in a same-sex life partnership had their last joint permanent place of residence or with the court on whose territory the plaintiff has their permanent place of residence.

Jurisdiction in Disputes Concerning Property Relations of Spouses and Partners in a Same-Sex Life Partnership

Article 59

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 3)

Should a domestic court have jurisdiction in disputes concerning property relations of spouses or partners in a same-sex life partnership because the property of the spouses or partners in a same-sex life partnership is located in Montenegro or because the plaintiff has their permanent or temporary place of residence in Montenegro at the time of filing the complaint, territorial jurisdiction shall lie with the court on whose territory the plaintiff has their permanent or temporary place of residence at the time of filing the complaint.

Jurisdiction in Disputes over Determination or Contesting Paternity or Maternity

Article 60

Provided that the domestic court has jurisdiction to resolve the dispute for determination of paternity or maternity because the permanent residence of the plaintiff is in Montenegro, territorially competent court shall be that on whose territory the plaintiff has the permanent residence.

Jurisdiction in Disputes on Maintenance Support

Article 61

Provided that a maintenance support dispute includes an international element and the domestic court has jurisdiction because the plaintiff has permanent residence within the territory of Montenegro, territorially competent court shall be that on whose territory the plaintiff has permanent residence.

Provided that the jurisdiction of the domestic court in the maintenance disputes exists because the defendant possesses some property on the territory of Montenegro from which the maintenance support can be paid, the court on whose area of jurisdiction lies the property shall be deemed competent.

Jurisdiction over the Persons without General Territorial Jurisdiction in

Montenegro

Article 62

Complaint involving property claims against a person for whom the court of general territorial jurisdiction does not exist in Montenegro may be filed with any domestic court on whose territory any property of that person or the object claimed in the complaint are located.

Provided that the jurisdiction of the domestic court exists based on the fact that obligation of the defendant arose during their stay in Montenegro, the complaint may be filed with the court on whose area the obligation arose.

Complaint concerning obligations to be performed in Montenegro against a person for whom there is no court of general territorial jurisdiction in Montenegro may be filed with the court in whose territory the obligation is to be performed.

Jurisdiction Based on the Location of the Representative Office of a Foreign

Person in Montenegro

Article 63

Complaint concerning obligations arising in Montenegro or to be performed in Montenegro against a natural or legal person having its seat abroad may be filed with the domestic court on whose territory its permanent representative office for Montenegro or the seat of the authority entrusted with conducting its affairs is located.

3. Reciprocal Jurisdiction in Disputes Involving Foreign Citizens

Article 64

Provided that in a foreign country our citizen may be sued before the court, which according to the provisions of the Law would not have territorial jurisdiction for trying in this civil procedure, the same jurisdiction shall apply to proceedings against citizens of that foreign country before the domestic court.

4. Determining Territorial Jurisdiction by the Higher Court

Article 65

Provided that the competent court cannot engage in procedure due to the recusal of a judge or for some other reasons it shall notify the immediately higher court accordingly which shall decide that another court with subject matter jurisdiction from its territory shall conduct the procedure.

Article 66

Supreme Court may, upon a motion of a party or the competent court, determine that another court with subject matter jurisdiction shall proceed in a particular case when it is manifest that this will facilitate the procedure or when other important reasons exist.

Article 67

Provided that a domestic court is competent to adjudicate the case, but it is not possible to determine which court has territorial jurisdiction under provisions of this Law, the Supreme Court shall, upon the motion of the party, decide which court with subject matter jurisdiction shall have the territorial jurisdiction.

5. Agreement on Territorial Jurisdiction

Article 68

Provided that the Law does not prescribe the exclusive territorial jurisdiction of a court, the parties may agree that their case be tried at first instance by a court that does not have the territorial jurisdiction, provided that the court in question has subject matter jurisdiction.

Provided that the Law prescribes that two or more domestic courts in Montenegro have territorial jurisdiction in a particular dispute, the parties may agree that their case be tried at first instance by one of these courts or another court with subject matter jurisdiction.

Agreement shall be valid only if it is concluded in writing and if it concerns a particular dispute or several disputes which all arise from a specific legal relationship.

Plaintiff shall submit the agreement together with the complaint.

TITLE THREE

RECUSAL

Article 69

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 6)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 076/20 of 28 July 2020, Article 1)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 4)

Judge may not adjudicate the case if:

- 1) they are the party themselves, legal representative or proxy, co-proxy, co-debtor, regressive debtor or have taken or is to take the stand as a witness;
- 2) the party or the legal representative or proxy of the party is their blood relative in the direct

line to any degree or in the collateral line up to the fourth degree or is their spouse or common-law spouse, partner in a same-sex life partnership or relative by affinity up to the second degree, regardless of whether the marriage or same-sex life partnership has ended;

- 3) they are the guardian, adoptive parent or adopted child of the party, legal representative of the party
- representative or a proxy;
- 4) they have participated in rendering decision of the inferior instance court or another authority or have participated in alternative disputes resolution;
- 5) they acted in the case in which a judicial settlement was concluded and annulment of that settlement is sought by complaint;
- 5a) there is ongoing litigation between the judge and the party;
- 6) they are a shareholder or member of the company that is party to the procedure; 6a) in bankruptcy proceedings, as a bankruptcy judge, they have made a

decision, which has led to a dispute;

7) there are other circumstances that question their impartiality.

Article 70

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 7)

As soon as the judge becomes aware of the reasons for their recusal given in Article 69, items 1 through 6a of this Law, they shall stop all activities on the case and notify the President of the court thereof.

Judge may undertake only actions for which there is a risk in delay until the President of the court renders a ruling.

Article 71

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 8)

Parties may request recusal as well.

Party may file a request for recusal of a judge as soon as they learn about reason for recusal, at the latest until conclusion of the hearing before the first instance court and if the hearing has not been held then until rendering the decision.

Request for recusal of a judge of a higher court may be filed by a party until a decision on the legal remedy is rendered or, if a hearing is held before the higher court, until conclusion of the hearing.

Article 72

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 9)

Parties may only demand recusal of a particular judge who is conducting civil procedure or the President of court who shall decide on the request.

Request for recusal shall not be allowed in the following cases:

- 1) if generally the recusal of all judges of a court or all judges who might conduct procedure regarding a case is requested;
- 2) if it has already been decided upon;
- 3) if the reason for recusal has not been explained.

Request referred to in paragraph 2 of this Article shall be dismissed by the judge conducting the procedure or by the President of the court whose recusal is requested.

Separate appeal against the ruling referred to in paragraph 3 of this Article shall not be allowed.

Article 73

President of the court shall decide on the request of the party for recusal of a judge except in cases referred to in Article 72, paragraph 2 of this Law.

Provided that the party requests recusal of the President of the court, the President of an immediately higher court shall render decision on recusal.

Request of the parties for recusal of the President of the Supreme Court shall be decided at the general session of that court.

Prior to rendering the ruling on recusal of a judge, a statement from the judge whose recusal is requested shall be taken, while other investigations shall be conducted if deemed necessary.

Appeal against the ruling which grants recusal shall not be allowed and separate appeal against the ruling which denies the request shall not be allowed.

Article 74

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 10)

Once the judge has learned that the request for their recusal has been filed they shall immediately stop all activities on the case concerned and if the recusal is the one referred to in Article 69, item 7 of this Law they may take only those actions which may be jeopardised by delay and that only by the time of rendering the ruling on recusal.

Notwithstanding paragraph 1 of this Article, the judge may decide to continue the procedure if they consider the request for recusal manifestly unfounded and filed to prevent or obstruct the court from taking specific actions or in order to cause an unnecessary delay.

Provided that the request for recusal is accepted, actions and decisions taken under paragraph 2 of this Article shall be reversed by the judge who shall take over the procedure.

Article 75

Provisions on recusal of judges shall accordingly apply to recusal of recording clerks. Judge shall decide on the recusal of recording clerks.

TITLE FOUR

PARTIES AND THEIR REPRESENTATIVES

Article 76

Any natural and legal person may be party to the procedure. Special regulations prescribe who may be a party to the procedure apart from natural and legal persons.

Civil court may, notwithstanding paragraphs 1 and 2 of this Article, recognise with legal effect in a particular litigation the capacity to be a party of forms of association that do not have such capacity if, having regard to the subject matter of the dispute, they substantially meet the essential requirements for acquiring that capacity, particularly if they have property against which enforcement may be conducted.

Separate appeal shall not be allowed against the ruling referred to in paragraph 3 of this Article that recognises the capacity of a party in litigation.

Article 77

Party with full legal competence may conduct actions in the procedure by itself (litigation capacity).

Adult with partially limited legal competence shall be considered to have litigation capacity within the limits of their legal competence.

Juvenile who has not acquired full legal competence shall be considered to have litigation capacity within the limits of their recognised legal competence.

Article 78

Party without litigation capacity shall be represented by their legal representative. Legal representative shall be determined by Law or act of the competent public authority.

Representative of legal person shall be determined by Law or general act of legal person.

Article 79

Court shall ex officio have due regard throughout the procedure to whether a person appearing as a party may be a party to the procedure and has litigation capacity, whether a party without litigation capacity is represented by their legal representative and whether the legal representative has special authorisation when required.

Article 80

Legal representative may take all actions in the procedure on behalf of the party, but if special regulations prescribe special authorisation for filing or withdrawing the complaint, admitting or waiving the statement of claims, concluding a settlement or taking other actions, the legal representative may take those actions only with such authorisation.

Person appearing as a legal representative shall prove, at the request of the court, that they are the legal representative. When special authorisation is required for taking certain actions in the procedure, the legal representative shall prove that they have such authorisation.

When the court finds that the legal representative of the person under the guardianship fails to demonstrate the necessary care in the representation, it shall inform the guardianship authority thereon. Court shall suspend the procedure and suggest appointment of another legal representative if it finds that the failure of the legal representative could cause the damage for the person under the guardianship.

Article 81

When the court finds that the person appearing as a party may not be party to the procedure and that the defect may be remedied, it shall summon the plaintiff to make necessary corrections in the complaint or take other measures to continue the procedure with the person that may participate in the procedure in the capacity of a party.

When the court finds that the party has no legal representative or that the legal representative has no special authorisation when requested, it shall ask the competent guardianship authority to appoint a guardian to the party without litigation capacity by asking the legal representative to obtain special authorisation or it shall take other measures necessary to ensure regular representation of the party without litigation capacity.

Court may set the deadline for the party to remedy defects referred to in paragraphs 1 and 2 of this Article. Only those actions whose delay could cause harmful consequences for the party may be commenced in the procedure until the defects are remedied.

Provided that it is not possible to remedy defects referred above or if the deadline expires unsuccessfully, the court shall reverse by a ruling the actions conducted in the procedure if they have been affected by these defects and dismiss the complaint if the defects are of such nature which may prevent further course of the procedure.

Appeal against the ruling on ordering measures for remedying the defects shall not be allowed.

Article 82

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 8)

Court shall appoint temporary representative to the defendant if it finds, in the course of the procedure before the first instance court, that the regular procedure for appointment of the legal representative to the defendant could last so long that it could result in harmful consequences for one or both parties.

Provided that the requirement referred to in paragraph 1 of this Article has been met, the court shall appoint temporary representative to the defendant, particularly in the following cases:

- 1) if the defendant has neither litigation capacity nor legal representative;
- 2) if there is conflict of interests between the defendant and their legal representative;
- 3) if both parties have the same legal representative.

Court shall also appoint a temporary legal representative of the defendant in the following cases:

- 1) when the temporary place of residence of the defendant is unknown and the defendant does not have proxy;
- 2) if the defendant or their legal representative are abroad and do not have proxy and Delivery could not be conducted. Against the decision under paragraph 1 and 2 no appeal is allowed.

Court shall notify the guardianship authority and the parties when possible, of appointment of the temporary representative.

Article 83

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 9)

Court shall accordingly appoint temporary representative to the legal person and company that has no characteristics of a legal entity as well in line with application of Article 82 of this Law.

Article 84

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 10)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 1)

Court shall appoint temporary representative from among lawyers and other professionals.

Temporary representative from among lawyers is appointed by the court in order from the list of the Bar Association of Montenegro.

Plaintiff shall advance the costs of a temporary representative in the cases referred to in Article 82 paragraphs 2 and 3 of this Law.

Provided that the plaintiff does not advance funds for appointing a temporary representative within the period determined by the court, the complaint shall be considered withdrawn.

Article 85

Temporary representative shall have all rights and duties of the legal representative in the procedure for which they have been appointed.

Temporary representative shall exercise rights and duties until the defendant or their proxy appear before the court or until the court is informed by the guardianship authority on appointment of the guardian.

Article 86

Provided that the temporary representative has been appointed to represent the defendant for the reasons stated under Article 82, paragraph 3, items 1 and 2 of this Law, the court shall within eight days issue an announcement in the Official Gazette of Montenegro and on the notice board of the court and in other appropriate way if necessary.

Announcement shall contain: designation of the court that appointed the temporary representative; legal basis; name of the defendant for whom the representative is appointed; subject matter of the dispute; name, occupation and temporary residence of the representative and a warning that the representative shall represent the defendant in the procedure until the defendant or the proxy of the defendant appears before the court or until the guardianship authority notifies the court that it has appointed a guardian.

Article 87

Person without litigation capacity under the law of their state who has litigation capacity under the law of Montenegro may take actions in the procedure. Their legal representative may take actions in the procedure until this person states that they shall take over conducting of the litigation.

TITLE FIVE

PROXIES

Article 88

Parties may take actions in the procedure either in person or through a proxy, but the court may call on the party who has a proxy to personally give a statement before the court about the facts that need to be determined in this dispute.

Party represented by the proxy may at all times come before the court and give statement besides their proxy.

Article 89

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 11)

Proxy may be any person having full legal capacity, except a person who engages in unauthorised legal practice.

Should a person suspected of engaging in unauthorised legal practice appear as a proxy, the court shall, by a ruling, deny that person further representation and shall immediately notify the party thereof.

Appeal against the ruling denying further representation shall not stay enforcement of the ruling.

Article 89 a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 12)

Revision and proposal from Article 397b paragraph 1 of this Law shall be submitted by the party through a representative who is a lawyer.

Notwithstanding paragraph 1 of this Article, the party may submit the review and proposal referred to in paragraph 1 of this Article by themselves if they have passed the bar exam, that is, the review and proposal may be submitted as a proxy by a person who, in line with this or another law, is authorised to represent them in that capacity even though he is not a lawyer if they have passed the bar exam.

Party, that is, its attorney referred to in paragraph 2 of this Article, shall attach a certified photocopy of the certificate of passing the bar exam along with the revision and proposal referred to in paragraph 1 of this Article.

Article 90

Actions in the procedure taken by the proxy within the limits of the authorisation shall have the same legal effect as if they had been taken personally by the party.

Article 91

Party may change or revoke statement of their proxy at the hearing at which that statement is given.

Provided that the proxy admitted any fact at the hearing, where the party was not present or if they admitted any fact in the pleading and the party later on changes or reverses that statement, the court shall evaluate both statements in line with Article 218 paragraph 3 of this Law.

Article 92

Scope of authorisation shall be determined by the party.

Party may authorise the proxy to take only certain actions or to take all actions in the procedure.

Article 93

Provided that the party issued authorisation to a lawyer for conducting the litigation and did not more closely specify powers in the authorisation, the lawyer shall, on the basis of such authorisation, have the power to:

- 1) perform all actions in the procedure and particularly file complaint, withdraw it, respond to the complaint, admit the claim or waive the statement of claims, reach a settlement, submit a request for, waive or withdraw a legal remedy and request issuing the temporary security measures;
- 2) file a request for enforcement for security measures and take necessary actions in Procedure with regard to that request;
- 3) receive awarded compensation for costs from the adverse party;
- 4) transfer authorisation to another lawyer or authorise another lawyer to take only particular actions in the procedure. Lawyer shall require separate authorisation for filing the motion for reopening the procedure if more than six months have elapsed since the decision has become final and enforceable.

Lawyer may be replaced by a trainee employed with them, but only before the court of first instance.

Article 94

Provided that a party failed to fully specify powers of the proxy in the authorisation, the proxy who is not a lawyer may, on the basis of such authorisation, perform all actions in

the procedure, but they shall always be required to have special authorisation to withdraw the complaint, admit the claim or waive the statement of claims, reach settlement, waive or abandon legal remedy as well as to transfer authorisation to another person and file extraordinary legal remedies.

Proxy of the party that is a legal person may without explicit authorisation conduct actions referred to in paragraph 1 of this Article.

Article 95

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 11)

Party shall grant authorisation in written or verbal form in the record on hearing.

Party who is illiterate or not able to sign authorisation shall put their index fingerprint on the written authorisation instead of a signature. Person that is not a lawyer, the presence of two witnesses shall be required to sign the authorisation in these circumstances, where the authorisation is to be granted to a.

Provided that the court doubts the authenticity of the written authorisation, it may pass a ruling on ordering the submission of the certified authorisation. Appeal against this ruling shall not be allowed.

Article 96

Proxy shall present their authorisation when commencing the first action in the procedure.

Court may allow a person who has not submitted authorisation to temporarily perform actions on behalf of the party, but simultaneously it shall order that person to obtain authorisation or approval of the party for performing litigation actions subsequently, within the set time limit.

Court shall postpone rendering the decision until the deadline for obtaining authorisation expires. Provided that the deadline expires unsuccessfully the court shall revoke actions in the litigation conducted by that person and continue the procedure disregarding actions taken by the person without authorisation.

Court shall have due regard throughout the procedure to whether a person appearing as proxy is authorised to represent the party. Provided that the court determines that the person appearing as proxy is not authorised to represent the party, it shall annul the actions taken by that person unless the party subsequently approves them.

Article 97

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 13)

Party may revoke authorisation at any time, whereas the proxy may cancel it at any time.

Court before which the procedure is conducted shall be informed in writing or verbally for the record on revoking or cancelling the authorisation.

Revoking or cancelling the authorisation shall apply to the adverse party from the moment they have become informed about it.

Proxy shall continue to take actions for the person who granted the authorisation for another seven days after cancelling the authorisation if necessary to prevent damage that could arise to that person during that period.

Article 98

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 14)

Authorisation shall cease upon the death of the natural person who granted it, upon that person being declared dead or upon loss of legal competence.

Provided that proxy of a natural person is authorised to undertake all actions in the procedure and the party or its legal representative dies or becomes legally incapacitated or if the legal representative is relieved of duty, the proxy shall be authorised to undertake actions in the procedure which cannot be delayed.

Article 98a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 15)

(Decision of the Constitutional Court of Montenegro, Official Gazette of Montenegro 062/18 of 21 September 2018)

Power of attorney issued by a legal person shall cease upon the termination of that legal entity or the occurrence of the legal consequences of the opening of bankruptcy proceedings or liquidation proceedings.

Attorneys shall have a power of attorney issued by the bankruptcy administrator or liquidator after bankruptcy or liquidation proceedings are opened.

TITLE SIX

LANGUAGE USED IN THE PROCEDURE

Article 99

Parties and other participants in the procedure shall be entitled to use their own language or language that they can understand before the court.

Provided that the procedure is not conducted in the language of the party or other participants in the procedure, at their request they shall be provided interpretation to their language or language that they can understand and translation of all pleadings and written evidence, as well as interpretation of what is being said at the hearing.

Parties and other participants in the procedure shall be instructed about their right to follow up the procedure before the court in their own language with assistance of interpreter. It shall be noted in the record that they have been instructed thereon, together with the statements of the parties or participants. Interpretation shall be provided by an interpreter.

Article 100

Summons, decisions and other court documents shall be delivered to the parties and other participants in the procedure in the language which is in official use in the court.

Provided that any of the languages of national minorities is in official use in the court, the court shall deliver court documents in that language to those parties and participants in the procedure that belong to that national minority and use that language in the procedure.

Article 101

Parties and other participants in the procedure shall submit complaints, appeals and other pleadings to the court in the language that is in official use in the court.

Parties and other participants in the procedure may also submit their pleadings to the court in language of national minorities which is not in official use in the court if that is in conformity with the Law.

Article 102

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 2)

Costs of translation into languages of national minorities arising from the application of provisions of the Constitution and this Law concerning the right of members of national minorities to use their language, as well as costs of interpretation into sign language, shall be borne from court funds.

TITLE SEVEN

SUBMISSIONS

Article 103

Complaint, response to the complaint, legal remedies and other statements, motions and notifications issued out of the hearing shall be submitted in writing (submissions). Submissions submitted by telegram and facsimile or electronic mail are also considered to meet requirements of a writing form. These submissions shall be considered as signed if the name of the submitter has been indicated on them.

Pleadings shall be comprehensible and contain all items necessary to act upon them. They shall contain the following: name of the court, the first and last name in particular

(title for the legal person), permanent or temporary place residence (seat for the legal person) of parties, their legal representatives and proxies, if they have any, disputed matter, contents of the statement and the signature of the submitter.

Provided that the statement contains a request, the party shall state in the submission the facts upon which the request is based and evidence when that is deemed necessary.

Notwithstanding paragraph 1 of this Article, the submissions delivered via electronic mail shall be verified with an advanced electronic signature.

Article 104

Pleadings with attachments that are to be delivered to the adverse party shall be submitted to the court in a sufficient number of copies for the court and for the adverse party.

Article 105

Documents enclosed with submissions shall be submitted in the original form, in certified transcript or photocopy that shall be certified.

Provided that the party encloses the original document, the court shall keep that document and allow the adverse party to examine it. When there is no need to keep that document in the court any more, it shall be returned to the submitter upon their request, but the court may request from the submitter to attach the transcript or photocopy of the document to the case files.

Provided that the document has been submitted in the form of a transcript or photocopy, the court shall, at the request of the adverse party, call upon the submitter to provide the court with original document and allow the adverse party to examine it. Should this be necessary, the court shall set the deadline within which the document shall be submitted or examined.

Appeal against these rulings shall not be allowed.

Article 106

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 12)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 16)

Provided that the submission is incomprehensible or fails to contain all required items in order for the court to proceed, the court shall return the submission for correction or supplementation. Court shall instruct the party as to what needs to be corrected or supplemented and set the deadline for correction or supplementation of the submission, which shall not exceed eight days.

Provided that the submission for which the deadline has been set is corrected, supplemented and submitted to the court within the deadline set for supplementation or correction, it shall be considered to have been submitted to the court on the day of the first submission.

Pleading shall be considered withdrawn if it has not been returned to the court within a set deadline and it shall be rejected if it has been returned without being corrected or supplemented.

Provided that the submission submitted on behalf of the party by the legal representative who is attorney, the Protector of Property and Legal Interests of Montenegro, the municipal body responsible for the protection of the property and legal interests of the municipality, that is, the State Prosecutor, is incomprehensible or incomplete, the court shall reject it.

Provided that the submissions or attachments have not been submitted in a sufficient number of copies the court shall invite the submitter to submit them within the set deadline. Provided that the submitter fails to proceed in line with that order, the court shall reject the submission.

TITLE EIGHT

DEADLINES AND HEARINGS

DEADLINES

Article 107

Provided that the Law does not prescribe deadlines, they shall be determined by the court depending on the circumstances of the case.

Deadline determined by the court may be extended at the motion of the interested person if justified reasons exist.

Motion shall be filed before the expiry of the deadline requested to be extended.

Appeal against the ruling on the extension of deadline shall not be allowed.

Article 108

Deadlines shall be counted in days, months and years.

When a deadline is set in days, the day of delivery or notification shall not be counted, that is the day of the event from which the deadline is to be counted; instead, the first subsequent day shall be taken as the beginning of the deadline.

Deadlines counted in months or years shall end upon expiry of the day of the last month or year that corresponds by its number to the day when the deadline started. Provided that there is no such day in the given month, the deadline expires on the last day of that month.

Provided that the last day of the deadline falls on the public holiday or Sunday or any other day when the court is not working, the deadline shall end by the expiry of the first following working day.

Article 109

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 17)

When the submission is restricted by the deadline it shall be considered submitted within the deadline if submitted to the competent court before the deadline expires.

Provided that the submission has been forwarded via registered mail or telegram, the day of its delivery to the post office shall be considered as the day of delivery to the court to which it has been addressed and if the submission was sent via facsimile, the day of its delivery to the court shall be considered as the day of delivery.

Provided that the submission has been sent via telegram, it shall be considered as submitted within the deadline if the submission of the same contents has been submitted to the court subsequently or if it has been forwarded to the court by registered mail within three days from the date of the telegram submission to the post office.

Provided that the submission was submitted via electronic mail, the time of delivery to the court shall be considered the time that is noted on the verification of the advanced electronic signature.

Day of delivering a submission to the military unit shall be considered the day of submission to the court for persons serving in the Army of Montenegro who are serving in military units in places where there is no regular post office.

As regards people deprived of liberty, the day when the submission is delivered to the administration of the prison or juvenile detention centre or reformatory shall be considered as the date of delivery to the court.

Should a submission subject to a deadline be filed with or sent to a court lacking jurisdiction before expiry of the deadline and reach the competent court after expiry of the deadline, it shall be deemed to have been filed in time if filing with the court lacking jurisdiction may be attributed to lack of knowledge or an obvious error of the submitter.

Provisions of paragraphs 1 through 7 of this Article shall be applied on the deadline within which, in line with special regulations, complaint shall be filed and also on the statute of limitation period of a claim or some other right.

HEARINGS

Article 110

Court shall schedule hearing when so prescribed by Law or requested to meet needs of the procedure.

Appeal against ruling on the scheduling the hearing shall not be allowed.

Court shall summon to the hearing the parties and other participants whose presence is considered needed. Together with the summons, the party shall also receive the submission that has caused scheduling the court hearing, while the summons shall indicate the place, room and time of the hearing. Provided that the summons does not

include the submission, the summons shall indicate name of the party, disputed matter and action to be taken at the hearing.

Court shall particularly warn of the legal consequences of failure to appear at the hearing in the summons.

Party who appeared before the court after the hearing has begun may not require that actions taken in their absence be repeated.

Article 111

As a rule, the hearing shall be held in the courthouse.

Court may decide to hold the hearing outside the court house if it deems that necessary or that it would save time and costs of the procedure in doing so.

Article 111 a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 18)

Court may, by decision, allow a party and a person authorised by the party, with the consent of the opposing party, to perform litigation actions outside the place where the hearing is held during the hearing, if electronic communication is provided between the place of the hearing and the place where the litigation actions are taken, by means of sound and visual transmission (video conference).

Court may decide to take evidence by hearing parties, witnesses and experts in the manner referred to in paragraph 1 of this Article.

Against the decision under paragraph 1 and 2 appeal shall not be allowed.

RETURN TO THE PREVIOUS STAGE

Article 112

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 19)

Provided that the party misses the hearing or deadline for certain action in the procedure and therefore loses right to initiate that action, the court shall allow the party, upon their motion, to subsequently take that action (return to the previous stage) if it finds that there were justified reasons that could have been neither foreseen nor avoided.

Reason for the return to the previous stage cannot be a significant violation of the provisions of the civil procedure due to which the judgment can be challenged in line with Article 367 of this Law.

When the return to the previous stage is allowed, the litigation shall be reverted into the state that existed before the omission took place and all court decisions rendered due to the omission shall be reversed.

Article 113

Motion for return to the previous stage shall be filed with the court where the omitted action should have been taken.

Motion shall be submitted within eight days, counting from the day when the reason that caused the omission ceased to exist and if the party learned about the omission on some later date, the counting of days shall start from that date.

Return to the previous stage may not be requested after expiry of 60 days from the date of the omission.

Provided that return to the previous stage is requested due to missed deadline, the applicant shall conduct the omitted action simultaneously with filing of the motion.

Article 114

Return to the previous stage shall not be allowed if the deadline for filing the motion for return to the previous stage has passed or if the hearing scheduled in the motion for return to the previous stage has been missed.

Article 115

Motion for return to the previous stage, as a rule, does not affect the course of litigation, but the court may decide to suspend the procedure until reaching final and enforceable ruling on the motion.

Provided that the motion for return to the previous stage has been filed, but the appeal procedure is underway before the higher court, the first instance court shall notify the higher court about the motion that has been filed.

Article 116

Court shall by its ruling reject untimely and inadmissible motions for return to the previous stage.

Court shall schedule a hearing on a motion for return to the previous stage when expressly requested by the party, except where the facts on which the motion is based are generally known, the return is proposed for a manifestly unjustified reason or the case file contains sufficient evidence for deciding on the motion.

TITLE NINE

MINUTES

Article 117

Actions taken during the hearing shall be entered in the minutes.

Minutes shall also include relevant statements or announcements that the parties or other participants make outside the hearing. Less relevant statements and announcements shall not be entered in the minutes, but instead they shall only be officially noted in the case file.

Recording clerk shall keep the minutes.

Article 118

Minutes shall include the following: name and members of the court, place and hour of action that is to be taken, indication of the disputed matter and names of parties or third parties and their legal representatives or proxies.

Minutes also need to contain important information about actions that have been taken. Minutes on the main hearing shall particularly include: whether the hearing was public or closed to the public, contents of the statements of the parties, their motions, evidence they proposed, the evidence that was presented, contents of the statements of witnesses and expert witnesses; court decisions rendered at the hearing and original decision following conclusion of the main hearing.

Article 119

Minutes shall be properly kept, without erasing, adding or changing anything. Lines that are struck out shall remain legible.

Article 120

Minutes shall be kept in manner that the judge dictates to the court clerk what to enter in the minutes. Participants in the procedure may dictate their statements if the judge allows them to do so.

Parties shall be entitled to read the minutes or demand that it is read to them and give their remarks with regard to the content.

This right shall also apply to other individuals whose statements were entered in the minutes, but only in respect of that part of the minutes pertaining to their statement.

Corrections or additions concerning content of the minutes that need to be made upon objections of the parties or other persons or ex officio shall be entered at the end of the minutes. Objections that were overruled shall be also entered at the request of these individuals.

Article 121

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 20)

Hearing before the court may be audio recorded.

Court decides on audio recording by decision ex officio or at the request of the parties.

No appeal shall be allowed against the decision referred to in paragraph 2 of this Article.

Audio recording of the hearing shall be delivered to the parties.

Audio recording of the hearing shall constitute part of the case file.

Article 121 a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 21)

Audio recording of the hearing shall be transmitted in written form in the form of a record made in line with Article 118 of this Law, which must contain everything that was recorded in the audio recording, within eight days from the day of the audio recording.

Party may request the minutes referred to in paragraph 1 of this Article, in line with this Law, within eight days from the date of drawing up the minutes.

Provided that the minutes referred to in paragraph 1 of this Article and the audio recording of the hearing differ substantially, the party has the right to file an objection within eight days from the date of delivery of the record. Objection must be explained.

Court shall, within three days, accept the objection by a decision and amend the record or reject the objection. Separate appeal against this decision shall not be allowed.

Technical conditions, the method of recording, storing and transmitting the sound recording of the hearing shall be regulated by the Rules of Court.

Article 121b

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 21)

Hearing before the court can be recorded in shorthand.

Provisions of Articles 121 and 121a of this Law, shall accordingly apply to shorthand notes.

Article 122

Minutes shall be signed by the judge, court clerk, parties or their legal representatives or proxies and interpreter.

Witness and expert witness shall sign their statements in the minutes when they are heard before the judge carrying out functions on behalf of another judge at their request.

Illiterate person or a person who cannot write their name shall put their index fingerprint and the court clerk shall write the first and last name for these persons below the fingerprint.

Should any party, their legal representative or proxy, witness or expert witness leave before signing the minutes or refuse to sign the minutes, such an action shall be noted in the minutes specifying the reasons for non-signing.

Article 123

Separate minutes on deliberation and voting shall be prepared in proceedings upon legal remedies. Provided that a higher court renders a unanimous decision in proceedings upon a legal remedy, minutes shall not be prepared and a note on deliberation and voting shall instead be entered on the original of the decision.

Minutes on deliberation and voting shall contain the course of voting and the decision that has been rendered.

Separate opinions shall be attached to the minutes on deliberation and voting if not already included in the minutes.

Minutes or note on voting shall be signed by all Panel members and the court clerk.

Minutes on deliberation and voting shall be closed in a separate envelope. Only the higher court may review these minutes when deciding on a legal remedy and in such a case the minutes shall be put again in a separate envelope, noting on the envelope that the minutes were reviewed.

TITLE TEN

RENDERING DECISIONS

Article 124

Court shall render decisions in the hearing or out of the hearing.

Court shall render decisions in the form of a judgment or a ruling.

Court shall decide on the statement of claims by a judgment, while in the procedure for trespassing the property it shall decide by a ruling.

Ruling granting the statement of claims shall be issued as a payment order in payment-order proceedings.

Decision on the costs in the judgment shall be considered a ruling.

Article 125

Decisions of the Panel shall be rendered after deliberation and voting.

Only the members of the Panel and court clerk may be present in the room where deliberation and voting are taking place.

Article 126

President of the Panel shall conduct deliberation and voting and they shall be the last one to vote. They shall make sure that all matters are thoroughly and completely considered.

Majority of votes is necessary for all decisions of the Panel.

Members of the Panel may not refuse to vote on matters set forth by the President of the Panel. Member of the Panel who was among the minority in the previous voting may not abstain from voting on the matter that is to be decided later on.

Provided that in respect to certain matters that are being decided upon the votes are divided between several different opinions so that none of them has a majority, the matters shall be separated and voting repeated until the majority of votes is obtained. Provided that the votes divide to more than two opinions in respect to the monetary amount or quantity, the reasons supporting each opinion shall be discussed again; if the majority of votes cannot be obtained even then, the votes given for the highest monetary amount or quantity shall be added to the votes given for the first smaller monetary amount or quantity until the majority is obtained.

TITLE ELEVEN

DELIVERY OF DOCUMENTS AND REVIEWING CASE FILES

METHOD OF DELIVERY

Article 127

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 22)

Delivery of documents shall be conducted by post, through an authorised officer of the court, authorised legal person registered to conduct delivery, directly to the court or in some another manner prescribed by Law.

Delivery may be conducted by electronic mail, in line with the law regulating electronic administration.

Delivery referred to in paragraph 2 of this Article shall be considered to have been completed if, in line with a special regulation, return information can be provided that the recipient has received the document.

Return information referred to in paragraph 3 of this Article shall be an electronic record of the day and time when the device for electronic data transfer recorded that the document was sent to the recipient, the name of the sender and the recipient and title of the document. Printed electronic record is a confirmation of receipt of a document delivered electronically.

Article 127a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 3)

Delivery to natural persons shall be made to the address specified in the complaint, that is, to the address of residence or place of residence registered with the state administration authority responsible for keeping the register of residence and place of residence.

Article 128

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 13)

Delivery to the public authorities and legal persons shall be conducted by delivery of the document to the person authorised to receive documents or to the employee who happens to be in office or business premises.

Delivery to the legal person may be conducted to the branch office of the legal person if the dispute arises from legal relationship within that branch.

Provided that the document needs to be delivered to the public prosecutor or competent authority of the municipality, documents shall be delivered to its minutes management office. Date of delivery of the document to the minutes management office shall be considered the date of delivery.

Delivery under provisions of paragraphs 1 and 2 of this Article shall also be conducted in cases when parties mentioned in these paragraphs have appointed their employee as their proxy or if the party has appointed a person who is not their employee as their proxy, but has not submitted their address.

Article 129

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 23)

Members of the Army of Montenegro, members of the police and persons employed in road, railway, river, sea and air transport can also be served with a summons through the competent command, i.e. immediate superior, authority, institution and other legal entity in which they are employed and if necessary, other documents can also be delivered to them in this way.

Article 130

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 5)

When the delivery is to be conducted to persons, institutions abroad or foreigners who enjoy immunity, delivery shall be conducted through diplomatic channels unless otherwise specified by international treaty or this Law (Article 143).

Provided that the delivery of the document needs to be conducted to the citizens of Montenegro living abroad, the delivery may be conducted through the competent consular or diplomatic representative office of Montenegro performing consular affairs in the country concerned. This delivery shall be valid only if the person to whom the delivery is made agrees to accept it.

Article 131

Delivery to the legal person with its seat abroad may be conducted through its branch, i.e. representative office in Montenegro.

Article 132

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 24)

Delivery to persons deprived of liberty shall be conducted through the administration of the prison or institution in which the person deprived of liberty is accommodated.

Delivery shall be considered completed after the document has been delivered to the addressee.

Article 133

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 25)

Provided that the legal representative or proxy represents the party, the delivery shall be conducted to the legal representative or proxy.

Provided that the party has more than one legal representative or proxy, it shall suffice to carry out the delivery to one of them.

Delivery shall also be made, in the manner referred to in paragraphs 1 and 2 of this Article, to a person authorised to receive documents, a temporary representative and a representative appointed to receive documents. Submission shall be deemed delivered to the party when delivered to any such person.

Article 134

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 4)

Delivery to the lawyer who acts as the proxy may be conducted by delivering documents to a person employed in their law firm.

Should the lawyer practise law in their dwelling, Article 135a, paragraph 1 of this Law shall apply accordingly.

Article 135

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 26)

Service shall be effected every day from 07:00 to 21:00 at the dwelling or workplace of the person to be served or at the court when that person is found there.

Provided that the document cannot be delivered at the address referred to in the previous paragraph and at the mentioned time, it may be delivered at any time and anywhere.

Article 135a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 5)

Provided that the person to whom the document should be delivered is not in their apartment, delivery shall be made by handing the document to one of their adult household members who shall receive the document and if they are not in the apartment, the document shall be delivered to the neighbour, if they agree with it. Thus, the delivery shall be considered as completed.

Provided that delivery is made at the workplace and the person to whom the document is to be delivered is not at the workplace, delivery may be made to another person who happens to be at the workplace, if they agree to receive the document.

Delivery of document to another person shall not be permitted, if that person participates as an opposing party in a civil proceeding in which the party is the person to whom the document should be delivered.

Person to whom, in line with paragraphs 1 and 2 of this Article, a document was delivered instead of the person to whom the document was addressed shall deliver the document to that person.

Article 136

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 6)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 076/20 of 28 July 2020, Article 2)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 5)

Complaint, response to the complaint, summons to the hearing, payment order, judgment and ruling against which separate appeal is allowed and legal remedy shall be delivered to the party in person or to their legal representative or proxy. Other documents shall be delivered in person when this Law explicitly prescribes so or when the court deems that greater caution is necessary due to attached original documents or some other reason.

Provided that the person to whom the document must be personally delivered is not at the place where delivery is to be made, provided that the address is correct and sufficiently specific, the delivery person shall leave a notice in the mailbox or in another visible place that they can collect the document in court within 30 days from the day of leaving the notification.

Copy of the document shall be displayed on the notice board of the court in the case referred to in paragraph 2 of this Article.

Delivery shall be deemed effected upon expiry of the period referred to in paragraph 2 of this Article.

Notification referred to in paragraph 2 of this Article shall contain: name and surname of the person to whom delivery service was attempted, business designation of the item to which the document refers, title of the document being served, capacity of that person in the proceedings, date and time when service was attempted, address where service was attempted, instructions for that person that it can receive the document from the court within 30 days, stating the name and address of the court and that the document shall be displayed on the notice board of the court, as well as a warning that after the deadline has passed, it shall be regarded that service has been completed.

Provided that the document referred to in paragraph 1 of this Article is to be delivered to state authorities and legal entities, delivery shall be made in line with Article 128 of this Law.

Article 137

Shall be deleted.

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 7)

Article 138

When the person to whom the document has been addressed or adult member of their household or authorised person or employee in government authority or legal person, without having any legally acceptable reason, refuses to accept the document the deliverer shall leave it in the dwelling or in premises where the person concerned works or they shall put up the document on the door of the dwelling or business premises. They shall indicate on the delivery note the date, hour, reasons for refusing acceptance and the place where the document has been left whereby the document shall be considered served.

Article 139

Shall be deleted.

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 7)

Article 140

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 27)

Provided that delivery to the entity entered into the register may not be conducted to the address indicated in the register, delivery shall be conducted by posting the document on the court notice board, while delivery shall be considered complete after expiry of the period of eight days from the day of posting on the court notice board.

Provisions of paragraph 1 of this Article shall also apply to natural persons who, in order to perform a certain activity, are registered in the appropriate register in line with the law (entrepreneurs, notaries, lawyers, etc.), when delivery to these persons is made in connection with that activity.

Article 141

Shall be deleted.

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 7)

CHANGE OF ADDRESS

Article 142

Provided that the party or their representative change address for delivery during the procedure or before expiry of the deadline of six months after the final and enforceable decision has been rendered, they shall notify the court thereof.

Provided that the request for review is filed against the final and enforceable decision within the deadline referred to in paragraph 1 of this Article, that deadline shall be extended until expiry of six months from the delivery to the party of the decision on the review under which the review is either dismissed or rejected or the contested decision overruled.

Provided that a motion for reopening of the procedure is submitted against the final and enforceable decision before expiry of the period referred to in paragraph 1 of this Article, that period shall be extended until expiry of six months from the final first-instance decision in that procedure against which no appeal has been filed or until expiry of six months from service of the second-instance decision on the party.

Provided that the final and enforceable decision is reversed in extraordinary legal remedy procedure and the case remanded for reopening, it shall be considered that the deadline referred to in paragraph 1 of this Article has not started.

Provided that the party or their representative fail to immediately notify the court about the change of address the court shall determine that further delivery in the litigation be conducted by posting the documents on the court notice board until the party or their representative provide the court with a new address.

Delivery referred to in paragraph 5 of this Article shall be considered completed after eight days have passed from the day of posting the document on the notice board of the court.

When the proxy for receiving documents until the deadline referred to in paragraphs 1 to 3 of this Article changes his address and does not inform the court about it, the court shall appoint a representative to the party, at their expense, to receive the document through which delivery shall be made, until they receive the notification of the party about the appointment of a new attorney.

PROXY AND REPRESENTATIVE FOR RECEIVING DOCUMENTS

Article 143

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 5)

Plaintiff or their representative who are abroad and do not have a representative in the territory of Montenegro shall be obliged, when filing the complaint, to appoint a

Representative for receiving documents in Montenegro. Provided that they do not act in this way, the court shall appoint to the plaintiff, at their expense, a representative to receive the documents and, through that representative, summon them or their representative to appoint proxy to receive documents within a certain period. Provided that the plaintiff or their proxy do not appoint a representative for receiving documents within a certain period, the court shall reject the complaint and deliver the decision on rejection to the plaintiff or their representative through the appointed representative for receiving documents.

Court shall, upon service of the first document, invite the defendant or their representative who is abroad and has no proxy in the territory of Montenegro to appoint, within a reasonable deadline, a proxy for receipt of documents in Montenegro, warning that otherwise the court shall, at the expense of the defendant, appoint a representative for receipt of documents and inform the defendant or their representative of that appointment through the appointed representative.

Provided that the party terminates authorisation to their proxy for receiving documents and fails to simultaneously appoint another one for that purpose, the court shall conduct delivery by posting documents on the court notice board until that party appoints another proxy for receiving documents.

Provided that the proxy for receiving documents cancels authorisation and the party fails to appoint another proxy within 30 days from the date when the court has been informed about the cancellation of the proxy, the court shall, at the expense of the party, appoint a representative for receiving documents and conduct all deliveries through the appointed representative until it receives notification from the party of appointment of a new proxy.

Plaintiff shall advance the funds needed for the plaintiff or representative of the defendant for receiving documents. Provided that the plaintiff fails to advance funds the complaint shall be dismissed.

Provisions on appointment of the representative for receiving documents on behalf of the defendant shall also apply to informing the third party about litigation and appointment of the predecessor.

Article 144

Provided that several persons sue jointly and they do not have a joint legal representative or proxy the court may direct them to appoint, within a set deadline, a joint proxy authorised to receive documents. Court shall inform plaintiffs who among them shall be considered a joint proxy authorised to receive documents if they do not appoint such proxy themselves at the same time.

Provision referred to in paragraph 1 of this Article shall also apply when several persons have been sued together as joint co-litigants.

IDENTIFICATION OF ADDRESS

Article 145

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 8)

Competent authority shall inform the party that has legal interest about the address of the person to whom the delivery should be conducted.

Provided that the court is not able to deliver the document to the address referred to in paragraph 1 of this Article, it shall ex officio obtain from the state administration authority responsible for keeping the register of permanent and temporary residence, the address of permanent and temporary residence of the party to whom the document should be personally delivered and shall perform delivery at the obtained address, in line with Articles 136 and 138 of this Law.

State administration authority responsible for keeping the register of permanent and temporary residence shall inform the party that has a legal interest, that is, shall deliver the address of the person to whom delivery should be made. Legal interest shall be evidenced by the statement of the court about filing the complaint or existence of litigation.

DELIVERY NOTE

Article 146

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 076/20 of 28 July 2020, Article 3)

Recipient and deliverer shall sign the certificate of performed delivery (delivery note). Recipient shall write on the delivery note legibly, in letters, the date of receipt.

Provided that the recipient is illiterate or unable to sign, the deliverer shall write out their first and last name and date of receipt in letters, indicating the reason why the recipient did not put their signature.

Provided that the recipient refuses to sign the delivery note, the deliverer shall indicate that on the delivery note and put in letters the date of delivery and thereby it shall be considered that the delivery has been conducted.

Provided that delivery has been conducted in line with provision of Article 136, paragraph 2 of this Law, the date and place of leaving the notification from Article 136, paragraph 5 of this Law (mailbox or other visible place) shall be indicated on the delivery note.

Provided that the document has been delivered, under provisions of this Law, to a person other than the person on whom it should have been served, the deliverer shall indicate on the delivery note the relationship between those two persons.

Provided that the date of the delivery has been incorrectly indicated on the delivery note, the delivery shall be considered conducted on the date when the document has actually been handed over.

Provided that the delivery note has gone missing, the delivery may be proved in another way.

DELIVERY BY PARTIES

Article 147

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 28)

Party may deliver submission to the adverse party with the consent of the court except for the documents that must be delivered in person.

Party shall, in the case referred to in paragraph 1 of this Article, deliver one copy in person to the adverse party in line with the provisions of this Law governing delivery and one copy to the court with notification that delivery to the adverse party has already been effected.

Delivery referred to in paragraph 2 of this Article shall be considered duly performed.

REVIEWING AND TRANSCRIBING FILES

Article 148

Parties shall be entitled to review and transcribe case files related to the litigation in which they participate.

Reviewing and transcribing of certain files may be permitted to other persons who have justified interest to do so.

Judge shall grant permission or President of the Panel, when the procedure is underway and when the procedure has been terminated it shall be granted by the President of the court or employee of the court designated by them.

TITLE TWELVE

COSTS OF PROCEDURE

LITIGATION COSTS

Article 149

Litigation costs shall include expenses incurred during the procedure or in connection therewith.

Litigation costs shall also include the remuneration for work of attorneys and other persons whose right to remuneration is envisaged by Law.

Article 150

Each party shall individually and in advance bear the costs incurred by their actions.

Article 151

When the party proposes taking of evidence they shall, pursuant to the court order and in advance, deposit the amount required for covering the costs to be incurred by the taking of evidence.

Court shall reject taking of evidence if the amount required for bearing the costs is not deposited within the deadline set by the court.

Notwithstanding paragraph 2 of this Article, if the court orders taking of evidence ex officio in order to establish facts referring to the application of Article 4, paragraph 3 of this Law and the parties fail to deposit the amount that has been set, the costs of the taking of evidence shall be paid out from the court funds.

Article 152

(Law Supplementing the Law on Civil Procedure, Official Gazette of Montenegro 012/26 of 6 February 2026, Article 1)

Costs of the adverse party and their intervener shall be reimbursed by the party that has lost the litigation in its entirety, unless otherwise provided by a separate law.

Provided that the party was partially successful in the litigation, the court may, depending on the success achieved, order each party to bear their own costs or order one party to bear a proportionate part of costs of the other party and the intervener.

Court may order that one party shall bear all the costs incurred by the adverse party and their intervener if the adverse party failed to succeed in proportionately small part of their claim and no separate costs were incurred in connection to that part.

Based on the outcome of the taking of evidence, the court shall decide if the costs referred to in Article 151 paragraph 3 of this Law shall be borne by one or both parties or whether these costs shall be borne from court funds.

Article 152a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 29)

When the state prosecutor takes part in the proceedings as a party, they shall have the right to reimbursement of expenses in line with this Law, but not the right to a reward.

Article 152b

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 051/17 of 3 August 2017, Article 2)

(Correction to the Law on Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 042/19 of 26 July 2019)

(Decision of the Constitutional Court of Montenegro cancelling the Correction to the Law on Amending the Law on Civil Procedure, Official Gazette of Montenegro 108/21 of 12 October 2021)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 6)

Provisions of this Law on procedural costs shall also apply to parties represented by the Protector of Property and Legal Interests of Montenegro.

Costs of procedure shall, in the case referred to in paragraph 1 of this Article, also include the amount that would be awarded to the party as remuneration for the work of a lawyer, reduced by one half.

Funds awarded on the basis of costs referred to in paragraphs 1 and 2 of this Article shall be income of the budget of Montenegro.

Article 153

When deciding on the costs that are to be reimbursed to the party, the court shall take into account only the costs necessary for conducting the litigation. When deciding which costs have been necessary and the amount thereof, the court shall thoroughly evaluate all circumstances.

Rewards and remunerations for the work of attorneys shall be measured up according to the valid tariff.

Article 154

Party shall reimburse to the adverse party the costs incurred through their fault or an event occurring to them, regardless of the outcome of the litigation.

Court may decide that legal representative or proxy of the party reimburse costs to the adverse party which have been incurred by their guilt.

Requests for reimbursement of costs referred to in paragraphs 1 and 2 of this Article shall be determined in a ruling rendered by the court, separately from the decision on the main subject matter.

Article 155

Provided that the defendant has not presented the cause for the complaint and in response to the complaint or at the preliminary hearing or at the main hearing if the preliminary hearing has not been held and before starting the hearing on the main subject matter, they admit the claim, the plaintiff shall reimburse litigation costs to the defendant.

Article 156

Plaintiff who withdraws the complaint shall reimburse litigation costs to the adverse party, except if the withdrawal occurred immediately after the defendant has met the claim.

Party who waives legal remedy shall reimburse costs to the adverse party incurred with regard to the legal remedy.

Article 157

Judicial settlement shall also contain the agreement on costs.

Provided that the parties fail to reach agreement, each party shall bear their own costs.

Costs of attempted but unsuccessful settlement shall be included in the litigation costs.

Article 158

Provided that the statement of claims is accepted in the dispute on secured right for securing the object and the court finds that the defendant being creditor in the enforcement procedure has had justified reasons to believe that rights of third parties over these objects do not exist, it shall decide that each party bear their costs.

Article 159

Co-litigants shall bear costs in equal shares.

Provided that there is a considerable difference with respect to their share in the disputed matter, the court shall proportionally determine the share of costs to be borne by each co-litigant.

Costs incurred by special litigation actions of individual co-litigants shall fall within responsibility of the other co-litigants.

Co-litigants who are jointly liable for the liability arising from the main subject matter shall be jointly liable also for the costs awarded to the adverse party.

Article 160

Provided that the appointed predecessor takes the role of the defendant, the original defendant may not file the request for the reimbursement of costs in the litigation from which they have withdrawn.

Provided that the predecessor succeeds in the litigation, they may claim reimbursement of costs of the original defendant as part of their costs.

Provided that the procedure terminates unfavourably for the new defendant, they shall reimburse costs to the plaintiff which the original defendant caused by their actions.

Article 161

Court shall decide on reimbursement of costs at the specific request of the party.

Party shall precisely define in their request the costs whose reimbursement is required, enclosing the evidence for the costs incurred unless they are already contained in the case files.

Request for reimbursement of costs shall be filed by the party not later than upon the completion of the hearing which precedes rendering of the decision on costs and if the decision is to be rendered without a prior hearing the party shall include the request for reimbursement of costs in the motion to be decided by the court.

Court shall decide on the request for reimbursement of costs either in judgment or in the ruling which concludes the procedure before that court.

Court shall, in the course of the procedure, decide on reimbursement of costs by a separate ruling only when the right to reimbursement does not depend on the decision on the main subject matter.

Request for reimbursement of costs may, in the case referred to in Article 156 of this Law, be filed within 15 days from receipt of notification of the waiver if withdrawal of the complaint or waiver of the legal remedy did not take place at the hearing.

Article 162

When rendering partial judgment or interim judgment, the Court may determine that the decision on costs be left for a later judgment.

Article 163

When the court dismisses or rejects a legal remedy it shall also decide on the costs incurred in the procedure upon the legal remedy.

When the court overrules the decision against which the legal remedy has been filed or reverses that decision and dismisses the complaint it shall decide on the costs of entire procedure.

When the decision against which the legal remedy has been filed is reversed and the case has been remanded the costs of the procedure on legal remedy shall be decided in final decision.

Court may act in line with the provision of paragraph 3 of this Article also in the case when it only partially reverses the decision against which legal remedy has been filed.

Article 164

Decision on costs included in the judgment may be contested only by an appeal against the ruling provided that the decision on the main subject matter is not contested at the same time.

Provided that one party contests the judgment only in respect to the costs and the other one in the part related to the main subject matter the higher court shall decide on both legal remedies by one decision.

COSTS INCURRED IN THE PROCEDURE ON PROVISION OF EVIDENCE

Article 165

Party who has filed the motion for provision of evidence shall reimburse costs incurred in the procedure for the provision of evidence. They shall also reimburse costs to the adverse party or the temporarily appointed representative.

Party may subsequently recover those costs as the part of litigation costs depending on the success in the litigation.

EXEMPTION FROM PAYING COSTS OF THE PROCEDURE

Article 166

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 30)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 7)

Court shall exempt the party from paying the costs of the procedure if according to their general financial situation the party may not bear the costs without jeopardising necessary support of themselves and their family.

Exemption from payment of the costs of the procedure shall include exemption from paying court fees and depositing advance payment for the costs of witnesses, expert witnesses, on the spot investigation, court advertisements and appointment of a temporary representative.

Court may exempt the party only from payment of charges if such payment of charges would considerably reduce resources for supporting the party and their family members.

Decision on exemption from the payment of the costs of procedure shall be rendered by the court within eight days from the date when the request has been filed.

Article 167

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 31)

Ruling on exemption from payment of procedure costs referred to in Article 166 of this Law shall be rendered by the court of first instance upon a motion by a party.

Along with the proposal for exemption from payment of the costs of the procedure, the party shall state the facts and submit evidence confirming those facts.

When passing a decision on exemption from paying the costs of the procedure, the court shall carefully evaluate all the circumstances and in particular shall take into account the value of the subject of the dispute, the number of persons supported by the party and the income of the party and their family members.

Court shall assess the property status of the party referred to in Article 166 paragraph 1 of this Law based on the criteria prescribed by the law regulating free legal aid for a person with poor financial status.

Court can verify the facts and evidence referred to in paragraph 2 of this Article through the free legal aid service in that court.

When necessary, the court may ex officio obtain necessary information and notifications about financial situation of the party requesting exemption and it may also hear the adverse party thereof.

Appeal against the court ruling which approves the motion of the party shall not be allowed.

Article 168

When the party based on their financial situation is not able to bear costs of attorney at law the first instance court shall, at the request of the party, order that they be represented by a proxy if that is necessary for protection of rights of the party.

Party to whom the proxy has been appointed shall be exempted from paying the actual expenses and remuneration for the appointed proxy.

President of the first instance court shall appoint an attorney at law as a proxy.

Appointed proxy may request to be exempted due to justified reasons and the judge conducting procedure for the case shall decide thereon. Appeal against the decision on exemption of the proxy shall not be allowed.

Article 169

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 8)

When the party is completely exempted from paying the costs of procedure (Article 166, paragraph 2), as well as in case referred to in Article 168, paragraph 1 of this Law, the advance for the costs of witnesses, expert witnesses, on the spot investigation, issuance of the court advertisement, appointment of a temporary representative and actual expenses and remuneration of the appointed proxy shall be paid from court funds.

Article 170

First-instance court may, during the procedure, reverse the ruling on exemption from payment of costs of the procedure and appointment of a proxy if it establishes that the party is able to bear the costs. Court shall in such cases decide whether the party shall reimburse entirely or partially the costs and charges from which they were previously exempted, as well as the actual expenses and remuneration of the appointed proxy.

Amounts advanced from the court funds shall be reimbursed first.

Article 171

Charges and costs advanced from the court funds, as well as actual expenses and remuneration of appointed proxy shall constitute part of litigation costs.

Court shall decide, under the provisions on reimbursement of costs, on reimbursement of these costs by the adverse party exempted from payment of costs of procedure.

First instance court shall ex officio collect charges and costs paid from the court funds from the party obliged to reimburse those costs.

Provided that the adverse party, that has been exempted from the payment of the costs of procedure, has been bound to reimburse litigation costs and it is established that they are not able to bear the costs, the court may subsequently order that the costs referred to in paragraph 1 of this Article be entirely or partially paid by the party who has been exempted from the payment of costs of the procedure from the part awarded. Thus, the right of the party to request reimbursement from the adverse party for what they have already paid shall not be affected.

TITLE THIRTEEN

LEGAL AID

Article 172

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 32)

Courts shall provide legal aid to one another in civil procedure.

Provided that the court which was requested to provide legal aid is not competent to conduct the action which it was requested to conduct, it shall pass the request to the competent court or other public authority and notify the court from which it had received the request thereof.

Article 173

Ministry of Justice shall provide an explanation in case of doubt as to the existence of reciprocity.

Court competent to provide legal aid shall ex officio submit the case to the Supreme Court for a final decision if the requested action is contrary to public order.

Provision of Article 172, paragraph 2 of this Law shall apply when handling requests from the foreign court.

Article 174

Courts shall provide legal aid to foreign courts as prescribed by national law. Action, which is the subject of the request of a foreign court, may also be taken in the manner requested by the foreign court if such action is not in contravention with public order.

Article 175

Unless otherwise prescribed by an international treaty, courts shall act on request from foreign courts only if they have been submitted through diplomatic channels and if requests and attachments thereto are composed in the language officially used in the court or if the certified translation to that language is enclosed.

Article 176

Unless otherwise prescribed by international treaty, the requests of the domestic courts for legal aid shall be delivered to foreign courts through diplomatic channels. Requests and attachments thereto shall be composed in the language of the country from which aid is requested or their certified translation in that language shall be enclosed as well.

TITLE FOURTEEN

CONTEMPT OF COURT

Article 177

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 33)

Court may, in the course of the procedure, impose a fine of up to EUR 1,000 on a party, legal representative, proxy or intervener who seriously abuses the rights recognised by this Law through actions taken in civil proceedings.

Provided that the action referred to in paragraph 1 of this Article caused damage to some of the participants, the court shall award the aggrieved party, upon their request, the compensation of damage.

Article 178

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 9)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 9)

Court shall impose a fine of up to EUR 1,000 on a party or other participant in the procedure who insults the court or other participants in the procedure in a submission.

Provided that the person participating in the procedure or person attending the hearing insults the court or other participants in the procedure, impedes the work or fails to obey orders of the judge concerning maintenance of order, the judge shall give warning to them. Should the warning prove unsuccessful, the judge shall order the warned person to leave the courtroom or impose a fine of up to EUR 1,000 and may both order that person to leave and impose the fine.

Provided that the party and their proxy are ordered to leave the courtroom, the hearing shall be held in their absence as well. Should the proxy, in the further course of the procedure, carry out an action referred to in paragraphs 1 and 2 of this Article, the court may deny the proxy further representation.

When the court imposes a fine on or orders a lawyer or trainee lawyer acting as proxy to leave the courtroom or denies them further representation, it shall notify the Bar Association of Montenegro thereof.

Article 179

Court shall impose fine up to the amount of EUR 500 on the proxy authorised for the receipt of documents if in contravention with the provisions of Article 142 of this Law they fail to inform the court about the change of address.

Court shall, at the request of the party, order the proxy for the receipt of documents to reimburse costs incurred by unjustified failure to notify the court about the change of address.

Article 180

Court shall impose fine up to the amount of EUR 500 on persons who obstruct delivery of documents, conscientiously preventing or hampering the application of the provisions of this Law regarding delivery.

Court shall, at the request of the party, order the person referred to in paragraph 1 of this Article to reimburse costs incurred by their behaviour described under paragraph

1.

Article 181

Should a duly summoned witness fail to appear without justifying their absence or leave the place where they are to be heard without permission or justified reason, court shall order that the witness be brought by force and bear the costs thereof and shall impose a fine of up to EUR 500 on the witness.

Provided that the witness appears and refuses to testify or answer a certain question despite warning of the consequences and the court determines that their reasons for refusal are unjustified, it shall fine them with the amount of up to EUR 500 and if they still refuse to testify, it may order their imprisonment. Imprisonment shall last until the witness consents to testify or until their interrogation becomes unnecessary, but it shall not exceed 30 days.

Court shall, at the request of the party, order the witness to reimburse costs incurred by their unjustified absence or unjustified refusal to testify.

Provided that the witness subsequently justifies their absence, the court shall reverse its ruling on the fine and may exempt the witness entirely or partially from the reimbursement of costs. Court may revoke its ruling on the fine also when the witness subsequently consents to testify.

Article 182

Court shall fine expert witness up to the amount of EUR 500 when they fail to deliver findings and opinions within the set deadline or unjustifiably fail to appear at the hearing, although duly summoned.

Court shall impose the fine referred to in paragraph 1 of this Article on the expert witness who refuses to perform expert evaluation without justified reason.

Court shall, at the request of the party, order the expert to reimburse costs incurred by their failure to submit findings and opinions, unjustified absence or unjustified refusal to perform expert evaluation.

Court may revoke ruling on the fine under the conditions referred to in Article 181, paragraph 4 of this Law.

Provisions of this Article shall accordingly apply to court interpreters.

Article 183

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 34)

Provided that a person who has been fined under the provisions of this Law does not pay the fine within a certain period, the decision on the fine shall be executed in line with the law regulating the enforcement procedure.

Article 184

Appeal against the ruling referred to in Articles 177, 178, 179, paragraph 1, Article 181, paragraph 1 and Article 182, paragraph 1 of this Law shall not stay enforcement of the ruling.

Appeal against the ruling referred to in Articles 181 paragraph 2 and 182 paragraph 2 of this Law does not stay the execution of the decision, unless the appeal also challenges the decision of the court which did not accept the reasons of the witness for denying testimony or answering a particular question, that is, the reasons of the expert for denying expert testimony.

Article 185

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 14)

Provided that a person representing Montenegro or the competent municipal authority or a person acting in the proceedings on their behalf, disturbs order, the court shall notify the competent authority of Montenegro or the municipality thereof and may postpone the hearing and request the competent authority of Montenegro or the municipal authority to designate another person to participate in civil procedure.

PART TWO

COURSE OF CIVIL PROCEDURE

A. PROCEEDINGS BEFORE THE FIRST INSTANCE COURT

TITLE FIFTEEN

COMPLAINT

Article 186

Civil procedure shall be initiated by filing a complaint (an action for performance, a declaratory action or a constitutive action).

CONTENT OF THE COMPLAINT

Article 187

(Decision of the Constitutional Court of the Republic of Montenegro determining that the provision of Article 187 paragraph 4 of the Law on Civil Procedure is not aligned with the Constitution of the Republic of Montenegro and shall cease to be valid on the date of publication of this Decision - Official Gazette of the Republic of Montenegro 028/05 of 5 May 2005)

Complaint shall contain the specific claim in respect of the main subject matter and subsidiary claims, facts on which the plaintiff bases their claim, evidence proving those facts and other data that are mandatory for each submission (Article 103).

Court shall act upon the complaint even if the plaintiff has not stated legal basis of their statement of claims and if the plaintiff has stated such legal basis the court shall not be bound by it.

Plaintiff shall attach to their complaint a receipt on the payment of the court fee.

COMPLAINT FILED FOR DETERMINATION

Article 188

Plaintiff may request in the complaint that the court make a determination only as to the existence or non-existence of a right or legal relationship or the authenticity or falsity of a document.

Such complaint may be filed when the special regulations so prescribe, when the plaintiff has legal interest in establishment by the court of the existence or non-existence of a right or legal relationship or authenticity or falsity of a document before the maturity of the claim arising from that relation.

Provided that the decision on the dispute depends on the existence or non-existence of the right or legal relationship which became disputable in the course of the litigation the plaintiff may, in addition to the existing claim, file the statement of claims with the court in order for it to determine whether such a relation exists or not if the court conducting the litigation is competent to decide on such a claim.

Claims under paragraph 3 of this Article shall not be considered as an alternation of the complaint.

FILING SEVERAL STATEMENTS OF CLAIMS IN ONE COMPLAINT

Article 189

Plaintiff may state several claims in one complaint against the same defendant when all claims arise from the same factual and legal basis. Provided that the claims do not arise from the same factual and legal basis they may be filed in one complaint against the same defendant only when the same court has subject matter jurisdiction for each of those claims and when the same type of procedure is prescribed for all claims whereby the court finds that filing these statements of claims in one complaint contributes to the efficiency of the procedure (cumulative joinder).

Plaintiff may file two or more interrelated statements of claims in one complaint and request the court to accept the next claim if it finds that the one filed prior to it is not grounded (alternation of claims).

Claims may be united in one complaint only if the court has subject matter jurisdiction for each of those claims and if the same type of procedure is prescribed for all claims under paragraph 2 of this Article.

Claim shall cease to run after the judgment on accepting the first claim has been rendered the procedure upon the perspective.

COUNTER – CLAIM

Article 190

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 15)

Defendant may file the counter-claim if: in the response to the complaint and at the preliminary hearing at the latest or at the first main hearing if the preliminary hearing has not been held

- 1) the counter-claim is related to the statement of claims (connected);
- 2) if these claims may be reimbursed (compensative);
- 3) if the counter-claim is filed in order to determine a right or legal relationship on whose existence or non-existence the decision on the statement of claims depends entirely or partially (prejudicial).

Counter-claim may not be filed if the court of another type has subject matter jurisdiction over the counter-claim.

Counter-claim may be filed only with the consent granted from the plaintiff after the hearing referred to in paragraph 1 of this Article.

Item 1 of this Article the court may decide to separate the counter-complaint procedure if so required by reasons of effectiveness in the case described in paragraph 1.

ALTERNATION OF THE COMPLAINT

Article 191

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 16)

Plaintiff may alter the complaint before conclusion of the preliminary hearing at the latest or beginning of the main hearing if the preliminary hearing has not been held. Court shall be bound to leave the defendant an adequate period for preparation for the hearing on the altered claim if the defendant has not had enough time to do so in such case.

Court may permit alternation of the complaint only if it concludes that the purpose of the alternation is not to delay the procedure and if the defendant consents to the alternation after the preliminary hearing and before conclusion of the main hearing at the latest.

It shall be considered that the defendant consented to the alternation of the complaint if they present arguments on the main subject matter under the altered complaint, without previously having contested the alternation.

Court shall permit alternation of the complaint even when the defendant objects to alternation if the plaintiff, without their fault, could not have altered the complaint earlier and the defendant is in a position to present arguments on the altered complaint without causing delay to the main hearing in the case referred to in paragraph 2 of this Article.

Provided that the complaint has been altered at the hearing at which defendant was not present, the court shall postpone the hearing and deliver transcript of the court minutes from the hearing to the defendant.

Appeal against the ruling on permitting the alternation of the complaint shall not be allowed.

Article 192

Alternation of the complaint is modification of the original statement of claims, augmentation of the existing claim or statement of another claim in addition to the existing one.

Provided that the plaintiff alters the complaint in such a way that they, because of circumstances brought about after the complaint has been filed, claims another object or amount of money on the same factual basis the defendant may not object to such alternation.

Complaint shall not be considered altered if the plaintiff altered legal basis of the claim, reduced the claim or modified, supplemented or rectified certain statements whereby the statement of claims remained unchanged.

Article 193

Plaintiff may alter their complaint by suing another person instead of the original defendant under conditions referred to in Article 191 of this Law.

Consent of the person who is to join the litigation instead of the original defendant shall be required for the alternation of the complaint under paragraph 1 of this Article and if the original defendant has already presented arguments on the main subject matter, consent of the defendant shall also be required.

Person joining the litigation instead of the original defendant shall accept the litigation in the state existing at the moment they enter the litigation.

WITHDRAWAL OF THE COMPLAINT

Article 194

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 10)

Plaintiff may withdraw the complaint without consent of the defendant before the defendant submits a response to the complaint or before the defendant begins presenting arguments.

Complaint may also be withdrawn subsequently, until final and enforceable conclusion of the procedure is reached, provided that the defendant consents thereto. Should the defendant fail to respond within eight days from the date of notification of withdrawal of the complaint, they shall be considered to have consented to the withdrawal.

Should the complaint be withdrawn, the court shall render a ruling determining that the complaint has been withdrawn and that ruling shall be served on the defendant only if the complaint has previously been served on them.

Should, in the case referred to in paragraph 2 of this Article, the complaint be withdrawn after a first-instance judgment has been given, the ruling referred to in paragraph 3 of this Article shall, in addition to determining that the complaint has been withdrawn, determine that the judgment has no legal effect and, should the complaint be withdrawn after an appeal against the first-instance judgment has been filed, that the judgment has no legal effect and that the appeal is dismissed.

Withdrawn complaint shall be considered as not having been filed and may be filed again.

EXISTENCE OF LITIGATION

Article 195

Litigation shall start to run from the date the complaint is delivered to the defendant. Litigation shall start to run from the moment of notification of the adverse party of the claim with respect to the claim put forward by the party in the course of the procedure.

New litigation may not be initiated among the same parties regarding the same claim and if such litigation is initiated the court shall reject the complaint during the course of litigation.

First instance court shall ex officio have due regard to whether another litigation between the same parties regarding the same claim is already underway.

Article 196

Provided that one of the parties alienates an object or the right that is the subject of the litigation, this shall not prevent continuation of the litigation.

Person who acquired the object or the right that is subject of the litigation may enter the procedure as plaintiff or defendant only if the parties grant consent thereto.

Judgment shall have effect either in favour of or against the acquirer in the case referred to in paragraph 1 of this Article.

TITLE SIXTEEN

CO - LITIGANTS

Article 197

Several individuals may institute or be subject to civil procedure in one complaint (co-litigants) if:

1) they are in legal relationship with regard to the disputed matter or if their rights and obligations arise from the same factual and legal basis (material co-litigants);

2) subject matter of the dispute are claims or obligations of the same type based on

Essentially similar factual and legal basis and if there is subject matter and territorial jurisdiction of the same court for each claim and each defendant (formal co-litigants);

3) this is prescribed by another law.

New plaintiff may join the plaintiff or the complaint may be extended to include another defendant with their consent before conclusion of the preliminary hearing or the main hearing if the preliminary hearing has not been held and under conditions referred to in paragraph 1 of this Article.

Person joining the complaint or person to whom the complaint is being extended shall accept the status of the litigation at the date of the joinder.

Article 198

Plaintiff may institute procedure against two or more defendants in one complaint by requesting that the statement of claims be accepted against the subsequent defendant if it has been finally refused with a view to the one who is stated in the complaint before them (subsidiary co-litigation).

Plaintiff may institute proceedings against two or more defendants in one complaint under paragraph 1 of this Article only if the same claim is made against each of them or different interrelated claims are made against each of them and the same court has subject matter and territorial jurisdiction over each claim.

Article 199

Person, entirely or partially claiming a matter or a right which is the subject of litigation between other people may sue both parties in one complaint before the court where the procedure is underway before final and enforceable conclusion of the procedure is reached (main intervention).

Provided that the court decides to stay the procedure in the first litigation the judgment by which the claim of the main intervener has been accepted is considered prejudicial.

Article 200

Principal debtor and guarantor may be sued together if this is not contrary to the terms of the contract of guarantee.

Article 201

Each co-litigant shall be independent party in the litigation and their actions or omissions shall neither benefit nor harm other co-litigants.

Article 202

Provided that, according to law or due to the nature of the legal relationship, the dispute may be resolved only equally for all co-litigants (joint co-litigants), they shall be considered as one litigating party, so that if certain co-litigants omit a litigation action, the effect of litigation actions taken by other co-litigants shall extend to those who did not take such actions.

Provided that co-litigants take different litigation actions, the court shall take into account that action which is the most favourable for them.

Article 203

Provided that deadlines for performing certain litigation action for individual joint co-litigants expire at different times, such litigation action may be commenced by any co-litigant for which the period for commencement of such action is still running.

Article 204

Each co-litigant shall be entitled to file motions regarding the course of the litigation.

TITLE SEVENTEEN

PARTICIPATION OF THIRD PARTIES IN LITIGATION

PARTICIPATION OF INTERVENERS IN LITIGATION

Article 205

Person having legal interest in success of one party in the ongoing litigation between other individuals may join that party.

Intervener may join ongoing litigation before the decision on the statement of claims becomes final and enforceable and during the extraordinary legal remedy procedure.

Statement on joining the litigation may be given by the intervener at the hearing or in the submission.

Submission of intervener shall be delivered to both litigants and if the statement of intervener has been given at the hearing, the transcript of that part of the minutes shall be delivered only to the litigant who failed to appear at the hearing.

Article 206

Each party may contest participation of intervener in the procedure and propose that the participation of the intervener be denied.

Until the ruling denying participation of an intervener becomes final and enforceable, the intervener may participate in the procedure and their litigation actions may not be excluded.

Separate appeal against court decision on accepting participation of intervener shall not be allowed.

Article 207

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 35)

When joining the litigation, the intervener shall accept litigation in the existing state at the moment they join. They shall be authorised to file motions and take other litigation actions within time limits in which the party they have joined might take actions in the further course of the litigation.

Provided that the intervener has joined the litigation before the decision on the statement of claims has become final and enforceable they shall also be entitled to file an extraordinary legal remedy.

Provided that the intervener files legal remedy, the copy of that same submission shall also be delivered to the party they have joined.

Steps taken in the civil procedure by the intervener shall have legal effect for the party joined by the intervener, provided that they are not contrary to steps taken by that party, unless that party expressly contests them.

Intervener may enter the litigation as a party instead of the party they have joined after the consent granted by litigants.

Article 207a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 36)

Court in a later litigation based on a complaint of a party against an intervener who participated with it in a previous litigation cannot rule against an earlier decision, except when it accepts an objection of negligent handling of the dispute.

Party that was an intervener in the previous litigation shall have the right to object that the party from the previous litigation, with which it participated as an intervener, conducted the previous litigation negligently or that the court failed to deliver summonses, submissions or decisions to it.

Court may accept the objection referred to in paragraph 2 of this Article, only if the party that intervened in the previous litigation proves that:

- 1) at the time of entering into that litigation, they were not informed about the litigation in a timely manner and were thus prevented from taking actions that would lead to a more favourable outcome of that litigation;
- 2) the party from the litigation in which they participated as an intervener, intentionally or due to gross negligence, failed to take litigation actions that would lead to a more favourable outcome of that litigation and they did not know or could not have known about the possibility of taking them as an intervener in that litigation;
- 3) the party from that litigation, with its litigation actions, prevented the effect of the actions of its intervener from taking effect.

Provided that the party referred to in paragraph 1 of this Article, who was an intervener in the previous litigation, succeeds with the objection referred to in paragraph 2 of this Article, the court shall allow the parties to discuss again the factual and legal issues discussed in the previous litigation.

Provisions of paragraphs 1, 2 and 3 of this Article shall accordingly apply to the named predecessor referred to in Article 209 of this Law and to the third party notified of the litigation referred to in Article 210 of this Law.

Article 208

Provided that legal effect of the judgment also applies on the intervener, they shall have the status of joint co-litigant (Article 202).

Intervener with the status of joint co-litigant may file extraordinary legal remedy also in the litigation in which they did not participate as an intervener before the decision on the statement of claims becomes final and enforceable.

Article 208a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 37)

Provisions of this Law on party and litigation capacity and representation of the parties, as well as on submissions by the parties and delivery to the parties shall accordingly apply to the intervener.

APPOINTMENT OF PREDECESSOR

Article 209

Person who has been sued as a proprietor of an object or user of a right, who claims that they hold the object or exercises the right on behalf of a third party may at the preliminary hearing at the latest or if preliminary hearing has not been held then at the main hearing, before presenting arguments on the main subject matter, invite that third party (predecessor) through the court to enter the litigation as a party.

Consent of the plaintiff on entering of the predecessor in the litigation instead of defendant is required only when the plaintiff sets against the defendant such claims that do not depend on whether the defendant has the object or exercises the right on behalf of the predecessor or not.

Provided that the predecessor who has been duly summoned fails to appear at the hearing or refuses to enter the litigation, the defendant may not refuse to enter the litigation.

NOTIFYING THE THIRD PARTY ON LITIGATION PROCEDURE

Article 210

Provided that the defendant or the plaintiff need to notify the third party about the initiated procedure in order to create a certain civil law effect, they can do it at any time before the decision in the procedure becomes final and enforceable by a submission submitted

through the civil court in which they shall indicate the reason for notification and describe the state of the litigation.

Party who has notified the third party on the litigation may not, due to that reason, request the stay of the procedure that has been initiated, prolongation of the deadlines or postponement of the hearing.

TITLE EIGHTEEN

STAY AND SUSPENSION OF PROCEDURE

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 38)

Article 211

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 17)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 39)

Procedure shall be stayed if:

- 1) the party dies;
- 2) the party loses litigation capacity while having no proxy in that litigation;
- 3) legal representative of the party dies or their authorisation of representation ceases to be valid, while the party has no proxy in that litigation;
- 4) the party who is a legal person ceases to exist or when the competent authority validly decides on prohibition of business practice;
- 5) when the legal consequences of opening bankruptcy proceedings occur;
- 6) when the legal consequences of opening the liquidation procedure occur;
- 7) the court ceases to function due to war or other causes;
- 8) it is so prescribed by another law.

Article 212

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 40)

Court shall determine the stay of procedure if: in addition to the cases explicitly prescribed by this Law

- 1) it has decided not to resolve a preliminary matter on its own (Article 14);
- 2) the party is located in the region from which the court is not accessible due to emergency conditions (flood and the like).

Court may order a stay of the procedure if the decision on the statement of claims depends on whether a criminal offence prosecutable ex officio has been committed, if it depends on who the offender is and if they are responsible and particularly if there is a doubt that the witness or expert witness has given false testimony or if the document used as evidence is false.

Article 213

All deadlines set for commencing litigation actions shall be terminated during the stay of the procedure.

Court may not take any actions in the procedure, but if the stay has occurred after the completion of the main hearing the court may render decision on the grounds of that hearing during the stay of the procedure.

Litigation actions taken by one party during the stay of procedure shall not have legal effect on the other party. Their effect shall start only after the procedure has been resumed.

Article 214

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 41)

Procedure stayed due to reasons stated in Article 211, items 1 through 4 of this Law shall resume when an heir or a trustee of hereditary property, new legal representative, legal successors of a legal person take over the procedure or when the court, at the motion of the adverse party, invites them to do so.

Procedure stayed for the reason specified in Article 211, item 5 of this Law shall continue when the conditions prescribed by the law governing bankruptcy proceedings are met.

Provided that the court has stayed the procedure due to the reasons stated in Article 212, paragraph 1, item 1 and paragraph 2 of this Law the procedure shall resume when it is validly concluded before the court or other competent authority or when the court establishes that the reasons for waiting its conclusion cease to exist.

Stayed procedure shall resume at the motion of the party as soon as the reasons for the stay cease to exist in all other cases.

Deadlines that have ceased to run due to the stay of procedure shall start to run anew for the party concerned from the day when the court delivers the ruling on resumption of the procedure to that party.

Delivery of ruling on resumption of the procedure to the party who did not file the motion for resumption of the procedure shall be conducted in line with provisions of

Article 136 of this Law.

Article 215

Appeal against the ruling that determines (Article 211) or orders (Article 212) the stay of procedure shall not stay enforcement of the ruling.

Provided that at the hearing the court denies the motion to stay the procedure and decides to immediately continue the procedure, separate appeal against such ruling shall not be allowed.

Article 216

Procedure shall be suspended if the party dies or ceases to exist, if in the dispute it is decided on the rights that are not assigned to their heirs or legal successors.

Ruling on suspension of the procedure shall be delivered to the adverse party, heirs or legal successors of the party after they have been identified in cases referred to in paragraph 1 of this Article.

Court shall appoint temporary representative to the heirs of deceased party to whom it shall deliver the ruling on suspension of the procedure if it establishes that the probate procedure might last longer at the request of the adverse party or ex officio.

Ruling on suspension of the procedure that has been rendered due to the fact that legal person ceased to exist shall be delivered to the adverse party and legal successor of the legal person if it exists.

Provisions on suspension of the procedure shall accordingly apply to time limits for commencement of certain actions until the ruling on suspension of the procedure becomes final and enforceable.

Article 216a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 42)

Court shall suspend the proceedings in cases prescribed by this Law.

Court shall determine the duration of the suspension by ruling on the suspension of the proceedings.

Separate appeal shall not be allowed against the decision on the suspension of the proceedings.

Court shall continue the proceedings ex officio when the reasons that caused the suspension of the proceedings, which led to the decision on the suspension of the proceedings, cease.

When the proceedings are suspended, the court can only undertake those actions for which there is a risk of delay.

Suspension of the proceedings shall not affect the deadlines for taking civil actions.

TITLE NINETEEN

EVIDENCE AND TAKING OF EVIDENCE

GENERAL PROVISIONS

Article 217

Each party shall present facts and propose evidence which serve as a basis for their claim or which serve to contest statements and evidence of the adverse party.

Taking of evidence includes all facts that are important for rendering the decision.

Court shall determine which evidence shall be presented for the purpose of establishing relevant facts.

Article 218

Generally known facts and facts known to the court in performance of its function need not be proved.

Facts admitted by the party during litigation need not be proved, but the court may order that these facts also be proved if it finds that the parties by admitting them tend to dispose of claims of which they cannot dispose (Article 4 paragraph 3).

Taking into account all the circumstances, the court shall determine whether a fact which the party first admitted and subsequently wholly or partly denied or in respect of which the party limited their admission by adding other facts, shall be considered admitted or contested.

Facts presumed under the law need not be proved, however non-existence of these facts may be subject to proving, unless otherwise prescribed by law.

Article 219

Provided that the court, based on presented evidence (Article 9), may not determine a fact with certainty, it shall decide on the existence of that fact by applying rules on the burden of proof.

Party claiming to have a right shall bear the burden of proving a fact material to its creation or exercise, unless otherwise provided by law.

Party contesting the existence of a right shall bear the burden of proving a fact that prevented its creation or exercise or caused it to cease to exist, unless otherwise provided by law.

Article 220

Provided that it is established that a party is entitled to the compensation of damages, monetary sum or things that are replaceable, but the amount of money or the quantity of things may not be precisely determined or might be determined only with disproportionate difficulties, the court shall decide on the matter according to its own evaluation.

Article 220a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 43)

Provided that the complete clarification of the circumstances on which the decision on some of the several outstanding claims in the same complaint depends, which are insignificant in relation to the total amount of all the outstanding claims, is connected with difficulties that are disproportionate to the importance of the outstanding claims, the court may decide based on a free assessment, taking into account the already explained circumstances of the case and the collected evidence, especially the documents submitted by the parties, as well as their statements if the court has heard them.

Article 220b

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 43)

Court may in disputes where the value of the subject of the dispute in the proceedings before the basic courts does not exceed EUR 1,000, i.e. in the proceedings before the commercial courts EUR 7,000, if it assesses that the establishment of facts important for the resolution of the dispute could be associated with disproportionate difficulties and costs, the existence of those facts to determine based on a free assessment, taking into account the documents submitted by the parties, as well as their statements, if the court produced evidence by hearing the parties.

Article 221

Evidence shall be presented at the main hearing.

Court may decide that certain pieces of evidence be presented before another court (requested court). Minutes of the presented evidence shall be read at the main hearing in such case.

When the court decides that a piece of evidence be presented before the requested court, the request for taking of evidence shall describe status of the matter according to the information from the case files with particular emphasis on circumstances which require special attention during the taking of evidence.

Parties shall be informed about the hearing for taking of evidence before the requested court.

Requested court shall have the same powers as the requesting court during the taking of evidence at the main hearing during the taking of evidence.

Separate appeal against the court ruling, which entrusts the hearing of evidence to the requested court, shall not be allowed.

Article 222

Provided that, due to the circumstances, it may be assumed that evidence cannot be taken within a reasonable period or if evidence is to be taken abroad, the court shall determine in the ruling on the taking of evidence the time limit for taking that evidence.

Hearing shall be conducted regardless of the fact that the evidence has not been presented after the set deadline has expired.

ON-THE-SPOT INVESTIGATION

Article 223

On-the-spot investigation shall be conducted when the direct observation of the court is required for the determination of a fact or clarification of a circumstance.

On-the-spot investigation may be conducted with the participation of expert witnesses.

Article 224

Provided that the object that needs to be investigated may not be brought before the court or its bringing would incur significant costs the court shall conduct on-the-spot investigation and take down the minutes thereon.

Article 225

Provided that the object kept by one of the parties or the third party is to be investigated, provisions of this Law on obtaining documents from parties or third parties shall accordingly apply.

DOCUMENTS

Article 226

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 18)

Document issued in the prescribed form by a public authority within the limits of its competence, i.e. institution or other legal entity under public authority entrusted by law (public document) proves authenticity of what is confirmed or determined by it.

Same evidential value shall be granted to other documents that have under special regulations been granted the same status as public documents in terms of evidential value.

It shall be allowed to prove that the facts in the public document have been falsely established or that the document has been issued irregularly.

Should the authenticity of the document be brought in question by the court, it may request from the authority from which it originates to make a statement in that regard.

Article 227

Unless otherwise prescribed by international treaty, foreign public documents that have been duly certified and also meet the condition of reciprocity shall have the same evidential value as domestic public documents.

Article 228

Party shall submit by themselves the document proposed as evidence in support of their statements.

Document composed in a foreign language shall be submitted with a certified translation by a permanent court translator.

Provided that the document is in the possession of a public authority or a legal person exercising public power and the very party may not have the document either submitted or presented the court shall, at the request of the party, obtain such document.

Article 229

When one party proposes the document and claims it is in the possession of another party, the court shall order that party to submit the document within a set deadline.

Party may not refuse to submit the document if they had proposed that document as the evidence corroborating their statements in the litigation or if their obligation to submit or present the document in question is prescribed by law or if the document, according to its content, is considered to be common for both parties.

Provisions of Articles 233 and 234 of this Law shall apply accordingly with respect to the right of the party to refuse to submit other documents.

When the party that is requested to submit the document denies possession of the document, the court may hear evidence in order to determine that fact.

Taking into consideration all the circumstances, the court shall, based on its own evaluation, determine relevance of the refusal of the party to act upon the ruling of the court which requires submission of the document or their denial of possession of the document despite contrary opinion of the court.

Separate appeal against court decision referred to in paragraph 1 of this Article shall not be allowed.

Article 230

Court may order the third party to present the document that serves as proof to determine a relevant fact at the request of the party. Third party may refuse to submit the document in line with Articles 233 and 234 of this Law.

Court shall invite the third party to make a statement on the matter before issuance of the decision as to which third party is required to bring the document.

Provided that the third party denies their obligation to present the document in their possession, the court shall decide whether the third party is obliged to present the document.

Provided that the third party denies possession of the document, the court may decide to hear the evidence in order to establish that fact.

Final and enforceable ruling on obligation of the third party to present the document may be enforced through the competent court according to the enforcement procedure rules.

Third party shall be entitled to reimbursement of costs incurred as a result of the presentation of documents. Provisions of Article 242 of this Law shall apply accordingly in such case.

WITNESSES

Article 231

Any person summoned as a witness shall respond to the summons and, unless otherwise prescribed by this Law, they shall testify.

Only persons capable of giving information about the facts that are being proved may be interrogated as witnesses.

Child may be heard as a witness if the court based on the opinion of a competent authority or expert finds that they are capable of testifying.

Article 232

Provided that the person, by giving testimony, would breach their duty to keep an official, state or military secret, they may not be heard as witness until the competent authority discharges them from that duty.

Article 233

Witness may refuse to testify on:

- 1) what has been divulged to them by a party, in their capacity of proxy of the party;
- 2) what has been confessed to them by the party or another person, in their capacity of a religious confessor;
- 3) facts learnt by the witness in their capacity of an attorney at law or doctor or during Exercise of some other occupation or some other business if there is an obligation to keep as secret the matters learnt in the exercise of that occupation or business.

Court shall instruct those persons that they may refuse to testify.

Article 234

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 4)

Witness may refuse to answer particular questions if there are justified reasons and particularly if such answer would cause severe disgrace, considerable property damage or criminal prosecution to them, their blood relatives in the direct line up to any degree and in the lateral line up to and including the third degree, their spouse or common-law spouse, partner in a same-sex life partnership or relatives by affinity up to and including the second degree even if the marriage or same-sex life partnership has ended, as well as their guardian or person under guardianship, adoptive parent or adopted child.

Court shall inform the witness that they may refuse to answer the question that has been put.

Article 235

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 11)

Witness may not refuse to testify, based on potential property damage, on legal actions to which they were present as invited witness, on actions which they had undertaken in respect to the dispute as legal predecessor or representative of one of the parties, on facts related to property relations conditioned by family or marital relations or by the relationship between partners in a same-sex life partnership, on facts related to birth, conclusion of marriage or a same-sex life partnership or death or when they are bound under special regulations to report or make a statement.

Article 236

Justifiability of reasons for refusing to testify or answer certain questions shall be evaluated by the court before which the witness is to testify. Should this be necessary, the parties shall be previously heard thereof.

Parties shall not be entitled to file separate appeal against the ruling referred to in paragraph 1 of this Article, while the witness may contest the ruling in an appeal against the ruling on the fine or imprisonment imposed on them because of their denying to testify or give the requested answer (Article 181, paragraph 2).

Article 237

Party proposing a certain person to be heard as witness shall in advance state the subject of that testimony of that person, their name, surname and the place of temporary residence.

Article 238

Witnesses shall be summoned by delivery of written summons which indicate the name and surname, occupation of the summoned, time and place of the hearing, the note on the case for which they are summoned and an indication that they are summoned in the capacity of a witness. Summons shall contain warning of the witness in terms of the consequences of their unjustified absence (Article 181) and their right to the reimbursement of costs (Article 242).

Juvenile who has not turned 16 years of age shall be summoned as a witness through parents or legal representatives.

Witnesses who may not respond to the summons due to their age, illness or serious physical disabilities may be heard in their dwelling or premises in which they reside.

Article 239

Witnesses shall be heard individually without presence of those witnesses who shall be heard afterwards. Witness shall answer verbally.

Witness shall first be informed about the obligation to speak the truth and not to withhold anything and thereupon they shall be warned of the consequences of giving a false testimony.

Witness shall then be asked about their name and surname, name of the father, occupation, place of temporary residence, place of birth, age and their relation with the parties.

Article 240

Witness shall be examined to present everything about facts they are to testify about and then they may be asked questions for the purpose of verification, supplementation or clarification following general questions. Question formulated in such a way as to suggest the desired answer shall not be allowed.

Witness shall always be asked how they have learnt the facts they are testifying about.

Witnesses may be confronted with each other if relevant facts from their statements are in conflict. Confronted witnesses shall be heard one by one about each fact on which they do not agree and their response shall be included in the minutes.

Article 241

Witness who does not speak the language in which the procedure is conducted shall be interrogated with assistance of an interpreter.

Provided that the witness is deaf, the questions shall be put in writing and if they are dumb, they shall be required to answer in writing. Provided that the hearing cannot be conducted in this manner, a person that can communicate with the witness shall be invited to act as interpreter.

Court shall warn interpreter of their duty of accurate interpretation of the questions addressed to the witness as well as the statements given by the witness.

Article 242

Witness shall be entitled to the reimbursement of travel costs, costs for food and overnight stay as well as the compensation of the loss of earnings.

Witness should request reimbursement and where applicable the compensation for the loss of earning immediately after the hearing, otherwise they shall lose this right. Court shall inform the witness thereof.

Party shall be ordered to pay certain amount to the witness within eight days in the ruling on determining the costs of witness the court shall determine that the set amount be paid from the deposited advance payment and if the advance payment has not been deposited. Appeal against such ruling shall not stay enforcement of the ruling.

EXPERT WITNESSES

Article 243

Court may decide to hear expert witnesses when the expertise which the court does not have is necessary for establishment or clarification of a fact.

Article 244

Party proposing expert evaluation shall indicate the subject and scope of expert evaluation in the proposal and shall also propose the person from the list of certified expert witnesses who shall provide expert evaluation.

Adverse party shall make a statement on the proposed expert witness.

Provided that the parties fail to reach agreement on the person to be appointed as the expert witness and on the subject and scope of the expert evaluation, the court shall make decision thereon.

Court may designate other expert if it finds the examination a complex one regardless of the agreement between parties.

Article 245

Expert evaluation shall be performed by one expert witness, but if the court finds the examination to be a complex one, it can designate more expert witnesses.

Expert witnesses shall predominantly be appointed from among certified court experts for a specific type of expert evaluation.

More complex expert evaluation may also be entrusted with professional institutions (hospital, chemical laboratory, university and the like).

Provided that there are institutions specialised in specific types of expert evaluation (expert evaluation of counterfeit money, handwriting, typewriting and the like) such expert evaluations shall predominantly be entrusted with these institutions.

Article 246

Expert witnesses shall respond to the court summons and state their findings and opinion.

Court shall exempt expert witness from the duty of providing expert evaluation, at their request, for reasons for which a witness may refuse to testify or give answer to a specific question.

Court may also exempt expert witness from the duty of providing expert evaluation, at their request, for other justified reasons. Exemption from the duty of expert evaluation may also be requested by an authorised employee of the authority or organisation where the expert witness is employed.

Article 247

Expert witness may be exempted for the same reasons for which the judge may be exempted, but exceptionally a person who has already testified as witness may be taken as expert witness.

Party may file the request for exemption of expert witness as soon as they learn that there is a reason for exemption and at the latest before the beginning of taking of evidence in expert evaluation.

Party shall indicate in their request for exemption the circumstances on which they ground the request for exemption.

Court shall decide on the request for exemption.

Appeal against the ruling which grants exemption shall not be allowed and separate appeal against the ruling which denies the request shall not be allowed.

Provided that the party has learned about the reason for exemption after the performance of expert evaluation and objects to the expert evaluation for that reason, the court shall act as if the request for exemption has been filed prior to the expert evaluation.

Article 248

Expert witness shall be entitled to the reimbursement of travel costs, costs for food and overnight stay, compensation of the loss of earning and costs of expert evaluation as well as the right to remuneration for conducted expert evaluation.

Provisions of Article 242, paragraphs 2 and 3 of this Law shall apply accordingly to the reimbursement of costs and remuneration of the expert witness.

Article 249

Court shall, by a ruling, decide to hear expert evaluation that contains the following: the name, surname and occupation of expert witness, disputed matter, scope and subject of expert evaluation and deadlines for filing the findings and opinion in writing.

Article 250

Expert witness shall always be summoned to the main hearing. Transcript of the ruling referred to in Article 249 of this Law shall be delivered to the expert witness, together with the summons for the main hearing.

Court shall advise the expert witness that they shall present their opinion conscientiously and in line with the rules of science and profession and warn them of consequences of the failure to deliver findings and opinion within the set deadline or unjustified absence from the hearing, as well as of the right to the remuneration and reimbursement of costs in the summons.

Article 251

Unless the court determines otherwise, the expert witness shall always submit to the court their written findings and opinion before the hearing.

Expert witness shall always elaborate their opinion.

Article 252

Provided that the expert witness fails to deliver findings and opinion within the set deadline, the court shall designate another expert witness after expiry of the deadline left to the parties to state their opinion on this matter in writing.

Provided that the expert witness submits findings or opinion which are unclear, incomplete or contradictory to themselves or to other presented evidence, the court shall invite the expert witness to supplement or correct them and set the deadline for re-submission of findings and opinion.

Provided that the expert witness fails to submit complete and understandable findings and opinion even upon the court invitation, the court shall after having heard opinion of the parties designate another expert witness.

Article 253

Court shall deliver expert witness findings and opinion to the parties in writing at least eight days before the main hearing.

Article 254

Main hearing shall be held even if the expert witness fails to appear at the hearing.

Notwithstanding paragraph 1 of this Article, should the court find presence of the expert witness at the hearing essential for the clarification or supplementation of their findings and opinion it may, on proposal of the party, postpone the hearing and schedule a new one to which the expert shall be re-summoned.

Article 255

Court shall allow the expert witness to examine case files as well as to interrogate parties and other participants with regard to the subject of expert evaluation.

Article 256

Provided that several expert witnesses are designated to testify, they may submit their shared findings and opinions if they agree in the findings and opinions. Provided that findings and opinions of expert witnesses are not in agreement each expert shall submit their own report separately.

Provided that the expert opinions substantially differ or if their finding is unclear, incomplete and in contradiction with themselves or with the adduced circumstances and those faults cannot be removed by repeated hearing of the expert witnesses, the expert evaluation shall be repeated by the same or other experts.

Provided that contradictions or faults are found in the opinion of several expert witnesses or a reasonable suspicion in the regularity of the given opinion arises and the suspicion and faults cannot be removed by repeated hearing of the expert witnesses, opinions of other expert witnesses shall be sought.

Article 257

Appeal against the court ruling under Articles 249 and 252 of this Law shall not be allowed.

Article 258

Provisions on the hearing of witnesses shall apply accordingly to hearing of the expert witnesses unless provisions of this Law prescribe otherwise.

Article 259

Provisions on expert evaluation shall accordingly apply to court interpreters.

HEARING THE PARTIES

Article 260

Court may order the taking of evidence by hearing the parties on proposal of the party.

Article 261

Provided that the court is assured that the party or the person who is to be heard as the party is not acquainted with disputed facts or if the hearing of that party is not possible it may decide to hear the other party only.

Court shall decide that only one party is to be heard even if the other party refuses to give testimony or does not respond to court summons.

Article 262

Legal representative shall be heard for the party without litigation capacity. Provided that possible, the court may decide that instead of or in addition to the legal representative the party also is heard.

Person appointed for representation of the legal person under law or general act shall be heard on behalf of that legal person.

Provided that several persons take part as one party to the dispute the court shall decide whether to hear all of them or only some of them.

Article 263

Summons to the hearing shall be delivered to the proxy of the party who shall communicate it to the party or if the party does not have the proxy, it shall be delivered to the party personally or to the person who shall be heard on behalf of the party.

Summons shall indicate that the evidence shall be presented by interrogating parties at the hearing and that the party present at the hearing shall be heard regardless the absence of the other party.

Article 264

Coercive measures may not be applied against the party who fails to respond to the court summons for the hearing, nor may the party be forced to give testimony.

Article 265

Provisions on the taking of evidence by hearing witnesses shall also apply to the taking of evidence by hearing the parties, unless otherwise prescribed for the hearing the parties.

TITLE TWENTY

PROVISION OF EVIDENCE

Article 266

It may be proposed that such evidence be presented in the course of and prior to instituting the litigation in case of justified belief that a piece of evidence shall not be available for presentation or that its later presentation may be hindered.

Provision of evidence may also be requested prior to or in the course of the procedure for reopening instituted upon motion.

Article 267

Provided that the motion for the provision of evidence has been filed in the course of civil procedure, the court conducting this procedure shall be competent to act.

When the provision of evidence is required before initiation of the procedure, as well as in emergency cases if the litigation procedure is already underway, the competent court shall be the first instance court on whose territory objects to be examined or persons to be interrogated are located.

Article 268

Applicant shall indicate facts to be proved, evidence to be presented and reasons for believing that the later taking of evidence shall not be possible or that the presentation shall be hindered in the submission on request for the provision of evidence. Name and surname of the adverse party shall be given in the submission unless, under the circumstances, it may be concluded that they are unknown.

Article 269

Submission containing motion for the provision of evidence shall be delivered to the adverse party if they are known. Provided that there is a danger of delay, the court shall decide on the motion without having previously requested the adverse party to make a statement.

Court shall schedule the hearing for the provision of evidence, indicate facts in relation to which the evidence shall be presented and shall also indicate the evidence to be presented in the ruling on acceptance of the motion.

Provided that the submission containing motion for the provision of evidence has not been previously delivered to the adverse party, it shall be delivered together with the court ruling on acceptance of the motion for the provision of evidence.

Court may appoint temporary representative for the adverse party who is unknown or whose place of temporary residence is not known for the purpose of their participating at the hearing for the taking of evidence (Article 82). This appointment need not be announced.

Court may decide to start hearing the evidence before the ruling on acceptance of the motion for the provision of evidence has been delivered to the adverse party in emergency cases.

Appeal against the court ruling on acceptance of the motion for the provision of evidence or appeal against the ruling to start hearing the evidence prior to having delivered ruling to the adverse party shall not be allowed.

Article 270

They were presented in case the evidence has been presented before the procedure has been initiated the minutes on the taking of evidence shall be kept at the court where.

Provided that the procedure is underway and the court conducting the procedure did not conduct the procedure for the provision of evidence, the minutes shall be forwarded to that court.

TITLE TWENTY-ONE

PREPARATION FOR THE MAIN HEARING

GENERAL PROVISIONS

Article 271

Court shall start preparations for the main hearing immediately upon receipt of the complaint.

These preparations shall include initial examination of the complaint, delivery of the complaint to the defendant for mandatory response, holding preliminary hearing and scheduling the main hearing.

Parties may submit submissions in which they indicate facts and evidence whose presentation they intend to propose during the preparation for the main hearing.

Article 272

Court is authorised to decide on: during the preparation for the main hearing, before the main hearing is held

- 1) entry of the predecessor into the dispute;
- 2) participation of intervener;
- 3) provision of evidence;
- 4) alteration of complaint;
- 5) withdrawal of complaint;
- 6) stay of the procedure;
- 7) temporary security measures;
- 8) merging and separating cases;
- 9) setting the deadlines of the court and their extension;
- 10) scheduling and postponement of hearings;
- 11) return to the previous stage;
- 12) exemption of the party from paying the costs of the procedure;
- 13) provision of litigation costs;
- 14) depositing an amount to bear costs of certain litigation actions;
- 15) appointing expert witness;
- 16) appointing temporary representative;
- 17) delivery of court documents;
- 18) measures for the correction of submissions;
- 19) validity of authorisations and
- 20) all matters related to conducting the procedure.

Appeal against decisions made in preparation for the main hearing which are related to conducting the procedure shall not be allowed.

Article 273

Court may render judgment based on admission, judgment based on waiver and default judgment and register settlement of the parties in the minutes in the course of preparations for the main hearing.

PRELIMINARY EXAMINATION OF THE COMPLAINT

Article 274

Court shall render rulings under Article 272 of this Law after the preliminary examination of the complaint, unless the matter may, by its nature or under provisions of this Law, be decided only in the further procedure.

Article 275

Provided that the court finds that the complaint is either incomprehensible or incomplete or that there are defects concerning capacity of the plaintiff or defendant to act as a party to the procedure or defects concerning legal representation of the party or defects concerning authorisation of the representative to institute litigation when such authorisation is needed, it shall take necessary actions prescribed by this Law in order to remedy defects

(Article 81 and 106).

Article 276

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 10)

Court shall render ruling on rejection of the complaint if it finds that: after the preliminary examination of the complaint

- 1) adjudication of the statement of claims does not fall within the competence of the court;
- 2) parties have agreed upon arbitration;
- 3) the complaint has not been filed within the prescribed deadline if special regulations prescribe deadline for filing such complaint;
- 4) litigation concerning the same claim is underway;
- 5) final and enforceable judgment has been rendered on the subject matter;
- 6) judicial settlement has been reached on the disputed matter, the plaintiff has waived their statement of claims before the court, there is no legal interest of the plaintiff for filing the complaint for determination and the plaintiff failed to remedy defects referred to in Article 81 and 106 of this Law within the required deadlines set by the court.
- 7) that the party, before starting the dispute before the court, did not, in accordance with the obligation prescribed by a special law, turn to the competent authority for the purpose of out-of-court settlement of the dispute.

Court shall render ruling to declare that it is not competent and shall forward the case to a different court if it finds that it does not either have territorial or subject matter jurisdiction to adjudicate the case.

Article 277

Provided that the court finds that there is insufficient information to render decision on the matter raised in the course of the preliminary examination of the complaint it shall decide on that matter when it receives the response to the complaint or at the preliminary hearing or at the main hearing if the preliminary hearing has not been held.

RESPONSE TO THE COMPLAINT

Article 278

Complaint with attachments thereto shall be delivered to the defendant for response within 30 days after the day of receipt of a correct and complete complaint by the court.

Article 279

There to the defendant shall provide written response to the complaint to the court within 30 days after receipt of the complaint with attachments.

When serving the defendant with the complaint, the court shall inform the defendant about their obligation referred to in paragraph 1 of this Article, required contents of the response to the complaint and consequences of not responding to the complaint within the set deadline.

Article 280

Defendant shall state possible procedural objections and make a statement as to whether they accept or contest the claim put forth in the complaint and indicate all other information that every written submission shall contain in response to the complaint

(Article 103).

Provided that the statement of claims is contested by the defendant, response to the complaint shall also contain facts on which their position is grounded and evidence corroborating those facts.

Article 281

When the court finds that response to the complaint is incomprehensible or incomplete it shall proceed in line with Article 106 of this Law in order to remedy defects.

Article 282

Provided that, after receipt of the response to the complaint, the court finds that there are no disputed facts between the parties and no other obstacles to rendering a decision, it may decide the dispute without scheduling a hearing.

Article 283

Provided that the court, upon receipt of the response to the complaint, finds that the facts stated in the complaint do not constitute basis for the statement of claims it shall render decision by which it shall dismiss the statement of claims.

Statement of claims is not grounded if it is evidently in contravention with the facts stated in the complaint or if the facts on which the statement of claims is grounded are evidently in contravention with the evidence proposed by the plaintiff themselves or with the facts which are commonly known for the purpose of paragraph 1 of this Article.

Article 283a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 44)

Court may decide on the dispute based on submissions and attached evidence without a main hearing, if the parties agree about it in writing.

Article 283b

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 44)

Provided that a large number of complaints have been filed with the court in which the claims are based on the same or a similar factual situation and the same legal basis, the court may, after receiving the responses to the complaints, conduct the procedure on the basis of one complaint and stay the other procedures until the judgment rendered on the complaint on the basis of which the procedure was conducted becomes final.

Court shall decide in the stayed procedures in the same manner as in that final judgment after the judgment referred to in paragraph 1 of this Article becomes final.

Party that had the opportunity to participate in the procedure referred to in paragraph 1 of this Article may not, in the stayed procedures, dispute the facts established or the legal positions taken by the court in the procedure referred to in paragraph 1 of this Article.

Procedure referred to in paragraph 1 of this Article shall be urgent.

PRELIMINARY HEARING

Article 284

Court shall schedule preliminary hearing after receipt of response to the complaint.

Provided that the defendant failed to deliver response to the complaint and there are no grounds for rendering default judgment the court shall schedule preliminary hearing after expiry of the deadline set for filing response to the complaint.

As a rule, the preliminary hearing shall be held within 30 days after delivery of the written response to the complaint by the defendant.

Article 285

Preliminary hearing shall be mandatory except in cases where the court, after having received the complaint and response to the complaint, determines that there are no disputable facts between the parties (Article 282) or when the preliminary hearing is unnecessary due to the simplicity of the case.

Article 286

Court shall inform the parties about consequences should they fail to appear at the preliminary hearing and that they are obliged at the preliminary hearing at the latest to present all facts on which their claims are based and propose all the evidence that they want to present in the course of procedure and shall also inform them about their obligation to bring to the hearing all the documents and items they want to use as evidence in the summons for the preliminary hearing.

Summons to the preliminary hearing shall be delivered to the parties at the latest eight days before the hearing.

Article 287

Preliminary hearing shall start with a brief presentation of the complaint by the plaintiff to be followed by brief response to the complaint by the defendant.

When required, the court shall demand from parties to clarify their statements and proposals.

Article 288

Matters related to any obstacles to further course of the procedure shall be heard after the presentation of the complaint and response to the complaint. Evidence related to these matters may be presented at the preliminary hearing when necessary.

Court shall decide on matters referred to in upon objection of the party or ex officio

Article 276 of this Law unless otherwise prescribed by provisions of this Law.

Provided that the court does not accept objection regarding existence of an obstacle for further course of the procedure, the decision on the objection shall be rendered at the

same time as the decision on the main subject matter, except if the objection refers to territorial jurisdiction.

Separate appeal against the decision referred to in paragraph 3 of this Article shall not be allowed.

Article 288a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 45)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 12)

Court shall seek to ensure that all decisive facts are presented during the preliminary hearing, that incomplete statements of parties on important facts are supplemented and that all clarifications necessary for establishing the factual situation relevant to the decision are provided by asking questions and in other appropriate ways.

Article 289

Proposals by parties and statement of facts on which proposals of the parties have been grounded are discussed in the further course of the preliminary hearing.

Article 290

Based on the results of the preliminary hearing, the court shall decide on the matters to be discussed and the evidence to be taken at the main hearing.

Court shall reject motions which it does not hold necessary for rendering the decision and state the reasons for the rejection in the ruling.

Separate appeal against the ruling referred to in paragraph 2 of this Article shall not be allowed.

Court shall not be bound by its previous rulings referred to in this Article in the further course of the procedure.

Article 291

Provided that the court, on motion of the party, orders hearing of the expert witness and delivery of expert findings and opinion, it shall set the deadline for the expert witness to do so.

When setting this deadline the court shall take into consideration that the expert witness' written findings and opinion shall be delivered to the parties no later than eight days before the main hearing.

Article 292

Provided that there are several ongoing litigations before the same court involving the same parties or involving one person as the adverse party of different plaintiffs or different defendants the court may by the ruling merge all litigations for a joint hearing if that would contribute to a speedier hearing or to a decrease of the costs. All merged cases shall be decided by a single judgment.

Court may determine that certain claims from the same complaint be heard separately and upon completion of the separate hearing it shall render separate decisions on those claims.

As a rule, the rulings referred to in paragraphs 1 and 2 of this Article may be rendered at the preliminary hearing at the latest or by the beginning of the main hearing if the preliminary hearing has not been held.

Separate appeal against these rulings shall not be allowed.

Article 293

Complaint shall be considered withdrawn if the plaintiff who has been duly summoned fails to appear at the preliminary hearing unless the defendant requests the hearing to be held.

Provided that duly summoned defendant fails to appear at the preliminary hearing, the hearing shall be held with the plaintiff.

Article 294

Authorisations of the court at the preliminary hearing regarding management of the procedure shall be the same as at the main hearing.

SCHEDULING THE MAIN HEARING

Article 295

Court ruling shall determine at the preliminary hearing the date and time of the main hearing, matters to be discussed, evidence to be taken at the proposal of each party and persons to be summoned to the main hearing.

As a rule, the main hearing shall be held within 60 days after the preliminary hearing at the latest.

Court may also order the main hearing to be held immediately after the preliminary hearing.

Provided that the court finds that the main hearing will last more than one day, the hearing shall be scheduled for as many consecutive days as necessary for the main hearing to be held continuously.

Article 296

Parties present at the preliminary hearing shall be informed about content of the ruling referred to in Article 295, paragraph 1 of this Law and the ruling and summons for the main hearing shall not be delivered to them.

Court shall also warn parties of the consequences of their failure to appear at the main hearing.

Article 297

Parties that were not present at the preliminary hearing and witnesses and expert witnesses whom the court decided to summon at the preliminary hearing shall be summoned by the court to the main hearing.

Court shall warn the parties summoned to the main hearing of the consequences of failure to appear.

Certified transcript of the minutes shall be delivered to the party who was absent from the preliminary hearing together with the summons for the main hearing.

TITLE TWENTY-TWO

MAIN HEARING

COURSE OF THE MAIN HEARING

Article 298

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 46)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 13)

Judge shall open the main hearing and announce the subject of the hearing.

Judge shall thereafter verify whether all summoned persons have appeared and, in the event of absence, whether the absent persons were duly summoned and have a justified reason for their absence.

Should a duly summoned plaintiff fail to appear at the main hearing without justifying their absence, the complaint shall be deemed withdrawn unless the defendant requests that the hearing be held.

Provided that a duly summoned defendant fails to appear at the main hearing, the hearing shall be held without their presence.

Should both parties, although duly summoned, fail to appear at the main hearing without justification or appear but fail to enter into discussion or leave the hearing, the complaint shall be deemed withdrawn.

Article 299

Court shall first determine, upon an objection by a party or ex officio, whether there are procedural obstacles to continuing the procedure and shall proceed in line with Article 276 of this Law unless otherwise provided by this Law.

Provided that the court does not accept objection referred to in paragraph 1 of this Article, the ruling on the objection shall be rendered together with the ruling on the main subject matter regardless of whether it was discussed separately or together with the main subject matter.

Separate appeal against the decision on rejecting objection of the party referred to in paragraph 1 of this Article shall not be allowed.

Article 300

Provided that the preliminary hearing has not been previously held, the first main hearing shall start with concise presentation of the complaint followed by concise response of the defendant to the statements contained in the complaint.

Court shall determine by a ruling, in the further course of the procedure, which evidence shall be taken at the main hearing.

Court shall dismiss the proposed evidence which it does not consider relevant for rendering the decision and shall also indicate in the ruling the reasons for such dismissal.

Separate appeal against the ruling, which either orders or dismisses taking of evidence, shall not be allowed.

Court shall not be bound in the further course of litigation by its previous ruling on the taking of evidence.

Article 301

Provided that the preliminary hearing has been held, the evidence presented at the main hearing shall be those whose presentation has been ordered by court ruling at that hearing.

Article 302

Procedure at the main hearing shall be verbal and the evidence shall be presented directly before the court unless otherwise prescribed by this Law.

Article 303

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 47)

Parties may present new facts and propose new evidence in the course of the main hearing only if they satisfy the court that, without their fault, they could not have presented or proposed them at the preliminary hearing, i.e. at the first hearing of the main hearing if the preparatory hearing was not held.

Court shall not take into account new facts and new evidence presented by the parties, that is, proposed contrary to the provisions of paragraph 1 of this Article.

Article 304

Party and their representative or proxy may, upon approval of the court, pose direct questions to the adverse party, witnesses and expert witnesses.

Court shall prohibit the party to pose a particular question or shall prohibit answering to a particular question if the question implies the answer or if the question is not related to the case.

Question prohibited by the court, as well as a question that the court prohibited from being answered, shall be entered in the minutes at the request of the party.

Article 305

Already heard witnesses and expert witnesses shall stay in the courtroom unless the court after consulting the parties fully dismisses them or orders that they temporarily leave the courtroom.

Court may order that the already heard witnesses be later called again and heard one more time either in presence or absence of other witnesses or expert witnesses.

Article 306

Parties, starting with the plaintiff, shall be entitled to address the court with closing statements summarising the legal and factual aspects of the case after all evidence has been taken.

Article 307

Court shall declare the main hearing concluded after all stages of the main hearing have been completed and the case is ready for judgment.

Court may decide to conclude the main hearing even when certain case files containing information necessary for rendering the decision are still to be obtained or if the minutes on the evidence obtained from the requested judge is awaited, where the parties waive the hearing of that evidence or the court believes that such hearing is not necessary.

Article 307a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 14)

Court may decide to reopen a concluded main hearing should this be necessary to supplement the procedure or clarify particular important issues.

PUBLICITY OF THE MAIN HEARING

Article 308

Main hearing shall be public.

Only adults may attend the hearing. Persons attending the hearing shall not carry weapons or dangerous tools. Paragraph 3 of this Article shall not apply to guards of persons participating in the procedure.

Article 309

Court may exclude public from the entire main hearing or a part of it if so required in order to preserve the state, official, business or personal secret or to protect interests of public order or morals.

Court may also exclude public when measures for the maintenance of order at the hearing provided by this Law cannot ensure unhindered course of the hearing.

Article 310

Exclusion of public does not apply to the parties, their legal representatives, proxies and interveners.

Court may allow certain official persons, scientific and public workers to attend the main hearing that is closed to the public if it is relevant for their profession or scientific and public activity.

Court may, where the public is excluded, permit at the request of a party the presence at the main hearing of no more than two persons designated by that party.

Court shall inform persons attending the hearing that is closed to the public that they shall keep as confidential the matters relating to the hearing and warn them of the consequences of disclosing such secret.

Article 311

Court shall decide on exclusion of public by a ruling that shall be explained and made available to the public.

Separate appeal against the ruling on the exclusion of public shall not be allowed.

Article 312

Provisions pertaining to publicity at the main hearing shall apply accordingly to the preliminary hearing, hearings outside the main hearing and the hearing before the requested judge.

CONDUCTING THE MAIN HEARING

Article 313

Court shall conduct the main hearing, interrogate parties, present evidence, give parties, their legal representatives and proxies permission to speak.

Court shall ensure that the main hearing is conducted on the right track and in proper manner without any unnecessary delays.

Court shall maintain order and dignity of the court during the main hearing.

Court is not bound by its ruling related to conducting the procedure.

Separate appeal against the ruling related to conducting the procedure shall not be allowed.

Article 314

Court renders decisions on the matters referred to in Article 272 and decisions referred to in Article 273 of this Law outside the main hearing.

Article 315

Court may postpone a scheduled main hearing before it is held if it finds that the legal requirements for its holding have not been met or that evidence that need to be presented shall not have been obtained for the main hearing.

No later than eight days before holding of the hearing the court shall check whether the conditions referred to in paragraph 1 of this Article have been met.

When it postpones the hearing, the court shall immediately notify all summoned parties of the date of the new hearing.

Article 316

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 48)

On motion of the party, the court may postpone a hearing that has already begun only for the following reasons:

- 1) if through no fault of the party who proposes postponement of the hearing it is not possible to present a piece of evidence whose presentation has been decided and which is relevant for rendering correct decision;
- 2) if both parties propose postponement in order to attempt to reach an amicable alternative dispute resolution.

Party may, in the case referred to in paragraph 1 item 1 of this Article, request postponement of the hearing only once unless the adverse party agrees to a repeated request.

Court may, in the case referred to in paragraph 1 item 2 of this Article, postpone the hearing several times and, at the request of one party, only with the consent of the adverse party.

When the hearing is postponed, the court shall immediately notify the parties present of the place and time of the new hearing. Court shall not be required to notify a party who was not present at the postponed hearing, although duly notified, of the place and time of the new hearing unless the adverse party has presented new facts or proposed new evidence

(Article 303).

Article 317

Provided that a piece of evidence ordered to be taken cannot be taken at the hearing, the court shall decide to hold the hearing if other evidence may be taken and that specific piece of evidence shall be taken subsequently at a new hearing.

Article 318

Actions already taken shall be repeated at a new hearing scheduled after postponement only if the court considers this necessary for rendering a proper judgment.

Article 319

Main hearing may not be postponed for an indefinite period. Main hearing may not be postponed for a period longer than 30 days except under Article 222 and Article 329, paragraph 2 of this Law.

When it postpones the hearing, the court shall take all available actions before the next hearing commences in order to remove the causes that led to the postponement so that the main hearing may be concluded at that hearing.

Appeal against the court ruling on postponement of the hearing or the ruling refusing the motion of the parties to postpone the hearing shall not be allowed.

Article 319a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 49)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 15)

Should the case files, for the purpose of deciding on a legal remedy, have to be submitted to the court of second instance or to the court deciding on review, the court shall stay the procedure until that court decides on the legal remedy.

Article 320

Provided that a hearing that has begun cannot be concluded by the end of the day, the court shall order continuation of the hearing on the next working day.

Article 321

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 19)

Provided that the hearing is postponed, a new hearing shall be held before the same judge if possible.

Provided that the new hearing is held before the same judge, the main hearing shall continue and the judge shall briefly present the course of the previous hearings.

Provided that the hearing is held before a new judge, the main hearing shall start from the beginning, but after the parties make their statements the judge may decide that witnesses and expert witnesses are not interrogated again and that a new on-the-spot investigation is not conducted and that it is not determined the fact again by interrogation of the parties, instead they may decide to read minutes on presentation of this evidence.

Notwithstanding paragraph 3 of this Article, the judge shall decide to read the testimonies of witnesses and expert witnesses who are deceased, suffer from a mental disorder or are unavailable to the court.

TITLE TWENTY-THREE

ALTERNATIVE DISPUTE RESOLUTION

JUDICIAL SETTLEMENT

Article 322

Parties may settle their dispute at any time during the procedure (judicial settlement). Judicial settlement may pertain to the whole statement of claims or to a part thereof.

Judicial settlement before the court may not be concluded with regards to the claims of which the parties may not dispose (Article 4, paragraph 3).

When the court renders ruling which does not allow for settlement between the parties the procedure shall be suspended until the ruling becomes final and enforceable.

Article 323

Court shall throughout entire procedure attempt to have the parties settle the case in a manner, which does not compromise its impartiality.

Article 324

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 50)

As a rule, judicial settlement is concluded before the court of first instance.

Provided that the court settlement was concluded after the first-instance judgment was passed, the court shall issue a decision establishing that the first-instance judgment is without legal effect.

Provided that the appeal procedure has been instituted before the court of second instance, the court of first instance shall notify the court of second instance of the concluded judicial settlement.

Judicial settlement may also be concluded before the court of second instance when the main hearing is held before the court of second instance.

Court of second instance shall determine by decision that the first-instance judgment is without legal effect, if the parties concluded a court settlement during the appeal procedure.

Article 325

Judicial settlement between parties shall be entered in the minutes.

Judicial settlement shall be reached when parties have signed the settlement minutes after having read the minutes.

Parties shall be issued a certified transcript of the minutes on judicial settlement.

Article 326

Court of first instance shall ex officio have due regard throughout the procedure to whether the litigation concerns a disputed matter in respect of which a judicial settlement has previously been concluded. Provided that it determines that the litigation concerns such a matter, it shall dismiss the complaint.

Article 327

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 20)

Judicial settlement may only be contested by the complaint.

Provided that a judicial settlement is annulled, procedure continues as if in litigation on statement of claims had not been concluded.

Article 328

Person intending to file a complaint can try to reach a settlement through the court of first instance in the territory of which the opposing party is domiciled.

Court to which such a proposal was sent shall call for the opposing party and inform them of the settlement proposal.

Costs of this procedure shall be borne by the applicant.

ALTERNATIVE DISPUTE RESOLUTION

Article 329

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 21)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 51)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 076/20 of 28 July 2020, Article 4)

At the preliminary hearing, that is, at the first hearing for the main hearing, if the preliminary hearing was not held, the court shall inform the parties of the possibility of resolving the dispute through mediation or other alternative dispute resolution methods.

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 16)

Should the court, in the course of the procedure, consider that the dispute could be successfully resolved through mediation, it shall recommend that the parties resolve the dispute through mediation in line with the law governing alternative dispute resolution.

Provided that it considers that it is justified according to the circumstances of the specific case, the court may, by decision, refer the parties to the first meeting with the mediator in order to try to resolve the dispute in the mediation procedure, until the final conclusion of the procedure.

Court shall refer the parties to the first meeting with the mediator by a special decision:

- 1) if one of the parties is Montenegro, the Capital City, the Royal Capital, i.e. a municipality, except in property-law disputes;
- 2) in commercial disputes, except for disputes with an international element, in disputes from relationships to which status (company) law is applied and in disputes in which a party in bankruptcy proceedings shall be referred to civil proceedings;
- 3) in other cases prescribed by a special law.

Against the decision under paragraph 3 and 4 of this Article separate appeal shall not be allowed.

Article 330

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 076/20 of 28 July 2020, Article 4)

Court shall, in the case referred to in Article 329 paragraph 4 of this Law, issue a decision referring the parties to the first meeting with the mediator within 15 days from receipt of the response to the complaint or, if no response is submitted, within 15 days from expiry of the deadline for submitting it.

Provided that, in the case referred to in Article 329 paragraph 4 of this Law, the complaint is not submitted to the defendant for response, the court shall issue a decision referring the parties to the first meeting with the mediator at the preliminary hearing or at the first main hearing if the preliminary hearing was not held.

Court shall instruct the parties in the decision referring them to the first meeting with the mediator to contact the Centre for Alternative Dispute Resolution within eight days from service of the decision.

Decision on referring the parties to the first meeting with the mediator shall be submitted by the court, along with the complaint, the response to the complaint and other submissions and data that are important for mediation, to the Centre for Alternative Dispute Resolution.

Article 330a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 076/20 of 28 July 2020, Article 5)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 17)

When the court directs the parties to the first meeting with the mediator in line with Article 329 paragraphs 3 and 4 of this Law, the parties shall personally attend the first meeting with the mediator.

Proxies of the parties may, in the case referred to in paragraph 1 of this Article, attend the meeting with the mediator in addition to the parties.

Provided that a party does not come to the first meeting with the mediator without a valid reason, they shall compensate the other party for the costs caused by their own fault, regardless of the outcome of the court proceedings.

Costs referred to in paragraph 3 of this Article shall consist of all expenses incurred in relation to the first meeting with the mediator, including remuneration for the work of the lawyer, mediator and other persons entitled to remuneration in line with the law.

Court shall decide on costs referred to in paragraph 3 of this Article by a separate ruling within 15 days from the date when the Centre for Alternative Dispute Resolution delivered the case file.

Article 330čb

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 076/20 of 28 July 2020, Article 5)

When the court refers the parties to the first meeting with the mediator, the proceedings shall be suspended for a maximum of 90 days from the date of delivery of the decision on referring the parties to the first meeting with the mediator.

Court shall schedule a hearing after expiry of the period referred to in paragraph 1 of this Article if the parties do not resolve the dispute through mediation.

Provided that the Centre for Alternative Dispute Resolution, within the deadline referred to in paragraph 1 of this Article, submits to the court a settlement concluded in the mediation procedure, that settlement shall be the basis for concluding a settlement before the court.

TITLE TWENTY-FOUR

JUDGMENT

Article 331

Court shall render judgment on the claim concerning main subject matter and subsidiary claims.

As a rule, if there are several claims the court shall decide on all those claims by a single judgment.

Provided that several litigations have been merged for a joint hearing and only one litigation has become mature for rendering the judgment, then judgment on that specific litigation may be rendered.

Article 332

Court may order the defendant to take certain action only if it is due before conclusion of the main hearing.

Provided that the court accepts the request for maintenance, for the compensation of damage in the form of annuity for the loss of earning or other income from work or because of lost maintenance, it may bind the defendant to take actions that are not yet due.

Provided that the action that is subject of the statement of claims is not due until conclusion of the main hearing the court shall dismiss the statement of claims as premature.

Article 333

Provided that the plaintiff has requested in the complaint that a certain object be awarded to them and has simultaneously declared in the complaint or before conclusion of the main hearing that they are ready to accept a certain amount of money in lieu of the object, the court shall, in case it accepts the statement of claims, state in the judgment that the defendant may be released from surrendering the object if they pay the specified amount.

Article 334

When the party is ordered by the judgment to perform a certain action, a deadline shall be set for them to do so.

Deadline for performance shall be 15 days unless otherwise provided by special regulations, although the court may set a longer deadline for performances not involving monetary obligations. Deadline shall be eight days in disputes concerning bills of exchange and cheques.

Deadline for performance of the action shall start to run from the first day after the transcript of the final and enforceable judgment has been delivered to the party who is ordered to perform the action unless otherwise prescribed by law.

PARTIAL JUDGMENT

Article 335

Provided that out of several claims only some of them are ready for final decision because of admission or based on the hearing or if only a part of one claim is ready for final decision

Court may conclude the hearing related to the claims that are ready or to the part of the claim that is ready and render judgment (partial judgment).

Court may render partial judgment when a counter-claim has been filed if only the claim from the complaint or only the claim from the counter-complaint are ready for rendering decision.

When assessing whether to render partial judgment the court shall take into special consideration size of the claim or the part of the claims ready for decision.

Partial judgment shall not be allowed in litigation where the complaint or counterclaim comprises several claims if, due to the nature of the disputed matter, the grounds of those claims may be decided only by a single judgment.

As far as the legal remedies and enforcement are concerned the partial judgment shall be considered as a separate judgment.

INTERIM JUDGMENT

Article 336

Provided that the defendant has contested both, basis of the statement of claims and amount of the statement of claims and in respect to the basis the subject matter is ready for rendering decision the court may for the reasons of purposefulness first render the judgment only related to the basis of the statement of claims (interim judgment).

Court shall stay the hearing on the amount of the claims until the interim judgment becomes final and enforceable.

JUDGMENT BASED ON ADMISSION

Article 337

Provided that the defendant entirely or partially admits the claim or part of the claim before conclusion of the main hearing the court shall without further hearing render judgment accepting the statement of claims in the part related to admission of the claim (judgment based on admission).

Court shall not render judgment based on admission even if the required conditions have been met if it finds that parties may not dispose of the claim (Article 4, paragraph 3).

Rendering the judgment based on admission shall be postponed if there is a need to obtain information about circumstances referred to in paragraph 2 of this Article.

Admission of the claim may be withdrawn by the defendant either at the hearing or in a written submission without consent of the plaintiff before the judgment has been rendered.

JUDGMENT BASED ON WAIVER

Article 338

Should the plaintiff waive their statement of claims or part of the statement of claims before conclusion of the main hearing, the court shall without further hearing render judgment refusing the statement of claims in the part waived by the plaintiff (judgment based on waiver).

No consent of the defendant is required for waiving statement of claims.

Court shall not render judgment based on waiver even if all required conditions have been met if it finds that parties may not dispose of such claim (Article 4, paragraph 3).

Rendering the judgment based on waiver shall be postponed if it is necessary to previously obtain information related to the circumstances referred to in paragraph 3 of this Article.

Waiver of the statement of claims may be withdrawn by the plaintiff either at the hearing or in a written submission and without the consent of the defendant before the judgment has been rendered.

DEFAULT JUDGMENT

Article 339

Provided that the defendant fails to respond to the complaint within the deadline prescribed in

Article 279, paragraph 1 of this Law the court shall render judgment accepting the statement of claims (default judgment) if the following conditions have been met:

- 1) if the defendant has been duly served the complaint for response;
- 2) if those are not the claims that the parties cannot dispose of (Article 4, paragraph 3);
- 3) if the basis of the statement of claims arises from the facts specified in the complaint;
- 4) if the facts on which the statement of claims is based are not in contravention with

Evidence submitted by the very plaintiff or generally known facts. Rendering default judgment shall be postponed if it is necessary to previously obtain information on circumstances referred to in paragraph 1 of this Article.

RENDERING, DRAFTING AND DELIVERING THE JUDGMENT

Article 340

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 52)

Judgment shall be passed on behalf of Montenegro.

Court shall render judgment no later than 30 days after conclusion of the main hearing. Day when the judgment is rendered in writing shall be considered a time of delivery of the judgment.

Provided that the judge exceeds the deadline set in paragraph 1 of this Article they shall inform the President of the court in writing about the reasons for such exceeding.

Article 341

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 22)

Court shall inform the parties present of the date when the judgment will be rendered after conclusion of the main hearing.

Parties or their representatives or proxies shall take over the judgment in the court house.

Provided that parties were duly informed of the date when the judgment was rendered, the deadline for the appeal against the judgment shall start to run from the next day after the judgment has been rendered.

Parties shall, after conclusion of the main hearing, be warned that the time limit for appeal against the judgment begins to run on the day following the date when the judgment is rendered.

Article 342

Court may, at the request of the party, decide at the time of rendering the judgment (Article 340) to serve the judgment in line with the provisions on service of this Law if the party is unable to collect the judgment (Article 341 paragraph 2).

Court shall in any event serve the judgment in line with the provisions on service of this Law on a party that was not duly informed of the date when the judgment would be rendered.

Article 343

Default judgment and judgment of the court of the second instance rendered without hearing shall be served to the parties under provisions on delivery in this Law.

Article 344

Paragraph 2 of this Law the court shall, as soon as it learns that the day of rendering the judgment shall be postponed, notify parties thereof and serve the judgment to parties afterwards under provisions on delivery in this Law in the case referred to in Article 340.

Article 345

Time limit for a legal remedy shall begin to run on the day following receipt of the judgment in the cases referred to in Articles 342, 343 and 344 of this Law.

Article 346

Judge shall sign the original judgment.

Article 347

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 18)

Written judgment shall contain the following: introduction, operative part, reasoning and instruction regarding the right to the legal remedy against the judgment.

Introduction to the judgment shall contain the following: a statement that the judgment is rendered on behalf of Montenegro, name of the court, name and surname of the judge, name and surname and permanent or temporary place of residence of parties, their representatives and proxies, short description of disputed matter and its value, date of conclusion of the main hearing, note on parties, their representatives and proxies attending the hearing and date when the judgment was rendered.

Operative part of the judgment shall contain the following: decision on acceptance or rejection of certain claims pertaining to the main subject matter and subsidiary claims, decision on the existence or non-existence of the claim raised by way of set-off as well as the decision on litigation costs.

Reasoning shall contain the following: claims of parties, facts they presented and evidence they proposed, which of the facts were subject to determination, why and how it determined them and if it determined them with the evidence then what evidence it presented and how it evaluated them. Court shall particularly indicate which provisions of substantive law it applied in deciding at the requests of parties and if necessary, it shall also make the statement as to the legal basis of the dispute, its motions and objections for which it did not produce reasons in decisions it has already rendered in the course of the procedure.

Reasoning for default judgment, judgment based on admission or judgment based on waiver shall indicate only the reasons that justify rendering such judgments.

SUPPLEMENTAL JUDGMENT

Article 348

Provided that the court has failed to decide on all claims or part of the claim that is to be decided by judgment the party may propose to the court to supplement the judgment within 15 days from the date of receipt of the judgment.

Provided that the party does not file motion for rendering supplemental judgment it shall be considered that the complaint is withdrawn in this part.

Untimely and unjustified motion to supplement the judgment shall be dismissed or rejected by the court without a hearing.

Article 349

When the court finds that the motion to supplement the judgment is justified it shall schedule the main hearing to render the judgment on the request that has not been decided upon (supplemental judgment).

Supplemental judgment may be also rendered without reopening the main hearing if this judgment is to be rendered by the judge who rendered the original judgment and if the request for which supplementation is required has been sufficiently heard.

Provided that the motion to supplement the judgment refers only to the costs of procedure decision on the motion shall be rendered by the court without holding the hearing.

Article 350

Provided that the appeal against the judgment has been filed along with the motion to supplement the judgment, the court of first instance shall suspend delivery of the appeal to the court of second instance until decision on the motion to supplement the judgment has been reached and the deadline for appeal against this decision expires.

Provided that the appeal is filed against the decision to supplement the judgment, this appeal shall be delivered to the court of second instance along with the appeal against the original judgment.

Provided that the first instance judgment is contested by the appeal only because the court of first instance has not decided on all claims of parties that are the subject of litigation the appeal shall be considered as a motion of the party to reach supplemental judgment.

CORRECTION OF JUDGMENT

Article 351

Misspelled names and mistakes in numbers and other obvious mistakes in writing and calculation, defects in form and discrepancy between transcript of the judgment and the original shall be corrected by the court at any time.

Correction shall be made by a separate ruling and entered at the end of the original and the parties shall be served with transcript of the ruling.

Time limit for filing a legal remedy concerning the corrected part of the judgment shall in such a case begin to run from service of the corrected transcript of the judgment.

Court may decide on correction of the judgment without hearing the parties.

FINALITY OF JUDGMENT

Article 352

Judgment that cannot be further contested by appeal shall become final and enforceable if it decides on the claim of the complaint or counter-complaint.

Court of first instance shall, upon an objection by a party and ex officio, have due regard to whether the matter has already been finally adjudicated and, if it finds that litigation has been instituted concerning a claim on which a final and enforceable decision has already been rendered, it shall dismiss the complaint.

Provided that the judgment decides on the claim raised by the defendant by way of set-off, the decision on existence or non-existence of that claim shall become final and enforceable.

Article 353

Final and enforceable judgment shall have legal effect only on parties except in cases when due to the nature of the disputed relation or according to the law it has effects on third parties.

Final and enforceable judgment shall be bound with the state of the legal relationship at the time when the main hearing was concluded.

Article 354

Shall be deleted.

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 53)

Article 355

Court shall be bound by the judgment it has rendered.

Judgment shall become effective for the parties from the date when it is rendered, while in cases referred to in Articles 342, 343 and 344 of this Law it shall become effective from the day it has been delivered to them.

TITLE TWENTY-FIVE

RULING

Article 356

Any ruling rendered at the hearing shall be pronounced by the court.

Ruling that has been pronounced at the hearing shall be delivered to the parties in certified transcript only if separate appeal against that ruling is allowed or if immediate enforcement may be requested immediately based on that ruling or if so required for the proper managing of the litigation.

Court shall be bound by its rulings if they do not refer to managing the litigation or if otherwise prescribed by this Law.

When the ruling is not to be delivered, its effect on parties commences with its pronouncement.

Article 357

Rulings rendered by the court outside the hearing shall be communicated to the parties by delivery of the certified transcript of the ruling.

Provided that the motion of one party is dismissed by the ruling without previously hearing the adverse party the ruling shall not be delivered to that party.

Article 358

Ruling shall contain reasoning if separate appeal is allowed against it, but it may also contain reasoning in other cases when so required.

Article 359

Final and enforceable rulings on sanctions imposed under provisions of this Law shall be enforced ex officio.

Article 360

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 19)

Provisions of Article 334, Article 340 paragraphs 2 and 3, Articles 341 through 347 and Article 355 paragraph 2 of this Law shall apply accordingly to rulings.

B. PROCEDURE FOR LEGAL REMEDIES

TITLE TWENTY-SIX

ORDINARY LEGAL REMEDIES

APPEAL AGAINST JUDGMENT

Right to Appeal

Article 361

Parties may file appeal against the first instance judgment within 15 days from the day of rendering or from delivery of transcript of the judgment unless a different deadline is prescribed by this Law. This deadline shall be eight days in disputes concerning bills of exchange and cheques.

Appeal filed within the prescribed deadline prevents effectiveness of the judgment in the part contested by the appeal.

Court of second instance shall decide on appeal against the judgment.

Article 362

Party may waive the right to appeal from the moment of the receipt of transcript of the judgment.

Party may withdraw an already filed appeal until the second instance judgment is rendered.

Waiver or withdrawal of appeal may not be revoked.

Content of Appeal

Article 363

Appeal shall contain the following:

- 1) indication of the judgment against which the appeal is filed;
- 2) statement indicating whether the judgment is contested entirely or partially;
- 3) reasons for appeal, including reasoning;

4) signature of appellant.

Article 364

Provided that based on information contained in the appeal it is impossible to establish which judgment is contested or if the appeal is not signed (incomplete appeal), the court of first instance shall, by the ruling against which the appeal shall not be allowed, order the appellant to supplement or correct the appeal within eight days.

Provided that the appellant fails to act as requested by the court within the deadline referred to in paragraph 1 of this Article the court shall render ruling on rejection of appeal as incomplete.

Provided that the appeal has other faults concerning the content, the court of first instance shall refer appeal to the court of second instance without inviting the appellant to supplement or correct it. Supplements submitted after expiry of the deadline for filing appeal shall not be taken into account by the court of second instance.

Article 365

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 54)

New facts and new evidence may not be presented in the appeal, unless they relate to significant violations of the provisions of the civil procedure for which the appeal may be filed.

Objections regarding the statute of limitation and set-off that have not been raised before the court of first instance may not be raised in the appeal.

Reasons for Contesting the Judgment

Article 366

Judgment may be appealed on the following grounds:

- 1) substantial violation of provisions of the civil procedure;
- 2) erroneously or incompletely determined facts;
- 3) misapplication of the substantive law. Default judgment may not be contested based on erroneously or incompletely determined facts.

Judgment based on admission and judgment based on waiver may be contested based on substantial violations of provisions of civil procedure or because the statement of admission or waiver was given under delusion, duress or deceit.

Provided that the judgment based on admission and judgment based on waiver are contested because the statement of admission or waiver was given under delusion, duress or deceit the party may present new facts in the appeal and propose new evidence concerning statements given under duress.

Article 367

Substantial violation of provisions of the civil procedure exists if the court, in the course of the procedure, failed to apply or improperly applied any provision of this Law, which could have affected rendering of lawful and correct judgment.

Substantial violation of provisions of the civil procedure always exists in the following cases:

- 1) if the judge who has not been present at the main hearing has participated in

rendering the judgment;

2) if the judge who according to the law should have been exempted (Article 69, paragraph 1, items 1 through 6) or the one who has been exempted by the ruling of the court has participated in rendering the judgment;

3) if the decision has been rendered on the claim in the dispute that does not fall within jurisdiction of the court (Article 19);

4) if it has been decided on the claim which was filed after expiry of the deadline prescribed by law;

5) if the court has decided on the statement of claims for which another type of court has subject matter jurisdiction;

6) if the court, on the objection by the party that the disputed matter was subject of the arbitration agreement reached in the decision which was included in the judgment, has wrongly decided that it was competent;

7) if, in contravention with provisions of this Law, the court grounded its decision on prohibited disposition by parties (Article 4, paragraph 3);

8) if the court has rendered default judgment, judgment based on admission or judgment based on waiver in contravention with the provisions of this Law;

9) if one of the parties has not been given an opportunity to be heard before the court as a result of unlawful action, particularly failure of delivery,

10) if, in contravention with provisions of this Law, the court has refused request of the party to use their own language in the procedure or the language they understand and to follow the procedure in their own language or the language they understand and the party appeals against it;

11) if the court has rendered judgment without holding the main hearing and was bound to hold the main hearing;

12) a person who cannot be a party to the procedure participated in the procedure as plaintiff

or defendant or a party that is a legal person was not represented by an authorised person or a party without litigation capacity was not represented by a legal representative or a legal representative or a proxy of the party did not have the necessary authorisation to conduct the litigation or take individual steps in the procedure, provided that the conduct of the litigation or the taking of individual steps in the procedure was not subsequently approved;

13) a decision was rendered on a statement of claims in respect of which litigation is already pending,

on which a final and enforceable judgment has already been rendered or in respect of which a judicial settlement has already been concluded;

14) if the main hearing has been closed to the public in contravention with the law;

15) if the judgment contains faults that cannot be examined, particularly if the operative part of the judgment is not understandable, if it contradicts itself or reasons of the judgment or if the judgment does not have any reasons at all or if the reasons for relevant facts are not stated or the reasons are either unclear or contradictory or there is a contradiction in respect to the relevant facts between what is stated in the reasons for the judgment on the content of the documents or minutes of the statements given in the procedure and actual content of the documents and court minutes.

Article 368

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 55)

Erroneously or incompletely determined facts exist when the court has erroneously established or failed to determine a relevant fact.

Article 369

Misapplication of substantive law exists when the court failed to apply provision of the substantive law which it should have applied or when such provision has not been properly applied.

Appeal Procedure

Article 370

Appeal shall be filed with the court of first instance in a sufficient number of copies for the court and the adverse party.

Article 371

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 56)

Untimely, incomplete (Article 364, paragraph 1) or inadmissible appeal shall be dismissed by the ruling of the court of first instance without holding a hearing.

Appeal shall be considered untimely if filed after expiry of the deadline prescribed for its filing.

Appeal shall be considered inadmissible if filed by the person who has not been authorised to file appeal or person who waived appeal or if the person who filed appeal does not have the legal interest to do so.

Article 371a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 57)

Court of first instance shall determine by a decision that the appellant has withdrawn the appeal when the appellant withdraws it.

Article 372

Copy of timely, complete and admissible appeal shall be delivered by the court of first instance to the adverse party that may file response to the appeal before that court within eight days from the receipt thereof.

Copy of response to the appeal shall be delivered to the appellant by the court of first instance.

Untimely response to the appeal shall not be considered by the court of second instance.

Article 373

Court shall forward the appeal and the response to the appeal, if filed, together with the entire case file to the court of second instance no later than eight days after receipt of the response or expiry of the time limit for responding.

Provided that the appellant claims that provisions of civil procedure have been violated in the course of the first instance procedure, the court of first instance may provide explanation related to the statements contained in the appeal concerning these violations and if needed it shall conduct on-the-spot investigations to check accuracy of these statements contained in the appeal.

Article 374

When the case files upon appeal reach the court of second instance, the judge rapporteur shall prepare report for the purpose of examining the case by the appeal Panel.

When required, the judge rapporteur may obtain report from the court of first instance on violations of provisions of the civil procedure and other faults indicated in appeal and request on-the-spot investigations in order to establish those violations.

Article 375

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 23)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 58)

Court of second instance shall decide on appeal in a Panel session or based on the hearing.

Court of second instance shall schedule a hearing in cases in which the first-instance judgment has already been reversed once upon appeal and the court, sitting in panel, finds that the judgment under appeal is based on a substantial violation of provisions of civil procedure or on erroneously or incompletely established facts.

Should the court of second instance find, at a panel session or hearing, that proper or complete establishment of facts requires it to establish facts or take evidence which a party presented or proposed before the court of first instance but that court failed to establish or take or that facts were incompletely established due to misapplication of substantive law, it shall supplement the procedure or remedy those shortcomings.

Court of second instance may also schedule a hearing should it find that proper establishment of facts requires all or some evidence already taken before the court of first instance to be taken again before the court of second instance.

Article 376

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 59)

Parties, their legal representatives or proxies shall be summoned to the hearing, as well as those witnesses and experts whom the court decides to hear.

Provided that one or both parties fail to appear at the hearing, the court shall hold the hearing, take the evidence that can be taken and render a decision taking into account, in particular, the statements in the appeal and the response to the appeal.

Provided that the appellant fails to appear at the hearing, the court shall not consider the statements in the appeal concerning erroneously or incompletely established facts.

Party shall be warned in the summons for the hearing of the consequences of failure to appear before the court.

Article 376a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 60)

Court may, when scheduling the hearing, decide to transfer the powers of the president of the panel in relation to the preparation and conduct of the hearing to the judge reporter.

Article 377

Hearing before the court of second instance shall start with a brief presentation of the judge rapporteur about the state of the case without giving their own opinion as to whether the appeal is justified or not.

Court of first instance shall be read as well after this the judgment or part of the judgment appealed shall be read and if necessary minutes from the main hearing before. Thereafter the appellant shall explain the basis for their appeal and the adverse party shall respond to the appeal.

Provided that a piece of evidence cannot be presented any more the court of second instance shall decide that the minutes on the presentation of that evidence be read.

Article 378

Provisions prescribed for the procedure before the court of first instance shall apply accordingly to the procedure before the court of second instance.

Limits of Examination of the First Instance Judgment

Article 379

Court of second instance shall examine the first instance judgment in the part that has been contested by appeal within the limits of the reasons stated in the appeal and having due regard ex officio to application of substantive law and violations of provisions of the civil procedure referred to in Article 367 paragraph 2, items 3, 7 and 12 of this Law.

Exceeding the statement of claims shall be taken into consideration by the court of second instance only at the request of the party.

Decisions of the Second Instance Court on Appeal

Article 380

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 61)

Court of second instance may at the Panel session or based on a hearing:

- 1) dismiss the appeal as untimely, incomplete or inadmissible;
- 2) reject the appeal as unjustified and confirm the first instance judgment;
- 3) reverse the first instance judgment and remand the case to the first instance court for retrial;
- 4) reverse the first instance judgment and dismiss complaint or 4a) reverse the first instance judgment and return it to the first instance court to redraft Judgment; 4b) cancel the first instance judgment and decide on the request of the parties;
- 5) overrule the first instance judgment.

Second instance court is not bound with motion for appeal.

Article 380a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 62)

First instance judgment can be annulled on appeal and the case returned to the first instance court for retrial once.

Article 381

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 63)

Untimely, incomplete or inadmissible appeal shall be dismissed by the court of second instance by its ruling, if the first instance court failed to do so (Article 371).

Court of second instance shall determine by decision that the appellant has withdrawn the filed appeal, if the court of first instance failed to do so.

Provided that the appellant withdraws the appeal in the procedure before the court of second instance, the court shall determine by decision that the appellant has withdrawn the appeal.

Article 382

Court of second instance shall, by judgment, dismiss the appeal as unfounded and confirm the first-instance judgment if it finds no grounds for challenging the judgment and no grounds to which it must have due regard ex officio.

Article 383

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 64)

Court of second instance shall render decision to reverse the judgment of the court of first instance should it find that there is a substantial violation of provisions of the civil procedure (Article 367) and it shall remand the case to the same court of first instance or assign it to the competent court of first instance for the purpose of holding a new main hearing. Procedure shall be reversed in this ruling the court of second instance shall decide which particular actions affected by the violation of provisions of the civil.

Provided that provisions of Article 367, paragraph 2, items 3, 4, 6 and 13 of this Law have been violated in the procedure before the court of first instance the court of second instance shall reverse the first instance judgment and dismiss the complaint.

Provided that in the procedure before the court of first instance the provisions of Article 367, paragraph 2, item 12 of this Law have been violated the second instance court shall, considering nature of the violation, reverse the first instance judgment and remand the case to the competent court of first instance or it shall reverse the first instance judgment and dismiss the complaint.

Provided that a violation referred to in Article 367 paragraph 2 item 15 of this Law was committed in the proceedings before the first instance court and the judgment has no other defects, the court shall cancel the first instance judgment and return the case to the first instance court to redraft the judgment, without opening a hearing.

Article 384

Court of second instance shall also by its ruling reverse the judgment of the court of first instance and remand the case to that court for a new trial if it believes that proper determination of the facts requires holding a new main hearing before the court of first instance.

Second instance court shall also act in the same way if due to erroneous application of substantive law the determination of the facts has not been completed.

Article 385

When the court of second instance reverses judgment of the court of first instance and remands the case to the same court for retrial it may order that the main hearing be held before another judge.

Article 386

Provided that it finds that the first instance judgment exceeded the statement of claims whereby the court decided about another statement of claims instead of the one, which was requested, the second instance court shall render ruling to reverse the judgment of the court of first instance and remand the case for retrial.

Provided that it finds that the first instance judgment exceeded the statement of claims whereby more was awarded than what was requested, the court of second instance shall render ruling to reverse the judgment of the court of first instance in this part in which the statement of claims has been exceeded.

Article 386a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 65)

Court of second instance shall annul the first-instance judgment and decide on the requests of the parties if it determines that there is a significant violation of the provisions of civil procedure referred to in Article 367 of this Law or the factual situation is wrongly or incompletely determined or due to the incorrect application of substantive law, the factual situation is incompletely determined and it has eliminated those deficiencies by holding a discussion.

Article 387

Court of second instance shall overrule the judgment of the first instance court with its own judgment in the following cases:

- 1) if based on the hearing it has determined different facts from those determined by First instance judgment;
- 2) if the court of first instance erroneously evaluated documents and indirectly presented evidence whereby the decision of the first instance court is exclusively grounded on such evidence;
- 3) if the court of first instance based on facts it determined drew wrong conclusion about existence of other facts and such facts form grounds of the judgment;
- 4) if it believes that the facts in the first instance judgment are correctly determined, but that the court of first instance erroneously applied substantive law.

Article 388

Court of second instance may not overrule the judgment to the detriment of the appellant if only that party filed appeal.

Article 389

Court of second instance shall in the reasoning of the judgment or ruling assess reasons of appeal that are of crucial importance and state the reasons it has taken into consideration ex officio.

When the first instance judgment is reversed because of substantial violations of provisions of the civil procedure the reasoning shall indicate which provisions have been violated and what the violations consist of.

Provided that the first instance judgment is reversed and the case remanded to the court of first instance for retrial for the purpose of proper determination of facts, it shall be indicated which faults in determination of facts have been made.

Article 390

Court of second instance shall remand all case files to the court of first instance accompanied with a sufficient number of certified transcripts of its own decision for the purpose of delivery to the parties and other persons concerned within 30 days from rendering the decision.

Article 390a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 66)

Provided that the court of second instance has failed to make a decision regarding all parts of the judgment that are challenged by the appeal or if it failed to make all the decisions that it should have made by rejecting, refusing or accepting the appeal or if it failed to make a decision with respect to one or more appeals, the appellant may, within 15 days from the date of delivery of the second-instance decision, propose to the court of second instance to supplement its decision.

Proposal for the adoption of a supplementary second-instance decision cannot be submitted because the court of second instance did not evaluate all the reasons for which the appeal was filed or which it was obliged to look out for in its official capacity.

Proposal referred to in paragraph 1 of this Article shall be submitted to the court of first instance, which is obliged to submit it without delay together with the case files to the second-instance court.

Provided that, due to the second-instance decision referred to in paragraph 1 of this Article, the procedure before the court of first instance must be conducted again, the court of first instance shall submit the motion for a supplementary decision to the court of second instance together with the case files.

Provisions of Articles 348, 349 and 350 of this Law shall apply accordingly to the procedure upon the motion referred to in paragraph 1 of this Article.

Article 391

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 67)

Immediately upon receipt of the ruling rendered by the court of second instance, the court of first instance shall schedule the main hearing, which shall be held no later than 30 days from the day of receiving the ruling of the court of second instance.

Court of first instance shall conduct all litigation actions and clarify all disputed matters indicated in the ruling of the court of second instance.

Parties may present new facts and propose new evidence at the new main hearing if they establish a reasonable likelihood that, through no fault of their own, they were unable to present or propose them in the previous proceedings.

Party does not have the right to modify the claim at the new main hearing, by changing the identity of the claim or to emphasise another claim in addition to the existing one, which does not arise from the same factual situation.

Article 392

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 20)

Provisions of Articles 383 through 386, 389, paragraphs 2 and 3 and Article 391 of this Law do not apply when the court of second instance, under provisions of this Law, has held the main hearing.

APPEAL AGAINST THE RULING

Article 393

Appeal against the ruling of the court of first instance shall be allowed unless this Law prescribes that the appeal shall not be allowed.

Provided that this Law explicitly prescribes that separate appeal shall not be allowed, the ruling of the court of first instance may be contested only in the appeal against the final decision.

Article 394

Timely filed appeal shall stay enforcement of the ruling unless this Law prescribes otherwise.

Ruling against which a separate appeal is not allowed may be enforced immediately.

Article 395

When deciding on appeal, the court of second instance may:

- 1) dismiss the appeal as untimely, incomplete or inadmissible;
- 2) reject the appeal as ungrounded and confirm ruling of the court of first instance;
- 3) accept the appeal and overrule or reverse the ruling and remand the case for retrial if necessary.

Article 396

Provisions pertaining to the appeal against the judgment shall apply accordingly when deciding on appeal against the ruling, except for the provisions on holding the hearing before the court of second instance.

TITLE TWENTY-SEVEN

EXTRAORDINARY LEGAL REMEDIES

REVIEW

Article 397

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 24)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 68)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 21)

Parties may file a request for review of the final and enforceable judgment of the court of second instance within 30 days from the day of the delivery of the judgment.

Review shall not be allowed in property disputes where the statement of claims relates to an amount of money, delivery of an object or committing some other action if the value of the disputed matter in the contested part of the final and enforceable judgment does not exceed the amount of EUR 20,000.

Review shall not be allowed in property disputes when the statement of claims does not relate an amount of money, delivery of an object or committing some other action if

the value of the disputed matter indicated in the complaint by the plaintiff does not exceed the amount of EUR 20,000.

Exceptionally, even when the statement of claims referred to in paragraphs 2 and 3 of this Article is concerned, review shall always be allowed:

- 1) in disputes on maintenance support when the maintenance support has been determined for the first time or reversed;
- 2) in disputes regarding the compensation of damage for the lost maintenance support due to the death of supporter of the maintenance and due to the loss of earning or other income from work when those compensations have been determined for the first time or reversed;
- 3) in property disputes arising from unconstitutional and illegal individual acts and actions by which legal or natural persons are placed in an unfair position in the market due to their seat or place of permanent residence or the market is violated in some other manner, involving disputes on the compensation of damage caused by it.
- 3a) in disputes in which proceedings have been stayed within the meaning of Article 283b of this Law;
- 4) and in other cases prescribed by law.

Article 397a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 69)

Revision may also be allowed against a final judgment passed in the second instance that could not be challenged by revision in line with Article 397 of this Law, if it is necessary to consider a legal issue that is important for ensuring legal certainty or uniform application of law and especially if:

- 1) on this issue, the Supreme Court of Montenegro has not yet taken a decision-making position in individual cases and it is an issue on which there is a different practice of courts of second instance;
- 2) the Supreme Court of Montenegro has already taken a position on this issue, but Decision of the court of second instance is based on a position that is not identical to that position;
- 3) the Supreme Court of Montenegro has already taken a position on this issue and Judgment of the court of second instance is based on that position, but that position should be reconsidered, especially taking into account the reasons presented during the first- and second-instance proceedings, due to changes in the legal system conditioned by new legislation or confirmed international contract, as well as the decision of the Constitutional Court of Montenegro or the European Court of Human Rights. Revision referred to in paragraph 1 of this Article cannot be allowed if the value of the contested part of the final judgment does not exceed EUR 4,000 or EUR 7,000 in commercial disputes.

Notwithstanding paragraph 2 of this Article, revision may be allowed in labour disputes if the value of the contested part of the final judgment exceeds EUR 1,500.

Value of the challenged part of the final judgment shall, in the case referred to in paragraphs 2 and 3 of this Article, be determined by adding the values of individual claims or parts thereof that are disputed if the decision on review depends on resolving legal issues common to those claims or if the claims are interconnected so that the decision on one claim depends on another.

Article 397b

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 69)

Proposal by which the party demands that it be allowed to declare a revision referred to in Article 397a of this Law can be submitted within 30 days from the date of delivery of the final judgment rendered in the second instance.

Proposal referred to in paragraph 1 of this Article shall be submitted to the Supreme Court of Montenegro.

Party shall indicate in the proposal the legal issue in respect of which the proposal is submitted, the regulations and other valid sources of law referred to in Article 397a paragraph 1 of this Law relevant to that issue and the reasons why deciding that legal issue is important for ensuring legal certainty or uniform application of law.

Provided that in the proposal the party refers to the judicial practice of the Supreme Court of Montenegro, it shall indicate the business numbers of the cases in which the Supreme Court of Montenegro took the position referred to in Article 397a of this Law and submit copies of the court decisions of the courts of second instance.

Along with the proposal, the party referred to in paragraph 1 of this Article must submit a copy of the judgment referred to in paragraph 1 of this Article and may also attach a copy of the judgment of the first instance court and copies of other documents from the

court files, which would indicate the existence of the conditions referred to in Article 397a, paragraph 1 of this Law.

Article 397c

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 69)

(Decision of the Constitutional Court of Montenegro Official Gazette of Montenegro 075/17 of 9 November 2017)

Supreme Court of Montenegro in a panel composed of five judges shall decide on proposal referred to in Article 397b paragraph 1 of this Law.

Supreme Court of Montenegro shall reject the proposal if it was submitted after the expiration of the legal term or if it does not contain information, copies of court decisions and other documents referred to in Article 397b paragraphs 3, 4 and 5 of this Law.

Supreme Court of Montenegro shall state in the reasoning of the decision rejecting the proposal referred to in Article 397b paragraph 1 of this Law the reasons indicating that the conditions referred to in Article 397a of this Law have not been met.

Supreme Court of Montenegro shall state in the decision allowing a party to lodge a review the part in respect of which or the specific legal issues in relation to which the review is allowed.

No appeal shall be allowed against the decision referred to in paragraph 1 of this Article.

Article 397č

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 69)

Party may declare the revision referred to in Article 397a of this Law within 30 days from the date of delivery of the decision allowing the party to declare the revision.

Article 398

Supreme Court of Montenegro shall decide on the review.

Article 399

Submitted request for review shall not stay enforcement of the final and enforceable judgment for which it has been filed.

Article 400

Review may be requested for the following reasons:

- 1) substantial violation of provisions of the civil procedure referred to in Article 367, paragraph 2 of this Law unless the court of first instance has decided on the statement of claims for which the other type of court is competent (Article 367, paragraph 2, item 5) or if court of first instance on the objection of the party, according to which the arbitration agreement has been concluded for the dispute, erroneously decided in the decision that was included in the judgment that it is competent (Article 367, paragraph 2, item 6) or if the court of first instance rendered judgment without the main hearing, though it was obliged to hold it (Article 367, paragraph 2, item 11) or if it has been decided on the claim which is already in the undergoing litigation (Article 367, paragraph 2, item 13) or if the main hearing has been closed to the public contrary to the law (Article 367, paragraph 2, item 14);
- 2) substantial violation of provisions of the civil procedure referred to in Article 367, paragraph 1 of this Law committed in the court of second instance;
- 3) misapplication of the substantive law.

Review may be requested for exceeding the statement of claims only if such violation has been committed before the court of second instance.

Review may be not requested for erroneously or incompletely determined facts.

Review may be requested for the judgment rendered in second instance by which the first instance judgment based on admission is confirmed only for the reasons stated in paragraph 1, items 1 and 2 and paragraph 2 of this Article.

Review may not be requested for the judgment rendered in second instance which confirms the first instance judgment for substantial violations of provisions of civil procedure referred to in paragraph 1, item 1 of this Article if their existence was not indicated in the appeal, except for the violations to which the court of review and the second instance have due regard ex officio.

Article 400a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 70)

Revision referred to in Article 397a of this Law can be declared for the reasons referred to in Article 400 of this Law only if they are related to a legal issue of importance for ensuring legal certainty or uniform application of rights.

Article 401

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 71)

Review court shall examine the contested judgment only in the part which has been contested by the request for review and within the limits of reasons indicated in the request for revision having due regard ex officio to the substantial violation of provisions

of the civil procedure referred to in Article 367, paragraph 2, item 12 of this Law and proper application of substantive law.

Regarding the review referred to in Article 397a of this Law, the review court examines the challenged judgment only in the part in which it is challenged by review and only because of issues that are important for ensuring legal certainty or uniform application of rights and which are stated as such in the review, with reference to regulations and other sources of law that refer to that issue.

Article 402

Parties shall be entitled to state new facts and propose new evidence in the request for review only if they are linked to the substantial violation of provisions of the civil procedure for which the review may be requested.

Article 403

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 72)

Request for review shall be filed with the court that rendered the first instance judgment in a sufficient number of copies for the court and the adverse party.

Along with the review referred to in Article 397a of this Law, a decision shall be submitted that allows the party to declare a review.

Article 404

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 73)

Court of first instance shall by its ruling dismiss untimely, incomplete or inadmissible request for review without holding the hearing.

Review shall be inadmissible if filed by a person that is not authorised to file for review or a person who waived review or if a person who filed for the review does not have legal interest to file review or if the review has been filed against the judgment for which the review may not be filed under the law.

Review referred to in Article 397a of this Law shall not be permitted if it is declared contrary to Article 400a of this Law.

Court of first instance shall determine by a decision that the applicant has withdrawn the review when the applicant withdraws it.

Article 405

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 74)

Copy of timely, complete and admissible request for review shall be delivered to the adverse party by the court of first instance within eight days, along with a copy of the review referred to in Article 397a of this Law and the proposal by which the party requested to be allowed to declare a review and the decision by which the party is allowed to declare a review.

Adverse party may submit to the court its response to the request for review within eight days from the date of receipt of the request for review.

Court of first instance shall, within eight days after receipt of the response or statement on the review or after expiry of the deadline for responding, deliver the review and the response to the review, if submitted, together with the entire case file to the review court through the court of second instance.

Article 406

Review court shall decide on review without holding the hearing.

Article 407

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 75)

Untimely, incomplete or inadmissible review shall be dismissed by the review court in its ruling if the court of first instance failed to do so within the limits of its powers (Article 404).

Review court shall determine by ruling that the review applicant abandoned the submitted review, if the court of first instance failed to do so.

Article 408

Review court shall in its judgment dismiss the request for review as ungrounded if it finds that the reasons for which the review was requested and the reasons to be taken into consideration ex officio do not exist.

Article 409

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 76)

Provided that it determines the existence of substantial violations of provisions of civil procedure referred to in Article 367, paragraphs 1 and 2 of this Law, which justifies the request for review, with the exception of violations referred to in paragraphs 2 and 3 of this Article, the review court shall render ruling on entirely or partially reversing the second instance judgment and first instance judgment or only the second instance judgment and shall remand the case for retrial to the same or a different judge of the court of first instance or the same or different Panel of the court of second instance or to another competent court.

Review court shall reverse the rendered decisions and dismiss complaint in the event of violation referred to in Article 367, paragraph 2, items 3, 4, 6 and 13 of this Law in the procedure before the court of first and second instance.

Review court shall proceed in line with paragraphs 1 or 2 of this Article, depending on the nature of the violation, when the violation referred to in Article 367 paragraph 2 item 12 of this Law occurred before both the court of first instance and the court of second instance.

Provided that, with regard to the review referred to in Article 397a of this Law, it is established that a substantial violation of provisions of civil procedure referred to in Article 400 paragraph 1 of this Law was committed in the proceedings before the court of first instance or the court of second instance and that such violation relates to a legal issue important for ensuring legal certainty or uniform application of law for which the review was allowed, the review court shall, depending on the type of substantial violation, decide by appropriate application of paragraphs 1, 2 and 3 of this Article.

Article 410

Provided that the review court finds that the substantive law has been misapplied it shall render a judgment admitting the request for review and overrule the contested judgment.

Provided that the review court determines that the facts have been incompletely determined due to the misapplication of the substantive law that therefore the requirements for overruling the contested judgment have not been met, it shall entirely or

partially reverse judgment of the court of first instance and court of second instance or only judgment of the court of second instance and remand the case for retrial to same or different Panel of the court of first instance or court of second instance.

Article 411

Should the review court determine that the statement of claims has been exceeded by the final and enforceable second instance judgment it shall, depending on the nature of the exceed the statement of claims, reverse the judgment of the court of second instance in its ruling and if necessary remand the case to the second instance court for retrial.

Article 412

Decision of the review court shall be delivered to the court of first instance through the court of second instance within 30 days from rendering the decision.

Article 413

Unless otherwise provided in Articles 397 through 412 of this Law, the provisions of this Law governing appeals against judgments referred to in Article 362, paragraphs 2 and 3, Articles 363, 364 and 369, Article 372, paragraphs 2 and 3, Article 373, paragraph 2, Articles 374, 380 and 385 and Articles 388 through 391 of this Law shall apply accordingly to the review procedure.

Article 414

Parties may also file a request for review against a ruling of the court of second instance by which the procedure was concluded by a final and enforceable decision.

Request for review of the ruling referred to in paragraph 1 of this Article shall not be allowed in disputes where the review against the final and enforceable judgment would not be allowed (Article 397, paragraphs 2 and 3).

Request for review shall always be allowed against a ruling of the court of second instance dismissing an appeal or confirming the ruling of the court of first instance dismissing the request for review.

Request for review shall always be allowed against a ruling of the court of second instance by which a motion for reopening the procedure was decided by a final and enforceable decision.

Provisions of this Law regulating the review of the judgment shall apply accordingly to the procedure upon the review of the ruling.

Article 415

Court to which the case has been remanded for retrial shall be bound in that case by the legal opinion on which the ruling of the review court reversing the judgment of the court of second instance or the judgments of the courts of second and first instance is based.

REQUEST FOR PROTECTION OF LEGALITY

Article 416

Public Prosecutor may within three months file a request for protection of legality against a final and enforceable court decision solely on grounds of a substantial violation of provisions of civil procedure referred to in Article 367, paragraph 2, item 7 of this Law.

Deadline for filing a request for protection of legality referred to in paragraph 1 of this Article shall be calculated as follows:

- 1) against a decision rendered at first instance against which no appeal has been filed, from the date when that decision could no longer be contested by appeal;
- 2) against a decision rendered at second instance, from the date when that decision was served on the party who received it later.

Request for protection of legality shall not be allowed against a decision rendered upon a request for review by the court competent to decide on that legal remedy (Article 398).

Article 417

Request for protection of legality shall be decided by the court referred to in Article 398 of this Law.

Article 418

Should both a request for review and a request for protection of legality be filed against the same decision, the court referred to in Article 398 of this Law shall decide on those legal remedies in a single decision.

Article 419

Public prosecutor shall be notified of the session at which the court shall decide on the request for protection of legality.

Article 420

Court shall limit its examination, when deciding on a request for protection of legality, to the violation raised by the public prosecutor in the request.

Unless otherwise provided in Articles 416 through 419 of this Law, the provisions of Articles 399, 402 through 409, 412 and 413 of this Law shall apply accordingly to the procedure upon a request for protection of legality.

REOPENING THE PROCEDURE

Article 421

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 77)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 11)

Procedure concluded by a final and enforceable court decision may be reopened upon a motion by a party in the following cases:

- 1) a party has not been given the possibility to be heard before the court by some illegal action, particularly omission of delivery;
- 2) the first document was delivered in person in line with Article 136 of this Law and the party was continuously absent for more than six months;
- 3) a person who cannot be a party to the procedure participated in the procedure as plaintiff

or defendant or a party that is a legal person was not represented by an authorised person or a party without litigation capacity was not represented by a legal representative or a legal representative or a proxy of the party did not have the necessary authorisation to conduct the litigation or take individual steps in the procedure, provided that the conduct of the litigation or the taking of individual steps in the procedure was not subsequently approved;

- 4) court decision is based on false testimony given by a witness or expert witness;
- 5) court decision is based on a forged document or a document in which false content has been certified;
- 6) court decision was rendered as a result of a criminal offence committed by a judge, legal representative or proxy of a party, the adverse party or any third person;
- 7) a party becomes able to use a final and enforceable court decision rendered earlier between the same parties on the same statement of claims;
- 8) court decision is based on another court decision or a decision of another authority and that other decision has subsequently been overruled, reversed or annulled by a final and enforceable decision;
- 9) a party learns of new facts or finds or becomes able to use new evidence on the basis of which a more favourable decision could have been rendered for that party had those facts or evidence been used in the previous procedure;
- 10) a decision of the Constitutional Court of Montenegro established that human rights and fundamental freedoms were violated in the course of the civil procedure, that the judgment was based on such violation and that the violation may be remedied by reopening the procedure.

Article 422

Reopening of the procedure may not be requested on the grounds referred to in Article 421, items 1 and 3 of this Law, provided that the same ground was unsuccessfully raised in the previous procedure.

Reopening of the procedure due to the circumstances referred to in Article 421, items 7, 8 and 9 of this Law may be allowed only provided that, through no fault of the party, the party was unable to present those circumstances before the previous procedure was concluded by a final and enforceable court decision.

Article 423

Motion for reopening the procedure shall be filed within 30 days as follows:

- 1) in cases referred to in Article 421, items 1 and 2 of this Law, from the date when Decision was delivered to the party;
- 2) in cases referred to in Article 421, item 3 of this Law, should a person who cannot be

party to the procedure have participated in the procedure as the plaintiff or defendant, from the date when the decision was delivered to that person; should a party that is a legal person not have been represented by an authorised person or a party without litigation capacity not have been represented by a legal representative, from the date when the decision was delivered to the party or its legal representative; should a legal

representative or a proxy of the party not have had the necessary authorisation to conduct the procedure or take individual steps in the procedure, from the date when the party became aware of that ground;

3) in cases referred to in Article 421, items 4 to 6 of this Law, from the date when

Party learned of the final and enforceable judgment in the criminal procedure or, should criminal procedure not be possible, from the date when the party learned that the procedure had been discontinued or of the circumstances preventing its initiation;

4) in cases referred to in Article 421, items 7 and 8 of this Law, from the date when

Party was able to use the final and enforceable court decision constituting the ground for reopening the procedure;

5) in cases referred to in Article 421, item 9 of this Law, from the date when the party was able to present new facts or new evidence to the court;

Should the deadline specified in paragraph 1 of this Article begin to run before the decision becomes final and enforceable, that deadline shall be calculated from the date when the decision becomes final and enforceable, provided that no legal remedy was filed against it or from the date of service of the final and enforceable decision of the higher court rendered at last instance.

Motion for reopening the procedure may not be filed after expiry of five years from the date when the decision became final and enforceable, unless reopening is requested on the grounds referred to in Article 421 items 1, 2 and 3 of this Law.

Article 424

Motion for reopening the procedure shall always be filed with the court that rendered the decision at first instance.

Motion shall specify in particular: the legal ground on which reopening is requested, the circumstances indicating that the motion was filed within the statutory deadline and the evidence supporting the statements of the applicant.

Article 425

Court shall reject by a ruling any untimely (Article 423), incomplete (Article 424 paragraph 2) or inadmissible (Article 423) motion for reopening the procedure without holding a hearing.

Should the court not reject the motion, it shall serve a copy of the motion on the adverse party in line with Article 136 of this Law and the adverse party may respond to the motion within 15 days.

Article 426

Court of first instance may hold a hearing to consider a motion for reopening the procedure.

Article 427

Motion shall be decided by the court of first instance, unless the ground for reopening the procedure relates exclusively to the procedure before a higher court (Article 428).

Court shall decide on the motion by a ruling.

Ruling allowing reopening of the procedure shall state that the decision rendered in the previous procedure is reversed.

Parties may present new facts and propose new evidence at the new main hearing, in addition to those on which reopening was based, provided that they establish a reasonable likelihood that, through no fault of their own, they were unable to present or propose them in the previous proceedings.

Article 428

Should the ground for reopening the procedure relate exclusively to the procedure before a higher court, the court of first instance shall, upon receipt of any response to the motion or after holding a hearing to consider the motion for reopening the procedure, forward the case to the higher court for a decision.

Higher court shall act in line with Article 374 of this Law upon receipt of the case.

Higher court shall decide on the motion for reopening the procedure without holding a hearing.

Should the higher court find the motion for reopening the procedure to be justified and a new main hearing unnecessary, it shall reverse its own decision and any existing decision of a higher court and render a new decision on the main subject matter.

Article 428a

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 25)

Should the European Court of Human Rights find a violation of a human right or fundamental freedom guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, a party may, within three months of the final judgment of the European Court of Human Rights, submit a request to the court in Montenegro that adjudicated at first instance in the procedure in which the decision violating that human right or fundamental freedom was rendered, seeking amendment of that decision, provided that the violation cannot be remedied in any manner other than by reopening the procedure.

Provisions governing reopening of the procedure shall apply accordingly to the procedure referred to in paragraph 1 of this Article.

Court shall be bound in the reopened procedure by the legal position expressed in the final judgment of the European Court of Human Rights finding a violation of a fundamental human right or freedom.

RELATION BETWEEN MOTION FOR REOPENING THE PROCEDURE AND OTHER EXTRAORDINARY LEGAL REMEDIES

Article 429

Should a party, within the deadline for filing a request for review, file a motion for reopening the procedure solely on grounds on which a request for review may also be filed, the party shall be deemed to have filed a request for review.

Should the party file a request for review for the reason stated in Article 367, paragraph 2, item 13 of this Law and simultaneously or subsequently file a motion for reopening the procedure for any reason under Article 421 of this Law, the court shall stay the procedure with regard to the motion for reopening the procedure until the conclusion of the review procedure.

Provided that the party files request for review for any of the reasons, with the exception of that stated in Article 367, paragraph 2, item 13 of this Law and simultaneously or

subsequently files motion for reopening the procedure for the reasons stated in Article 421, items 4 through 6 of this Law corroborated by the final and enforceable judgment rendered in criminal procedure, the court shall stay the review procedure until the conclusion of the procedure with regard to the motion for reopening the procedure.

Court shall, in all other cases where a party files a request for review and simultaneously or subsequently files a motion for reopening the procedure, decide which procedure to continue and which to stay, taking into account all circumstances and in particular the grounds on which both legal remedies were filed and the evidence proposed by the parties.

Article 430

Provisions of Article 429, paragraphs 1 and 3 of this Law shall also apply when the party first filed motion for reopening the procedure and thereafter filed request for review.

Court shall, as a rule, in all other cases where a party files a motion for reopening the procedure and subsequently files a request for review, stay the review procedure until conclusion of the reopening procedure unless it finds serious reasons requiring otherwise.

Article 431

Court of first instance shall render ruling referred to in Article 429 of this Law if the motion for reopening the procedure reaches the court of first instance before the case for review reaches the review court. Provided that the motion for reopening the procedure reaches the court of first instance after the case has already been referred to the review court, the ruling referred to in Article 429 of this Law shall be rendered by the review court.

Court of first instance shall render ruling referred to in Article 430 of this Law, except if the case, at the time the request for review is received at the court of first instance, has been delivered to the higher court to render decision on reopening the procedure upon motion (Article 428, paragraph 1) in which case the ruling shall be rendered by the higher court.

Appeal against ruling referred to in paragraphs 1 and 2 of this Article shall not be allowed.

Article 432

Provisions of Articles 429 through 433 of this Law shall accordingly apply when the public prosecutor in compliance with provisions of Article 416 of this Law files request for the protection of legality and the party submits motion for reopening the procedure before, at the time or after that time.

PART THREE

SPECIAL PROCEEDINGS

TITLE TWENTY-EIGHT

PROCEDURE IN LITIGATION CONCERNING LABOUR RELATIONS

Article 433

Other provisions of this Law shall apply in the litigation concerning labour relations, unless this Title contains special provisions.

Article 434

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 78)

Court shall always give expedited treatment to labour disputes, particularly when setting time limits and hearings, in labour-relations litigation.

Main hearing shall be held within 30 days from the date of the preliminary hearing in labour-relations disputes initiated by an employee against a decision terminating the employment contract.

Proceedings before the court of first instance shall be completed within six months from filing the complaint in the case referred to in paragraph 2 of this Article.

Court of second instance shall decide on an appeal against a decision of the court of first instance within 60 days from receipt of the case file in the case referred to in paragraph 2 of this Article.

Article 434a

(Law Supplementing the Law on Civil Procedure, Official Gazette of Montenegro 012/26 of 6 February 2026, Article 2)

National of a Member State of the European Union, the European Economic Area or the Swiss Confederation who is employed or is a worker in Montenegro may, in labour-relations proceedings, be represented by a proxy who is a member of a trade union organisation.

National of a Member State of the European Union, the European Economic Area or the Swiss Confederation who carries on an activity in Montenegro in the capacity of an employer may, in labour-relations proceedings, be represented by a proxy who is a member of an association of employers.

Employee or worker referred to in paragraph 1 of this Article may, in labour-relations proceedings, be represented by a trade union organisation as proxy or a trade union organisation, social partners or another organisation or association whose activities include the protection of rights of workers and interests may participate in the proceedings on the side of the employee or worker as an intervener.

Article 435

Court may ex officio determine during the procedure temporary measures applied in enforcement proceedings to prevent violent acts or avert irreparable damage.

Article 436

Court shall, in the judgment ordering the performance of certain action, set a deadline of eight days for the performance of that action.

Article 437

Deadline for filing an appeal shall be eight days.

Article 438

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 26)

Review shall be allowed only in disputes concerning the beginning, existence and termination of employment.

TITLE TWENTY-NINE

PROCEDURE IN DISPUTES CONCERNING INTERFERENCE WITH POSSESSION

Article 439

Other provisions of this Law shall apply in litigation concerning interference with possession, unless this Title contains special provisions.

Article 440

Court shall always have due regard, when setting time limits and hearings in disputes concerning interference with possession, to the need for expedited treatment having regard to the nature of each case.

Article 441

Hearing of a complaint concerning interference with possession shall be limited to examination and proving of facts concerning the latest state of possession and the interference that occurred. Examination of the right to possession, legal grounds, good faith or bad faith in possession or claims for damages shall be excluded.

Article 442

Court may ex officio determine during the procedure, without hearing the adverse party, temporary measures applied in enforcement proceedings to avert an imminent threat of unlawful damage, prevent violence or avert irreparable damage.

Article 443

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 22)

Deadline for filing an appeal shall be eight days.

Court may decide that an appeal shall not stay enforcement of the ruling for important reasons.

Provisions of Article 375, paragraph 2 and Articles 376, 376a, 377, 380 and 380a of this Law shall apply accordingly to the procedure upon an appeal against a first-instance decision rendered in a dispute concerning interference with possession.

Request for review shall not be allowed against rulings rendered in litigation concerning interference with possession.

Article 444

Plaintiff shall lose the right in enforcement proceedings to request enforcement of a ruling rendered upon a complaint concerning interference with possession that orders the defendant to perform a particular action unless enforcement is requested within 30 days from expiry of the time limit set by the ruling for performance.

Article 445

Reopening of the procedure concerning interference with possession that has been concluded by a final and enforceable decision shall be allowed only on the grounds referred to in Article 421, items 1, 2 and 3 of this Law and only within 30 days from the date when the ruling concerning interference with possession becomes final and enforceable.

TITLE THIRTY

SMALL CLAIM DISPUTES PROCEDURE

Article 446

Other provisions of this Law shall apply to the small claim disputes procedure, unless this Title contains special provisions.

Article 447

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 79)

For the purposes of the provisions of this Title, small claim disputes are those in which the statement of claims refers to the pecuniary claim that does not exceed the amount of

EUR 1,000.

Small claim disputes shall also include disputes in which the statement of claims is not of pecuniary nature and the plaintiff has stated in the complaint that they shall accept certain monetary sum that does not exceed the amount referred to in paragraph 1 of this Article in lieu of the obligation disclosed in the complaint (Article 36, paragraph 1).

Small claim disputes shall also include those disputes in which the statement of claims is not of pecuniary nature, but the transfer of a moveable asset whose value, as stated by the plaintiff in the complaint, does not exceed the amount referred to in paragraph 1 of this Article (Article 36, paragraph 2).

Article 448

Disputes concerning immovable property, labour relations and interference with possession shall not be small claim disputes for the purposes of this Title.

Article 449

Separate appeal shall be allowed in small claim disputes only against a ruling concluding the procedure.

Other rulings, against which an appeal is allowed in line with this Law, may be contested only by the appeal against the decision on conclusion of the procedure.

Rulings referred to in paragraph 2 of this Article shall not be delivered to the parties, but shall be pronounced at the hearing instead and included in written form of the decision.

Article 449a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 12)

Court may, in small claims proceedings, reject in whole or in part the request of a successful party for reimbursement of costs if the costs are manifestly disproportionate to the amount of the claim or were unnecessary for conducting the proceedings.

Article 450

Minutes of the main hearing in small claim disputes shall, in addition to the information required under Article 118 paragraph 1 of this Law, contain the following:

- 1) statements of parties which are important, particularly the ones which entirely or partly admit the statement of claims or waive the statement of claims or the appeal or amend or withdraw the complaint;
- 2) significant substance of the presented evidence;
- 3) decisions against which the appeal is allowed and which have been pronounced at

Main hearing;

4) whether the parties were present during pronouncement of the judgment and, if they were, whether they were instructed about conditions of the appeal.

Article 451

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 80)

Provided that the plaintiff amends the statement of claims so that the value of the dispute exceeds EUR 1,000, the procedure shall be concluded in line with the provisions of this Law on regular procedure.

Provided that the plaintiff, before conclusion of the main hearing conducted in line with the provisions on regular procedure of this Law, reduces their claim so that it no longer exceeds EUR 1,000, the further procedure shall be conducted in line with the provisions of this Law on the small claim disputes.

Article 452

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 27)

Provided that the court schedules the main hearing and the plaintiff fails to appear at the hearing despite having been duly summoned, the court shall render a judgment dismissing the statement of claims (judgment based on waiver).

Summons for the main hearing shall state, inter alia, that if the plaintiff fails to appear at the main hearing it shall be considered that they have withdrawn the claims and that the decision may be contested only based on substantial violation of provisions of the civil procedure and misapplication of substantive law.

Article 453

Judgment in the small claim disputes procedure shall be pronounced immediately after conclusion of the main hearing.

Transcript of the judgment shall always be delivered to the party who has not been present at the pronouncement, while it is delivered to the party who was present only upon their request. Such request may be expressed by the party at the hearing where the judgment is being announced, but not later.

When pronouncing the judgment the court shall inform the present parties on conditions for filing appeal (Article 454).

Article 454

Judgment or ruling by which the small claim disputes procedure is completed may be contested only based on substantial violation of provisions of the civil procedure under

Article 367, paragraph 2 of this Law and misapplication of substantive law.

Provisions of Article 384 paragraph 1 of this Law and provisions of this Law governing a hearing before the court of second instance shall not apply in appeal proceedings in small claim disputes.

Appeal against the first instance judgment or ruling referred to in paragraph 1 of this Article may be filed by parties within eight days.

Deadline for appeal is counted from the day of pronouncing the judgment or ruling and if the judgment or ruling has been delivered to the party the deadline runs from the day of its receipt.

Deadline under Article 334 paragraph 2 and Article 348 paragraph 1 of this Law shall be eight days in the small claim disputes procedure.

TITLE THIRTY-ONE

PROCEDURE IN COMMERCIAL DISPUTES

Article 455

Provisions of this Law shall apply in commercial disputes, unless otherwise prescribed in provisions of this Title.

Rules on procedure in commercial disputes shall also apply to all disputes for which the competent court is commercial court according to the Law on Courts except in disputes for which it has subject matter jurisdiction.

PREPARATION FOR THE MAIN HEARING

Article 456

Judge is authorised to schedule hearings by telephone or facsimile in urgent cases.

Article 457

As a rule, the facts about the turnover of goods and services accompanied by standard business documents shall be proved by such documents.

LEGAL REMEDIES

Article 458

(Law Amending the Law on Civil Procedure, Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006, Article 28)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 81)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 23)

Review of commercial disputes shall not be allowed if the value of the dispute of the contested part of final and enforceable judgment does not exceed the amount of EUR 40,000.

Review of commercial disputes shall always be allowed in disputes referred to in Article 397 paragraph 4 items 3 and 3a of this Law.

Article 459

Deadlines applicable in commercial disputes shall be as follows:

- 1) deadline of 15 days for responding to the complaint;
- 2) deadline of 30 days for submitting motion for returning to the previous stage under Article 113, paragraph 3 of this Law;
- 3) deadline of eight days for the appeal against the judgment or ruling and deadline of

three days for responding to the appeal;

4) deadline of eight days for execution of the act, however for the acts not involving monetary payments, the court may order a longer deadline.

Article 460

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 82)

Small claim disputes in commercial proceedings shall be disputes in which the statement of claims concerns a monetary claim not exceeding EUR 7,000.

Small claim disputes procedure shall be regarded also the dispute where the claimed matter is not an amount of money, but the plaintiff has stated in the complaint that they would accept a certain amount of money in lieu of satisfaction of the claim when the amount so stated does not exceed the amount defined under paragraph 1 of this Article (Article 36, paragraph 1).

Small claims disputes shall be regarded also disputes where the matter of the dispute is not an amount of money, but transfer of movable object whose value as stated by the plaintiff in their complaint does not exceed the amount specified in paragraph 1 of this Article (Article 36, paragraph 2).

TITLE THIRTY-TWO

ISSUANCE OF PAYMENT ORDER

Article 461

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 048/15 of 21 August 2015, Article 83)

Provided that the statement of claims refers to the claim that has become due in money and this claim is proved by authentic document, which is submitted with the complaint either in original or certified copy the court shall order the defendant to fulfil the statement of claims

(payment order).

Authentic documents shall be the following:

- 1) public documents;
- 2) private documents in which signature of the debtor has been certified by the authority competent for certification;
- 3) bills of exchange and cheques with protest and accounts of return when they are necessary for establishing of the claim;
- 4) excerpts from certified business books;
- 5) invoices;
- 6) documents considered as public documents under special regulations.

Court shall issue payment order even though the plaintiff did not suggest issuance of the payment order in the complaint whereby all conditions for its issuance have been met.

When execution based on the authentic document may be requested in line with Law on Enforcement Procedure, the court shall issue payment order if only plaintiff proves likely their legal interest for issuing the payment order.

Provided that the plaintiff does not prove likely their legal interest for issuing the payment order the court shall reject the complaint.

Article 462

Provided that the statement of claims refers to the claim that has become due in money which does not exceed the amount of EUR 500 the court shall issue payment order against the defendant even though authentic documents have not been submitted with the complaint, however the complaint states basis and amount of debt and indicates evidence based on which accuracy of the statements in the complaint may be verified.

Payment order referred to in paragraph 1 of this Article may be issued by the court only against main debtor.

Article 463

Court shall issue payment order without holding the hearing.

Court shall warn the defendant in the payment order that untimely objections will be rejected.

Payment order shall be delivered to parties.

Defendant shall, in addition to the payment order, be also delivered a copy of complaint with attachments.

Article 464

Provided that the court does not accept motion for issuance of payment order the procedure shall continue in line with the complaint.

Appeal against the ruling of the court which accepts motion for issuance of the payment order shall not be allowed.

Article 465

Payment order may be contested only by objection. Provided that the payment order is contested only in the part referring to the costs this decision may be contested only by appeal against the ruling.

Payment order shall become legally binding in the part where it is not disputed by objection.

Article 466

Untimely, incomplete or inadmissible objections shall be dismissed by the court without holding hearing.

Provided that the objections are submitted timely, the court shall evaluate whether it is necessary to schedule preliminary hearing or whether it may immediately schedule the main hearing.

Parties may present new facts and propose new evidence during the preliminary hearing and the defendant may raise new objections concerning the contested part of the payment order.

Court shall decide in the decision of the main subject matter whether the payment order entirely or partially stays in force or becomes annulled.

Article 467

Provided that the defendant puts forward the objection that legal grounds for issuance of the payment order did not exist (Article 461 and 462) or that there are obstructions for further course of the procedure, the court shall first decide on this objection. Provided that it finds that this objection is justified, it shall annul the payment order with its ruling and

after the ruling becomes final and enforceable it shall initiate the hearing on the main subject matter when there are conditions for such hearing.

Provided that the court does not accept this objection, it shall proceed to consideration of the merits and the court ruling shall be included in the decision on the merits.

Should the court, upon an objection concerning non-maturity, find that the claim in the complaint became due after the payment order was issued but before conclusion of the main hearing, it shall reverse the payment order by a judgment and decide on the statement of claims (Article 332, paragraph 1).

Article 468

Court may declare that it has not territorial jurisdiction until issuance of payment order.

Defendant may file objection against territorial jurisdiction only in the objection against payment order.

Article 469

Provided that the court declares after issuing the payment order that it does not have territorial jurisdiction it shall annul the payment order and assign the case to the competent court after the ruling on non-competence becomes final and enforceable.

Provided that the court establishes after issuing the payment order that it has territorial jurisdiction it shall not annul the payment order, instead it shall assign the case to the competent court after the ruling becomes final and enforceable.

Article 470

When the court in cases in line with this Law decides to dismiss the complaint, it shall also reverse the payment order.

Article 471

Plaintiff may withdraw the complaint without consent of the defendant only before submission of objection. Provided that the complaint has been withdrawn, the court shall reverse the payment order by its ruling.

Provided that the defendant waives all objections before conclusion of the main hearing, the payment order shall remain in force.

PART FOUR

Article 472

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 473

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 474

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 475

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 476

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 477

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 478

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 479

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 480

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 481

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 482

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 483

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 484

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 485

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 486

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 487

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 488

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 489

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 490

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 491

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 492

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 493

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 494

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 495

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 496

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 497

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 498

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 499

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 500

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 501

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 502

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 503

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 504

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 505

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 506

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 507

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

Article 508

Shall be deleted. (Law on Arbitration, Official Gazette of Montenegro 47/15)

PART FOUR A

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 13)

SPECIAL PROVISIONS ON EXERCISING JUDICIAL COOPERATION IN THE

EUROPEAN UNION
TITLE THIRTY-THREE
SERVICE OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL AND
COMMERCIAL MATTERS IN MEMBER STATES

Article 508a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 24)

Court or other competent authority shall effect cross-border service of judicial and extrajudicial documents in civil and commercial matters for the purposes of Article 1 of Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (hereinafter referred to as: Regulation 2020/1784).

Court or other competent authority shall not effect cross-border service of judicial and extrajudicial documents in civil and commercial matters if the address of the person to be served with the document is not known, except in the case referred to in Article 7 of Regulation 2020/1784.

Article 1 paragraph 3 of Regulation 2020/1784 shall not apply to service of a document on a representative of the person to be served with the document in Montenegro, regardless of that place of that person of permanent residence.

Competent authorities for transmission of judicial or extrajudicial documents to another Member State of the European Union (hereinafter referred to as: Member State), for the purposes of Article 3 paragraph 1 of Regulation 2020/1784, shall be:

- for judicial documents, the court conducting the proceedings in which the document is to be served;
- for documents of public enforcement officers, the public enforcement officer conducting the proceedings in which the document is to be served;
- for documents of notaries, the notary conducting the proceedings in which the document is to be served;
- for documents certified or issued by notaries, the basic court in whose territory the official seat of the notary is located;
- for extrajudicial documents, the basic court in whose territory the person on whom the document is to be served in another Member State has their place of permanent or temporary residence or registered office.

Basic court in whose territory the document is to be served shall be competent for receipt and service of judicial or extrajudicial documents from another Member State for the purposes of Article 3 paragraph 2 of Regulation 2020/1784.

Should the address of the person on whom a judicial or extrajudicial document is to be served in Montenegro not be known, assistance in determining the address, for the purposes of Article 7 paragraph 1 of Regulation 2020/1784, shall be provided as follows:

- the basic court in whose territory the document is to be served shall submit to the state administration authority competent for keeping the register of permanent and temporary residence a request to determine the address;
- persons from other Member States may submit a request for information on the address directly to the state administration authority competent for keeping the register of

permanent and temporary residence or electronically using the form available on the European e-Justice Portal;

– the basic court in whose territory the document is to be served shall publish on the European e-Justice Portal detailed information on how to find the address of persons on whom documents are to be served.

Judicial or extrajudicial documents served in Montenegro from another Member State shall be drawn up in the Montenegrin language or in one of the languages in official use in Montenegro or accompanied by a translation into one of those languages.

Costs of translating the document referred to in paragraph 7 of this Article shall be borne by the person transmitting or serving the document.

Article 508b

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 25)

Central body in Montenegro for the purposes of Article 4 of Regulation 2020/1784 shall be the Ministry of Justice.

Service of a document using the form set out in Annex I, for the purposes of Article 5 of Regulation 2020/1784, shall be effected through a secure and reliable decentralised IT system based on an interoperable solution such as e-CODEX, with due respect for fundamental rights and freedoms.

Should service of a document for the purposes of Article 5 paragraph 1 of Regulation 2020/1784 not be possible due to disruption of the decentralised IT system or due to exceptional circumstances, service shall be effected using the fastest and most appropriate alternative means, while ensuring the reliability and security of information.

Court may serve judicial documents on a person with a known address for service in another Member State by electronic means using a qualified electronic registered delivery service in line with Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (hereinafter referred to as: Regulation 910/2014), provided that the recipient has previously given the court or competent authority express consent to receive those documents at an electronic mail address and has provided acknowledgement of receipt of the document containing the date of receipt.

When judicial documents are served by electronic mail, the Member State in which the person has a known address may, in line with Article 19 paragraph 2 of Regulation 2020/1784, prescribe additional conditions under which electronic service may be accepted and service by electronic mail shall also meet those conditions.

Service of judicial documents for the purposes of Article 19a of Regulation 2020/1784 may be effected directly on a person with a known address for service in another Member State through the European electronic access point established pursuant to Article 4 paragraph 1 of Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters and amending certain acts in the field of judicial cooperation (hereinafter referred to as: Regulation 2023/2844), provided that the recipient has given specific prior consent to the use of that electronic means of service during the particular court proceedings.

Recipient shall confirm receipt of the document by an acknowledgement of receipt containing the date of receipt. Date of service of the document shall be the date indicated in the acknowledgement of receipt. Same rule shall also apply in the event of service of

a document whose receipt was refused and which is remedied in line with Article 12 paragraph 5 of Regulation 2020/1784.

Recipient may refuse to accept a document if that document has not been drawn up in one of the official languages referred to in Article 12 paragraph 1 item (b) of Regulation 2020/1784 or if it is not accompanied by a translation into one of those languages.

Should a document not be drawn up in an official language referred to in Article 12 paragraph 1 item (b) of Regulation 2020/1784 or not be accompanied by a translation into one of those languages, the authority competent for receipt of that document shall inform the recipient of the right to refuse to accept the document by attaching to the document Form L set out in Annex I to Regulation 2020/1784 in the official language of the transmitting agency and in the language referred to in Article 12 paragraph 1 item (b) of Regulation 2020/1784.

Should the recipient understand an official language of another Member State, Form L set out in Annex I to Regulation 2020/1784 shall be attached in that language.

Should the authority competent for receipt of a judicial document translate Form L set out in Annex I to Regulation 2020/1784 into a language of a third country, it shall transmit the translation to the European Commission for publication on the European e-Justice Portal.

Recipient may refuse to accept a document at the time of service or within two weeks from the date of receipt by submitting a written declaration refusing to accept that document or by returning Form L set out in Annex I to Regulation 2020/1784.

Should the competent authority be informed that the recipient refuses to accept a document in line with Article 12 of Regulation 2020/1784, it shall immediately inform the transmitting agency thereof by transmitting a certificate of service or non-service using Form K set out in Annex I to Regulation 2020/1784 and shall return to that transmitting agency the request and all documents for which a translation is required, if available.

Service of a document whose acceptance was refused may be repeated by serving the recipient with the document together with a translation into one of the official languages referred to in Article 12 paragraph 1 of Regulation 2020/1784, in which case the date of service shall be calculated from the date of receipt of that document and the translation.

Should a document have to be served within a specified time limit, the date of service for the applicant shall be the date of service of the first document, determined in line with Article 13 paragraph 2 of Regulation 2020/1784.

Provisions of paragraphs 8 through 15 of this Article shall apply to other means of service of judicial documents referred to in Section 2 of Regulation 2020/1784.

Diplomatic or consular agents, in cases when service of a document is effected in line with Article 17 of Regulation 2020/1784 and the authority or person, in cases when service of a judicial document is effected in line with Articles 18, 19, 19a and 20 of Regulation 2020/1784, shall inform the recipient that they may refuse to accept that document and that Form L set out in Annex I to Regulation 2020/1784 or a written declaration of refusal must be submitted to those agents, authority or person in line with Article 12 paragraphs 1 and 2 of Regulation 2020/1784.

Article 508v

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 26)

Service of judicial documents to be effected in Montenegro, for the purposes of Article 17 of Regulation 2020/1784, shall be permitted only if the recipient on whom the

document is served is a national of the Member State from which the document was transmitted.

Service of judicial documents in exceptional circumstances may be effected in line with Article 16 of Regulation 2020/1784.

Service of judicial documents, for the purposes of Article 18 of Regulation 2020/1784, shall be proven by a return receipt or another similar acknowledgement of receipt of the document.

Any person having a legal interest in particular court proceedings for the purposes of Article 20 paragraph 1 of Regulation 2020/1784 may effect service of judicial documents directly through judicial officers, officials or other authorised persons of the Member State in which service is sought.

Article 508g

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 27)

Court or competent authority shall carry out any processing, exchange or transmission of personal data for the purposes of Article 31 of Regulation 2020/1784 in line with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (hereinafter referred to as: Regulation 2016/679).

Any exchange or transmission of information by competent authorities shall be carried out in line with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 November 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No. 45/2001 and Decision No. 1247/2002/EC (hereinafter referred to as: Regulation 2018/1725).

Personal data not relevant to acting in a particular case shall be erased without delay.

Court or competent authorities shall, for the purposes of Article 31 paragraph 2 of Regulation 2020/1784, be considered data controllers in line with Regulation 2016/679.

Court or competent authority, as recipient of a request for the purposes of Regulation 2020/1784, shall use information only for the purposes for which it was transmitted and shall ensure its confidentiality in line with the law governing personal data protection. Person whose personal data have been transmitted for the purposes of Article 31 of Regulation 2020/1784 shall have the right to be informed of the use of the transmitted information in line with the law governing personal data protection.

Article 508d

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 28)

Document to be served in Montenegro, for the purposes of Article 11 paragraph 1 of Regulation 2020/1784, may also be served by registered post with a return receipt.

Date of receipt of the document for the purposes of Article 13 of Regulation 2020/1784 shall be determined in line with the provisions of this Law governing receipt of documents.

Article 508đ

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 29)

Should a document instituting proceedings or its equivalent have been required to be transmitted to another Member State for service and the defendant have failed to enter an appearance, the court shall not give judgment until it establishes whether the conditions referred to in Article 22 paragraph 1 of Regulation 2020/1784 have been met.

Notwithstanding paragraph 1 of this Article, the court may give judgment despite no certificate of service or delivery of the document instituting proceedings having been received within an appropriate period, which may not be shorter than six months from the date when the document was transmitted, provided that the conditions referred to in Article 22 paragraph 2 of Regulation 2020/1784 have been met.

Court may, in justified urgent cases and for the purposes of Article 22 paragraph 3 of Regulation 2020/1784, order provisional or protective measures in line with the law governing enforcement and security proceedings.

Court shall, in the cases referred to in paragraph 2 of this Article and upon a motion of the defendant, allow return to the previous stage in respect of the time limit for filing an appeal subject to the conditions referred to in Article 22 paragraph 4 of Regulation 2020/1784.

Motion for return to the previous stage referred to in paragraph 4 of this Article may be filed within 30 days from the date when the defendant became aware of the judgment and no later than one year from the date when the judgment was given.

Return to the previous stage shall, notwithstanding paragraph 4 of this Article, not be allowed for failure to meet the time limit for filing an appeal against a judgment concerning personal status or the legal capacity and capacity to act of a person.

TITLE THIRTY-FOUR

COOPERATION BETWEEN COURTS OF MEMBER STATES WITH REGARD TO THE

TAKING OF EVIDENCE IN CIVIL AND COMMERCIAL MATTERS

Article 508e

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 30)

Should evidence be taken in line with Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (hereinafter referred to as: Regulation 2020/1783), the court may:

- 1) request the competent court of another Member State to take evidence or
- 2) request authorisation to take evidence directly in another Member State, subject to the conditions referred to in Articles 19 and 20 of Regulation 2020/1783.

Requests and communications for the purposes of Article 7 of Regulation 2020/1783 shall be transmitted through a secure and reliable decentralised IT system based on an interoperable solution such as e-CODEX, with due respect for fundamental rights and freedoms.

Article 508ž

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 31)

Single judge or judicial panel of the competent court in Montenegro requesting the taking of evidence may, in cases to which Regulation 2020/1783 applies and in line with

that Regulation, participate in the taking of evidence before the requested court of another Member State.

Parties, their representatives and expert witnesses may, in cases to which Regulation 2020/1783 applies and in line with Article 13 thereof, attend the taking of evidence before the requested court of another Member State in the same manner as they could participate in the taking of evidence in proceedings before the competent court in Montenegro.

Single judge or judicial panel of the competent court in Montenegro may take evidence directly in another Member State, in line with Article 19 of Regulation 2020/1783.

Should a request be transmitted for the direct taking of evidence by examination via videoconferencing or other distance communications technology, for the purposes of Article 20 of Regulation 2020/1783, the Ministry of Justice shall designate a court having the technical facilities necessary for conducting the examination via videoconferencing or other distance communications technology.

Article 508z

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 32)

Basic court in whose territory evidence is to be taken shall be competent as the requested court in Montenegro for the purposes of Article 3 paragraph 2 of Regulation 2020/1783.

Central body in Montenegro for the purposes of Article 4 of Regulation 2020/1783 shall be the Ministry of Justice.

Article 508i

Request for taking of evidence and notification from another Member State shall be drawn up in the Montenegrin language or accompanied by a translation into the Montenegrin language made by an authorised interpreter of one of the Member States.

Article 508j

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 33)

Court or competent authority shall carry out any processing, exchange or transmission of personal data for the purposes of Article 30 of Regulation 2020/1783 in line with Regulation 2016/679.

Any exchange or transmission of information by competent authorities shall be carried out in line with Regulation 2018/1725.

Personal data not relevant to acting in a particular case shall be erased without delay.

Court or competent authority shall, for the purposes of Article 30 paragraph 2 of Regulation 2020/1783, be considered data controllers in line with Regulation 2016/679.

Court or competent authority, as recipient of a request for the purposes of Regulation 2020/1783, shall use information only for the purposes for which it was transmitted and shall ensure its confidentiality in line with the law governing personal data protection.

Person whose personal data have been transmitted for the purposes of Article 30 of Regulation 2020/1783 shall have the right to be informed of the use of the transmitted information in line with the law governing personal data protection.

TITLE THIRTY-FIVE

EUROPEAN SMALL CLAIMS PROCEDURE

Article 508k

Basic court, that is, the Commercial Court of Montenegro, shall be competent to adjudicate in the European small claims procedure for the purposes of Regulation (EU) No. 861/2007 of the European Parliament and the Council of 11 July 2007 on the introduction of the European Small Claims Procedure (hereinafter referred to as: Regulation 861/2007).

Article 508l

Forms, for the purpose of Regulation 861/2007, legal remedies, proposals and announcements that are made outside the hearing, shall be submitted in writing

(submissions). Submissions sent by telegram, fax and e-mail shall be considered to be in written form, in line with the Law regulating electronic administration.

Article 508lj

Provisions of Regulation 861/2007 shall not apply to the procedure in the case referred to in Article 4 paragraph 3 of Regulation 861/2007 and the procedure shall continue under the provisions of this Law.

Article 508m

Court shall dismiss a counterclaim that is not filed in line with Regulation 861/2007, except in the case referred to in Article 5 paragraph 7 of Regulation 861/2007.

Provisions of Regulation 861/2007 shall not apply to proceedings concerning the claim and counterclaim in the case referred to in Article 5 paragraph 7 of Regulation 861/2007 and the proceedings shall continue under the provisions of this Law.

Article 508n

Delivery of the notice of refusal to receive document, for the purpose of Article 6 paragraph 3 of Regulation 861/2007, shall be conducted by the court within eight days.

Court shall, in the notification referred to in paragraph 1 of this Article, require the recipient to submit to the court a translation of the document referred to in Article 6 paragraph 3 of Regulation 861/2007 within a period not exceeding eight days and shall warn them of the consequences of failure to comply with the provisions of this Law governing delivery of submissions.

Article 508nj

Judgment made in the European Small Claims Procedure shall not be published.

Article 508o

Appeal shall be allowed against the judgment rendered in the European Small Claims Procedure, in line with the provisions of this Law governing appeals in small claims.

Article 508p

Court that made that decision shall be competent to decide on the request for review of the decision made in the European Small Claims Procedure, for the purpose of Article 18 of Regulation 861/2007.

Court shall decide by a decision on the request referred to in paragraph 1 of this Article.

Provided that it determines that the request referred to in paragraph 1 of this Article is well-founded, the court shall cancel the decision to which that request refers and order reopening of the procedure.

Article 508r

Appeal against a judgment passed in Montenegro in the European Small Claims Procedure shall not stay execution of that judgment.

Article 508s

Certificate referred to in Article 20 paragraph 2 of Regulation 861/2007 shall be issued by the court that issued the judgment for which the certificate is issued.

TITLE THIRTY-SIX

EUROPEAN PAYMENT ORDER

Article 508t

To decide on the request for the issuance of a European payment order, for the purpose of Regulation (EU) No. 1896/2006 of the European Parliament and the Council of 12 December 2006, on the introduction of the European payment order procedure

(hereinafter referred to as the "Regulation 1896/2006"), the competent court shall be the basic court, that is, the Commercial Court of Montenegro.

Court that issued the order shall be competent to issue a certificate of enforceability of the European payment order.

Article 508ć

Request for issuing a European payment order, an objection against a European payment order, a request for a review of a European payment order in extraordinary cases, as well as other proposals and announcements shall be submitted in writing

(submissions). Submissions sent by telegram, fax and e-mail shall be considered to be in written form, in line with the Law regulating electronic administration.

Article 508u

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 34)

Should a European payment order be served in Montenegro, service shall be effected in line with the provisions of this Law.

Should a European payment order be served in another Member State, service shall be effected in line with Regulation 2020/1784 and the provisions of this Law governing service under that Regulation.

Article 508f

Provided that the defendant files an objection against a European payment order, for the purpose of

Article 16 of Regulation 1896/2006, the procedure shall continue in line with the provisions of this Law, which regulate the procedure regarding objections against a payment order, unless otherwise prescribed by Article 17 of Regulation 1896/2006.

Article 508h

Due to missing the deadline referred to in Article 16 paragraph 2 of Regulation 1896/2006, the return to the previous stage shall not be allowed.

Article 508c

Court that has issued the European payment order shall be competent to decide on the request for review of the European payment order referred to in Article 20 paragraph 1 of Regulation 1896/2006.

Court shall decide by a decision on the request referred to in paragraph 1 of this Article.

When it determines that the request referred to in paragraph 1 of this Article is founded, the court shall cancel the European payment order to which that request refers and commence consideration of the merits, if necessary.

PART FIVE

TRANSITIONAL AND FINAL PROVISIONS

Article 509

Should a first-instance judgment or ruling concluding the procedure before the court of first instance have been rendered before commencement of application of this Law, further procedure shall be conducted in line with regulations previously in force.

As of the date of entry into force of this Law, any stayed procedure shall continue in line with this Law.

Should the first-instance decision referred to in paragraph 1 of this Article be reversed after commencement of application of this Law, further procedure shall be conducted in line with this Law.

Request for review filed against a final and enforceable decision of the court of second instance in a procedure initiated before commencement of application of this Law shall be decided in line with the rules of civil procedure in force until commencement of application of this Law.

Request for protection of legality against a final and enforceable court decision may, after commencement of application of this Law, be filed only in line with the provisions of this Law.

Should a complaint have been served before commencement of application of this Law, Article 339 of this Law shall not apply to the procedure and the conditions for rendering a default judgment shall instead be assessed in line with regulations previously in force.

Should a preliminary hearing or main hearing have already been held before commencement of application of this Law, parties may present new facts and propose new evidence no later than at the first main hearing after commencement of application of this Law.

Article 509a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 14)

Proceedings initiated before the start of application of this Law shall be completed according to this Law.

Provided that a first-instance judgment or decision was passed before the start of the application of this Law, which ended the proceedings before the court of first instance, further proceedings shall be carried out according to the current regulations.

Provided that the first-instance decision referred to in paragraph 2 of this Article is revoked after the start of the application of this Law, further proceedings shall be carried out according to this Law.

Article 510

Provisions of this Law concerning arbitration procedure shall apply to the arbitration that is agreed upon after the beginning of the application of this Law.

Article 511

Law on Civil Procedure (Official Gazette of the Socialist Federal Republic of Yugoslavia 4/77, 36/77, 36/80, 69/82, 58/84, 74/87, 57/89, 20/90, 27/90, 35/91 and Official Gazette of the Federal Republic of Yugoslavia 27/92, 31/93, 24/94, 12/98, 15/98 and 3/2002) shall cease to apply in the territory of Montenegro on the date when this Law begins to apply.

Article 511a

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 034/19 of 21 June 2019, Article 15)

(Law Amending the Law on Civil Procedure, Official Gazette of Montenegro 012/26 of 6 February 2026, Article 3)

PART FOUR A and Article 434a of this Law shall apply as of the date of accession of Montenegro to the European Union.

Article 512

This law shall enter into force on the eighth day from the day of its publication in the Official Gazette of Montenegro and it shall be applied on the day of entry into force of the Law on Alternative Dispute Resolution.

PROVISIONS NOT INCLUDED IN THE CLEANED TEXT

LAW AMENDING THE LAW ON CIVIL PROCEDURE

(Official Gazette of the Republic of Montenegro 076/06 of 12 December 2006)

Article 29

Legislative Committee of the Parliament of the Republic of Montenegro shall be authorised to determine the clean text of this Law.

Article 30

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of the Republic of Montenegro.

PROVISIONS NOT INCLUDED IN THE CLEANED TEXT

LAW AMENDING THE LAW ON CIVIL PROCEDURE

(Official Gazette of Montenegro 048/15 of 21 August 2015)

Article 84

"If a first-instance judgment or decision was passed before the start of the application of this Law, which ended the proceedings before the court of first instance, further proceedings shall be carried out according to the current regulations.

Provided that the first-instance decision referred to in paragraph 1 of this Article is revoked after the start of the application of this Law, further proceedings shall be carried out according to this Law.

Review filed against the final decision of the court of second instance, in the procedure initiated before the application of this Law, shall be resolved according to the rules of civil procedure that were valid until the application of this Law."

NOTE

Laws and other regulations adopted before the Constitution of Montenegro shall, on the date of entry into force of the Law Amending the Law and Other Regulations due to the Constitutional Change in the Name of the State (Official Gazette of Montenegro 73/10), be amended as follows:

- title: "Republic of Montenegro" shall be replaced by the title: "Montenegro"; - in the title of state and other authorities and in the title of individual acts, the word "Republic" shall be deleted;
- title: "administrative authority of the Republic" shall be replaced by the title: "state administration authority";
- wording "of the Republic" shall be replaced by "the state" or shall be deleted.