

Niš, July 5, 2021

## PRESS STATEMENT

on the proposal of the National Assembly of the Republic of Serbia for authentic interpretations of the provisions of Article 1066 para. 2 of the Law on Obligations, Article 41, para. 1 and 2 and Article 43, Art. 2 and 3 of the Law on Consumer Protection and Article 17 para. 1 of the Law on Protection of Financial Services Users

The Judicial Base South Coalition considers the state's reaction to the phenomenon of mass claims to be contradictory, confusing, and belated. The phenomenon of mass claims (colloquially in Serbian: *masovke*) and mass lawsuits, which has existed for more than 15 years, has produced, according to rough estimates, over a million cases and hundreds of millions of euros have been spent from the state budget (therefore, at the expense of all citizens) to pay damages. Among the mass lawsuits, there is a significant number of those generated by the state itself, i.e., its bodies through their illegal actions. Due to the small value of the subject matter of the dispute, and the huge number of lawsuits, a significantly larger part of that money ended up in the accounts of lawyers, who represented the citizens, and only a smaller part in the accounts of citizens, whose rights were violated. Unfortunately, in the past period, the state was quite passive and uninterested in a systematic approach to solving this problem and became actively involved only with the emergence of mass lawsuits against banks, where, unlike all previous lawsuits, the damage is not borne by the Serbian budget (therefore, citizens), but banks, whose founders are, mostly, foreigners.

In its research [The Phenomenon of Mass Claims](#) (available on our website), the Judicial Base South gave recommendations for taking measures in order to solve the problem of mass lawsuits. We gave a total of 23 recommendations, and we discussed this at our [conference](#), held on April 20, 2021, in Niš. Among other things, we proposed the introduction of collective mechanisms for the protection of rights.

The recently published Draft Law on Amendments to the Law on Civil Procedure (in Serbian: *Zakon o parničnom postupku - ZPP*), in the parts in which it seeks to solve the problem of mass lawsuits, contains some adequate solutions for which we advocated in the recommendations of our research. However, some of the announced changes to the Law on Civil Procedure are worrying, especially provisions that would limit access to justice and jeopardize the right to a fair trial, as one of the basic human rights.

Therefore, we call on the state and the Ministry of Justice to organize real and transparent consultations regarding the adoption of the Draft Law on Amendments to the Law on Civil Procedure. This means that representatives of the legislature, the executive and the judiciary, the bar, the academic and expert community, civil society organizations, and citizens participate in the consultations. Such consultations should be available on a truly participatory basis, with full respect for the expert contributions of the actors involved, both in Belgrade and outside the capital, especially in cities where courts of appeal exist.

**The Judicial Base South Coalition** brings together associations, media, and prominent individuals (academics, judges, prosecutors, lawyers, jurists, journalists, students, NGO activists) to contribute to strengthening the rule of law in southern Serbia, especially in the field of justice. The coalition directs its activities to Niš, Leskovac, Vranje, Prokuplje, and Pirot, as well as to other municipalities of Nišava, Toplica, Pirot, Jablanica, and Pčinj districts.

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