8

National Procedures and Appendixes

8.1. Mechanisms to Protect/Enforce Rights and Responsibilities in Court

In accordance with the legislation of the Republic of Serbia, the following mechanisms are provided for the protection of patients' rights in the health care delivery process: various legal procedures such as administrative procedure, misdemeanor, civil and criminal procedure, together with other alternative mechanisms of protection.

8.2. Administrative Procedure

The general principle of legality for all administrative procedures is guaranteed by the Constitution of the Republic of Serbia[221], that specifies two rules: first, all individual acts and actions of state bodies, organizations exercising public powers of the autonomous province and bodies of local self-government must be based on the Law; and second, judicial protection of legality of legal acts must be provided in deciding on rights, obligations or lawful interests (or other judicial protection required by the Law, like in administrative dispute)(Article 198).

The process of exercising human rights and all other rights guaranteed by the Constitution, through the process of solving the rights and duties of citizens – Health care users, is defined, inter alia, by the

221 Official Gazette RS 98/2006.

rules of administrative procedure. It is explicitly provided in paragraph 2 of Article 173 of the Health Insurance Law[222], which says: "In the process of exercising the rights established by this Law, the provisions of the Law on Administrative Procedure are applied, unless this Law provides otherwise."

The rules of administrative procedure are prescribed by the Law on Administrative Procedure[223] (hereinafter: LAP).

8.2.1. INITIATION OF THE ADMINISTRATIVE PROCEDURE:

Administrative procedure is initiated by the competent authority at the request of a party or *ex officio*, if that is provided in the regulations or justified as the public interest. For a party to initiate such a process, following conditions must be fulfilled: that it has the capacity to represent a party; that it has an active identification card; that the subject of the procedure is an administrative matter that has not already been legally determined; that the request is initiated to the competent authority. If none of these conditions is met, the request for an administrative procedure will be rejected with a conclusion.

Course of the administrative procedure:

After the initiation of an administrative procedure, the authority will convene an oral public hearing if it decides it is useful to clarify matters. The public hearing is, however, an obligatory part in the procedure when there are two or more parties, or it is required to complete the investigation, to hear witnesses or experts. After presentation of evidence, conducted for the purpose of establishing the facts, means of proof can be used as: documents, witness statements, findings and opinions of expert witnesses, statements of parties and investigation. If there is reason to doubt that an evidence can not be performed later, or that its presentation can be endangered, it can be determined to establish the relevant facts by providing some of the evidence before the ordinary course of things.

Completion of the first instance administrative procedure:

The first instance administrative procedure is completed upon adopting a decision. It must be in writing and has to contain: an introduction; disposition (proverb); explanation and instruction on legal remedy; the name of the authority that issued the decision; place and date of its issuance; register number; signature of authorized official and stamp of the authority. The explanation may be omitted or shortened, but only if the decision is made in order to undertake urgent measures to ensure public order and safety, or in order to eliminate an immediate hazard to life and health of people or property. Reduced or simplified decision is also allowed when only one party is participating in the procedure, whose request then a decision adopts, or when there are multiple parties, but they do not object to the request that this decision had positively resolved.

It is possible that the administrative procedure gets terminated for reasons of procedural nature, for example, when a party withdraws the request; when the parties conclude settlement; when the process is interrupted, *ex officio*. In these cases, the authority that decides, render an appropriate decision in the form of conclusion.

222 Official Gazette RS 107/2005, 109/2005 - corr., 57/2011, 110/2012 decision of the Constitutional Court, 119/2012, 99/2014, 123/2014 and 126/2014 - decision of the Constitutional Court

223 Official Gazette SRJ 33/1997 i 31/1997 and Official Gazette RS 30/2010.

8.2.2. SECOND INSTANCE ADMINISTRATIVE PROCEDURE – APPEAL PROCEDURE:

Article 12 of the Law on Administrative Procedure proclaims the principle of two instances of this procedure and the rule of Article 213 of the Law provides that "... against the decision rendered in the first instance, the party has the right to appeal." An appeal is a regular legal remedy to conduct the administrative control of the state administration, because the administrative authority will also decide on the appeal.

When the first instance authority does not resolve request by the parties' within the statutory deadline - so called case of "silence of the administration", it is possible to file an appeal if it is permitted in this procedure, since there is a legal presumption that the demand is negatively resolved (Article 236 of the LAP).

Who has the right to file an administrative appeal?

The right to file an administrative appeal have:

- the active party (the person who has requested the initiation of the procedure or against whom the procedure has been initiated),
- the indirect party (a person who is not involved in the procedure but has the right to protect its interest, because the decision may affect his rights or duties),
- public prosecutor,
- public attorney,
- other state authority when a decision may affect public interest.

Content of the appeal:

As any other submission, an appeal should contain exact information on which the authority to which it is addressed may act. This primarily means that it must clearly state the decision that is being contested, an indication of the authority that issued the decision and the decision number. The appelant is not required to separately discuss the appeal (although it is in his interest), since the authority that decides in the second instance, takes the legality and / or the expediancy of the decision *ex officio*. New facts and new evidence can also be placed in the appeal, with stating the reasons why it was not done during the first instance procedure.

When is the appeal excluded?

In certain administrative matters LAP expressly exclude the right to appeal:

- against the first instance decisions of the Government, that are final, and can only be contested within an administrative dispute,
- against the decisions of Ministries and other state administrative bodies, provided that it is not permitted by any other Law and not by the LAP, in which case the appeal is decided by the Government,
- against the individual decision of the National Assembly and the President of the Republic, although this is not explicitly stated by the Law, but stems from the status of independence of these bodies and the fact that there is no higher administrative authority in relation to them.

Submission of appeal and deadline:

The appeal is filed with to the competent higher instance, which should be indicated in the instructions on the legal remedy in the decision contested by the appeal. It is, however, handed through the first instance authority, handing a written submission to the receiving department, by mail (ordinary or registered mail), by fax or electronically. If the appeal is submitted or sent directly to the second instance authority, he immediately sends it to the first instance authority to enable it to implement it on the basis of self-control. In this case, the date of delivery of the appeal to the second instance authority is considered as the date of delivery of the first instance (Article 223 of LAP).

The time period to file the appeal is within 15 days from the date of the original decision delivery, unless different duration is required by the Law. This deadline is preclusive and with its omission appellant loses the right to appeal.

First instance authority on appeal - a process of the administration self-control:

The appeal is, as already mentioned, submitted to the competent, second instance authority, through the authority that issued the first instance decision. When the appeal is received, the first instance authority will examine whether it is permissible, timely appeal and whether it has been filed by an authorized person. If at least one of these conditions is not met, then second instance authority rejects the appeal as inadmisible with a conclusion.

Otherwise, when there is no basis, then the first instance authority begins the process of self-control with the ultimate aim to correct the issued decision, if they have met the prescribed conditions. Thus, if the first instance authority finds that the appeal is well founded, and it is not necessary to obtain another investigation procedure, then he can solve the matter differently and replace it with a new decision (Article 225 of the LAP). The first instance authority may amend the investigation procedure under the conditions stipulated by the Law, or conduct a special investigation procedure if the trial was shortened and an appellant expressly requires. Based on this, the first instance authority may also issue a new decision (Article 226-227 LAP).

When there was no basis for such action, then the first instance authority shall, without delay, and not later than 15 days, submit the appeal with all the records of the case to the competent authority in the second instance.

Second instance authority on appeal:

After checking their jurisdiction, second instance authority also examines whether the appeal is admissible, timely, or filed by an authorized person and rejects if it finds that some of these conditions are not met. If this is not the case, then the appeal is taken into consideration and a decision is rendered. When the appeal is dismissed as unfounded, the Court annuls the contested decision in whole or in part, or its decision changes the first instance decision (Article 229-235 LAP).

The deadline for the treatment of second instance authority on appeal and having one of the stated solutions is two months from the submission of the appeal, unless the Law provides a shorter period. This time limit is important because of the possibility of initiating an administrative dispute in the case of "silence of the administration", which is expressly provided in Article 24 of the Law on Administrative disputes.

The authority that issued the decision on appeal, takes back the decision with the whole case to the first instance authority, who shall deliver it to the parties within 8 days of the receipt.

The effect of the appeal:

An appeal has devolutive effect, which means that the decision is made by another authority and not the one that had resolved it in the first instance. It also has suspensive effect. For the duration of the deadline for the submission of appeal, and until the second instance decision is issued, which decides on the appeal, the first instance decision can not be performed. There are some possible deviations from this rule, but only in cases prescribed by the Law, and they are: when the Law stipulates that the appeal period and the appeal itself do not affect the enforceability of a decision; and in the case of urgent measures, if the party would have irreparable damage due to delay.

8.2.3. EXTRAORDINARY LEGAL REMEDIES:

Administrative Procedure of the Republic of Serbia also provides an opportunity to review the decision by the second instance authority by extraordinary legal remedies. Their purpose is to control the legality of the conducted procedure, but not the expediancy of adopted decisions. In that way, in cases prescribed by the Law, additional protection of the public interest and the protection of citizens' rights is provided in the administrative procedure.

Renewal of the administrative procedure:

Initiation of the procedure: Renewal of the administrative procedure may be initiated by one of the parties or by the public prosecutor. Also, it can be initiated *ex officio*, by the authority that issued the final decision (mainly by the second instance authority).

Criteria for the procedure: This legal remedy can chalenge the decision only if the following criteria is met, stipulated in the Law (Article 239 LAP):

- new facts are brought to the Court, or the Court discovered new evidence that can be used and possibly could lead to a different decision;
- the decision is based on a false identification card, false testimony of an eyewitness or expert witness, or the decision was issued as a result of a criminal activity;
- the decision was based on a verdict in criminal or economic violation, that was already legally overturned;
- the decision was based on a misleading testimony of a party involved and led the authority to fallacy;
- the decision was based on a issue that was later resolved by the same administrative authority in a different manner;
- the procedure was led by an official who had to recuse himself from the case;
- the decision is issued by an oficial who was not authorized for that (so called: functional competence);
- the composition of a committee of the relevant administrative body that issued the decision failed to meet the required standards, or the decision was issued without a quorum;

- one of the parties involved was not allowed to participate in the procedure;
- one of the parties involved lacked legal representation, which is required by the Law;
- one of the parties involved was not been given the opportunity to use their native language and alphabet, stipulated by the Law.

Deadline for the initiation of the renewal procedure and submission: The renewal can be initiated within one month from the relevant circumstance, depending on the criteria for the renewal procedure (subjective deadline), and at the latest, within five years from the day of the final decision was issued (objective deadline). The request for the initiation of the procedure is submitted to either the body that issued the original decision in the first instance, or the body that issued the final decision, in the second instance. The request itself has no suspensive effect and does not bring into question the execution of the decision.

Deciding on the request: The competent authority will first examine whether the request is submitted by the authorized person within the deadline and whether it has been made probable circumstance on which it is based. If it finds that at least one of these preconditions is not fulfilled, the request will be rejected with a conclusion. When this is not the case, then the request is considered and rejected as unfounded if it is determined that a circumstance which is listed as a reason for renewal could not lead to different solutions even if it has been taken into consideration when deciding.

If the competent authority determines that it is necessary to repeat the procedure as a whole, or in one part, then he issues the conclusion that permits the renewal of a procedure. This conclusion has suspensive effect because it postpones the execution of the decision against which the renewal was allowed. Special appeal is allowed against this conclusion, if the decision is issued by the first instance authority. If the conclusion is issued by the second instance authority, then it will directly initiate an administrative dispute against him.

Special cases od revocation, repeal and the reversal of a decision:

1. *Reversal and revocation of the decision in the administartive dispute* (Article 251 LAP): In this case, the authority that issued the decision that is the subject of an administrative dispute, on account of complaint by the damaged party may in the course of this procedure (until its final completion), issue a new decision that cancels or changes the decision challenged in this dispute, on its own initiative.

2. *Request for the protection of lawfulness* (Article 252 LAP): In this case, Public prosecutor has the right to challenge the final decision, but only if other legal remedy in the administartive procedure was not posible, and that decision may violate the Law. Request for the protection of lawfulness may be initiated within one month of the submission of the decision to the Public prosecutor's office, or within six months of the delivery of the decision to the party involved.

   The juristiction for deciding on this request is entrusted to the authority of the second instance with respect to the authority that issued the decision, and if there is no such authority, then the Government decides on the request. The outcome of this procedure may result in the decision that takes into account the request for legal protection and repeal the challenged decision, or the decision that the request is dismissed as unfounded. Against both decisions, taken in the form of final solution, appeals can not be filed.

3. *Revocation and repeal by the right of supervision* (Articles 253-254 LAP): The right to challenge the final solution in the administrative procedure belongs to the authority of the second instance with respect to the authority that issued the decision, or authority that supervises the authority that issued the decision if the second instance body is not provided. The subject of the revocation and repeal are final administrative decisions, that can not be challenged with regular legal remedy in the procedure. The aim is to remove the decisions that contain certain legal errors, that Law specifies, by their revocation or repeal. The request for this actions can be submited by a Public prosecutor or the competent authority *ex officio*. In addition to them, the party involved can also request the revocation of the decision (but does not have the right to request a repeal).

   The criteria when the decision can be revoked are expressly listed in the Law on Administrative Procedure: when the decision is issued by the authority that does not have the juristiction; when there are two different decisions that resolve the same subject in different manner; when the decision was issued without the agreement, confirmation, approval or positive opinion of another authority; when the decision was issued by the authority that has no territorial jurisdiction; and when the decision was issued as a result of coercion, extortion, blackmail, pressure or other illegal activities.

   The decision on revocation of the challenged decision must be made within five years from the date it is issued, unless the reason for the revocation is the violation of territorial jurisdiction, when the deadline is one year. In the decision was issued as a result of coercion, extortion, blackmail, pressure or other illegal activities, revocation can be requested without a time limit.

   With revocation of the decision, all legal effects of the revoked decision cease, not only for the future, but for all the legal actions that it possibly produced from the date the decision was issued, until the date of revocation (*ex tunc*).

   The decision is repealed when it produced obvious violation of the Law. In contrast to the revocation, in this case it prevents the legal effects of the challenged decision for the future (*ex nunc*), so all the legal actions that had already produced remain in effect.

   This outcome can occur either *ex officio* or at the request of the Public prosecutor, while the parties are not authorized to address directly with such a request to the competent authority (this does not prevent the party to take the initiative for this kind of extraordinary remedy, but the authority is not obliged to respond to it).

   Deadline for the repeal of the decision is within one year since the date when the decision was issued as a final solution. Against these decisions, taken in the form of a final solution, appeals can not be filed. The decision may only be challenged in an administrative dispute.

4. *Repeal and amendment of an effective decision by mutual agreement or upon the request of a party* (Article 255 LAP): The subject of this control in this case is a final decision that implies certain rights of the party, prescribes an obligation, or the decision for the party is unfavorable. The subject of control, in this case, represents a final solution where a party acquired a right, or prescribed an obligation, or a solution for it unfavorably. This type of control is done at the request of the party and it will be decided by the authority that issued the final decision that resolved the matter. The specificity of this control lies in the fact that the competent authority is not obliged to act on the request of a party, but only if it considers that it should do so on the basis of discretion. When the authority decides to consider the request of the party and adopt it, the new decision has legal

effect only for the future, because it does not revoke the challenged decision, but it just repeals or reverses it.

5. *Extraordinary repeal* (Article 256 LAP): This way decisions issued in administrative procedures can be repealed if they have met the prescribed conditions. This is an extraordinary legal remedy, which can be used only in emergency situations, for example: to remove serious and immediate threat to human life and health of the people, public safety, public peace and order, or in order to eliminate disturbances in the economy. The procedure for the extraordinary repeal is requested exclusively *ex officio*, by the competent authority that issued the decision, authority of the second instance with respect to the authority that issued the decision, or authority that supervises the authority that issued the decision if the second instance body is not provided.

6. *Invalidation of the decision* (Articles 257-258 LAP): When the decision contains legal errors listed in the Law, then it is possible to revoke and repeal it from the legal order without a time limit. This procedure is initiated *ex officio*, at the request of the parties or the Public prosecutor and in the following cases: when the decision is issued in an administrative procedure and it can not be resolved in an administrative procedure, but only with the Court jurisdiction; when the execution of the decision may result in a criminal offense; when the execution of the decision is not possible; when the decision was issued without the request of the parties; when the decision contains an irregularity which the law defines as a reason for invalidation. The decision for invalidation or a rejected request for invalidation by the authorized persons, can be challenged by filing an appeal. In case the appeal is not permissible, then it can be challenged in an administrative dispute.

8.2.4. ADMINISTARTIVE DISPUTE:

Administrative dispute is a form of direct judicial control of the Administration, which regulates the Law on Administrative Disputes[224]. In this procedure, the Court reviews the lawfulness of administrative acts or issues an appropriate decision in the case of the "silence of the administration". Essencially, an administrative dispute is a dispute in which the lawfulness of state administration is in question.

Administrative dispute can be conducted due to improper compliance with the Law, the decision of an incompetent authority, as well as violations of the rules of the procedure.

Inititation of the administrative dispute:

An administrative dispute is initiated with the lawsuit to the specialist, Administrative court. This lawsuit has no suspensive effect and does not postpone the execution of the decision in question, although it is possible to obtain that, at the request of the prosecutor, and under prescribed conditions. The lawsuit is submitted to the competent Court directly, by mail, or by submitting an electronic document, and can be filed for record with the Court.

The time period in which the lawsuit can be filed is within 30 days from the delivery of the administrative act to the relevant party. In the case of the "silence of the administration" it's after the expiration of the time period for issuing a decision on the request of a party, stipulated by the Law, and after the expiration of an subsequent unsuccessfull period of seven days following the repeated request of the party.

224 Official Gazette RS 111/2009.

Content of the lawsuit:

The lawsuit must contain: name and address of the habitation, i.e. name and registered office of the Prosecutor; details of the act that is under review; the grounds for the claim and the arguments for the revocation of the administartive act; request for a direction of the revocation; signature of the plaintiff and the power of attorney (if the lawsuit is conducted through proxy).

The lawsuit must include the original or a copy of the act against which the action is brought. If the lawsuit is submitted because of the "silence of the administration", then a copy of the request or appeal must be submitted, copy of repeated request, as well as evidence of the registration of those submissions to the competent authority.

Admissibillity of the administrative dispute:

An administrative dispute is allowed against any final administrative act, except when the Law prohibits that explicitly (negative enumeration). Thus, an administrative dispute may not be conducted against acts adopted in the following matters: where judicial protection is provided outside of an administrative dispute; when it is prohibited by the Law of administrative disputes; or when it is directly based on the constitutional authority for the National Assembly or the President of the Republic to decide.

Parties in the administrative dispute:

Parties in the administrative dispute are: the plaintiff, the defendant and the person concerned. A plaintiff may be a party from the administrative procedure, union organizations, the public prosecutor and the public attorney. On the side of the defendant is always the authority that issued the disputed, final decision in the administrative procedure. In the administrative dispute the person concerned may also participate, or any person to whom the revocation of the decision which is the subject of the dispute could go in favor.

Types of administrative disputes:

Besides the right to revoke the administrative act, the Court may conduct an administrative dispute of full jurisdiction and solve not only a judicial matter (examination of the lawfulness of the challenged administrative act), but also an administrative matter. Full jurisdiction dispute can be conducted only if it is permitted by the nature of things, and if the facts provide a reliable basis for solving the administrative matter.

When the lawsuit is submitted for an administrative action, the Court conducts preliminary procedure in which examines the formal requirements for its conduct. If the Court finds that the requirements are not met, the lawsuit is dismissed. It is allowed to file a complaint within 8 days of delivery. Under the preliminary procedure, the Court may revoke the administrative decision that is in question, if it finds that it has shortcomings that prevent the assessment of its lawfulness, i.e., which prevent the conduct of a regular court procedure.

Upon completion of the preliminary procedure, the Court has a regular court procedure, where it decides on the facts established at the oral public hearing, invoking the Law. The Court settles the dispute with a verdict, that the lawsuit is accepted or rejected. In case that the facts provide a reliable basis, the verdict can decide on the request of the prosecutor for the return of objects or compensa-

tion, if any of these requirements is set by the lawsuit. If this is not the case, then the Court will direct the Prosecutor to request a separate, civil lawsuit before the competent Court.

Legal remedies against the verdict in the administrative dispute:

The verdict of the Court in the administrative dispute can not be disputed with regular, but only with extraordinary legal remedies such as: a request for review of the court decision and repeating the procedure.

A request for review of the court decision: This request is filed against a final verdict of the Administrative court. It should be delivered to the Supreme Court of Cassation, as the competent Court, within 30 days of the delivery of the decision to the party or the public prosecutor.

Repeating the procedure: The request for repeating the procedure is submitted by the party in the form of a lawsuit, to the authority that made the decision that is being challenged. The lawsuit, in this case, can be filed only on the grounds that the Law expressly provides: if there are new evidence, there is an opportunity to use them, and the dispute would have been settled more favorable to the party if the evidence had been used in previous court procedure; if the verdict of the Court was based on a criminal act of a judge or court employee, or the decision stemed from the fraudulent action of participants in the procedure; if the court verdict was based on a verdict issued in a criminal or civil matter and that verdict was later repealed; if the document on which the court verdict was based on is false or fraudulently amended, or the witness, expert witness or a party gave false testimony during a court hearing and the verdict is based on that testimony; if the party finds or obtains the opportunity to use an earlier court verdict for the same dispute; if the party concerned is not allowed to participate in the administrative dispute; if the attitude of the subsequent declaration of the European Court of Human Rights on the same matter may affect the lawfulness of the completed court procedure.

Deadline for filing a lawsuit for repeating the procedure: 30 days from the date when the party discovers the reason for repetition or 6 months from the date of publication of the declaration of the European Court of Human Rights in the "Official Gazette of the Republic of Serbia". If the party is aware of the grounds for reopening the procedure before the procedure in the Administrative court is concluded, then it can request a retrial within 30 days from the delivery of the verdict. In any case, the request may not be filed after the expiration of five years from the date of the court verdict.

The content of the lawsuit that seeks to repeat the procedure: This lawsuit must contain the reference to the court verdict whose repetition is required; reason on which the lawsuit is based; evidence supporting what the lawsuit states; circumstances which show that the lawsuit was filed within the time limit; declaration in what direction the proposed amendment should go, for the court verdict from the procedure which seeks to repeat.

When the lawsuit is delivered to the Court, it examines whether it meets the procedural requirements for initiation of the required procedure. If the Court finds that they are not (that a lawsuit is filed by an unauthorized person, is delayed or the party did not make the existence of grounds for the retrial) the decision is rejected. If these conditions are met and the procedure is running, then the lawsuit is submitted to the opposing party and interested parties to respond. When the deadline for response passes (15 days from the date of delivery), the Court then issues a decision that decides whether it will

allow the repetition of the procedure or not. If the repetition is allowed, then the Court terminates the verdict, which can remain in force, be repealed or reversed. Against this verdict may file a request for review of the court decision, which has already been discussed.

8.3. **Misdemeanor Procedure**

The duty of Health inspectors is to submit a request without delay for initiating misdemeanor procedure when the action or inaction of the Health care institution or private practice, that is under the supervision, committed the violation. That is provided by the Law on Health Care (Article 248).

The Articles 256 - 262 provide penalties that refer to the Health care and Health care institutions, or other legal entity that performs Health care activities and the Health care providers, if the medical activity was not carried out in accordance with the provisions of the Law. Violation penalties for Health care institution are from 300,000 RSD to 1,000,000 RSD and for Health care providers from 30,000 RSD to 50,000 RSD (Article 256 of the Law on Health Care).

Law on protection of patients' rights provides offenses in the Articles 44 - 47 related to the Health care institutions, or other legal entity that performs Health care activity, Health care providers, Health care entrepreneurs, patients counselors, in case of violation of the rights of patients. Violation penalties for Health care institution are from 300,000 RSD to 1,000,000 RSD, for Health care entrepreneurs from 500,000 - 1,000,000 RSD, for Health care providers from 10,000 - 50,000 RSD and for a patient counselor from 20,000 - 50,000 RSD.

Law on Labour provides for the employers with legal entities and entrepreneurs, in Articles 273 - 276 that concern the violations of employees' rights, including the rights of Health care providers. Violation penalties for the employer as a legal entity goes from the amount of 100 thousand to two million serbian dinars and for entrepreneurs from 50,000 - 300,000 RSD. The competent authority for initiating misdemeanor procedure is a labor inspector, in accordance with the **Misdemeanor Law**[225].

Law on occupational safety and Health provides in the Articles 69 - 73 offenses which are related to the employer as a legal entity and the entrepreneur, if the employer does not comply with provisions which provide measures of Health and safety of employees, including Health care providers in Health care institutions. Misdemeanor penalties for employers are in range from 100,000 - 1,000,000 RSD. Labor inspector is the competent authority to initiate the misdemeanor procedure.

Misdemeanors for the employer, in protecting employees' rights, is stipulated in the Law on the Prevention of harassment at work, Law on Protection of population from exposure to tobacco and the **Law on strike**[226].

Misdemeanor Courts started to work as the new authorities who act in misdemeanor procedure from 1.1.2010. when the delayed implementation of the Misdemeanor Law began. That introduced qualitatively new solutions in misdemeanor procedures and the new network of courts began to operate. In fact, by that time the procedure was led by the authorities for misdemeanors (in the first instance) and

225 Official Gazette RS 101/2005, 116/2008 and 111/2009

226 Official Gazette SRJ, No. 29/96