

LAW ON COURTS

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I hereby promulgate the Law on Courts, adopted by the Parliament of Montenegro of the 25th Convocation, at the Sitting of the First Extraordinary Session in 2015, of 26 February 2015

LAW ON COURTS¹

I. GENERAL PROVISIONS

Subject Matter of the Law

Article 1

This Law shall regulate the establishment, organisation and competence of courts, organisation of work in courts and judicial administration and other issues relevant to the orderly and timely functioning of courts.

Judicial power

Article 2

Judicial power shall be exercised by courts established by this Law.

Court shall decide legally, objectively and timely on the legal matter falling within its competence.

Accessibility of Courts and Equality of Parties

Article 3

Everyone shall have the right of access to court for the purpose of exercising his rights. Everyone shall be equal before the court.

Transparency

Article 4

Transparency of the work of the court shall be provided in line with the law.

¹Official Gazette of Montenegro 011/15 as of 12 March 2015, 076/20 as of 28 July 2020, 054/24 as of 11 June 2024 and 064/26 as of 13 May 2026

Impartiality Article 5

Everyone shall be entitled to an impartial trial within a reasonable time and everyone shall have the right to have his legal matter heard and determined by random case allocation, regardless of the parties to the case and the nature of the case.

Funds for the Functioning of Courts Article 6

Funds for the functioning of courts shall be provided from the budget of Montenegro. Courts shall independently use the funds referred to in paragraph 1 of this Article.

Use of Gender Sensitive Language Article 7

All terms used in this Law for natural persons in the masculine gender shall mean the same terms for the feminine gender.

II. ESTABLISHMENT, ORGANISATION AND COMPETENCES OF COURTS

1. Establishing the Courts Courts Article 8

The courts shall be:

- 1) misdemeanour court;
- 2) High Misdemeanour Court of Montenegro (hereinafter referred to as: the High Misdemeanour Court);
- 3) basic court;
- 4) high court;
- 5) Commercial Court of Montenegro (hereinafter referred to as: the Commercial Court);
- 6) Administrative Court of Montenegro (hereinafter referred to as: the Administrative Court);
- 7) Appellate Court of Montenegro (hereinafter referred to as: the Appellate Court);
- 8) Supreme Court of Montenegro (hereinafter referred to as: the Supreme Court).

2. Misdemeanour Courts Establishment Article 9

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

(Law Amending the Law on Courts, Official Gazette of Montenegro 054/24 as of 11 June 2024, Article 1)

Misdemeanour courts shall be:

1) Misdemeanour Court in Bijelo Polje, for the territory of the municipalities of: Bijelo Polje, Andrijevica, Berane, Gusinje, Žabljak, Kolašin, Mojkovac, Petnjica, Plav, Pljevlja and Rožaje, with divisions in:

- Berane – for the territory of the municipalities of Berane, Andrijevica and Petnjica;
- Žabljak - for the territory of the municipality of Žabljak;
- Plav – for the territory of the municipalities of Plav and Gusinje;
- Pljevlja - for the territory of the municipality of Pljevlja;
- Rožaje - for the territory of the municipality of Rožaje;
- Kolašin - for the territory of the municipality of Kolašin;
- Mojkovac - for the territory of the municipality of Mojkovac.

2) Misdemeanour Court in Budva, for the territory of the municipalities of: Budva, Bar, Kotor, Tivat, Herceg Novi and Ulcinj, with divisions in:

- Bar - for the territory of the municipality of Bar;
- Kotor - for the territory of the municipalities of Kotor and Tivat;
- Herceg Novi – for the territory of the municipality of Herceg Novi;
- Ulcinj - for the territory of the municipality of Ulcinj.

3) Misdemeanour Court in Podgorica - for the territory of the Capital of Podgorica, Old Royal Capital Cetinje and the following municipalities: Danilovgrad, Nikšić, Plužine, Tuzi, Zeta and Šavnik, with divisions in:

- the Old Royal Capital Cetinje - for the territory of the Old Royal Capital Cetinje;
- Danilovgrad - for the territory of the municipality of Danilovgrad;
- Nikšić - for the territory of the municipalities of Nikšić, Plužine and Šavnik.

Competence

Article 10

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

Misdemeanour court shall have the competence to decide on requests for initiation of misdemeanour proceedings and motions for court decision-making.

Misdemeanour court shall perform other duties prescribed by law.

3. High Misdemeanour Court

Establishment

Article 11

High Misdemeanour Court shall be established for the territory of Montenegro and its seat shall be in Podgorica.

Competence

Article 12

High Misdemeanour Court shall decide on appeals lodged against decisions of misdemeanour courts, on the conflict of competence between misdemeanour courts and perform other duties prescribed by law.

4. Basic Court

Establishment

Article 13

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

(Law Amending the Law on Courts, Official Gazette of Montenegro 054/24 as of 11 June 2024, Article 2)

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 1)

Basic courts shall be:

- 1) Basic Court in Bar – for the territory of the municipality of Bar;
- 2) Basic Court in Berane – for the territory of the municipalities of Berane, Andrijevica and Petnjica;
- 3) Basic Court in Bijelo Polje – for the territory of the municipalities of Bijelo Polje and Mojkovac;
- 4) Basic Court in Danilovgrad – for the territory of the municipality of Danilovgrad;
- 5) Basic Court in Kolašin – for the territory of the municipality of Kolašin;
- 6) Basic Court in Kotor – for the territory of the municipalities of Kotor, Budva and Tivat;
- 7) Basic Court in Nikšić – for the territory of the municipalities of Nikšić, Plužine and Šavnik;
- 8) Basic Court in Plav – for the territory of the municipalities of Plav and Gusinje;
- 9) Basic Court in Pljevlja – for the territory of the municipalities of Pljevlja and Žabljak, with a regional division in Žabljak for the territory of the municipality of Žabljak;
- 10) Basic Court in Podgorica – for the territory of the Capital of Podgorica and the municipalities of Tuzi and Zeta;
- 11) Basic Court in Rožaje – for the territory of the municipality of Rožaje;
- 12) Basic Court in Ulcinj – for the territory of the municipality of Ulcinj;
- 13) Basic Court in Herceg Novi – for the territory of the municipality of Herceg Novi;
- 14) Basic Court in Cetinje – for the territory of the Old Royal Capital Cetinje.

Competence

Article 14

(Law Amending the Law on Courts, Official Gazette of Montenegro 076/20 as of 28 July 2020, Article 4)

Basic court shall be competent:

1) in criminal cases:

- a) in first instance, to decide in criminal offences for which a principal punishment prescribed by law is a fine or imprisonment of up to 10 years, regardless of the characteristics, profession and position of the person against whom the proceedings are conducted and regardless of whether the criminal offence was committed in peace, state of emergency, in a state of imminent war danger or in a state of war, unless the competence of another court is determined for specific types of these criminal offences;
- b) in first instance, to decide on criminal offences falling within the competence of a basic court under a separate law;
- c) to conduct proceedings and decide on requests for expunging of sentence, termination of security measures or legal consequences of sentence

and decide in those matters when basic court has pronounced such sentence or measures;

2) in civil cases, to decide in first instance:

a) disputes relating to property, matrimonial, family, personal and legal, same-sex life partnership and other relations, except disputes falling within the competence of another court under the law;

b) disputes relating to correction or reply to information provided by the media and motions relating to violation of personal rights through the media;

3) in labour law cases to decide in first instance disputes relating to:

a) employment;

b) conclusion and implementation of collective bargaining agreements, as well as all disputes between employers and trade unions;

c) application of the rules on strike;

4) in other legal matters:

a) to resolve in first instance non-contentious cases, unless otherwise prescribed by this Law;

b) to resolve cases of enforcement and security in line with the law governing enforcement and security;

c) to decide on recognition and enforcement of foreign judgements when so prescribed by law, except for those falling within the competence of the Commercial Court;

5) to perform duties concerning legal assistance;

6) to perform tasks of international criminal legal assistance in criminal matters under letters rogatory for service of documents;

7) confirm settlements concluded before a mediator, in line with the law governing alternative dispute resolution, in disputes under the competence of a basic court.

Basic court shall be competent to decide in first instance in other matters as well, unless the competence of another court is prescribed by law.

Basic court shall perform other duties laid down by law.

5. High Court Establishment Article 15

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 2)

High courts shall be:

1) High Court in Bijelo Polje – for the territories of basic courts in Bijelo Polje, Berane, Kolašin, Plav, Pljevlja and Rožaje; and

2) High Court in Podgorica – for the territories of basic courts in Podgorica, Bar, Danilovgrad, Kotor, Nikšić, Ulcinj, Herceg Novi and Cetinje.

Competence Article 16

(Law Amending the Law on Courts, Official Gazette of Montenegro 054/24 as of 11 June 2024, Article 3)

High court shall be competent in the following:

- 1) to decide, in first instance, in criminal proceedings for criminal offences punishable by law by imprisonment of over 10 years as principal punishment, regardless of the characteristics, profession and position of the person against whom the proceedings are conducted and regardless of whether the criminal offence was committed in peace, state of emergency, in a state of imminent war danger or in a state of war, and for criminal offences of:
 - manslaughter,
 - rape,
 - misuse of position in business activity referred to in Article 272 paragraph 3 of the Criminal Code of Montenegro,
 - endangering air traffic safety,
 - unauthorised production, possession and release into circulation of narcotic drugs,
 - calling for violent change of constitutional order,
 - disclosure of classified information,
 - causing national, racial and religious hatred, discord and intolerance,
 - violation of territorial sovereignty,
 - associating for anti-constitutional activity,
 - preparing acts against the constitutional order and security of Montenegro,
 - against humanity and other values protected by international law;
- 2)to decide, in first instance, for those criminal offences which are by special legislation prescribed to fall within the competence of high court;
- 3)to decide in second instance on appeals against decisions rendered by the basic courts;
- 4)to conduct a procedure of determining the circumstances regarding the request for extradition of accused and convicted persons and the procedure of recognition and enforcement of foreign judgements in criminal matters;
- 5)to resolve conflict of competences between basic courts from their territory;
- 6)to decide on requests for expunging of sentence based on judicial decision and on requests for termination of security measures or legal consequences of sentence regarding the prohibition to acquire certain rights, when high court has pronounced such sentence or measure;
- 7) to perform duties of international criminal legal assistance in criminal matters under a letter rogatory for hearing a person, conducting special evidentiary actions, as well as other forms of international criminal legal assistance;
- 8)to perform other duties laid down by law.

Regardless of the rules on the territorial competence, the High Court in Podgorica shall decide the criminal proceedings conducted for the following criminal offences:

- 1)organised crime regardless of the severity of prescribed punishment;
- 2) corruption if a high public official committed the following criminal offences:
 - abuse of office,
 - fraud in service,
 - trading in influence,
 - inciting to engage in trading in influence,
 - passive bribery,

- active bribery;
- 3) money laundering referred to in Article 268 paragraphs 3 and 4 of the Criminal Code of Montenegro;
- 4) terrorism; and
- 5) war crimes.

A high public official referred to in paragraph 2 item 2 of this Article shall be a high public official within the meaning of the law governing the organization and jurisdiction of the Special State Prosecutor's Office.

For the purpose of conducting trials for the criminal offences referred to in paragraph 2 of this Article, a special division shall be established in the High Court in Podgorica.

6. Commercial Court Establishment Article 17

The Commercial Court shall be established for the territory of Montenegro, and its seat shall be in Podgorica.

Competence Article 18

(Law Amending the Law on Courts, Official Gazette of Montenegro 076/20 as of 28 July 2020, Article 5)

The Commercial Court shall decide in first instance in disputes:

- 1) between companies, entrepreneurs and other legal persons performing economic activity (commercial entities), which arise from their commercial-legal relationships and in the disputes arising between commercial entities and other legal persons in the performance of the activity of commercial entities, as well as in the case where one party in those disputes is a natural person, if he is in relation of substantive joint litigant to one of the parties;
- 2) relating to registration of commercial entities as well as disputes arising from relationships governed by company law;
- 3) relating to bankruptcy and liquidation of commercial entities, regardless of the capacity of the other party and irrespective of the time when the dispute was initiated, unless otherwise provided by law;
- 4) relating to copyrights and related rights, industrial property rights and trademark protection and other rights arising from intellectual property regardless of the capacity of the parties;
- 5) relating to rights of artists, rights concerning the multiplication, duplication and putting into circulation of audio-visual works, as well as disputes relating to computer programmes and their use and transfer between the parties referred to in item 1 of this paragraph;
- 6) relating to disturbance of possession between the parties referred to in item 1 of this paragraph;
- 7) relating to distortion of competition, abuse of monopolistic or dominant position on the market and entering into monopolistic agreements;
- 8) relating to ships and navigation at sea and in internal waters as well as disputes governed by navigation law, except for disputes relating to the transport of passengers;

- 9) relating to aircraft and disputes governed by air law, except for disputes relating to the transport of passengers;
- 10) in other legal matters which the law prescribes as falling within the competence of commercial courts.

The Commercial Court shall, at first instance:

- 1) conduct the proceedings of bankruptcy and liquidation;
- 2) order and conduct enforcement where so prescribed by law if the enforceable instrument was issued by the Commercial Court or arbitration where so prescribed by a separate law, order security between the parties referred to in paragraph 1 item 1 of this Article and order and conduct enforcement and security on ships and aircraft, regardless of the capacity of the parties;
- 3) decide in non-contentious proceedings concerning ships and aircraft;
- 4) decide on the recognition and enforcement of foreign judicial decisions rendered by commercial courts as well as of foreign arbitral awards;
- 5) confirm settlements concluded before a mediator, in line with the law governing alternative dispute resolution, in disputes under the competence of the Commercial Court.

The Commercial Court shall provide international legal assistance for matters under its competence and shall perform other tasks prescribed by law.

7. Appellate Court Establishment Article 19

The Appellate Court shall be established for the territory of Montenegro and its seat shall be in Podgorica.

Competence Article 20

Appellate Court shall:

- 1) decide on appeals against first-instance decisions of high courts, as well as appeals against decisions of commercial courts;
- 2) resolve the conflict of competence:
 - of basic courts from the territories of different high courts;
 - between basic and high courts;
 - between high courts;
- 3) perform other duties laid down by law.

8. Administrative Court Establishment Article 21

The Administrative Court shall be established for the territory of Montenegro and its seat shall be in Podgorica.

Competence Article 22

The Administrative Court shall decide in administrative disputes and shall also perform other duties laid down by law.

9. Supreme Court Establishment Article 23

The Supreme Court shall be the highest instance court in Montenegro and its seat shall be in Podgorica.

Competence Article 24

Supreme Court shall:

- 1) decide in third instance as provided by law;
- 2) decide on extraordinary legal remedies against decisions of the courts in Montenegro;
- 3) decide on legal remedies against decisions of its panel of judges, as provided by law;
- 4) decide on the transfer of territorial competence when it is obvious that another court that has material competence will be able to conduct proceedings more efficiently or for other important reasons;
- 5) decide which court shall have territorial competence when the competence of the courts in Montenegro is not excluded, and when, in line with the rules on territorial competence, it is not possible to reliably determine which court has territorial competence in a particular legal matter;
- 6) resolve conflict of competence between different types of courts in the territory of Montenegro, except when the competence of another court has been established to resolve the conflict of competence;
- 7) perform other duties laid down by law.

The Supreme Court shall decide on the matters relating to the transfer of territorial competence, determining the court having territorial competence and conflict of competence in a panel of three judges, without conducting a hearing.

General Session of the Supreme Court Article 25

General Session of the Supreme Court shall:

- 1) determine legal positions of principle;
- 2) consider issues in relation to the functioning of courts, application of laws and other regulations and exercise of judicial power and inform the Parliament thereof when it deems necessary;
- 3) adopt Rules of Procedure of the General Session of the Supreme Court;
- 4) propose a candidate for election as President of the Supreme Court, issue the proposal for establishing the termination of office, disciplinary liability and dismissal of the President of the Supreme Court and issue opinions on candidates for judges of the Supreme Court;
- 5) perform other duties laid down by law.

Legal Position of Principle Article 26

(Law Amending the Law on Courts, Official Gazette of Montenegro 076/20 as of 28 July 2020, Article 6)

Legal position of principle shall be taken on contentious legal issues arising in case law for the purpose of ensuring uniform application of laws by courts.

Legal position of principle may be taken ex officio or upon the request by the court.

Legal position of principle can be taken also upon the request of the Notary Chamber of Montenegro in relation to contentious legal issues which have arisen from the probate proceedings conducted by notaries or the Chamber of Public Enforcement Officers in relation to contentious legal issues which have arisen from the enforcement and security proceedings conducted by public enforcement officers for the purpose of ensuring uniform application of the law by notaries and public enforcement officers.

Manner of maintaining records and publishing legal positions of principle shall be regulated by the Rules of Procedure of the General Session of the Supreme Court.

Extended Session of the Supreme Court Article 27

The extended session of the Supreme Court shall include the General Session of the Supreme Court and presidents of the Appellate Court, Administrative Court, Commercial Court and High Courts.

The extended session of the Supreme Court shall perform duties prescribed by law.

III. ORGANISATION OF THE WORK OF THE COURT

1. Organisational Activities Article 28

The organisation of work of the court shall include managing the court, organisation of court divisions and session of all judges, organisation of trials and internal operation of courts.

Internal operation of courts referred to in paragraph 1 of this Article shall include judicial administration activities and administrative and technical activities as well as activities related to use of the judicial information system.

Judicial Information System shall be a single electronic system for court case management in which data from records maintained by courts are entered, stored and transmitted.

Organisation and internal operation of courts shall be regulated by the Court Rules of Procedure adopted by the state administration authority responsible for judicial affairs (hereinafter referred to as: the Ministry), after obtaining the prior opinion of the Judicial Council.

Framework Criteria Article 29

Required number of judges and state employees and civil servants shall be determined in line with the framework criteria, prescribed by the Ministry, upon the proposal of the Judicial Council.

2. President of the Court Management Article 30

President of the court shall manage the work of the court.

The president of court shall organise the work in the court, allocate tasks and take measures for orderly and timely performance of tasks in the court.

The president of court whose office terminated due to expiry of term for which he was elected shall continue to perform his duty with all rights and obligations appertaining to the president of court, until the new president of court is appointed and no longer than 6 months.

The president of court shall be replaced by the judge of that court designated by the annual allocation of tasks in court.

Judge who replaces the president of court in the case of his absence or inability to work shall be designated by the president of court in the annual allocation of tasks (hereinafter referred to as: deputy president of court).

3. Allocation of Tasks in Court

Adoption of the Annual Allocation of Tasks

Article 31

President of court shall determine the annual allocation of tasks in court no later than 15 January for the current year.

In the process of adoption of proposal for the Annual Allocation of Tasks, the president of the court shall:

- 1) take account of balanced allocation of tasks in the court and specialisation of judges;
- 2) provide each judge with an opportunity to express his opinion concerning the proposal.

The president of court shall determine a person authorised for public relations by the annual allocation of tasks.

The proposal for the annual allocation of tasks shall be considered by the session of judges.

The president of court shall provide a written response concerning the proposal made by the judge or the session of judges which he has rejected no later than eight days from the day the proposal is submitted.

The judges or the session of judges may notify the president of the immediately superior court about their disagreement with the annual allocation of tasks.

Amendments to the Annual Allocation of Tasks

Article 32

The president of court may amend the annual allocation of tasks in the court if:

- 1) the number of judges or positions of judges in the court decreases or increases;
or
- 2) the number or type of cases in the court considerably decreases or increases.

Annual allocation of tasks shall be amended in such manner as to interfere as little as possible with the annual allocation of tasks in the court already established.

The amendments to annual allocation of tasks in the court shall be made in line with Article 31 of this Law.

Delivery and Publication of Annual Allocation of Tasks

Article 33

The president of court shall deliver the annual allocation of tasks and amendments thereto to all the judges and shall post it on the notice board of the court.

4. Random Case Allocation Case Allocation Article 34

The cases shall be allocated for work without delay according to the annual allocation of tasks and according to a method of random case allocation.

In line with paragraph 1 of this Article, cases shall be allocated for work to other judges if:

- 1) they were allocated for work to a judge who no longer exercises judicial office in that court; and
- 2) they were withdrawn in line with Article 36 of this Law.

Method of Random Case Allocation Article 35

Cases shall be allocated to judges by the method of random case allocation after the basic data on a case are entered into the Judicial Information System, in the manner regulated in more detail by the Court Rules of Procedure.

Withdrawal of the Allocated Case Article 36

Allocated case shall be withdrawn from a judge or panel only if it is established that they unjustifiably fail to proceed in the case, due to recusal of the judge or if the judge is prevented from exercising judicial office for longer than three months.

The cases the urgent nature of which is stipulated in the law can be withdrawn from the judge if the judge, due to his absence or inability to work, is unable to proceed in such cases in a timely manner, i.e. within the statutory time limit.

The president of court shall withdraw a case by way of decision.

The decision on withdrawal of the case shall be delivered to the judge or the panel of judges the case has been withdrawn from.

Objection against the decision on withdrawal of a case may be lodged with the president of the immediately superior court and against the decision of the President of the Supreme Court with the General Session of the Supreme Court, within three days from the day of receipt of the decision.

Decision on the objection shall be made within two days from the day of receipt of the objection.

Objection shall not stay enforcement of the decision in detention cases.

Should the objection be upheld, the case shall remain with the judge or panel from whom it was withdrawn.

Right to Inspect a Court Case Article 37

President of court shall have the right to inspect a case pending before a judge when there are objective circumstances indicating that the judge does not perform his duty in line with the law, on the basis of:

- 1) a petition of a party concerning the judge's failure to act or untimely action;

- 2) a request of the Protector of Human Rights and Freedoms of Montenegro;
- 3) reasons for initiating the procedure for determining disciplinary liability;
- 4) request for recusal of a judge;
- 5) request for expediting the proceedings (control request);
- 6) withdrawal of the case allocated for work.

In the cases referred to in paragraph 1 of this Article, the president of the court may request the judge to submit to him in writing information or report about the cases and reasons for not completing the cases within the time limits prescribed by law or within a reasonable time.

5. General Session, Session of Judges and Court Divisions Work of the General Session of the Supreme Court

Article 38

(Law Amending the Law on Courts, Official Gazette of Montenegro 054/24 as of 11 June 2024, Article 4)

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 3)

President of the Supreme Court shall convene and chair the General Session of the Supreme Court on his own initiative. President of the Supreme Court shall also convene the General Session of the Supreme Court upon a proposal of the president of a division, a proposal of at least one third of the judges of the Supreme Court out of the total number of judges determined by the decision on the number of judges in that court or a proposal of a court requesting that a legal position of principle be taken or amended.

Judge of the Supreme Court who replaces the President of the Supreme Court shall convene and chair the General Session of the Supreme Court when a proposal of a candidate for election as President of the Supreme Court is being determined and the President of the Supreme Court is a candidate as well as when deciding on submission of a proposal for termination of office, determination of disciplinary liability, recusal and dismissal of the President of the Supreme Court. General Session of the Supreme Court shall decide if more than half of the total number of judges of the Supreme Court determined by the decision on the number of judges in that court are present.

General Session of the Supreme Court shall adopt decisions by a majority of votes of the total number of judges of the Supreme Court determined by the decision on the number of judges in that court.

Manner of work of the General Session of the Supreme Court shall be regulated by the Rules of Procedure.

Recusal at the General Session of the Supreme Court

Article 38a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 4)

President of the Supreme Court and a judge of the Supreme Court shall be recused from discussion and decision-making at the General Session of the Supreme Court if:

- a matter falling within the competence of the General Session of the Supreme Court concerns him personally or his blood relatives in the direct line, blood relatives in the collateral line up to the fourth degree, relatives by affinity up to the second degree, spouse or common-law spouse, partner in a same-sex life partnership or adopted children;
- there are other circumstances that cast doubt on his impartiality.

Request for recusal on the grounds referred to in paragraph 1 of this Article shall be submitted by the President of the Supreme Court or a judge of the Supreme Court and may also be submitted by a participant in the proceedings.

President of the Supreme Court or a judge of the Supreme Court shall, immediately upon becoming aware of the existence of grounds for recusal, inform the General Session of the Supreme Court thereof in writing or orally at the session, which shall be entered in the minutes of the session.

President of the Supreme Court or a judge of the Supreme Court whose recusal is under consideration may submit a written statement and participate in the discussion on the recusal but may not vote on the decision concerning the request for his recusal.

General Session of the Supreme Court shall decide on the recusal of the President of the Supreme Court and a judge of the Supreme Court in relation to matters falling within the competence of the General Session of the Supreme Court.

Session of judges Article 39

The session of judges shall comprise all judges of the respective court.

The session of judges shall be convened and chaired by the president of the court.

The president of the court shall convene the session of judges upon the request of a court division or at least one third of all judges.

The session of judges shall work and make decisions if at least two thirds of all judges of the court are present and decisions shall be made by a majority of votes of all judges.

The manner of work of court divisions and the sessions of judges shall be regulated in more detail by the Court Rules of Procedure.

Scope of Work of the Session of Judges Article 40

Session of judges shall:

- 1) consider the issue of application of law if there is a difference in understanding between individual panels or judges of the court;
- 2) propose taking or amending the legal position of principle;
- 3) consider performance reports of the court;
- 4) consider issues relevant to case law, professional training, organisation of work of the court;
- 5) perform other tasks prescribed by this Law.

In the courts where court divisions have not been organised, in addition to the duties prescribed by this Law, the session of judges shall perform the duties of the session of the division.

Court divisions Article 41

Court divisions may be established within courts, depending on the number of judges, scope and type of cases, as follows:

- 1) in a basic court – civil, criminal and enforcement divisions;
- 2) in a high court – civil division and criminal division;

- 3)in the Commercial Court – division for commercial disputes, bankruptcy division and division for enforcement and security;
- 4)in the Appellate Court – criminal division and commercial division;
- 5)in the Administrative Court – administrative division;
- 6)in the Supreme Court – civil, criminal, administrative and case-law divisions.

A division for case law may be established in the court, as well as other divisions depending on the needs of specialisation for certain types of tasks.

The court divisions shall be established by the annual allocation of tasks in the court, determining the number, type and composition of court divisions.

Composition and Scope of Work of Court Divisions

Article 42

Court division shall comprise judges and panels to which cases are allocated in line with the annual allocation of tasks in court.

President of court shall determine one or more judges for monitoring and studying case law by the annual allocation of tasks in court, unless a case-law division is designated to perform those tasks.

Sessions of a court division shall be convened and chaired by the president of the division designated by the annual allocation of tasks in court.

The court division shall consider legal issues falling within its scope of work, take legal positions concerning issues falling within its competence and perform other duties prescribed by this Law.

Court division shall work and make decisions if at least two thirds of all judges of that division are present and decisions shall be made by a majority of votes of all judges of that division.

Regional Division Outside the Seat of the Court

Article 42a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 5)

Misdemeanour court and basic court may have a regional division outside their seat, in which trials are conducted and other judicial actions are undertaken.

Regional division outside the seat of the court referred to in paragraph 1 of this Article shall be established for the territory of one or more municipalities within the territorial jurisdiction of that court.

6. Days of Courts and Case Law Records

Days of Court

Article 43

Judicial office shall be exercised in the seat of the court.

Judicial office may be exercised outside of the seat of the court (Days of Courts) for the purpose of faster and more economical conduct of proceedings and decision-making.

Case Law Records

Article 44

Courts shall maintain case law records.

The manner of maintaining case law records and publication of decisions shall be laid down by the Court Rules of Procedure.

7. Judicial Administration

Judicial Administration Affairs

Article 45

Judicial administration shall include the affairs ensuring orderly and timely work and operations of the court and in particular: internal allocation of tasks in the court; allocation of lay judges; activities related to expert witnesses and certified court interpreters; considering complaints and petitions; managing the Judicial Information System; maintaining prescribed records and reports; the work of registry office and archive office; financial and material operations; handling deposits and certification of documents intended for use abroad.

Work Report

Article 46

President of court shall submit the work report of the court to the Judicial Council and the Ministry no later than 10 February of the current year for the previous year and shall publish it on the court website within the same deadline.

At the request of the Judicial Council, president of court shall submit special or periodic reports within the deadline determined by the Judicial Council.

Courts shall submit special reports required for reporting to the European Union and international organisations as well as for monitoring the application of regulations.

President of court shall be responsible for the accuracy of data in the reports.

Court File

Article 47

Court file shall comprise of documents related to judicial proceedings in a specific case and included in the list of documents.

Designation of court files shall be uniform for all courts of a certain type and level in Montenegro.

Manner of designating, maintaining and storing court files shall be regulated by the Court Rules of Procedure.

Restoring Court Files

Article 48

If the court files have been totally or partially lost, destroyed or damaged so that they can no longer be used, the procedure for restoring the files shall be initiated.

Restoring of the court files shall be conducted according to the rules of non-contentious proceedings, with the provisions governing the annulment of documents in a non-contentious proceeding applying accordingly.

The procedure for restoring court files shall be initiated by the court ex officio when the files relate to proceedings which have not been finally concluded.

If the proceedings to which the files relate have been finally concluded, the procedure for restoring the court files shall be initiated by the party or other person who has a legal interest to have the court files restored.

Procedure referred to in paragraph 4 of this Article may not be initiated after the expiry of the period for keeping the court files in the archives.

The procedure for restoring the court files shall be conducted by a single judge or the president of the panel who conducted the first instance proceedings to which these files relate, and if that judge is no longer a judge of that court, the president of court shall designate a judge who shall conduct the procedure for restoring the court files.

The procedure for restoring the court files shall be governed by the rules of evidence prescribed by the rules of such judicial proceedings as were conducted concerning the case the files of which need to be restored, but at all times the court shall have the power to, for the purpose of restoring the files, use the transcripts of the files in possession of the parties, the court or third persons, the data from the registers and statements of witnesses, expert witnesses and other participants in the proceedings the files of which are being restored.

When restoring the files of pending proceedings the court shall endeavour to restore all the files, and when restoring the files of a case which has been finally concluded, the court shall limit itself to the files which are of considerable significance to the proceedings and legal interests of parties or other persons.

Supervision over the Court Administration

Article 49

Supervision over the performance of judicial administration activities in courts shall be exercised by the Ministry.

When carrying out supervision, the Ministry may not undertake actions which would influence decision-making of the court in court cases.

Inspection Supervision

Article 50

(Law Amending the Law on Courts, Official Gazette of Montenegro 076/20 as of 28 July 2020, Article 7)

The Ministry, through the judicial inspection, shall perform inspection supervision of courts in relation to the organisation of work of courts in line with this Law and of the application of the Court Rules of Procedure in the area of judicial administration, especially in relation to:

- 1) random case allocation;
- 2) the work of registry office and archive office;
- 3) keeping official records as prescribed;
- 4) other tasks related to proper work and operation of judicial administration.

Judicial Inspection

Article 51

(Law Amending the Law on Courts, Official Gazette of Montenegro 076/20 as of 28 July 2020, Article 8)

Judicial inspection duties shall be performed by the Chief Judicial Inspector and a Judicial Inspector.

Person who has passed the bar exam and has at least eight years of work experience in legal affairs, of which at least five years after passing the bar exam, may be appointed as Chief Judicial Inspector.

Person who has passed the bar exam and has at least six years of work experience in legal affairs, of which at least three years after passing the bar exam, may be appointed as a judicial inspector.

The Chief Judicial Inspector is classified in the category of expert-managerial staff level 1 in terms of the law governing the rights, obligations and responsibilities of civil servants and state employees.

The Judicial Inspector is classified in the category of expert staff level 1, the title of Inspector I in terms of the law governing the rights, obligations and responsibilities of civil servants and state employees.

Exercising Inspection Supervision

Article 52

Inspection supervision shall be exercised in line with the annual supervision plan adopted by the minister responsible for judicial affairs (hereinafter referred to as: the Minister of Justice) by the end of the calendar year for the following year (regular inspection supervision).

Annual supervision plan shall include the courts in which, according to the results of the supervision conducted during a calendar year, supervision (control inspection supervision) has to be repeated in the next calendar year.

Annual supervision plan shall be submitted to courts in which supervision shall be conducted, no later than 31 January of the current year.

Extraordinary inspection supervision in a court shall be ordered by a decision of the Minister of Justice, upon a proposal of the President of the Supreme Court, president of the immediately superior court or President of the Judicial Council.

Decision on extraordinary inspection supervision shall be submitted to the court in which supervision is to be conducted no later than one day prior to the commencement of supervision.

The Ministry shall exercise inspection supervision in relation to the citizens' complaints and petitions filed with regard to the activities of judicial administration.

Carrying out Inspection Supervision

Article 53

The inspection supervision shall be conducted by directly inspecting the documentation, data and manner of work of the court or by inspecting the documentation and data submitted by the court.

President of the court shall facilitate smooth implementation of inspection supervision in the court or provide the required documentation and data.

Minutes

Article 54

Minutes shall be taken on the inspection supervision which shall contain the data on the established facts, irregularities and measures to be taken to remedy the established irregularities and time-limits for taking such measures.

Minutes of inspection supervision shall be submitted to the president of the court.

If any irregularities are established by inspection supervision, the president of the court in which the supervision has been carried out may provide written comments to the minutes, at the latest within eight days of their receipt.

Minutes on the conducted inspection supervision and comments of the president of the court referred to in paragraph 3 of this Article shall be submitted to the president of the immediately superior court, President of the Supreme Court and Judicial Council.

President of the court shall remove the irregularities found in the work of judicial administration within the time limits specified in the minutes on the conducted inspection supervision.

President of the court shall inform the Ministry, president of the immediately superior court, President of the Supreme Court and Judicial Council in writing of the measures taken under paragraph 5 of this Article.

8. Internal Organisation and Job Descriptions

Officers

Article 55

Required number of advisors, other civil servants and state employees in courts shall be determined by the Act on Internal Organisation and Job Descriptions, in line with the framework criteria referred to in Article 29 of this Law.

Act on Internal Organisation and Job Descriptions shall be issued by the president of the court, with the approval of the Government of Montenegro and after obtaining the prior opinion of the Judicial Council, Ministry and competent authorities, in line with the law regulating the rights and responsibilities of civil servants and state employees.

Secretary

Article 56

The Supreme Court shall have a secretary to assist the President of the Supreme Court in the performance of judicial administration.

The court with at least ten judges shall have a secretary of the court to assist the president of the court in the performance of judicial administration.

The Secretary shall meet the requirements specified for advisors in the court.

Advisors

Article 57

Advisor may be a person who meets the general requirements for employment in state bodies, has graduated from the faculty of law with VII1 level of education qualification, has passed the bar exam and meets the specific requirements laid down by the Act on Internal Organisation and Job Descriptions of the court.

Advisor shall assist the judge in his work, draft decisions and perform, independently or under the supervision and on the instructions of the judge, other specialised duties prescribed by law or regulations adopted on the basis of law.

Head of the Court Registry Office

Article 58

Head of court registry office may be a person who meets the general requirements for employment in state bodies, has graduated from the faculty of law with VI level of education qualification and meets the specific requirements laid down by the Act on Internal Organisation and Job Descriptions.

Expert Assistance

Article 59

President of court may, where necessary for the purpose of providing expert assistance in the work of the court, engage a judge whose office terminated upon meeting the requirements for an old-age pension.

Person referred to in paragraph 1 of this Article shall be entitled to remuneration in the amount determined by the president of court, up to 80% of the average gross salary in Montenegro in the previous year.

Professional Staff Member

Article 59a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 6)

Professional staff member from different specialist professions (social workers, psychologists, pedagogues, defectologists and similar professionals) performing duties in the professional service of a court may be a person who meets the general requirements for employment in state bodies, has at least VII1 level of education qualification in the relevant field and meets the specific requirements laid down by the Act on Internal Organisation and Job Descriptions.

Trainee

Article 60

Trainee in court may be a person who has graduated from the faculty of law with VII1 level of education qualification and meets the general requirements for employment in state bodies.

Separate law shall apply to the specific requirements and procedure for entering into employment, duration of the traineeship and training during the traineeship.

Application of Other Laws

Article 61

Entering into and termination of employment of advisors, other civil servants and state employees in courts, their salaries and other rights, obligations and responsibilities, requirements for entering into employment and requirements for taking the professional examination shall be governed by regulations governing the rights, obligations and responsibilities of civil servants and state employees, unless otherwise provided by this Law.

IV. RELATIONS BETWEEN COURTS, COURTS AND OTHER BODIES AND COURTS AND THE PARTIES

Relations between Courts

Article 62

Court shall, at the request of a court of higher instance, provide data and information and enable direct inspection of its work for the purpose of monitoring and studying case law and conducting control over the work of courts.

At the session of a court division of the immediately superior court, issues of common interest to courts of lower instance from the territory of that court shall also be considered.

Respect of Dignity of Parties

Article 63

Court employees shall treat with respect all parties to judicial proceedings and other citizens who are in the court building or are present when certain actions are taken in the course of judicial proceedings.

The parties and other citizens whose dignity has been injured by persons referred to in paragraph 1 of this Article shall be entitled to address the president of court by way of written petition.

Right to Inspect Files

Article 64

The court shall enable the parties and their representatives to inspect, transcribe and copy court files immediately after a request to that effect has been submitted and not later than three days.

The party or any other person who has been denied the right to inspect files shall be entitled to address the president of court by way of written petition and the president of court shall rule that the files be made available for inspection within the time limit specified in paragraph 1 of this Article.

Rules on inspection of court files, costs of transcribing and copying files as well as duties of court employees shall be laid down by the Court Rules of Procedure.

Relations of the Court with the Public

Article 65

Information on the work of the court shall be provided by the president of court, person referred to in Article 31 paragraph 3 of this Law or another person designated by the president of court.

Information shall be provided in line with this Law, Court Rules of Procedure and the law governing free access to information.

Information that could affect the conduct of judicial proceedings may not be made available to the public.

For the purpose of informing the public, a separate public relations department may be established in courts.

Judicial Robe

Article 66

A judge shall hear and determine cases wearing judicial robe.

The appearance of the judicial robe and the rules for wearing the robe shall be prescribed by the Court Rules of Procedure.

Relations between the Court and Parties

Article 67

The relations between the court and the parties shall be prescribed in more detail by the Court Rules of Procedure.

V. SECURITY SERVICES

Organisation of Security Services Article 68

Tasks that involve securing persons, property and court facilities shall include prevention of illegal actions directed towards persons, facilities and property of courts, maintenance of order, prevention of bringing cold weapons and firearms, explosive devices and other dangerous items or substances into courts, as well as prevention of destruction or alienation of property.

Services referred to in paragraph 1 of this Article shall be provided by court employees in charge of providing security, or by legal persons authorised for providing protection and security services.

The Supreme Court may establish a service for providing court security for all courts.

Conditions for Providing Security Services Article 69

Security services in courts may be performed by a person who, in addition to the general requirements prescribed for employment in state bodies, also meets the following requirements:

- 1) has III or IV level of education qualification and meets the requirements for holding and carrying weapons in line with the law governing weapons;
- 2) has completed a training programme for the performance of protection tasks;
- 3) in the year preceding the year in which he enters employment, has not been punished for a misdemeanour against public order involving violence for which imprisonment is prescribed, a misdemeanour prescribed by the law governing weapons or a misdemeanour prescribed by the law governing protection of persons and property; and
- 4) there are no other circumstances indicating misuse or unlawful performance of protection tasks (frequent or excessive consumption of alcohol or psychoactive substances, conflict-prone or incident-prone behaviour).

Prior verification of fulfilment of the requirements referred to in paragraph 1 of this Article shall be conducted by the administrative authority competent for police affairs and, if necessary, in cooperation with the National Security Agency, subject to the consent of the person undergoing the verification.

Security Duties and Powers Article 70

Security duties shall be performed using the following means of coercion: physical force, baton, restraint devices, chemical substances and firearms (pistol).

In performing security duties, a person performing security duties shall be authorised to:

- 1) establish the identity of persons entering and leaving the court;
- 2) inspect persons entering and leaving the court and their belongings;
- 3) give warnings or issue orders;
- 4) prohibit entry to persons carrying cold weapons or firearms or persons reasonably suspected of bringing in hazardous substances, except officers who come to court to execute work orders and for whom weapons or other dangerous items are necessary to perform the ordered tasks;

- 5) detain a person caught committing a criminal offence until that person is handed over to the administrative authority competent for police affairs;
- 6) remove from the court persons obstructing the work of the court;
- 7) perform other tasks or execute orders of the president of court relating to securing persons, property and the court facility.

Security duties and powers referred to in paragraphs 1 and 2 of this Article shall be performed in line with the law governing protection of persons and property.

Procurement of Weapons

Article 71

If security services are performed by a security officer referred to in Article 69 of this Law, permission for the acquisition of weapons for that person shall be obtained by the court, in line with the provisions of the law regulating weapons relating to granting permission for the acquisition of weapons to a legal person.

Provisions of the regulations governing the maintenance, safekeeping and registration of weapons shall apply accordingly to the maintenance, safekeeping and registration of weapons acquired in line with paragraph 1 of this Article.

Official Identity Card and Uniform

Article 72

Security officer referred to in Article 69 of this Law shall have an official identity card issued by the court and an official uniform.

Manner of issuing and form of the official identity card, as well as the appearance of the uniform referred to in paragraph 1 of this Article, shall be prescribed by the Ministry.

Shared Security

Article 73

Joint performance of these tasks may be organised for securing persons, property and facilities referred to in Article 68 paragraph 1 of this Law for courts located in the same building, as well as for courts and state prosecutor's offices located in the same building.

VI. FINANCING THE WORK OF COURTS AND FINANCIAL AND MATERIAL OPERATIONS IN COURTS

Financial Resources for the Work of Courts

Article 74

Financial resources for the work of courts shall be provided under the section of the Budget of Montenegro for the judiciary, as a separate programme for each individual court.

The Judicial Council shall submit the proposal for the section of the budget referred to in paragraph 1 of this Article to the Government of Montenegro.

Financial Principal of the Court

Article 75

The president of court shall be the financial principal in the court.

Court Deposit

Article 76

Cash, valuables, securities, savings books, documents and other items shall be kept in the court deposit on the basis of a special decision of the court (hereinafter referred to as: money and items).

Manner of receipt, safekeeping, handling and release, as well as handling upon expiry of the time limit, of the money and items referred to in paragraph 1 of this Article shall be regulated by the Court Rules of Procedure.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 77

Framework criteria referred to in Article 29 of this Law shall be adopted within 15 days from the day of entry into force of this Law.

Article 78

Judicial Council shall, in line with the law, adopt a decision on the number of judges in courts within 15 days from the day of adoption of the framework criteria referred to in Article 77 of this Law.

Article 78a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 7)

Judicial Council shall, in line with the law, adopt a decision on the number of judges in courts within 15 days from the day of entry into force of this Law.

Article 79

Acts on Internal Organisation and Job Descriptions of misdemeanour courts and High Misdemeanour Court shall be adopted within 30 days from the day of election of presidents of misdemeanour courts and president of the High Misdemeanour Court.

Article 79a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 8)

Act on Internal Organisation and Job Descriptions of the Basic Court in Pljevlja shall be adopted within 30 days from the day of adoption of the decision on the number of judges referred to in Article 78a of this Law.

Article 80

Acts on Internal Organisation and Job Descriptions of the Commercial Court of Montenegro, High Court in Bijelo Polje and High Court in Podgorica shall be adopted within 30 days from the day of adoption of a decision on the number of judges referred to in Article 78 of this Law.

Article 81

Public announcement for the election of judges of misdemeanour courts and High Misdemeanour Court shall be issued within 15 days from the day of adoption of a decision referred to in Article 78 of this Law.

Article 82

Persons who, in addition to the general requirements for employment in state bodies, meet the following requirements may be elected as judges and presidents of misdemeanour courts or as judges and President of the High Misdemeanour Court until 1 January 2016:

- 1) for a misdemeanour court, the person has graduated from the faculty of law with VII1 level of education qualification, has passed the bar exam and has four years of work experience in legal affairs, of which at least two years after passing the bar exam;
- 2) for the High Misdemeanour Court, the person has graduated from the faculty of law with VII1 level of education qualification, has passed the bar exam and has seven years of work experience in legal affairs, of which at least four years after passing the bar exam.

Article 83

The election of president and judges referred to in Article 82 of this Law shall be conducted in line with the procedure prescribed by the provisions of the Law on Judicial Council (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13), relating to the election of judges of basic courts.

By way of exception from paragraph 1 of this Article, for candidates who have already performed the office of president or judge of a regional misdemeanour body or the office of judge or president of the Council for Misdemeanours, the election shall be conducted by applying the criteria referred to in Article 32a of the Law on Judicial Council (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13) and by evaluating a practical paper consisting of drafting a decision falling within the competence of a misdemeanour court.

Scoring of candidates referred to in paragraph 2 of this Article shall be done in the following manner: candidates referred to in paragraph 2 of this Article may score a total of 100 points, based on: acquired knowledge - up to 20 points, capability to exercise judicial office - 30 points, dignity for exercising judicial office - 20 points and practical paper - 30 points.

By way of exception from paragraph 2 of this Article, judges and presidents of misdemeanour courts or judges and president of the Council for Misdemeanours who, during their work experience, performed the office of a judge of a court of general jurisdiction shall not draft a practical paper.

Scoring of candidates referred to in paragraph 4 of this Article shall be done in line with paragraph 3 of this Article, provided that their work experience shall be scored instead of practical paper.

Article 84

In line with Articles 82 and 83 of this Law, the function of misdemeanour judges and presidents of the regional misdemeanour bodies, appointed in line with the Law on

Misdemeanours (Official Gazette of Montenegro 1/11, 39/11 and 32/14), shall cease on the day of election of the president of the court and one half of judges of the total judge positions in the misdemeanour court or its division, established by the decision on the number of judges referred to in Article 78 of this Law.

In line with Articles 82 and 83 of this Law, the function of misdemeanour judges and President of the Council for Misdemeanours, appointed in line with the Law on Misdemeanours (Official Gazette of Montenegro 1/11, 39/11 and 32/14), shall cease on the day of election of the president of the court and one half of judges of the total judge positions in the High Misdemeanour Court, established by the decision on the number of judges referred to in Article 78 of this Law.

Judge or president of a regional misdemeanour body or judge or President of the Council for Misdemeanours whose office terminates within the meaning of paragraphs 1 and 2 of this Article shall be entitled, for a period of one year following termination of office, to the salary prescribed by Article 23 of the Law on Salaries of Civil Servants and State Employees (Official Gazette of Montenegro 14/12).

Article 85

Until the law governing salaries in the public sector begins to apply, judges and presidents of misdemeanour courts shall be entitled to a salary amounting to 80% of the salary of judges and presidents of basic courts respectively, as determined by the Law on Salaries and Other Income of Holders of Judicial and Constitutional Court Offices (Official Gazette of Montenegro 36/07).

Until the law governing salaries in the public sector begins to apply, judges and President of the High Misdemeanour Court shall be entitled to a salary amounting to 100% of the salary of judges and presidents of basic courts respectively, as determined by the Law on Salaries and Other Income of Holders of Judicial and Constitutional Court Offices (Official Gazette of Montenegro 36/07).

Article 86

Misdemeanour courts and High Misdemeanour Court shall take over pending caseload of the regional misdemeanour bodies and the Council for Misdemeanours respectively, within 15 days from the day of election of presidents of courts and judges of the misdemeanour courts and president of the court and judges of the High Misdemeanour Court in line with Article 84 paragraphs 1 and 2 of this Law.

If the required number of judges has not been elected for a misdemeanour court or its division in line with Article 84 paragraph 1 of this Law, the regional bodies with territorial and subject matter competence shall continue working on the pending caseload of the regional misdemeanour bodies until the required number of judges has been elected in misdemeanour courts and their divisions.

If the required number of judges has not been elected in the High Misdemeanour Court in line with Article 84 paragraph 2 of this Law, the Council for Misdemeanours shall continue working on the pending caseload of the Council for Misdemeanours as well as on the cases falling within the competence of the Council for Misdemeanours until the required number of judges has been elected in the High Misdemeanour Court.

Article 87

Civil servants and state employees employed at regional misdemeanour bodies or the Council for Misdemeanours shall be taken over by misdemeanour courts or the High

Misdemeanour Court respectively which, in line with the prescribed competence, shall take over the conduct of misdemeanour proceedings, and they shall have the status of employees of that court until their reassignment in line with the Act on Internal Organisation and Job Descriptions of those courts.

Civil servant or state employee who cannot be reassigned in line with paragraph 1 of this Article because there are no vacant positions for which he meets the requirements shall be made available and shall exercise rights and obligations on that basis in line with the regulations governing civil servants and state employees.

Article 88

On the day of election of presidents and judges of misdemeanour courts, in line with Articles 82, 83 and 84 of this Law, equipment and premises of the regional misdemeanour bodies shall be taken over by misdemeanour courts, in line with territorial and subject matter competence prescribed by Article 9 of this Law, as well as in line with the identified needs of these courts.

On the day of election of the president and judges of the High Misdemeanour Court, in line with Articles 82, 83 and 84 of this Law, equipment and premises of the Council for Misdemeanours shall be taken over by the High Misdemeanour Court.

Article 89

Judicial Council shall adopt a decision on the reassignment of judges of the Commercial Court in Bijelo Polje to vacant judge positions in another court within 30 days from the day of adoption of the decision on the number of judges referred to in Article 78 of this Law.

Article 89a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 9)

Judicial Council shall adopt a decision on the reassignment of judges of the Basic Court in Žabljak within 30 days from the day of adoption of the decision on the number of judges referred to in Article 78a of this Law.

Article 90

Civil servants and state employees employed at the Commercial Court in Bijelo Polje shall be taken over by the Commercial Court of Montenegro and shall have the status of employees of that court until their reassignment in line with the Act on Internal Organisation and Job Descriptions of the Commercial Court of Montenegro.

Civil servant or state employee who cannot be reassigned in line with paragraph 1 of this Article because there are no vacant positions for which he meets the requirements shall be made available and shall exercise rights and obligations on that basis in line with the regulations governing civil servants and state employees.

Article 90a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 10)

Civil servants and state employees employed at the Basic Court in Žabljak shall have the status of employees of that court until their reassignment in line with the Act on Internal Organisation and Job Descriptions of the Basic Court in Pljevlja.

Civil servant or state employee who cannot be reassigned in line with paragraph 1 of this Article because there are no vacant positions for which he meets the requirements shall be made available and shall exercise rights and obligations on that basis in line with the regulations governing civil servants and state employees.

Article 91

Cases which were pending before the Commercial Court in Bijelo Polje until the day of entry into force of this Law shall be taken over by the Commercial Court of Montenegro within 30 days from the day of entry into force of this Law.

Article 91a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 11)

Cases which were pending before the Basic Court in Žabljak until the day of entry into force of this Law shall be taken over by the Basic Court in Pljevlja within 30 days from the day of entry into force of this Law.

Article 92

Premises and equipment of the Commercial Court in Bijelo Polje shall be taken over by the Basic Court in Bijelo Polje and High Court in Bijelo Polje, in line with the identified needs of these courts.

Article 92a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 12)

Premises, equipment, court deposit, budget funds and other assets of the Basic Court in Žabljak shall be taken over by the Basic Court in Pljevlja in line with the identified needs of that court.

Article 93

Cases received by basic courts until the day of entry into force of this Law shall be completed by the courts having competence under the previous regulations until the proceedings are concluded by a final and binding decision.

Article 93a

(Law Amending the Law on Courts, Official Gazette of Montenegro 064/26 as of 13 May 2026, Article 13)

Cases received by the Basic Court in Žabljak until the day of entry into force of this Law shall be completed by judges they were assigned to under the previous regulations until the proceedings are concluded by a final and binding decision, except in the case of termination of office of those judges, when the cases shall be allocated for work by random case allocation.

Article 94

Cases received by the Special Division of the High Court in Bijelo Polje until the day of entry into force of this Law shall be completed by that division until the adoption of the first instance decision.

If after the entry into force of this Law, the first instance decision referred to in paragraph 1 of this Article is overturned, such cases shall be handed over to the Special Division of the High Court in Podgorica.

Article 94a

(Law Amending the Law on Courts, Official Gazette of Montenegro 054/24 as of 11 June 2024, Article 5)

Cases received by the Special Division of the High Court in Podgorica prior to the entry into force of this Law shall be completed by that division in line with the provisions of the Law on Courts (Official Gazette of Montenegro 11/15 and 76/20).

Article 95

Performance of tasks that involve securing of persons, property and facilities in line with Articles 68 through 73 of this Law shall start on 1 July 2015.

Article 96

Secondary legislation in line with this Law shall be adopted within six months from the day of entry into force of this Law.

Article 97

Provisions of Article 99 paragraphs 3 and 4 of the Law on Courts (Official Gazette of the Republic of Montenegro 5/02 and 49/04 and Official Gazette of Montenegro 22/08, 39/11 and 46/13) shall apply until the beginning of application of the law governing salaries in the public sector.

Article 97a

(Law Amending the Law on Courts, Official Gazette of Montenegro 076/20 as of 28 July 2020, Article 9)

Provisions of Article 14 paragraph 1 item 7 and Article 18 paragraph 2 item 5 of this Law shall apply as of the date of entry into force of the law governing alternative dispute resolution.

Article 98

On the day this Law enters into force, the Law on Courts (Official Gazette of the Republic of Montenegro 5/02 and 49/04 and Official Gazette of Montenegro 22/08, 39/11

and 46/13) shall cease to apply, except for the provisions of Articles 31 and 32 which shall cease to apply on 1 January 2016.

Article 99

This Law shall enter into force on the eighth day following its publication in the Official Gazette of Montenegro.

PUBLISHER'S NOTE:

Pursuant to the Law Amending the Law on Courts (Official Gazette of Montenegro 64/26) Article 14 shall be amended to read as follows:

"This Law shall enter into force on the eighth day following its publication in the Official Gazette of Montenegro and shall apply three months following its entry into force."

Text of the legislation HAS NOT been consolidated in line with the above-mentioned provisions due to the lack of precision of the legislator.