STATE ATTORNEY

Institutional Capacities and Practices of Legal Representation Offices of Local Self-Government Units in Southern Serbia

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All terms used in the masculine grammatical form in this text refer to both male and female persons to whom they apply.

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FOREWORD

Through the work of the Judicial Base South (JBS) coalition, the necessity of a more detailed examination of legal representation offices has become apparent. It is clear that legal representation offices hold significant powers in protecting property rights and interests of the state and its territorial units, ensuring legality and the rule of law, and preventing potential abuses and financial damages.

As a coalition whose members are based in southern Serbia, it was most logical for us to explore our immediate surroundings—the legal representation offices of local self-government units in southern Serbia.

In studying these legal representation offices, it was essential first to examine their legal nature, structure, and the theoretical and legal framework of legal representation activities, as well as to present various organizational models of legal representation offices in comparable legal systems.

The primary goal of the research was to gain insights into human and material resources, capacities, and working conditions of legal representation offices in southern Serbia, as well as to analyze the results of their work in performing public legal representation.

The research was conducted by the Judicial Base South research and writing team, comprising:

- Nevena Petrušić, PhD, Professor at the Faculty of Law in Niš, serving as the head of the research and writing team,
- Bojana Verović, PhD, Assistant at the Faculty of Law in Niš,
- Stefan Vlatković, Attorney-at-law from Niš. They both served as team members and co-authors.

The research and writing team received logistical, administrative, and organizational support from the staff of the Committee for Human Rights Niš.

The research was conducted throughout 2023, and the study was completed in the first quarter of 2024.

Mihajlo Čolak
Judicial Base South

LIST OF ABBREVIATIONS *(in order of appearance in the text)*

SASr	The State Attorney's Office of the Republic of Serbia
PPAOV	The Provincial Public Attorney's Office of Vojvodina
LRO	legal representation office of a local self-government unit
LSG	Local Self-Government Unit
JBS	Judicial Base South
LSABiH	Law on the State Attorney's Office of Bosnia and Herzegovina, Official Gazette of BiH, Nos. 8/2002, 10/2002 – corr., 44/2004, 102/2009, and 47/2014
LSAFBiH	Law on the Federal State Attorney's Office of Bosnia and Herzegovina, Official Gazette of the Federation of BiH, Nos. 2/1995, 12/1998, 18/2000, 61/2006
LPARS	Law on the Public Attorney's Office of Republika Srpska, Official Gazette of Republika Srpska, No. 7/2018
LSA Brčko	Law on the State Attorney's Office of Brčko District of Bosnia and Herzegovina, Official Gazette of Brčko District BiH, Nos. 28/2006, 19/2007, 17/2008, 20/2010, 15/2015, and 28/2018 (consolidated text)
SABiH	The State Attorney's Office of Bosnia and Herzegovina
KM	Convertible Marks
SAFBiH	The Federal State Attorney's Office of the Federation of Bosnia and Herzegovina
PARS	The Public Attorney's Office of Republika Srpska
SA Brčko	The State Attorney's Office of Brčko District
PCG	The Protector of Property and Legal Interests of Montenegro
LSPCG	Law on State Property, Official Gazette of Montenegro, Nos. 21/2009 and 40/2011
LSACr	Law on the State Attorney's Office of Croatia, Official Gazette of Croatia, Nos. 67/2018, 21/2022
SACr	The State Attorney's Office of the Republic of Croatia
SASl	The State Attorney's Office of the Republic of Slovenia
LSASl	Law on the State Attorney's Office of the Republic of Slovenia, Official Gazette of Slovenia, No. 23/2017
LSAMa	Law on the State Attorney's Office of North Macedonia, Official Gazette of North Macedonia, Nos. 87/2007 and 104/2015
SAMa	The State Attorney's Office of the Republic of North Macedonia
FP	The Financial Procurator's Office (Republic of Austria)
LFPA	Law on the Financial Procurator's Office (Republic of Austria), Bundesgesetz über die Finanzprokuratur, BGBl I Nr. 110/2008
SAIt	The State Attorney's Office of the Republic of Italy
Decree	Royal Decree of 1933 (Republic of Italy), Regio Decreto 30 ottobre 1933, n. 1612
Law	Law No. 103/1979 (Republic of Italy)

CJ	The Chancellor of Justice (Kingdom of Sweden)
LSCJ Sweden	Law on Supervision of the Chancellor of Justice, Lag (1975:1339) om Justitiekanslerns tillsyn, Sweden
Regulation	Regulation on the Duties of the Chancellor of Justice, Förordning (1975:1345) med instruktion för Justitiekanslern
LSASr	Law on State Attorney's Office, Official Gazette of RS, No. 55/2014
RS	Republic of Serbia
LCP	Law on Civil Procedure (Republic of Serbia), Official Gazette of RS, Nos. 72/2011, 49/2013 – Constitutional Court decision, 74/2013 – Constitutional Court decision, 55/2014, 87/2018, 18/2020, and 10/2023 amending law
Tariff	Tariff on Attorney Fees and Expenses, Official Gazette of Serbia, No. 43/2023
ECtHR	European Court of Human Rights

I GENERAL INFORMATION ABOUT THE RESEARCH

The protection of property and other civil rights and interests of the state, territorial autonomy units, and local self-government units (LSGs) is crucial for the implementation of the rule of law, sustainable social development, and the efficient exercise of their competencies in meeting citizens' needs.

In the Republic of Serbia (RS), the tasks related to the protection of the rights and interests of the state, the autonomous province, and LSGs are carried out by the State Attorney's Office of the Republic of Serbia (SASr), the Provincial Public Attorney's Office of Vojvodina (PPAOV), and legal representation offices of local self-government units (LROs).

As part of the project "Continuation of the Development of the Judicial Base South (JBS) Coalition – Spin-off," implemented by the Committee for Human Rights Niš, and focused on enhancing existing and building new capacities for monitoring and engagement in the area of the rule of law, with a particular emphasis on judicial reform, one of the planned activities was the implementation of research aimed at collecting and analyzing data on the capacities, working conditions, and practices of LROs in the Southern Serbia region, and mapping the challenges they encounter in their work.

The Southern Serbia region comprises five administrative districts: Nišava, Toplica, Jablanica, Pčinja, and Pirot. Within their territory, there are a total of 28 LSGs—five with city status and 23 with municipality status.[1]

Nišava Administrative District		
1.		City of Niš
2.		Municipality of Aleksinac
3.		Municipality of Svrljig
4.		Municipality of Merošina
5.		Municipality of Ražanj
6.		Municipality of Doljevac

[1] Law on the Territorial Organization of the Republic of Serbia (Official Gazette of the Republic of Serbia, Nos. 129/2007, 18/2016, 47/2018 and 9/2020 - other law).

7.		Municipality of Gadžin Han
Toplica Administrative District		
8.		City of Prokuplje
9.		Municipality of Blace
10.		Municipality of Kuršumlija
11.		Municipality of Žitorađa
Jablanica Administrative District		
12.		City of Leskovac
13.		Municipality of Bojnik
14.		Municipality of Lebane
15.		Municipality of Medveđa
16.		Municipality of Vlasotince
17.		Municipality of Crna Trava
Pčinja Administrative District		
18.		City of Vranje
19.		Municipality of Vladičin Han
20.		Municipality of Surdulica
21.		Municipality of Bosilegrad
22.		Municipality of Trgovište
23.		Municipality of Bujanovac
24.		Municipality of Preševo
Pirot Administrative District		
25.		City of Pirot
26.		Municipality of Bela Palanka
27.		Municipality of Babušnica
28.		Municipality of Dimitrovgrad

The region of Southern Serbia falls into the category of underdeveloped areas, meaning regions where the gross domestic product (GDP) value is below the national average.[2] Among the LSGs covered by the research, only Niš is classified as an LSG with a development level above the national average, while Vranje and Pirot fall into the category of LSGs with a development level between 80% and 100% of the national average.

[2] Article 2 of the Regulation on Establishing a Unified List of Development Levels of Regions and Local Self-Government Units for the Year 2014 (Official Gazette of the RS, No. 104/2014).

The remaining LSGs are severely underdeveloped, with 12 of them falling into the category of devastated areas (below 50% of the national average), out of a total of 19 municipalities nation-wide classified in this category. [3]

[3] Article 3 of the Regulation.

II RESEARCH METHODOLOGY

1. Research Objective and Scope

The work of public legal representation offices in the Republic of Serbia **(RS)** has not been the subject of broader academic or professional interest. Within functional analyses of the judiciary, attention has primarily been directed toward courts and public prosecutor's offices, leaving limited data on the position and activities of public legal representation offices, even though they are part of the judicial system and play an important role in upholding legality and the rule of law.

As a result of this limited focus, there is a lack of broader insight into the organization, resources, capacities, and practices of these offices. This is further compounded by the fact that Information Booklets on Public Authority Work issued by public legal representation offices often contain very limited information about their actual work. Typically, they provide general data on staffing and the total number of cases per year, without disaggregated information on case types, types and number of court proceedings or proceedings before administrative bodies and other institutions, types of LSG bodies represented either ex lege or based on power of attorney, procedural roles of represented parties (plaintiff, defendant, intervenor, party in administrative proceedings, etc.), the number of legal opinions issued at the request of individual bodies, and similar indicators.

On the other hand, annual reports of public legal representation offices are often not publicly available, meaning that the broader professional and general public has no insight into the performance of legal representation functions, the outcomes of this work, or the challenges faced by these offices.

Given the role of public legal representation offices in protecting the property rights and interests of the state and units of territorial autonomy and local self-government, and their importance in implementing the principle of the rule of law, there is a justified need to collect, systematize, and analyze data on the human and material resources, capacities, working conditions, and performance of LROs in the Southern Serbia region.

2. Research Design

This research is structured as exploratory (pilot) research. Its design and methodology were defined by the research goal and scope, as well as by limitations regarding the number of researchers and the time frame of the study.

The research comprises two components:

1. Desk research, which includes a review of relevant legal regulations and previous studies, as well as an analysis of academic and professional literature related to the role and status of public legal representation offices. The results of this component provide a comparative overview of different models of legal representation, as well as insight into the legal status, jurisdiction, and powers of the legal representation offices included in the study.
2. Empirical research, which covers the collection, processing, and analysis of data for the 2021–2022 period on the capacities, working conditions, and practices of LROs in Southern Serbia.

The following research tasks were defined:

– To assess the material and human resources, capacities, and working conditions of LROs in Southern Serbia;
– To gain insight into the practices of the LROs included in the study in performing legal representation activities;
– To map key challenges faced by the LROs covered by the research.

The empirical research was carried out using two quantitative methods and one qualitative method:

– Collection, processing, and analysis of data on the institutional capacities and working conditions of state attorney's offices (objective statistics). For this purpose, a Questionnaire on Institutional Capacities and Working Conditions of Legal Representation Offices was developed (Annex No. 1);
– Collection, processing, and analysis of data on the work of LROs in representation, issuing legal opinions and advice, negotiation in procedures for the amicable resolution of disputes, and other activities within the scope of legal representation (objective statistics). The data were collected using the Questionnaire on the Work of Legal Representation Offices (Annex No. 2);
– Examination of attitudes and opinions on the work, working conditions, and challenges faced by LROs (focus group inter-

view). The following instruments were developed for this component: Focus Group Interview Protocol (Annex No. 3), Consent Form for Participation in the Focus Group Interview (Annex No. 4), and Survey Form (Annex No. 5).

3. Data Collection: Challenges and Limitations

The data collection process was accompanied by numerous challenges, primarily due to difficulties in establishing contact with LROs, lack of access to LRO annual reports, ignoring requests to complete and return questionnaires by a large number of LROs, significant delays in submitting completed questionnaires, provision of aggregated instead of disaggregated data, relatively low response rate from state attorneys for participation in the focus group interview, and other related issues.

Out of the 28 LROs covered by the research and to which questionnaires were sent, only 13 offices completed the questionnaires, despite follow-up efforts and personal requests sent to local government attorneys.[4] The questionnaires were completed by the LROs of the following LSGs: the cities of Vranje, Leskovac, Niš, Pirot, and Prokuplje, and the municipalities of Aleksinac, Babušnica, Blace, Bojnik, Vladičin Han, Dimitrovgrad, and Merošina, and Svrljig[5].

The focus group discussion was held on December 8, 2023. Only eight city and municipal attorneys responded to the invitation, out of a total of 28 invited participants. Some invitees initially confirmed their participation but later canceled. The interview was semi-structured and was conducted by the authors of the study, acting as moderators.

In conducting and moderating the focus group interview, as well as in presenting the results, ethical research standards involving human participants were strictly followed. At the beginning of the session, the subject and objectives of the research project were introduced, along with the structure, concept, and agen-

[4] Contact was successfully established via email and/or phone with all 28 LROs, but 15 of them did not respond to the invitation to participate in the research.

[5] With regard to the questionnaire on the work of LROs, in the case of the Municipality of Merošina, researchers were provided with only aggregated data for certain categories, covering the period 2021, 2022, and 2023, or aggregated data with specified figures for 2023. In such cases, and in the interest of data comparability for 2022, i.e., for the reference period of the research, the total aggregated data for these categories were either divided by three to obtain approximate annual data, or, where 2023 data were specified, the 2023 figures were subtracted from the total, and the remaining sum was divided by two.

da of the focus group. The framework of the interview was defined by the discussion topics established in the Focus Group Interview Protocol, which the moderators used to guide the participants. The interview took the form of a free-flowing discussion based on the exchange of experiences and views, so the topics often overlapped and the conversation was substantive.

The main source of data on human and material resources, as well as on working conditions and performance, were the LROs themselves, through their local government attorneys, who provided data and evaluated specific aspects of working conditions. Due to limitations in the number of researchers and the research timeframe, it was not possible to collect data directly from employees of the LROs, which represents one of the limitations of the study.

Despite these limitations, the research methodology ensured that the findings, conclusions, and recommendations were based on objective and verifiable data. However, it is important to note that, according to the research plan, the sample included 28 LROs in Southern Serbia, but fewer than half of them (13 in total) actively participated in the study.

Therefore, the research findings do not allow for generalization of results regarding the working conditions and performance of LROs. Still, they provide a foundation for formulating a hypothetical basis for new and more comprehensive research into the capacities and practices of LROs, and for a critical assessment of their position within the legal system and the results achieved in protecting the property rights and interests of LSGs.

III THEORETICAL AND LEGAL FRAMEWORK OF PUBLIC LEGAL REPRESENTATION

1. The Role and Functions of Public Legal Representation Offices

In every state, there is a need to ensure the protection of property rights and interests of the state, its institutions, and other public law entities.

Historically, the recognition of the state as a distinct civil law entity marked the beginning of the establishment of specialized bodies tasked with representing the state and safeguarding its rights and interests.[6] The precursor to modern public legal representation offices is considered to be the Roman *Advocatus fisci*, who represented the public treasury, distinct from the emperor's private treasury.

From that time to the present—with the exception of the Middle Ages—public legal representation offices have existed as distinct state bodies performing the function of legal representation, serving as representatives and advisors to the state in the protection of its property rights and interests.[7]

In contemporary law, the activities of public legal representation offices encompass a wide range of tasks related to the legal protection of property rights and interests of the state and other public law entities.

Although, from a comparative legal perspective, the jurisdiction of the bodies performing public legal representation functions may differ, these activities can generally be grouped into several categories that reflect the various functions of legal representation:

– the representation function,
– the advisory (consultative) function,
– the negotiation function aimed at amicable dispute resolution, and
– the institutional function of the body performing public legal representation duties.[8]

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[6] Kamhi, S., Participation of the Public Prosecutor in the Resolution of Civil Cases before the Courts, Yearbook of the Faculty of Law in Sarajevo, Vol. V, 1957, Sarajevo, pp. 79–80;
Šago, D., Domić, R., The Role of the State Attorney in Civil Proceedings, Collected Papers of the Faculty of Law in Split, Vol. 50, No. 1/2013, pp. 199–222.

[7] Romac, A., Dictionary of Roman Law, Informator, Zagreb, 1989, p. 23.

[8] Rašević, Ž., State Attorney's Office Between the Judiciary and State

The representation function includes representing the state and other public law entities in judicial and other proceedings. In these proceedings, the public legal representation body acts as an ex lege representative, but it may also act as an attorney-in-fact for entities it does not represent by law.

The advisory (consultative) function of a public legal representation office is realized through the provision of expert legal opinions and advice to entities in matters concerning the exercise of their property rights and interests. This contributes to improved protection of the property rights and interests of the state and strengthens both the rule of law and the principle of legality.

The negotiation function of a public legal representation office is reflected in its efforts to resolve disputes out of court (amicably). The procedure for attempting amicable resolution may be optional or mandatory, in which case it constitutes a preliminary procedure before court or other proceedings.

The institutional function of the body performing public legal representation duties refers to its statutory authority to initiate certain proceedings ex officio, when such authority is granted by specific legal provisions.

2. Institutional Models for Public Legal Representation in Comparative Legal Systems

The public legal representation function is performed by a designated professional body (a public legal representation body in the substantive sense), but this does not necessarily imply the existence of a separate institution (a public legal representation body in the formal sense).[9] **A** comparative analysis of regulations governing public legal representation functions shows that various institutional models have been developed across legal systems for the implementation of this function, in accordance with the specific features of state organization, as well as legal tradition and culture.

Although there is significant diversity in terms of composition, legal status, and scope of work of the bodies performing pub-

Administration, Legal Records, Vol. 3/2012, No. 1, p. 182.

[9] Tratar, B., The State Attorney's Office as a Judicial State Authority, Judicial Bulletin (PB), No. 3/2014, p. 92.

lic legal representation duties, a few general institutional models can be identified with a certain degree of abstraction.

In common law countries, the public legal representation function is part of the broader mandate of representing the state in court proceedings, including criminal prosecution, typically performed by the Office of the Attorney General or State Attorney.

In civil law countries, two main approaches are observed:
– in some states, the protection of the state's property interests is entrusted to a separate body,
– in others, this function is combined with criminal prosecution and assigned to the same institution.

In some countries, the public legal representation function is performed by a single authority (e.g., state legal service), while in others, the function—or some of its segments—is distributed among multiple institutions, either according to levels of government or specific areas of responsibility.

The legal status of the institutions entrusted with this function also varies, as does their position within the legal system and the terminology used to designate them, such as *"state attorney's office," "state legal service," "representative of state interests"*, and others. This can lead to confusion in identifying the body that actually performs the public legal representation function.[10]

In the following section, we present an overview of the institutional and organizational models for performing the public legal representation function in the countries of the former Yugoslavia, as well as various models developed in selected comparative legal systems of European Union member states.

2.1. State Attorney's Offices in the Countries of the Former Yugoslavia

After gaining independence, the countries of the former Yugoslavia regulated public legal representation through new legislation, departing—to varying degrees—from the structure that existed in the former joint state, where all republics, provinces and LSGs had their own public legal representation offices, which were responsible for representing these socio-political communities in all property-related legal matters.

[10] O terminološkim problemima u označavanju pravobranilačkih organa u pojedinim državama, šire: Prodanović, J. Uređenje državnog pravobranilaštva u uporednom pravu, Bilten Republičkog javnog pravobranilaštva, br. 1/2014, str. 44–49.

Bosnia and Herzegovina, Serbia, and North Macedonia have retained the institution of the state attorney's office as a separate body, along with the original designation of the institution. In Slovenia, a separate institution also performs the public legal representation function; it is the State Attorney's Office of the Republic of Slovenia (Državno odvetništvo Republike Slovenije).

In Croatia, the institution operating under the name State Attorney's Office (*Državno odvjetništvo*) performs both legal representation and prosecutorial functions.

In Montenegro, a separate institution has been established to carry out the public legal representation function, titled the Protector of Property and Legal Interests of Montenegro (PCG).

2.1.1. Bosnia and Herzegovina

In Bosnia and Herzegovina[11] the public legal representation function is regulated by the Law on the State Attorney's Office of Bosnia and Herzegovina (LSABiH),[12] as well as by the laws of its two entities—the Federation of Bosnia and Herzegovina and the Republika Srpska:
the Law on the Federal State Attorney's Office (LSAFBiH)[13] and the Law on the Public Attorney's Office of Republika Srpska (LPARS). In addition, it is regulated[14] by the Law on the State Attorney's Office of Brčko District of Bosnia and Herzegovina (LSA Brčko),[15] which has its own legislative, executive, and judicial authorities.

The public legal representation function in Bosnia and Herzegovina is performed by the following institutions: the State Attorney's Office of Bosnia and Herzegovina (SABiH), the Federal State Attorney's Office (SAFBiH), the Public Attorney's Office of Republika Srpska (PARS), the State Attorney's Office of Brčko Dis-

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11 Bosnia and Herzegovina is a complex state, which, according to the General Framework Agreement for Peace in Bosnia and Herzegovina, consists of the Federation of Bosnia and Herzegovina and the Republika Srpska as its entities, while the Brčko area has been designated as a district.

12 *Official Gazette of BiH, Nos. 8/2002, 10/2002 – corr., 44/2004, 102/2009, and 47/2014.*

13 *Official Gazette of the Federation of BiH, Nos. 2/1995, 12/1998, 18/2000, and 61/2006.*

14 *Official Gazette of Republika Srpska, No. 7/2018.*

15 *Official Gazette of Brčko District of BiH, Nos. 28/2006, 19/2007, 17/2008, 20/2010, 15/2015, and 28/2018 (consolidated text).*

trict (SA Brčko), as well as cantonal and city/municipal state attorney's offices operating within the Federation of BiH.[16]

The State Attorney's Office of Bosnia and Herzegovina (SABiH) is a special state body responsible for providing legal protection of the property and financial interests of Bosnia and Herzegovina, its institutions, and other organizations financed from the state budget.

The functions of the Office are carried out by the State Attorney, two Deputy State Attorneys, and several Assistant State Attorneys.[17] They are appointed for a term of four years and may be reappointed.[18] The Council of Ministers of Bosnia and Herzegovina appoints and dismisses the State Attorney and their deputies, while Assistant State Attorneys are appointed and dismissed by the State Attorney.[19] The conditions for performing the function of State Attorney, Deputy, and Assistant are prescribed by law.[20]

The SABiH is responsible for various types of activities, including legal counseling, representation before courts and other bodies in Bosnia and Herzegovina and abroad, as well as other forms of legal protection of the property and financial interests of Bosnia and Herzegovina, its institutions, and other organizations financed from the state budget.

In performing its public legal representation function, SABiH undertakes legal actions either upon request or on its own initiative. SABiH[21] acts as the legal representative of the Council of Ministers of Bosnia and Herzegovina before the Constitutional Court of Bosnia and Herzegovina.

In addition, it serves as the attorney-in-fact for the state, its institutions, and other organizations in administrative dispute proceedings in which they are the defendant party.

SABiH is also responsible for representing Bosnia and Herzegovina, its institutions, and other organizations before foreign

16 The Federation of Bosnia and Herzegovina is an entity composed of ten cantons, which are further administratively divided into 79 municipalities.
17 Article 2, Paragraph 1 of the LSABiH.
18 Article 6 of the LSABiH.
19 Article 4 of the LSABiH.
20 Article 3 of the LSABiH.
21 Article 13, Paragraphs 1, 2, and 13 of the LSABiH.

and international courts, arbitration panels, and authorities of other states.[22]

In performing its representation duties, SABiH acts as an ex lege representative and is authorized to undertake all actions that a party in the proceedings may undertake.[23] The institutions of Bosnia and Herzegovina and other organizations are obligated to promptly inform the SABiH of cases in which it is authorized to represent them, file legal remedies, and undertake other legal actions as prescribed by law, and to provide it with all necessary documentation.[24]

With regard to representing entities for which it acts as an ex lege representative, SABiH enjoys a significant degree of autonomy. Namely, if the State Attorney's Office is of the opinion that a court or other proceeding should not be initiated, or that a dispositive procedural action should be taken (such as withdrawal of a claim, waiver or acknowledgment of a claim, or conclusion of a settlement), it is obliged to request the position of the entity it represents on how to proceed.

If no agreement is reached or if the represented entity fails to respond within a specified deadline, the final decision is made by the Collegium of the State Attorney's Office, which then notifies the represented entity of its decision..[25]

The law regulates the manner of proceeding in situations where the State Attorney's Office is, by law, required to represent parties with opposing interests. If one party is the state, the State Attorney's Office represents the state; if neither party is the state, the State Attorney's Office does not represent either party.[26]

The State Attorney's Office provides expert assistance to the institutions of Bosnia and Herzegovina, public agencies, public corporations, and other organizations of Bosnia and Herzegovina in resolving property-related legal matters, and issues opinions regarding the conclusion of contracts of a property-legal nature.

These institutions and organizations are obligated to obtain an opinion from the State Attorney's Office prior to concluding

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[22] Article 13. In proceedings before foreign courts, arbitration panels, tribunals, and other foreign authorities, SABiH may also represent its entities (Article 13, Paragraph 5 of the LSABiH).
[23] Article 13, Paragraph 4 of the LSABiH.
[24] Article 12, Paragraph 13 of the LSABiH.
[25] Article 13, Paragraph 20 of the LSABiH.
[26] Article 12, Paragraphs 9 and 10 of the LSABiH.

such contracts, except in cases where the contract value is below 10,000.00 KM (approximately **5,000.00 EUR**). After the contract is concluded, they are required to submit a copy of the contract to the State Attorney's Office.

If the State Attorney's Office considers the concluded contract to be null and void, it is obliged to file a claim for annulment. If the agreed price does not correspond to the market value, it must file a claim for termination or modification of the contract..[27]

At the request of the state attorney's offices in the entities and Brčko District, the State Attorney's Office of Bosnia and Herzegovina (SABiH) provides opinions on property-law contracts that they and their respective bodies intend to conclude with foreign legal entities.[28] The State Attorney's Office of Bosnia and Herzegovina (SABiH) also plays a role in the legislative process. Namely, the LSABiH stipulates that, during the adoption of laws and other regulations governing property-law relations that involve the acquisition of rights or creation of obligations related to property owned by Bosnia and Herzegovina, it is mandatory to obtain an opinion from the State Attorney's Office..[29]

The Federal State Attorney's Office (SAFBiH) is a special state body that undertakes measures and legal remedies to ensure the legal protection of the property and financial interests of the Federation of Bosnia and Herzegovina.[30] The public legal representation function is performed by the Federal State Attorney, who is appointed and dismissed by the Prime Minister.[31] The number of Deputy State Attorneys is determined by the Government.[32]

The Federal State Attorney's Office (SAFBiH) performs activities related to the legal protection of the property and financial interests of the Federation of Bosnia and Herzegovina and its bodies and institutions that do not have legal personality and are financed from the Federation's budget.

It may also represent legal entities established by the Federation and financed from the Federation's budget, if such representation is stipulated in the founding act of the legal entity.

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27 Article 13, Paragraphs 15 and 16 of the LSABiH.
28 Article 13, Paragraph 18 of the LSABiH.
29 Article 13, Paragraph 19 of the LSABiH.
30 Article 1 of the LSAFBiH.
31 Article 21 of the LSAFBiH.
32 Article 19 of the LSAFBiH.

The SAFBiH does not represent Federation bodies and institutions in labor disputes, except in labor disputes involving the Federal Ministry of Defense.[33]

In court and other proceedings, the Federal State Attorney's Office (SAFBiH) acts as an ex lege representative. If it deems it necessary, it may grant power of attorney for representation to an employee of the represented body, to the body itself, or to an entity designated by the head of the body.[34]

In addition to representation, legal protection activities also include providing expert assistance to bodies in resolving property-law matters, as well as issuing opinions regarding the conclusion of property-law contracts.[35] The rights and duties of the Federal State Attorney's Office (SAFBiH) in this area are regulated in the same manner as in the LSABiH.

One of the specific powers of SAFBiH is the authority to issue mandatory instructions to cantonal and municipal state attorney's offices regarding the application of federal laws.[36] On matters concerning federal laws, the SAFBiH, together with cantonal and municipal state attorneys, adopts joint positions at meetings convened by the Federal State Attorney's Office, either on its own initiative or at the proposal of a cantonal or municipal state attorney. These positions are binding.[37]

The Public Attorney's Office of Republika Srpska (PARS) is a distinct body that, in proceedings before courts and other competent authorities, undertakes legal remedies for the protection and realization of the property rights and interests of the entities it represents, and performs other duties prescribed by law.[38] The public legal representation function is performed by the State Attorney, who is assisted by nine deputies, whose jurisdiction is determined territorially, based on the local jurisdiction of the basic courts. They are elected and appointed by the National Assembly.[39] The law prescribes the conditions for the election and dismissal, as well as the conditions for the removal of the State Attorney and their deputies.

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33 Article 8 of the LSAFBiH.
34 Article 12 of the LSAFBiH.
35 Article 15 of the LSAFBiH.
36 Article 18 of the LSAFBiH.
37 Article 16b of the LSAFBiH.
38 Article 13 of the LPARS.
39 Articles 22 and 24 of the LSAFBiH.

The Public Attorney's Office of Republika Srpska acts as the ex lege representative of Republika Srpska, LSGs, their bodies and organizations, and other bodies and organizations that do not have legal personality and are financed from the budget of the Republika Srpska.[40] A city that does not have municipalities within its administrative structure is represented in judicial and other proceedings by an authorized person, rather than the State Attorney. However, the city is obliged to inform the PARS of the actions taken in the proceedings.[41]

The State Attorney's Office is authorized to initiate proceedings or to join proceedings before a court or other competent authority in order to protect the property rights and interests of the entities it represents, in cases prescribed by law, upon written request of the entities it represents, or when it becomes aware by other means that such action is necessary.[42] In undertaking legal remedies for the protection of the rights and interests of the entities it represents, as well as in representation, the Public Attorney's Office of Republika Srpska (PARS) is authorized to perform all actions that a party to the proceedings may undertake.

However, the State Attorney's Office does not act independently when it comes to initiating proceedings or taking dispositive procedural actions.

Specifically, in each individual case, prior to initiating proceedings or taking dispositive actions, PARS is required to submit a reasoned opinion to the entity it represents and request its position.

PARS is obliged to act in accordance with that position, except in the case of filing legal remedies, where it acts according to its own opinion. The same applies if the represented entity fails to submit a written position within the legally prescribed deadline.

40 Article 9 of the LPARS.
41 Article 15 of the LPARS.
42 Article 13, Paragraph 3 of the LPARS.

If PARS determines that complying with the expressed position would cause financial harm to the represented entity, it is obligated to issue a written warning to the head of the represented entity.[43]

Prior to initiating court proceedings, the Public Attorney's Office of Republika Srpska (PARS) may, with the explicit consent of the entity it represents, initiate or participate in a mediation process with the aim of amicably resolving the dispute.[44]

The State Attorney's Office has a consultative role regarding the conclusion of property-law contracts by the entities it represents. In addition, it is obliged to initiate proceedings for the assessment of the constitutionality of laws and the legality of other regulations and general acts, as well as to request the annulment or revocation of decisions and other acts that violate the property rights of the represented entities.

The law precisely regulates the duties of the represented entities, courts, and other authorities concerning the obligation to inform the State Attorney. Courts and other authorities are required to notify the State Attorney's Office if, during proceedings, they become aware that measures should be taken to protect the rights and interests of the represented entities.

All public authorities are obliged to inform PARS of any threats, violations, or disputes concerning the rights or property of the entities it represents, in order to enable the State Attorney's Office to undertake the necessary legal actions within its authority.

The State Attorney's Office has the right to inspect, obtain documentation, public documents, make copies, and access other files from any public registry or database regarding the case status, without being required to pay any fees, compensation, or charges.

[43] Article 19 of the LPARS.
[44] Article 18 of the LPARS.

The represented entity is obliged to promptly provide, upon the request of the State Attorney's Office, the necessary evidence and information regarding the status of a given legal matter.[45]

The State Attorney's Office of Brčko District (SA Brčko) is a body responsible for the legal protection of public property, property rights, and property interests of the District, its bodies, institutions, and legal entities that are fully or predominantly financed from the District's budget or over which the District exercises founding rights.

In proceedings before courts and other competent authorities, it undertakes statutory actions and measures to protect the public property, property rights, and property interests of the District.[46]

The public legal representation function is performed by the State Attorney, who is assisted by seven deputies.[47]

The jurisdiction of the SA Brčko largely coincides with the jurisdictions of SABiH and the state attorney's offices of its entities. A specific feature of the statutory regulation of its jurisdiction lies in the fact that the law explicitly provides that the SA Brčko may initiate proceedings against the District itself.[48]

With respect to the entities it represents, the SA Brčko holds an independent position, as it is not required to seek their opinion regarding the initiation of proceedings or the undertaking of dispositive procedural actions, but is only obliged to inform them thereof.

However, the consent of the represented entity is required in matters related to the conclusion of out-of-court settlements.[49]

Cantonal and municipal state attorney's offices.

Each canton is authorized to regulate, by law, the public legal representation function at the cantonal level, including the organization, and the legal and material status of cantonal state attorneys and their deputies.

45 Article 17 of the LPARS.
46 Article 1 of the LSA Brčko.
47 Articles 18 and 19 of the LSA Brčko.
48 Article 7, Paragraph 5 of the LSA Brčko.
49 Article 9 of the LSA Brčko.

Cantonal laws on the state attorney's office also govern the organization and legal and material status of city and municipal state attorneys and their deputies.[50]

The appointment procedure for cantonal state attorneys varies from one state attorney's office to another.

In some cantons, the cantonal assembly, as the legislative authority, is responsible for the appointment, while in others, it is the cantonal government, as the executive authority.

Additionally, in certain cantons, the competent Ministry of Justice is in charge of the appointment and dismissal, with the appointment requiring confirmation by the cantonal assembly.[51] Some cantonal laws provide the possibility for a city or municipal council to delegate the performance of public legal representation functions to the cantonal state attorney's office.[52]

Cantonal state attorney's offices are responsible for carrying out legal protection activities concerning the property and financial interests of the canton and its bodies, administrative authorities, administrative organizations, expert services, and other institutions established by the canton.

Exceptionally, they may also perform legal protection duties for public enterprises, public institutions, and other legal entities established or co-established by the canton, upon the request of the founder or co-founder.

Cantonal state attorney's offices represent the canton in legal proceedings related to the protection of its property and financial interests. In cases involving foreign courts, arbitrations, and other foreign state authorities or organizations, the cantonal state attorney's office may authorize the Federal State Attorney's Office (SAFBiH) to represent the canton.

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50 All ten cantons have adopted their own laws on the state attorney's office.

For more, see: Project for the Reform of the public legal representation function in the Federation of Bosnia and Herzegovina, Association of State Attorneys in the Federation of Bosnia and Herzegovina, 2011, p. 9. Available at: https://develop.ito.ba/apuf/wp-content/uploads/2020/06/ Projekat_reforme_pravobranilastva.pdf.

51 Ibid., p. 11.

52 See, for example, Article 44 of the Law on the State Attorney's Office of the Sarajevo Canton (Official Gazette of the Sarajevo Canton, No. 33/2008, new consolidated text*).

In addition to representation, cantonal state attorney's offices provide legal opinions regarding the conclusion of property-law contracts, and they are authorized to initiate proceedings for the annulment or amendment of such contracts.

The jurisdiction of municipal state attorney's offices generally coincides with that of the cantonal state attorney's offices.

2.1.2. Montenegro

In Montenegro, the public legal representation function is entrusted to a single-person body – the Protector of Property and Legal Interests of Montenegro (PCG). The legal framework governing its operations is set forth in Articles 53–62 of the Law on State Property (LSPCG),[53] which regulate the legal status and jurisdiction of the PCG. The Protector is appointed and dismissed by the Government, upon the proposal of the Minister of Finance.

The Protector has 10 deputies, who are also appointed and dismissed by the Government, based on the Protector's proposal, and their term of office is five years.

To perform professional and administrative duties, the Protector establishes a professional service, whose organization is regulated by an act on internal organization and systematization, subject to Government approval.[54] The law prescribes the conditions under which a person may be appointed as the Protector or Deputy Protector. It is stipulated that the Government determines its salaries through a special act.[55]

The Protector has two primary functions: representative and advisory. The Protector represents the state, its bodies, and public services established by the state that do not have legal personality before courts and other state authorities.

The Protector does not represent or protect the property-related legal interests of local governments; the authority designated by the municipality does this.

[53] Official Gazette of Montenegro, Nos. 21/2009 and 40/2011.

[54] **Article 60 of the LSPCG**: The institution of the **Protector** consists of **three organizational units**: offices located in **Podgorica, Kotor, and Bijelo Polje**. See more in: *Public Finances and Administrative Accountability: What Does the Protector Do?*, available at: https://media.institut-alternativa.org/2016/12/Zastitnik-Javne-finansije-online.pdf.

[55] Article 58 of the LSPCG.

The law explicitly provides that both the Protector and the authority designated by the municipality hold the status of legal representatives of a legal entity.[56]

When representing parties in civil disputes where the value of the claim exceeds €30,000, the Protector and the municipal authority do not have discretion to undertake dispositive procedural actions.

Before withdrawing a claim, acknowledging the opposing party's claim, concluding a settlement, or waiving a legal remedy, they are obligated to inform the Government or the competent authority of the local self-government unit. They must act in accordance with its position.[57] The Protector, or the competent municipal authority, may, prior to initiating judicial or other proceedings, undertake actions aimed at the amicable resolution of the dispute, provided that the nature of the dispute allows for such resolution.[58]

One of the rights and duties of the Protector of Property and Legal Interests of Montenegro (PCG) and the municipal authority is to provide legal opinions, upon request, to the bodies whose property rights and interests they represent, concerning the conclusion of contracts, as well as other property-related legal matters.[59] All concluded contracts concerning the acquisition and disposal of immovable and movable property and other high-value assets within state-owned property must be submitted to the Protector.

The Ministry of Finance exercises oversight over the work of the Protector. The Protector prepares an annual report on its activities and submits it to the Ministry, which, after review and evaluation, forwards it to the Government for adoption.[60]

2.1.3. Croatia

In Croatia, the public legal representation function is regulated by the Law on the State Attorney's Office (LSACr). In Croatia[61], a separate body has not been established to perform public legal representation functions. Instead, these functions are carried out by the State Attorney's Office (SACr), an autonomous and independent

[56] Article 53 of the LSPCG.
[57] Article 54 of the LSPCG.
[58] Article 55 of the LSPCG.
[59] Article 56 of the LSPCG.
[60] Article 59 of the LSPCG.
[61] *Official Gazette, Nos. 67/2018 and 21/2022.*

judicial authority responsible for prosecuting criminal offenses, undertaking legal actions to protect the property of the Republic of Croatia, and initiating legal proceedings to safeguard the Constitution and laws. Thus, the public legal representation function and the criminal prosecution function are merged and exercised by a single judicial authority.

The State Attorney's Office (SACr) is organized hierarchically and consists of the State Attorney's Office of the Republic of Croatia, county state attorney's offices, and municipal state attorney's offices.[62] The Chief State Attorney heads the State Attorney's Office (SACr). The law provides for the possibility of establishing special state attorney's offices to handle specific types of cases.

Each state attorney's office operates within the scope of its subject matter and territorial jurisdiction, unless otherwise specified by law.

Municipal state attorney's offices are subordinate to the county state attorney's offices. In contrast, county and exceptional state attorney's offices are subordinate to the State Attorney's Office of the Republic of Croatia.[63]

All state attorney's offices (SACr) comprise two organizational units: the Criminal Division and the Civil-Administrative Division.[64] At section meetings, contentious legal issues are discussed and positions are adopted to ensure consistent practice. However, there is no mechanism for issuing binding instructions to State Attorney's Offices (SACr).

The protection of property and legal interests of the Republic of Croatia, as well as the undertaking of actions aimed at upholding the Constitution and the law, is carried out by the SACr through its work on civil and administrative cases.

The SACr acts *ex lege* as the legal representative of the Republic of Croatia in court and other proceedings before domestic and foreign courts, bodies, and institutions, including the Constitutional Court. It undertakes legal actions to protect state-owned assets and interests in proceedings before courts, administrative bodies, and other entities.

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[62] Croatia has 20 counties (*županije*), which represent the basic units of regional self-government. The counties are divided into 128 cities and 428 municipalities. *Act on the Areas of Counties, Cities and Municipalities in the Republic of Croatia*, *Official Gazette*, No. 86/2006.

[63] Articles 12 and 13 of the *Law on the State Attorney's Office (LSACr)*.

[64] Article 14 of the *LSACr*.

It also acts as a *sui generis* party in administrative disputes, files requests for extraordinary review of final administrative court decisions, participates in administrative procedures related to the restitution of confiscated property, and performs other legal actions authorized by special laws.

Additionally, the SACr provides legal opinions on contracts concluded by the Republic of Croatia as a party, and offers opinions on draft laws and other regulations.[65]

The State Attorney's Office (SACr) may also act as the legal representative of legal entities owned or predominantly owned by the state, as well as institutions founded by the state. If the competent SACr refuses the power of attorney, it is obliged to inform the Chief State Attorney, who makes the final decision. Additionally, based on a special power of attorney and with the consent of the Chief State Attorney, the competent SACr may represent local and regional self-government units (LSG) in court proceedings when they appear as co-litigants alongside the Republic of Croatia.[66]

In order to ensure the independence of state attorneys in their work, any form of influence or coercion against them is explicitly prohibited. Furthermore, a state attorney may not be held liable for providing a legal opinion.[67]

2.1.4. Slovenia

In the Republic of Slovenia, the functions of state representation are performed by the State Attorney's Office (*SASl*), established by the Law on the State Attorney's Office (*LSASl*) in 2017,[68] following the dissolution of the State Attorney's Office of the Republic of Slovenia.

The State Attorney's Office (SASl) is headed by the State Attorney, who is appointed by the Government for a term of six years, upon the proposal of the Minister of Justice, with the possibility of reappointment. The Deputy State Attorney is also appointed by the Government for the same term, based on the proposal of the State Attorney and with the consent of the Minister of Justice.

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65 Article 36 of the LSACr.
66 Article 37 of the LSACr.
67 Articles 6 and 7 of the LSACr.
68 *Official Gazette of the Republic of Slovenia, No. 23/2017.*

To ensure consistent performance of its duties throughout the territory of the Republic of Slovenia, the State Attorney's Office has eight organizational units, whose jurisdiction is determined on a territorial basis, with certain legal matters falling under the exclusive jurisdiction of the State Attorney's Office in Ljubljana. [69]

The State Attorney's Office (SASl) carries out its activities independently and autonomously (Article 2, Paragraph 1), acting professionally and in accordance with the interests of the party it represents, based on mutual trust.[70] Independence is emphasized by the rule stipulating that the Ministry of Justice, which oversees the work of the State Attorney's Office (SASl),[71] may not interfere in the decisions of state attorneys in individual cases.[72]

The State Attorney's Office of the Republic of Slovenia (SASl) performs professional tasks in the field of protection of property and other rights and interests of the state through legal representation before courts and administrative bodies in the Republic of Slovenia, as well as before foreign and international courts and arbitration panels, including the European Court of Human Rights (ECtHR).[73] It also performs legal advisory tasks, activities in the mandatory pre-litigation procedure conducted for the purpose of peaceful (amicable) settlement of disputes prior to initiating court proceedings, as well as other duties defined by the Law on the State Attorney's Office of the Republic of Slovenia (LSASl) or other laws.[74]

The State Attorney's Office of the Republic of Slovenia (SASl) is authorized to engage experts when assistance is needed to clarify specific professional matters, and it is obliged to publish information on its website about all cases in which experts have been engaged, including the names of the experts.[75]

The State Attorney's Office of the Republic of Slovenia (SASl) performs a representative function. It acts *ex lege* as the legal rep-

[69] Article 42 of the **Law on the State Attorney's Office of the Republic of Slovenia (LSASl).**
[70] Articles 2 and 3 of the LSASl.
[71] Article 2(5) of the LSASl.
[72] Article 3(5) of the LSASl.
[73] In addition to the State Attorney of Slovenia, the representation of Slovenia also includes a co-representative – a legal adviser at the Permanent Representation of Slovenia, accredited by the Council of Europe, appointed by the Government (Article 21 of the LSASl).
[74] Articles 2(2) and (3) of the LSASl.
[75] Article 15 of the LSASl.

resentative of the state and its bodies in proceedings before domestic courts. In these proceedings, it may also represent public institutions, local self-government units (LSGs), public enterprises, or state-owned companies upon their request, if such representation is significant for both them and the state. However, it may refuse such a request, providing a reasoned opinion by the State Attorney.[76] As the ex lege representative of the state and its bodies, the SASl is authorized to undertake all procedural actions.

In proceedings before administrative authorities, the SASl represents the state and its bodies as a legal representative. It may refuse to represent public institutions and other public law entities as a legal representative, with a reasoned opinion of the State Attorney.[77] In case of refusal to represent public institutions and other public law entities, the final decision is made by the Government, upon the request of the entity that sought representation by the SASl.[78]

As regards the relationship between the SASl and the represented entities, the law generally stipulates that the SASl independently performs representation in individual cases. The represented entities are obliged to provide information on the case,[79] and the state attorney is required to regularly inform the represented entities about the cases in which they are represented, and upon their request.

However, the independence of the SASl is considerably limited. Namely, to initiate proceedings and undertake dispositive procedural actions—including the withdrawal of a legal remedy—the consent of the represented entity is required. If there is no agreement between the SASl and the represented entity regarding such actions, the state attorney must provide the represented entity with a written explanation of the intended procedural action. Upon receiving the explanation, the represented entity may, within seven days, request a reasoned opinion from the Government, which is binding for the state attorney. If this is not done, the SASl shall act at its own discretion.[80]

[76] Article 12, paragraph 3 of the LSASl
[77] Article 13, paragraphs 1 and 2 of the LSASl
[78] Article 14 of the LSASl
[79] Article 15, paragraphs 1 and 2 of the LSASl
[80] Article 15 of the LSASl

The SASl has an advisory function. It advises the state and state authorities on property-related legal matters,[81] and, upon request from a state authority, provides legal opinions regarding the protection of the property and other rights and interests of the Republic of Slovenia. In addition, it provides legal opinions on the consistency of the positions and conduct of state authorities with judicial practice and the practice of international courts and arbitrations. State authorities are required to obtain a prior opinion from the SASl in cases where the value of the subject matter exceeds EUR 100,000. Other public law entities may request the SASl to provide its legal opinion regarding the protection of property and other rights and interests, if the legal matter has direct implications for public funds.[82]

In proceedings initiated against the state, conducting a prior procedure aimed at attempting peaceful (amicable) settlement of the dispute is a procedural prerequisite for the admissibility of court proceedings. Anyone intending to initiate court or other proceedings against the state or a state authority is obliged, prior to initiating the proceedings, to propose to the State Attorney's Office that the disputed matter be resolved amicably through out-of-court settlement.[83, 84]

2.1.5. North Macedonia

According to the Law on the State Attorney's Office of the Republic of North Macedonia (LSAMa),[85] the State Attorney's Office (SAMa) is a body that undertakes measures and legal remedies

[81] Article 24 of the LSASl

[82] Article 25 of the LSASl.

[83] The conduct of the preliminary procedure for the peaceful (amicable) settlement of a dispute does not apply to administrative procedures and administrative dispute resolution procedures, possession disturbance procedures, enforcement proceedings, as well as proceedings for exercising labor rights, claims from labor relations, social security, and non-contentious proceedings for determining compensation or where another law provides that the preliminary procedure is not a procedural prerequisite (Article 27, paragraph 6 of LSASl). The law thoroughly regulates the procedure for amicable dispute resolution.

[84] In case the represented party and the state attorney do not agree on the expediency of concluding the settlement, the Government Council for Settlements gives an opinion. The Council consists of a representative of the State Attorney's Office, the Ministry of Justice, and the Ministry of Finance. The opinion of the Council is binding. In legal matters where the value of the dispute exceeds EUR 100,000 or in more significant matters, the State Attorney or the head of the represented entity who disagrees with the opinion of the Council may request that the Government decide on the conclusion of the settlement (Articles 32–34 of LSASl).

[85] *Official Gazette of the Republic of North Macedonia, Nos. 87/2007 and 104/2015.*

for the legal protection of the property and interests of the Republic of North Macedonia. The work of the SAMa is carried out by the State Attorney and state attorneys within the office. The State Attorney's Office is headed by the State Attorney, who is appointed by the Government for a six-year term, with the possibility of reappointment. State attorneys are also appointed by the Government, upon prior opinion of the State Attorney, without a term limit. The number of state attorneys is determined by the Government, based on a proposal by the State Attorney, and their offices are established in accordance with the territorial jurisdiction of the courts.[86] The State Attorney's Office operates independently, but is accountable to the Government..[87]

The State Attorney's Office protects the property rights and interests of the Republic of North Macedonia and state authorities before courts and other bodies in the country and abroad.[88] This means that the State Attorney's Office (SAO) acts as their ex lege representative. The State Attorney may authorize a person employed at the SAO who has passed the bar exam, as well as a person employed in a state administration body who has passed the bar exam and works on legal affairs, to act as a representative. These persons undertake procedural actions within the scope of the given authorization.[89]

Despite the proclaimed principle of autonomy, with regard to initiating judicial and other proceedings, the State Attorney is required to obtain written consent from the represented entity. However, even in the case of disagreement, the State Attorney may initiate proceedings if it is deemed necessary to protect the interests of the state. The consent of the represented entity is also required when the State Attorney decides that a proceeding should not be initiated, as well as for undertaking dispositive actions in the proceedings, including the conclusion of a judicial set-

[86] **Article 4 of the Law on the State Attorney's Office (ZoDP):** According to a decision of the Government, the attorney function is carried out in 16 seats, whose territorial jurisdiction is determined according to the jurisdiction of the courts. See the: https://dprsm.gov.mk/wp/.

[87] **Article 9, paragraph 2 ZoDP:** Before assuming office, the State Attorney gives a solemn declaration before the Prime Minister, and State Attorneys give their declaration before the State Attorney. The declaration reads: *"I declare that in my work I will respect the Constitution and laws and protect the property rights and interests of the Republic of North Macedonia and perform my function conscientiously, responsibly, and honorably."* (Article 21 ZoDP)

[88] Article 5 ZoDP

[89] Article 16 ZoDP

tlement. If the represented entity fails to respond within five days, it is considered that consent has not been granted.[90]

The law does not regulate the advisory function of the State Attorney's Office (SASr). However, it prescribes the authority of the SASr to undertake actions for the amicable settlement of disputes. A third party intending to initiate proceedings against the state or a state body is not obliged, but only authorized, to submit a proposal to the SASr for amicable resolution of the property-legal relationship from which the dispute arose, before initiating proceedings. In such a case, the SASr is obliged to request the opinion of the entity it is legally authorized to represent. If the entity fails to respond within five days, it is considered that the proposal for amicable settlement of the dispute has not been accepted.[91]

2.2. Public Legal Representation in Selected European Union Countries

Various institutional models of public legal representation functions have been developed in the European Union member states. Below is an overview of the models implemented in selected European countries.

2.2.1. Austria

In Austria, the public legal representation function is performed by the Financial Procurator's Office (Finanzprokuratur), whose operations are regulated by the Federal Law on the Financial Procurator's Office (LFPA) from 1978.[92]

The *Financial Procurator's Office (FP)* is a centralized federal state authority that performs representation and advisory duties for the state and its bodies, as well as for public authorities and other legal entities connected to the state. Although it is organizationally linked to the Ministry of Finance, the FP operates as an independent and autonomous body.[93]

These duties are performed by state procurators, who work within eight departments organized by legal areas. They must have passed the bar exam (*Justizprüfung*) as well as a special exam for working in this office (*Prokuraturprüfung*).[94] The Prokuratur is

[90] Articles 15 and 16 ZoDP

[91] Article 15 of the Law on the State Attorney's Office of the Republic of North Macedonia.

[92] Bundesgesetz über die Finanzprokuratur, BGBl I Nr. 110/2008.

[93] Prodanović, J., previously cited work, page 56.

[94] A trainee-procurator who passes this exam within five years of employment may

headed by a Presidium, chaired by the President, who holds the status of a high-ranking civil servant. The President is appointed by the Minister of Finance, based on the recommendation of a special statutory commission, for a term of five years. The term is automatically extended unless it is determined that the procurator acted unlawfully.

In court proceedings, the Financial Procurator is authorized to act in all types of proceedings, including those where legal representation by an attorney is mandatory.[95]

The Financial Procurator's Office is the statutory legal representative of the federal state and its authorities ("state attorney") before domestic and international courts, tribunals, and administrative bodies, when they appear as parties or interveners in proceedings.[96] In addition to these so-called mandatory clients, the Financial Procurator's Office also has so-called optional clients. These include legal entities connected to the state: companies in which the Republic of Austria holds a majority stake or which are financed by Austria, entities managed by public agencies or individuals appointed by public agencies, public authorities, institutions, foundations and funds, state governments, and local self-government bodies.[97] The FP does not represent these entities by law; rather, they are entitled to hire a private attorney. In the event of a dispute between the state and the so-called optional clients, the Financial Procurator advises and represents the state.[98]

Legal advisory tasks include contract drafting, negotiations, preparation of legal documents, providing legal opinions, and similar activities. Although the legal opinions issued by the Financial Procurator's Office are not binding, they are highly regarded due to their exceptional quality.[99]

The Financial Procurator's Office facilitates access to justice for citizens by serving as a single point of contact in cases involving violations of rights by federal authorities, especially when an individual is unsure which federal authority is competent to resolve their claim. The Financial Procurator provides the compe-

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carry out representation tasks; otherwise, their employment is automatically terminated (Article 11 of the Law on the Financial Procurator's Office).

95 **Article 6, paragraph 3 LFPA** *(Law on the Financial Procurator's Office – Austria)*

96 Article 2 LFPA

97 Article 3 LFPA

98 Article 9 LFPA

99 For more details: *Finanzprokuratur – Lawyer and legal advisor of the Republic of Austria*, available at: https://finanzprokuratur.bmf.gv.at/en.html.

tent authority with an independent expert opinion on whether the claim is founded and whether it should be accepted or rejected. Additionally, the Procurator is authorized to mediate or assist in out-of-court settlement of disputes. An attempt at out-of-court dispute resolution is a procedural requirement for initiating court proceedings to pursue property claims. Anyone intending to file a claim for damages against a state authority is required to submit a proposal for out-of-court settlement to the Financial Procurator. Based on the facts it gathers, the Procurator gives an opinion on whether the state authority should accept the proposed settlement or not. The Financial Procurator is also authorized to issue legal opinions for the purpose of arbitration proceedings and to participate in the preparation of legislation by providing comments on draft laws.[100]

The relationship between the FP and its clients is strictly regulated by law. The Financial Procurator acts based on the instructions of its clients. Only in cases of imminent danger of violation of the client's rights and interests may the procurator take action without a specific instruction, but must immediately inform the client thereof. The client's instruction is binding on the procurator, unless the procurator considers the instruction unlawful, in which case they are obliged to notify the client. If the procurator and the client do not agree on the procurator's course of action, the case must be reported to a higher authority.[101] The Procurator is obliged to inform the client about the course of the proceedings and the actions undertaken.

All public authorities, including the courts, are required to support the FP in the performance of its duties and, upon its request, to grant access to the requested files, archives, and official publications, as well as to provide copies of documents and documents in electronic format.[102]

2.2.2. Italy

In Italy, the public legal representation function is performed by the State Attorney's Office of Italy (Avvocatura dello Stato, SAIt), an autonomous state body that is part of the administration of the President of the Council of Ministers but is not part of the public administration.

[100] For more: https://finanzprokuratur.bmf.gv.at/ueber-die-finanzprokuratur/aufgaben.html.
[101] Article 4 LFPA.
[102] Article 2(3) LFPA.

The organization, jurisdiction, and functioning of the SAIt are regulated by the Royal Decree of 1933 (Decree)[103] and the Law of 1979 (Law).[104] Organizationally, the SAIt consists of the General State Attorney's Office (Avvocatura Generale) and 25 District State Attorney's Offices (Avvocature Distrettuali), established for the jurisdictions of the courts of appeal. The General State Attorney's Office performs duties within the competence of the SAIt before the highest Italian judicial instances, as well as before foreign and international courts, while also carrying out the functions of a District State Attorney's Office within the jurisdiction of the Court of Appeal in Rome.[105] The District State Attorney's Offices (Avvocature Distrettuali) perform public legal representation functions within the jurisdictions of the courts of appeal, on behalf of regions and municipalities.[106]

State attorneys are selected through a public competition or appointed from among junior state attorneys who, after eight years of service, may be appointed as state attorneys.[107]

The primary role of the State Attorney's Office (SAIt) is to represent the interests of the central and local public administration through both representative and advisory functions.

The SAIt is ex lege authorized to represent the state, state authorities—including legal entities with legal personality—as well as regions granted special status under the Constitution, before civil and administrative courts. Additionally, it may act as an attorney-in-fact for regions without special status, non-state holders of public authority, and public institutions.

The Office of the General State Attorney represents the Republic of Italy before foreign and international courts, courts of the European Union, domestic and international arbitral tribunals, and the Constitutional Court.

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[103] Regio Decreto 30 ottobre 1933, n. 1612. Available at: https://presidenza.governo.it/USRI/ magistrature/norme/RD1612_1933.pdf.

[104] Law No. 103/1979. Available at: https://presidenza.governo.it/USRI/magistrature/norme/L103_1979.pdf

[105] Article 1 of the Decree.

[106] Article 2 of the Decree, Article 9 of the Law

[107] Junior state attorneys are selected through a competitive exam and ranked based on the results obtained in the exam, which consists of three written and two oral tests, the content of which is defined by law (Articles 12–32 of the Law on the State Attorney's Office). After selection, they take an oath before the Chief or District State Attorney, depending on the office to which they are assigned (Article 33 of the Law on the State Attorney's Office).

The advisory function of the SAIt is exercised by issuing legal opinions and advice to state bodies, either on its own initiative or at their request. These opinions and advice relate to property transactions, procedures in contentious matters—including the advisability of out-of-court settlements—amendments to legal regulations, and more. The law specifies the situations in which state bodies are required to request a legal opinion.[108] Exceptionally, the State Attorney may act as defense counsel for a public official accused in a criminal proceeding if the alleged criminal offense was committed in the course of performing a public function or service, and may also be appointed as an arbitrator in arbitration proceedings concerning disputes related to public works.

District State Attorney's Offices carry out public legal representation functions within their respective jurisdictions.[109] In order to exercise the function of representing regions and municipalities before courts of general jurisdiction, the council of the respective region or municipality must adopt a resolution that, in principle, entrusts representation to the State Attorney's Office. In the event such a resolution is adopted, the region or municipality is obliged to contribute to covering the expenses incurred by the state for strengthening the personnel and administration of the State Attorney's Office, in an amount determined by the President of the Council of Ministers.[110] In cases in which district state attorney's offices do not represent an administrative body, an employee may be designated to provide support to the representative of the administrative body in the proceedings.[111] However, the Principal State Attorney is authorized to take over a case from the jurisdiction of a district state attorney's office if the case is of particular significance due to its value or the complex legal issues it involves.[112]

State attorneys are independent from the authorities whose interests they represent, but not from the executive branch. Namely, in case of disagreement between an authority and the

[108] Villafrate, A. L'Avvocatura dello Stato, https://www.studiocataldi.it/articoli/32818-avvocatura-dello-stato.asp#par6.
[109] Article 9 of the Law.
[110] Avvocatura dello stato, Enciclopedia Italiana – V Appendice, 1991. Dostupno na: https://www.treccani.it/enciclopedia/avvocatura-dello-stato_%28Enciclopedia-Italiana%29/.
[111] Article 13 of the Law.
[112] Article 3 of the Decree.

State Attorney's Office regarding issues significant for a particular proceeding or legal matter, the final position is determined by the competent minister.[113]

State attorneys are selected through a public competition, in which junior state attorneys with two years of service,[114] udicial officials, certain senior civil servants, university professors, and private lawyers can participate, provided they meet additional requirements concerning relevant experience and necessary years of service. A commission conducts the competition, and candidates are selected based on their performance in four written and two oral exams.

Within the State Attorney's Office operates the Advisory Committee (*Comitato consultivo*), a body that, upon request of the Chief State Attorney, considers the most complex legal issues in cases of divergence in positions between the Chief State Attorney, their deputies, or district attorneys.[115] From the standpoint of ensuring the independence of the State Attorney's Office, the role of the Council of State Attorneys and Junior State Attorneys (*Consiglio degli Avvocati e Procuratori*) is of particular importance. This independent body is responsible for selecting, assigning, and transferring holders of the public legal representation function, electing the deputies of the Chief State Attorney and district state attorneys, conducting disciplinary proceedings against state attorneys, deciding on their employment-related rights, and performing other duties determined by law. Its members are elected at the general assembly of all state attorneys and junior state attorneys.[116]

2.2.3. Sweden

The public legal representation function in Sweden is performed by the Office of the Chancellor of Justice (*Justitiekanslern*), a specific government agency. The Government appoints the Chancellor of Justice (CJ) for an indefinite term.[117] It is a single-person, independent and autonomous authority, whose duties are defined by the Law on Supervision of the Chancellor of Justice (LSCJ Sweden)

[113] Article 12 of the Law.

[114] Junior state attorneys are selected through a public competition, which is announced by the Chief State Attorney and conducted by a commission. Candidates must pass three written tests and one oral examination.

[115] Article 19 of the Law.

[116] Article 21 of the Law.

[117] Information on the status of the Chancellor of Justice and the cases handled is available on the official website of the Chancellor of Justice: https://www.jk.se/.

[118] and the Regulation on the Duties of the Chancellor of Justice (Regulation).[119] The institution of the Chancellor of Justice has the character of a state (governmental) ombudsman and should be strictly distinguished from the civil (parliamentary) ombudsman (Justitieombudsman), the original Swedish institution on which similar bodies in many countries are modeled.

The primary role of the CJ is to assist the Government by providing legal advice and exercising supervision over the work of public authorities and state officials.[120] Its task is to examine whether the entities performing public functions fulfill their role and comply with the law and other regulations.[121] The Chancellor of Justice is authorized to initiate oversight procedures ex officio or upon the initiative of private individuals who, in their complaints, point to abuses of authority within public administration. If, during the oversight, it is established that an official has committed a disciplinary offense or a criminal act, the Chancellor may file a disciplinary or criminal complaint against that individual.[122] In the case of a public officeholder, the Chancellor may propose their dismissal.[123, 124]

However, the supervisory powers of the Chancellor of Justice (CJ) are significantly limited: the CJ is not authorized to supervise the work of the Government, individual ministers, the Parliament, or parliamentary bodies.[125] Furthermore, the Chancellor of Justice (CJ) is not authorized to intervene in the judicial activities of the courts, cannot issue instructions on how to act or decide in a case before a court or administrative authority, nor can he review or amend decisions made by other public authorities. When

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[118] Lag (1975:1339) om Justitiekanslerns tillsyn**.** Available at: https://www.notisum.se/rnp /document/?id=19751339.

[119] Förordning (1975:1345) med instruktion för Justitiekanslern. Available at: https://www.notisum.se/rnp/ document/?id=19751345.

[120] Article 2 of the Regulation. The Office of the Chancellor of Justice is organized into two departments: the first department oversees the work of public authorities and prosecutors, and supervises the legal aid system; the second department monitors general and administrative courts, handles matters concerning the application of European Union law, and manages cases before the European Court of Human Rights. See: Tratar, B. op. cit., p. 28.

[121] Article 1 of the Law on Supervision of the Chancellor of Justice (LSCJ Sweden).

[122] Articles 5 and 6 LSCJ Sweden.

[123] Article 6, para. 2 LSCJ Sweden.

[124] The Chancellor of Justice may initiate court proceedings for dismissal or suspension of a member of the Supreme Court or the Supreme Administrative Court, or request a medical examination order (Art. 8 LSCJ Sweden).

[125] Article 2 of the LSCJ Sweden

supervising the work of local self-government bodies, the CJ is required to respect their competences and the manner in which they exercise those competences.[126]

All entities subject to supervision, as well as courts and other authorities, are obliged to provide the Chancellor of Justice (CJ) with the information he requests. If they fail to do so, the CJ may impose a monetary fine.[127]

The Chancellor of Justice (CJ) is authorized to represent the state in legal disputes, primarily in lawsuits for damages against the state, including claims for compensation due to unlawful deprivation of liberty. Even in court proceedings where the CJ is not the state's legal representative, he may assume representation if it is necessary to protect the interests of the state.[128] Persons who represent the state or safeguard its rights are required to follow the instructions issued by the Chancellor of Justice (CJ) in the performance of their duties.[129]

The Chancellor of Justice may, on behalf of the state, conclude an out-of-court settlement with legal entities that have a property-related claim against the state, most commonly a claim for damages. To pursue such claims, legal entities may contact the Chancellor of Justice directly with a written compensation request, and if the Chancellor rejects the request, they may initiate court proceedings. The authority of the Chancellor to settle compensation claims out of court is based on the idea that court proceedings should be avoided whenever possible, especially in cases where it is evident that a rights violation has occurred and the person is entitled to compensation.[130] In addition, the CJ is authorized to instruct the responsible authority to pay the amount awarded by the court to the injured party, as well as the awarded procedural costs.[131]

One of the competences of the CJ is ensuring the observance of the boundaries of freedom of the press and freedom of expression. In cases where these boundaries are exceeded by the media, the CJ acts as a public prosecutor and holds exclusive authority to conduct investigations and initiate court proceedings. The Chan-

[126] Article 3 of the LSCJ Sweden
[127] Article 10 of the LSCJ Sweden
[128] Article 2 of the Regulation
[129] Article 12 of the Regulation
[130] See more: https://www.jk.se/skadestaand/skadestaand/.
[131] Article 2a of the Regulation.

cellor of Justice is also authorized to act in cases involving violations of the right to personal data confidentiality, where they may conclude out-of-court settlements regarding compensation claims. In addition, the CJ supervises the functioning of the legal aid system and proposes measures for its improvement.

3. Public Legal Representation in the Republic of Serbia

In Serbia, the institution of the State Attorney's Office has existed since the 19th century. In 1839, it was entrusted to the Head of the Department of Prudence within the Ministry of Finance, as well as to district treasurers (financial officials within district administrations). From 1842, the public legal representation function was performed by a special state official – the *Praviteljstveni fiškal* (Government Fiscal), who in 1848 was given the title *Praviteljstveni pravobranitelj* (Government Legal Representative), and from the end of the 1860s held the title *Državni pravobranitelj* (State Attorney), a position exercised by the head of the Legal Department within the Ministry of Finance.[132]

In the Kingdom of Yugoslavia, the State Attorney's Office was established in 1938 as a state authority entrusted with representing the state in judicial and administrative proceedings. It was also authorized to provide legal opinions on significant legal matters at the request of state authorities.[133]

In post-Second World War Federal Yugoslavia, each republic, province, and municipality had its own State Attorney's Office.

3.1. Legal Framework for Public Legal Representation

In the Republic of Serbia, the State Attorney's Office is not an institution provided for by the Constitution of the Republic of Serbia.[134] The regulations governing the role, jurisdiction, and functions of the State Attorney's Office are contained in the Law on State Attorney's Office (LSASr),[135] the Law on Defence, the Deci-

[132] Jovičić, O. *The History of the State Attorney's Office in Serbia*, *Pravni informator*, No. 6/2013.
[133] Šago, D., Domić, R. *op. cit*. str. 200.
[134] ***Official Gazette of the Republic of Serbia, Nos. 98/2006 and 115/2021 (Constitution of the Republic of Serbia)***.
[135] ***Official Gazette of the Republic of Serbia****, No. 55/2014 (Law on Defence).*

sion[136] of the Provincial Assembly on the Provincial Public Attorney's Office of Vojvodina[137] as well as in the statutes and decisions of local self-government units (LSGs) regarding city or municipal legal representation offices. The internal organization and job classification within the State Attorney's Office and other matters relevant to its operation are regulated by appropriate bylaws.

Considering the legal framework of the LROs covered by this research, it was necessary to collect all legal acts regulating their organization and method of work. This task proved significantly difficult because, unlike the laws and bylaws concerning the SASr, most acts governing LROs are not publicly available, and the official websites of LSGs usually only contain basic information on the State Attorney's Office. For that reason, the legal acts governing the operation of LROs were mostly obtained directly from the LROs themselves. This situation is clearly unsatisfactory from the standpoint of public visibility and transparency of their work.

Table 1 provides an overview of the legal regulations that form the legal framework for the operation of the SASr and the LROs covered by this research.

Table 1: Overview of legal regulations

Number	Title of Regulation	Official Gazette
The State Attorney's Office of the Republic of Serbia (SASr)		
1.	Law on the State Attorney's Office	Official Gazette of the Republic of Serbia, No. 55/2014
2.	Rulebook on the Establishment of Departments of the State Attorney's Office	Official Gazette of the Republic of Serbia, No. 73/2014
3.	Rulebook on Internal Organization and Job Classification in the State Attorney's Office	No. I Dp-498/22 of 3 October 2022
4.	Rulebook on Administration in the State Attorney's Office	No. DP-31/16 of 21 July 2016, Official Gazette of the Republic of Serbia, No. 71/2018
5.	Guidelines for the Improvement and Promotion of the Procedure for Concluding and Executing Out-of-Court Settlements in Cases of Protection of the Right to Trial Within a Reasonable Time	No. DP-590/2018 of 18 July 2018

136 ***Official Gazette of the Republic of Serbia**, No. 116/2007, 88/2009, 88/2009 – other law, 104/2009 – other law, 10/2015, and 36/2018 (Statutes and decisions of LSGs).*

137 ***Official Gazette of the Autonomous Province of Vojvodina**, No. 37/2014 and 69/2016 (Provincial Assembly Decision on the Provincial Public Attorney's Office of Vojvodina).*

Number	Title of Regulation	Official Gazette
6.	Standards of Professional Conduct	Dated 23 October 2020
Local Self-Government Units' Attorneys' Offices (LSG Attorneys' Offices)		
Nišava Administrative District		
1.	Statute of the City of Niš	Official Gazette of the City of Niš, Nos. 88/2008, 143/2016, and 18/2019
2.	Decision on the City Attorney's Office of Niš	Official Gazette of the City of Niš, No. 102/2014
3.	Rulebook on the Organization and Job Classification in the City Administration	No. 306-1/2021-03 of 22 March 2021, No. 1378-6/2019-03 of 27 December 2019
4.	Statute of the Municipality of Aleksinac	Official Gazette of the Municipality of Aleksinac, No. 29/2018
5.	Decision on the Attorney's Office of the Municipality of Aleksinac	Official Gazette of the Municipality of Aleksinac, Nos. 21/2014, 27/2016, and 23/2018
6.	Regulations on the organization and classification of job positions in the municipal administration and the Office of the State Attorney of the Municipality of Aleksinac	*Official Gazette of the Municipality of Aleksinac, No. 14/2022.*
7.	Statute of the Municipality of Ražanj	*Official Gazette of the Municipality of Ražanj, No. 1/2019.*
8.	Decision on the Municipal Attorney's Office of Ražanj	*Official Gazette of the Municipality of Ražanj, No. 2/2023.*
9.	Statute of the Municipality of Svrljig	*Official Gazette of the City of Niš, No. 29/2019.*
10.	Decision on the Municipal Attorney's Office of the Municipality of Svrljig	*Official Gazette of the City of Niš, Nos. 93/2014 and 107/2014.*
11.	Regulations on the organization and classification of job positions in the municipal administration and the Municipal Attorney's Office of the Municipality of Svrljig	No. II 021-9/2022.
12.	Statute of the Municipality of Gadžin Han	*Official Gazette of the City of Niš, No. 10/2019.*
13.	Decision on the Municipal Attorney's Office of Gadžin Han	No. 06-198/2014-II of 28 November 2014.
14.	Statute of the Municipality of Merošina	*Official Gazette of the City of Niš, No. 5/2023 – consolidated text.*
15.	Decision on the Municipal Attorney's Office of Merošina	*Official Gazette of the City of Niš, Nos. 61/2018 and 23/2019.*
16.	Regulations on the organization and classification of job positions in the municipal administration of the Municipality of MerošinaMerošina	No. 110-423 of 4 August 2022.

Number	Title of Regulation	Official Gazette
17.	Statute of the Municipality of Doljevac	*Official Gazette of the City of Niš, Nos. 127/2018 and 91/2019.*
18.	Decision on the Municipal Attorney's Office of the Municipality of Doljevac	Nos. 02-48 of 15 June 2015, 02-172 of 23 November 2016, 02-222 of 16 December 2016, and 02-131 of 10 October 2017.
19.	Regulations on the organization and classification of job positions in the municipal administration of the Municipality of Doljevac and the Municipal Attorney's Office of the Municipality of Doljevac	No. 110-51 of 7 September 2022.
Jablanica Administrative District		
1.	Statute of the City of Leskovac	*Official Gazette of the City of Leskovac, No. 28/2018.*
2.	Decision on the City Attorney's Office of the City of Leskovac	*Official Gazette of the City of Leskovac, No. 51/2016.*
3.	Rulebook on the Organization and Systematization of Positions in the City Administration and the City Attorney's Office of the City of Leskovac	No. 060-2/23-II of April 13, 2023.
4.	Decision on the Appointment of the City Attorney of the City of Leskovac	*Official Gazette of the City of Leskovac, No. 47/2020.*
5.	Statute of the Municipality of Bojnik	*Official Gazette of the City of Leskovac, No. 6/2019.*
6.	Decision on the Attorney's Office of the Municipality of Bojnik	*Official Gazette of the City of Leskovac, Nos. 28/2015, 1/2018, 6/2018, 43/2020.*
7.	Decision on the Appointment of the Municipal Attorney of the Municipality of Bojnik	*Official Gazette of the City of Leskovac, No. 1/2018.*
8.	Statute of the Municipality of Lebane	*Official Gazette of the City of Leskovac, No. 8/2019.*
9.	Decision on the Municipal Attorney's Office of the Municipality of Lebane	*Official Gazette of the City of Leskovac, No. 3/2015.*
10.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration and the Municipal Attorney's Office of the Municipality of Lebane	No. 04-02-212/1 of December 9, 2022.
11.	Statute of the Municipality of Medveđa	*Official Gazette of the City of Leskovac, No. 9/2019.*
12.	Decision on the Attorney's Office of the Municipality of Medveđa	*Official Gazette of the City of Leskovac, Nos. 1/2015 and 51/2020.*
13.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration, the Municipal Attorney's Office, Expert Services, and Special Organizations of the Municipality of Medveđa	No. 08-06-67/2022/13 of December 12, 2022.

Number	Title of Regulation	Official Gazette
14.	Statute of the Municipality of Vlasotince	*Official Gazette of the City of Leskovac, No. 6/2019*
15.	Decision on the Attorney's Office of the Municipality of Vlasotince	*Official Gazette of the City of Leskovac, No. 26/2014.*
16.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration and the Municipal Attorney's Office of the Municipality of Vlasotince	*Official Gazette of the City of Leskovac, Nos. 45/2020 and 15/2021.*
17.	Decision on the Appointment of the Municipal Attorney of the Municipality of Vlasotince	No. 26-75-14/2020 of September 21, 2020.
18.	Statute of the Municipality of Crna Trava	*Official Gazette of the City of Leskovac, No. 8/2019.*
19.	Decision on the Attorney's Office of the Municipality of Crna Trava	No. 06-65/14 of December 17, 2014.
20.	Decision on Delegating the Legal Protection of Property Rights and Interests of the Municipality of Crna Trava to the Attorney's Office of the Municipality of Vlasotince	No. 06-53/2020-01 of February 19, 2020.
Pčinja Administrative District		
1.	Statute of the City of Vranje	Official Gazette of the City of Vranje Nos. 37/2018 and 36/2020.
2.	Decision on the City Attorney's Office of the City of Vranje	Official Gazette of the City of Vranje, Nos. 25/2014, 10/2018, 11/2019, and 5/2020.
3.	Rulebook on the Organization and Systematization of Positions in the City Administration of Vranje, the City Attorney's Office of Vranje, and the Internal Audit Service of Vranje	No. 06-143/1/2021-04 of June 30, 2021.
4.	Decision on the Appointment of the City Attorney of Vranje	No. 02-77/2022-10, Official Gazette of the City of Vranje, No. 18/2022.
5.	Statute of the Municipality of Vladičin Han	Official Gazette of the City of Vranje, No. 4/2019.
6.	Decision on the Attorney's Office of the Municipality of Vladičin Han	No. 06-46/4/19-I of April 7, 2019.
7.	Decision on the Appointment of the Municipal Attorney of Vladičin Han	No. 06-68/7/17-IV/04 of May 7, 2017.
8.	Staffing Plan of the Municipal Attorney's Office of Vladičin Han	No. 06-121/5/22-I of December 23, 2022.
9.	Rulebook on the Organization and Systematization of Positions in the Municipal Attorney's Office of Vladičin Han	No. 06-74/2/2022-III of September 7, 2022.
10.	Statute of the Municipality of Surdulica	Official Gazette of the City of Vranje,

Number	Title of Regulation	Official Gazette
		No. 7/2019.
11.	Decision on the Municipal Attorney's Office of Surdulica	Official Gazette of the City of Vranje, Nos. 33/2020 and 6/2021.
12.	Decision on the Appointment of the Municipal Attorney of Surdulica	Official Gazette of the City of Vranje, No. 16/2021.
13.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration of Surdulica	No. 110-9/22-01 of June 6, 2022.
14.	Staffing Plan of the Municipal Attorney's Office of Surdulica	Official Gazette of the City of Vranje, No. 29/2022.
15.	Statute of the Municipality of Bosilegrad	Official Gazette of the City of Vranje, No. 3/2019.
16.	Decision on the Attorney's Office of the Municipality of Bosilegrad	No. 06-212/2015 of July 27, 2015.
17.	Statute of the Municipality of Trgovište	Official Gazette of the City of Vranje, No. 3/2019.
18.	Decision on the Attorney's Office of the Municipality of Trgovište	Official Gazette of the City of Vranje, No. 7/2015.
19.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration, Municipal Attorney's Office, Expert Services and Special Organizations of Trgovište	Official Gazette of the City of Vranje, No. 31/2019.
20.	Decision on the Appointment of the Attorney of the Municipality of Trgovište	No. 119-20/2021 of March 26, 2021.
21.	Statute of the Municipality of Boljevac	Official Gazette of the Municipality of Boljevac, No. 2/2019.
22.	Decision on the Municipal Attorney's Office of Boljevac	Official Gazette of the Municipality of Boljevac, Nos. 14/14, 12/15, 15/15, 30/16 and 46/20.
23.	Statute of the Municipality of Bujanovac	Official Gazette of the Municipality of Bujanovac, No. 5/2019.
24.	Decision on the Municipal Public Attorney's Office of Bujanovac	Official Gazette of the Municipality of Bujanovac, No. 20/2018.
25.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration, Municipal Attorney's Office, Expert Services and Special Organizations of Bujanovac	No. 06-22/23-03 of February 27, 2023.
26.	Decision on the Appointment of the Municipal Attorney of Bujanovac	Official Gazette of the Municipality of Bujanovac, No. 10/2019.
27.	Statute of the Municipality of Preševo	Official Gazette of the Pčinja District, No. 26/2008.
28.	Decision on the Attorney's Office of the Municipality of Preševo	Official Gazette of the Municipality of Bujanovac, No. 15/2014.

Number	Title of Regulation	Official Gazette
29.	Decision on the Appointment of the Municipal Attorney of Preševo	Official Gazette of the Municipality of Bujanovac, No. 3/2019.
Pirot Administrative District		
1.	Statute of the City of Pirot	Official Gazette of the City of Niš, No. 20/2019.
2.	Decision on the City Attorney's Office of the City of Pirot	Official Gazette of the City of Niš, No. 72/2016.
3.	Rulebook on the Organization and Systematization of Positions in the City Administration, Internal Audit Service, and the City Attorney's Office of the City of Pirot	No. 06/51-2017 of December 26, 2017.
4.	Statute of the Municipality of Dimitrovgrad	Official Gazette of the Municipality of Dimitrovgrad, No. 6/2029.
5.	Decision on the Municipal Attorney's Office of the Municipality of Dimitrovgrad	Official Gazette of the Municipality of Dimitrovgrad, No. 22/2019.
6.	Rulebook on the Organization of Duties and Systematization of Positions in the Bodies and Services of the Municipality of Dimitrovgrad	No. 06-51/20-15/182-1 of January 21, 2020. Official Gazette of the Municipality of Dimitrovgrad, No. 2/2020.
7.	Decision on the Appointment of the Municipal Attorney of the Municipality of Dimitrovgrad	Official Gazette of the Municipality of Dimitrovgrad, No. 25/2019.
8.	Statute of the Municipality of Bela Palanka	Official Gazette of the City of Niš, No. 14/2019.
9.	Decision on the Attorney's Office of the Municipality of Bela Palanka	Official Gazette of the City of Niš, Nos. 11/2017 and 26/2020.
10.	Decision on the Appointment of the Acting Municipal Attorney of the Municipality of Bela Palanka	Official Gazette of the City of Niš, No. 79/2022.
11.	Statute of the Municipality of Babušnica	Assembly Review of the Municipality of Babušnica, Nos. 4/2019 and 7/2019.
12.	Decision on the Municipal Attorney's Office of the Municipality of Babušnica	Assembly Review of the Municipality of Babušnica, Nos. 15/2019 and 8/2021.
13.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration and the Municipal Attorney's Office of the Municipality of Babušnica	Assembly Review of the Municipality of Babušnica, No. 8/2023.
14.	Decision on the Appointment of the Municipal Attorney of the Municipality of Babušnica	Assembly Review of the Municipality of Babušnica, No. 8/2021.
Toplica Administrative District		
1.	Statute of the City of Prokuplje	Official Gazette of the City of Prokuplje, No. 15/2018.

Number	Title of Regulation	Official Gazette
2.	Decision on the City Attorney's Office of the City of Prokuplje	Official Gazette of the City of Prokuplje, Nos. 2/2018 and 24/2022.
3.	Rulebook on the Organization and Systematization of Positions in the City Administration and City Attorney's Office of the City of Prokuplje	No. 06-48/2019-02 of June 5, 2019.
4.	Statute of the Municipality of Kuršumlija	Official Gazette of the Municipality of Kuršumlija, No. 6/2019.
5	Decision on the Attorney's Office of the Municipality of Kuršumlija	Official Gazette of the Municipality of Kuršumlija, No. 7/2014.
6.	Staffing Plan for the Municipal Administration, Special Organizational Units and the Municipal Attorney's Office of the Municipality of Kuršumlija for 2019	No. I-02-137/2018 of December 18, 2018.
7.	Decision on the Appointment of the Municipal Attorney of the Municipality of Kuršumlija	No. I-02-134/016 of July 6, 2016.
8.	Statute of the Municipality of Blace	Official Gazette of the Municipality of Blace, No. 5/2019.
9.	Decision on the Attorney's Office of the Municipality of Blace	Official Gazette of the Municipality of Blace, No. 7/2017.
10.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration and the Municipal Attorney's Office of the Municipality of Blace	No. II-02-1405/22 of September 23, 2022.
11.	Decision on the Appointment of the Municipal Attorney of the Municipality of Blace	Official Gazette of the Municipality of Blace, No. 13/2019.
12.	Statute of the Municipality of Žitorađa	Official Gazette of the City of Niš, No. 27/2019.
13.	Decision on the Attorney's Office of the Municipality of Žitorađa	Official Gazette of the City of Niš, Nos. 28/2015, 63/2016, and Decision No. 7-863/2021-01 of March 31, 2021.
14.	Rulebook on the Organization and Systematization of Positions in the Municipal Administration and the Municipal Attorney's Office of the Municipality of Žitorađa	Official Gazette of the City of Niš, Nos. 75/2022, 140/2022, and 33/2023.

General provisions on LSG Attorney's Offices are set out in the statutes of local self-government units (LSGs), which stipulate that the attorney's office is a body of the city or municipality responsible for the legal protection of property rights and interests of the city or municipality. The statutes also prescribe that the establishment, regulation, organization, and other issues relevant to

the functioning of the attorney's office shall be determined by a decision of the assembly, in accordance with the legal framework for the regulation and organization of attorney's offices as prescribed by law.

An analysis of the decisions establishing LSG attorney's offices shows that the majority of LSGs adopted such decisions within six months from the date the Law on the State Attorney's Office (LCP) entered into force, in line with its provisions.[138] This marked the end of jurisdiction for the previously established public attorney's offices.

In most local self-government units (LSGs), attorney's offices were established between 2014 and 2015, replacing the public attorney's offices founded under the former Law on Public Attorney's Office. Some LSGs later adopted new decisions that replaced previously issued ones (e.g. the Decision on the Attorney's Office of the City of Pirot from 2016; the decisions of the municipalities of Vladičin Han, Babušnica, and Dimitrovgrad from 2019; and the Decision on the Attorney's Office of the Municipality of Surdulica from 2020).

However, a significant number of LSGs established their attorney's offices only after the legal deadline had passed: the City of Leskovac (2016), the Municipality of Blace (2017), the City of Prokuplje (2018), the Municipality of Merošina (2018), and the Municipality of Bujanovac (2018). The Municipality of Bela Palanka established its LSG Attorney's Office only in 2019, more than four years after the Law on the State Attorney's Office entered into force, while the record for the longest delay belongs to the Municipality of Ražanj, which established its attorney's office only in 2023—over eight years after the law came into force.[139]

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138 Article 61 LSA

139 At the beginning of 2014, before the Law on State Attorney's Office (LSASr) had been adopted, the Municipal Assembly of Ražanj passed a Decision on the Delegation of Legal Protection Tasks Concerning the Property Interests of the Municipality of Ražanj. This decision remained in force despite the obligation to establish a legal representation office of a local self-government unit (LRO) within six months from the date the LSASr entered into legal force, as evidenced by subsequent amendments to this decision in 2017. In 2019, the decision was replaced with a new Decision on the Delegation of Legal Protection Tasks Concerning the Property Interests of the Municipality of Ražanj. In both cases, the legal basis for the adoption of these decisions was found in the Law on Public Property (LSPCG), the Law on Local Self-Government (LSG), and the Statute of the Municipality of Ražanj. The decisions specified the scope of delegated tasks: issuing opinions on the acquisition and disposal of immovable property owned by the LSG and performing other legal professional tasks. The performance of these tasks was

All cities and municipalities have established their own LROs. The only exception is the Municipality of Crna Trava, which has entrusted its public legal representation functions to the Municipal Attorney's Office of Vlasotince.[140]

The situation in the Municipality of Bosilegrad is specific: although it established an LRO in 2015, it is currently no longer an organ of the Municipality of Bosilegrad. In court proceedings, this municipality is, when necessary, represented by the LROs of Vranje and Surdulica.

3.2. Public Legal Representation Authorities

Under the Law on State Attorney's Office (LSASr), a public legal representation office is the authority responsible for the legal protection of the property rights and interests of the Republic of Serbia, the autonomous province, or the local self-government unit.[141] In the literature, a public legal representation office is defined as a state authority entrusted with the exercise of a specific segment of executive state function – the public legal representation function, which consists of realizing and protecting the property rights and interests of the state through legal representation

entrusted to natural persons with legal education. It was only in 2023 that the municipality adopted a decision establishing its own LRO.

[140] By the Decision on the Municipal Attorney's Office of Vlasotince dated 17 December 2014, a legal representation office was established to perform tasks of legal protection of the property rights and interests of both the Municipality of Vlasotince and the Municipality of Crna Trava (Articles 2 and 3 of the Decision on the Municipal Attorney's Office of Vlasotince, Official Gazette of the City of Leskovac, No. 25/2014). All matters regarding the organisation, structure, and functioning of the legal representation office were entrusted to the authorities of the Municipality of Vlasotince. As for the legal protection tasks relating to the rights and interests of the Municipality of Crna Trava, the decision includes a referral clause stating that the issue of financing the work of the Municipal Attorney's Office of Vlasotince, in relation to the services performed for the Municipality of Crna Trava, shall be regulated by a cooperation agreement between the two municipalities.
Already the following year, in 2015, a Decision on the Delegation of Legal Protection Tasks Concerning the Property Rights and Interests of the Municipality of Crna Trava to the Municipal Attorney's Office of Vlasotince was adopted (Official Gazette of the City of Leskovac, No. 6/2015), which was later replaced by a 2020 decision (No. 06-53/2020-01 of 19 February 2020). This decision granted the authority to perform legal protection tasks regarding the property rights and interests of the Municipality of Crna Trava to the Municipal Attorney's Office of Vlasotince, while the President of the Municipality of Crna Trava retained the right to issue a power of attorney for representation in certain cases of particular importance for the municipality. Such a power of attorney may be issued only to the Head of the Municipal Administration of the Municipality of Crna Trava, provided that the person holds a passed bar exam.

[141] Article 2 of the LSASr (Law on State Attorney's Office).

and legal advisory services to the state and its bodies and organizations.[142] Given the division of powers into legislative, executive, and judicial branches, a public legal representation office belongs to the group of executive bodies, but it is not an administrative authority, as it does not decide on the rights and obligations of legal subjects, nor does it have a regulatory function. However, it is also considered a part of the judiciary, which comprises all state bodies connected through the administration of justice, regardless of whether they exercise judicial authority (courts) or participate in proceedings on behalf of the state as holders of executive authority (the State Attorney's Office and the Public Prosecutor's Office).[143] In that sense, the State Attorney's Office is part of the judicial system and, like all other state and non-state judicial bodies, participates in the exercise of judicial authority as the third branch of government.[144] The rules on courts, public prosecutors' offices, and other bodies of the judicial system as a whole constitute a specific branch of law and an academic discipline – the law of judicial organization.[145]

The State Attorney's Office of the Republic of Serbia (SASr), the Provincial Public Attorney's Office of Vojvodina (PPAOV), and legal representation offices of local self-government units (LROs) perform the public legal representation function in accordance with the Constitution, laws, and other general legal acts.[146] The establishment of attorney's offices at the national, provincial, and local levels corresponds to the scope of their work, which is the protection of property rights and interests of the Republic of Serbia, the autonomous province, and local self-government units (LSG).[147]

The State Attorney's Office (SASr) was established by the law itself, which regulates the general concept of the attorney's office, the State Attorney's Office, and the principles of establishment, status, and scope of work of the provincial and local attorney's offices, whose establishment is mandatory under the law. By decisions of the Autonomous Province of Vojvodina (APV) and local self-government units (LSG), attorney's offices were estab-

142 Jovičić, O. *State Attorney's Office*, Bulletin of the Republic State Attorney's Office (SASr), Belgrade, 2/2012, p. 22; Prodanović, J. *op. cit.*, p. 45.
143 Tratar, B., op. cit., p. 2.
144 Pejić, I., Constitutional Law, Niš, 2022, p. 476.
145 Rakić Vodinelić, V., Judicial Organizational Law, Belgrade, 2012.
146 Article 3 LSA.
147 Article 2 LSA.

lished at the provincial, city, and municipal levels, regulating their structure, organization, and other matters of importance for their functioning, in accordance with the principles for organization, structure, and scope of work prescribed by the Law on the State Attorney's Office (LSASr).[148]

The State Attorney's Office of the Republic of Serbia (SASr) is a state authority responsible for the protection of the property rights and interests of the Republic of Serbia (RS). This scope of authority excludes the protection of the property rights and interests of the RS concerning the rights and obligations of the RS related to the competences of the Ministry of Defence, military units, and military institutions that are organizationally linked to the ministry responsible for defence and to the Serbian Armed Forces.[149] According to the regulations on the Military State Attorney's Office, as set out in the Law on Defence,[150] the Military State Attorney's Office, which constitutes a special organizational unit within the Ministry of Defence, is competent to undertake legal actions and remedies for the realization and protection of the property rights and interests of the Republic of Serbia (RS), with regard to the assets and property used by the Ministry of Defence and the Serbian Armed Forces.[151] The research sample does not include the Military State Attorney's Office. The legal basis for the establishment of the State Attorney's Office (SASr) is the Law on State Attorney's Office (LSASr) from 2014. This law introduced an institutional change to the former Republican Public Attorney's Office, which had been established under the Law on the Public Attorney's Office from 1991,[152] thereby continuing the tradition of public attorney's offices under the laws from the 1970s.

148 Article 2(4) LSA.
149 Article 2(3) LSASr
150 *Official Gazette of the RS, nos. 116/2007, 88/2009, 88/2009 – other law, 104/2009 – other law, 10/2015, and 36/2018.*
151 The Military State Attorney's Office (Vojno pravobranilaštvo) represents the Ministry of Defence and the Serbian Armed Forces before domestic courts and other competent authorities, but not before foreign or international courts and arbitral tribunals, nor before other competent authorities abroad. When acting as a representative, the Military State Attorney's Office has the same rights and duties as the SASr (The State Attorney's Office of the Republic of Serbia), pursuant to Article 107a of the Law on Defence.
152 *Law on the Public Attorney's Office*, *Official Gazette of the SRS*, nos. 6/77, 18/81, 7/82, and 46/84. *Law on the Public Attorney's Office*, *Official Gazette of the SAP Vojvodina*, nos. 15/76, 17/83, and 22/83. *Law on the Public Attorney's Office*, *Official Gazette of the SAP Kosovo*, nos. 19/77, 9/83, and 44/84.

However, the term "public",[153] was omitted from the name of the institution.

The State Attorney's Office performs its duties both at its headquarters and in outposts outside the headquarters.[154] The tasks at the headquarters of the SASr are carried out within 14 sectors, each headed by a Deputy State Attorney.[155] The outposts of the SASr outside its headquarters, established by an act of the Minister of Justice, carry out tasks within the competence of the SASr before courts, administrative bodies, and other competent authorities. A special bylaw established a total of 11 such outposts located in: Valjevo, Zaječar, Zrenjanin, Kraljevo, Kragujevac, Leskovac, Niš, Novi Sad, Požarevac, Subotica, and Užice.[156] Deputy State Attorneys head the outposts of the SASr outside its headquarters.[157]

The Provincial Public Attorney's Office of Vojvodina (PPAOV) is the body of the Autonomous Province of Vojvodina responsible for the protection of its property rights and interests.[158] According to the provisions of the Law on State Attorney's Office (LSASr), the establishment of the Provincial Public Attorney's Office of Vojvodina (PPAOV) is mandatory.[159] In accordance with its powers, the Autonomous Province of Vojvodina established the Provincial Public Attorney's Office of Vojvodina (PPAOV) by its own decision. At the provincial level, PPAOV performs the same function that the

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153 According to the literature, it is considered unnecessary to use the term "public" in the title of the **State Attorney's Office**, as the naming was modeled after the Public Prosecutor's Office. It is noted that, for an institution like the **SASr**, which has existed for over a century, the adjective "public" is redundant. Although the State Attorney's Office operates in the public sector, representing the public interest is not what fundamentally determines its jurisdiction and role. (See: Jovičić, O., *State Attorney's Office*, *Bulletin of the Republican Public Attorney's Office*, 2/2012, pp. 23–24.).

154 Article 5, paragraph 3 of the LSASr.

155 Article 3 of the Rulebook on Internal Organization and Job Classification in the SASr. At the SASr headquarters, there are two organizational units:

1. Department for Representation of the Republic of Serbia before the European Court of Human Rights, and
2. Secretariat of the State Attorney's Office (Article 4 of the Rulebook).

156 Rulebook on the Establishment of SASr Departments (Official Gazette of the RS, No. 73/2014).

157 Article 2 of the Rulebook.

158 The research does not include LROs in the territory of the Autonomous Province of Kosovo and Metohija, which is an integral part of the Republic of Serbia and is, in accordance with the UN Security Council Resolution 1244, administered by the United Nations Interim Administration Mission in Kosovo (UNMIK).

159 Article 51 of the LSASr.

State Attorney's Office of the Republic of Serbia (SASr) performs at the state level: it represents the Autonomous Province, its bodies, organizations, and institutions as their ex lege representative, and it may also act as the representative of other legal entities founded by the Autonomous Province.[160] The research sample does not include this provincial office. A legal representation office
of a local self-government unit (LRO) is a body of the Local Self-Government Unit (LSG) that performs tasks related to the protection of the property rights and interests of the respective LSG (municipality or city).[161] The establishment of the LRO is mandatory, and its jurisdiction in the domain of protection of the property rights and interests of the LSG corresponds to the property-law competencies of the LSG and its bodies, institutions, and organizations, in accordance with the Law on Local Self-Government[162] and the Law on Public Property.[163]

The provisions of the LSASr relating to the SASr shall apply mutatis mutandis to the PPAOV and LROs.[164] Such a rule is also contained in the transitional and final provisions of the decisions on the LRO, which prescribe the mutatis mutandis application of the provisions of the LSASr to all matters not regulated by the specific decision.

3.2.1. Competence of the State Attorney's Office

The competence of the *State Attorney's Office of the Republic of Serbia* (SASr) is regulated by the provisions of the Law on State Attorney's Office (LSASr),[165] as well as by certain special laws which define its specific powers. It encompasses a variety of tasks performed by the SASr, which can be grouped into the following categories:

[160] Article 9 of the Provincial Assembly Decision on the PPAOV
[161] According to the Law on the Territorial Organization of the Republic of Serbia (Official Gazette of the RS, Nos. 129/2007, 18/2016, 47/2018 and 9/2020 – other law), Serbia comprises 150 municipalities, 28 cities, and the City of Belgrade.
[162] *Official Gazette of the RS, Nos. 129/2007, 83/2014 – other law, 101/2016 – other law, 47/2018 and 111/2021 – other law.*
[163] Official Gazette of the RS, Nos. 72/2011, 88/2013, 105/2014, 104/2016 – other law, 108/2016, 113/2017, 95/2018 and 153/2020.
[164] Article 53, para. 2 LSASr
[165] Articles 11–22 LSASr

1. **Representation**
2. **Providing legal opinions and advice**
3. **Participation in amicable dispute resolution procedures**
4. **Initiating proceedings for review of constitutionality and legality**
5. **Informing and reporting**
6. **Tasks performed under special powers**

Jurisdiction of LSG legal representation offices

The jurisdiction of LROs is generally regulated by the provisions of the LSASr, which stipulate that an LRO shall:

(1) represent the LSG in proceedings before courts, administrative and other authorities for the purpose of protecting its property rights and interests;

(2) monitor and examine legal issues relevant to the work of the authorities and legal entities it represents, especially in the areas of their competence, as well as matters related to the application of laws and by-laws that are, or may be, important for undertaking any legal action on behalf of the authorities and legal entities it represents—particularly to prevent harmful legal-property and socially negative consequences for such entities;

(3) provide opinions during the conclusion of contracts by those legal entities, especially contracts concerning property-law relations and commercial contracts, and give legal advice to all LSG bodies it represents.[166]

The rules on the jurisdiction of LROs are further elaborated in city and municipal decisions governing these offices' position, jurisdiction, and organization.

An analysis of the jurisdictional provisions of LROs included in the research sample shows certain differences regarding their jurisdiction, mainly due to the varying number of entities to which they provide representative and advisory services. Nevertheless, the scope of their work essentially coincides with that of the SASr, since LSGs have delegated to their LROs all the tasks performed by the SASr at the state level, except for representation before the ECtHR, which falls under the exclusive jurisdiction of the SASr.

[166] Article 52, paras. 1-3 of the LSASr.

Therefore, in this section, we have jointly analyzed the jurisdiction of public legal representation offices in relation to different categories of public legal representation tasks.

3.2.2. Representation

The primary function of a public legal representation office is representation. Such offices perform this function either ex lege—when they have the status of an ex lege representative—or on the basis of a power of attorney, when they act as authorized legal representatives of the entity they represent.

Representation duties include legal representation before courts, arbitration panels, administrative bodies, and other competent authorities. These duties cover:

(1) representation in proceedings concerning property law matters before courts of general jurisdiction (Basic, Higher, Appellate Courts, and the Supreme Court),[167] as well as specialized courts (Commercial Court, Commercial Appellate Court, and the Administrative Court). This includes representation in civil, non-contentious, enforcement, bankruptcy, and liquidation proceedings, as well as in criminal proceedings when the State Attorney's Office asserts property claims on behalf of injured parties it represents;

(2) representation before domestic and international arbitration panels, including arbitration proceedings conducted before the Republic Agency for Peaceful Settlement of Labor Disputes;

(3) representation in mediation proceedings aimed at the amicable resolution of property disputes, conducted with the involvement of a mediator;

(4) representation in proceedings before administrative authorities where decisions are made on legal matters concerning the property rights and interests of the entities represented.

Although the LSASr does not explicitly state that LROs may represent LSGs before foreign and international courts, arbitration panels, or other competent authorities, this authority undoubtedly exists and is explicitly provided in the decisions of certain LSGs.[168]

[167] See the Law on the Organization of Courts (Official Gazette of the RS, No. 10/2023).

[168] See also: Decision on the City Attorney's Office of the City of Belgrade (Official Gazette of the City of Belgrade, No. 115/2019).

The representative function of a public legal representation office does not include representation in the conclusion of contracts governed by substantive law by the entities it represents, meaning that its representation is limited to the domain of procedural legal protection of property rights and interests of the represented entities.

In legal theory, there is a prevailing view that the protection of property rights and interests should be interpreted more broadly—so as to include both representation in judicial and other proceedings (procedural protection) and representation in the conclusion of contracts governed by substantive law (preventive protection).

It is assessed that a public legal representation office would be "an overly expensive and irrational institution" if its role were reduced solely to representation before courts and other authorities.[169]

In terms of postulatory capacity, a public legal representation office is equated with an attorney-at-law. Where procedural law requires representation by an attorney-at-law, a public legal representation office is deemed to satisfy that requirement. The same rule is included in the decisions establishing LROs. It enables the head of the office or a deputy to lodge an appeal on points of law on behalf of the represented party, although under the general rules of the Law on Civil Procedure (LCP) only an attorney-at-law may lodge that remedy. The case law holds that an appeal on points of law is admissible if lodged by the head of the office or a deputy, but not if lodged by another employee of the office.[170][171][172][173]

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[169] In legal theory, it is argued that the representative function of the State Attorney's Office (SASr) does not only include representation of entities before courts and other authorities, but that the protection of property rights and interests should be understood more broadly — as encompassing both procedural protection (representation in judicial and other proceedings) and preventive protection (representation in the conclusion of contracts governed by substantive law). If representation were limited solely to proceedings before courts and other authorities, the SASr would be considered a "too expensive and irrational institution." See: Poznić, B., Rakić Vodinelić, V. *Law on Civil Procedure*, Belgrade, 2015, p. 141.

[170] Article 11, paragraph 4 of the LSASr

[171] Official Gazette of the RS, Nos. 72/2011, 49/2013 – decision of the CC, 74/2013 – decision of the CC, 55/2014, 87/2018, 18/2020, and 10/2023 – other law. (Legenda: RS – Republic of Serbia; CC – Constitutional Court)

[172] According to Article 410, paragraph 2 of the Law on Civil Procedure (LCP), a revision is inadmissible if it is not submitted through an attorney-at-law, except

3.2.2.1. REPRESENTATION EX LEGE

The State Attorney's Office of the Republic of Serbia (SASr) is the ex lege representative of the Republic of Serbia (RS) in proceedings before courts, arbitral tribunals, administrative authorities and other bodies in which the Republic of Serbia is a party or an intervener. This applies only to proceedings concerning property-law matters initiated by the state against third parties or brought against the state. In judicial and other proceedings, the SASr also represents state authorities and special organizations without legal personality; state authorities and special organizations with legal personality that are funded from the national budget; and public institutions founded by the Republic of Serbia and funded from its budget. This applies whether those entities appear as parties or interveners, provided that the proceedings concern a property-law matter. The LSASr does not, however, specify whether this extends only to entities funded entirely from the national budget or also to those that are partially funded from it.[174][175][176][177]

As an ex lege representative, the State Attorney's Office of the Republic of Serbia (SASr) is authorized to initiate or submit an initiative to initiate court or other proceedings on behalf of the entity it represents ex officio, concerning matters within its jurisdiction.[178] This authority represents an expression of the functional autonomy of the State Attorney's Office. Entities represented by the State Attorney's Office are obliged to inform it of legal matters

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when the party itself is a lawyer.

173 Supreme Court of Cassation, Rev 3742/2020, judgment dated 9 June 2021.

174 According to Article 215, paragraph 1 of the Law on Civil Procedure (LCP), an intervener is a person who is not the court, a party, or a representative of a party, but who joins ongoing litigation between other parties by siding with one of them due to having a legal interest in that party's success in the case.

175 Article 11, paragraph 1 of the Law on State Attorney's Office (LSASr):

176 Article 11, paragraph 2 of the Law on State Attorney's Office (LSASr):

177 On this legal basis, the State Attorney's Office of the Republic of Serbia (SASr) acts as the ex lege representative of the National Assembly of the Republic of Serbia, the Government, ministries, courts, public prosecutors' offices, faculties, universities, healthcare institutions, scientific institutes, the High Judicial Council, the Tax Administration, the Treasury Administration, the Customs Administration, the Administration for the Execution of Criminal Sanctions, the Republic Property Directorate, the Judicial Academy, the State Audit Institution, the Republic Geodetic Authority, the Securities Commission, the Commission for Protection of Competition, the Deposit Insurance Agency, the Commissioner for the Protection of Equality, the Commissioner for Information of Public Importance and Personal Data Protection, the Ombudsman, and others.

178 Article 15, paragraph 1 of the LSA

in which the Office is authorized to undertake legal actions and remedies in order to protect and enforce their rights and interests, or the rights and interests of the Republic of Serbia or the local self-government unit (LSG).[179]

The provisions of the Law on State Attorney's Office (LSASr) regulate the representation of the Republic of Serbia before foreign and international courts and arbitral tribunals, as well as before other competent authorities abroad, by the State Attorney's Office (SASr).[180] Although the jurisdiction of the State Attorney's Office of the Republic of Serbia (SASr) excludes the representation of the Serbian Armed Forces before domestic courts, the jurisdiction of the SASr to represent the Republic of Serbia and all its bodies and affiliated organizations before foreign courts remains unaffected.[181] According to the Law on State Attorney's Office (LSASr), the State Attorney's Office of the Republic of Serbia (SASr) is competent to represent the Republic of Serbia before the European Court of Human Rights (ECtHR). Legal representation offices of local self-government units (LROs) represent Local Self-Government Units (LSG) in proceedings before courts, arbitral tribunals, administrative and other competent bodies, as their ex lege representatives.[182] By the decision of the founder of a particular LRO, the scope of entities it represents may be expanded — something most Local Self-Government Units (LSG) have done, assigning to the LRO responsibilities analogous to those of the State Attorney's Office of the Republic of Serbia (SASr) at the state level.

Accordingly, LROs represent LSG bodies and other public law entities, with or without legal personality, whose funding is provided from the LSG budget. However, according to LRO representatives, there are deficiencies in how jurisdiction is regulated, and in practice, it remains unclear whether LROs may represent institutions, public enterprises, and legal entities established by LSGs, which are indirect budget beneficiaries.

Analysis of LSG decisions establishing LROs shows that the scope of entities represented *ex lege* is not uniform. Some LSG decisions state that LROs represent the LSG, its bodies, organizations, and all other legal entities funded by the local budget. Others restrict *ex lege* representation to the LSG and its administrative bod-

[179] Article 8, paragraph 1 of the LSA
[180] Article 12, paragraph 1 of the LSA
[181] Article 12, paragraph 2 and 3 of the LSA
[182] Article 52, paragraph 1 of the LSA

ies. For example: The Attorney's Office of the City of Vranje represents the city, its bodies and organizations, and other legal entities funded by the city budget,[183] The Attorney's Office of the City of Leskovac is the *ex lege* representative of the city, its bodies, and also local communities,[184] The Attorney's Office of the City of Pirot represents the city, its bodies, and other legal entities funded from the budget — regardless of whether they have legal personality.[185] The Attorney's Office of the City of Niš, as an *ex lege* representative, represents only the City of Niš and its administrative bodies without legal personality, whose funding is provided from the city's budget.[186] Given that decisions on LROs (legal representation offices of local self-government units) do not contain any justification, it is not possible to determine what considerations guided LSGs (Local Self-Government Units) in defining the entities that the attorney's office represents *ex lege*.

It should be noted that the attorney's office is not the legal representative of the entities it represents, but rather their *ex lege* representative, since these entities—regardless of whether they possess legal personality—have both legal and procedural capacity, and therefore cannot have a legal representative in the strict sense.[187] The fact that a public legal representation office acts as an ex lege representative is also indicated by the legal rule according to which it is bound by written orders and instructions of the party it represents and is obliged to inform that party of the actions it undertakes; this will be discussed further below[188]. However, many decisions governing LROs incorrectly state that the LRO is the statutory representative of the LSG.[189] Such an incorrect position is also presented at certain professional events and training sessions.[190]

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[183] Article 5 of the Decision on the City Attorney's Office of Vranje.
[184] Article 5 of the Decision on the City Attorney's Office of Leskovac.
[185] Article 4 of the Decision on the City Attorney's Office of Pirot.
[186] Article 12 of the Decision on the City Attorney's Office of Niš.
[187] Poznić, B., Rakić Vodinelić, V. *Civil Procedural Law*, Belgrade, 2015, p. 143; Stanković, G. *Civil Procedural Law, Law on Civil Procedure*, Belgrade, 2013, p. 203; Petrušić, N. *Civil Procedural Law, Volume One, Law on Civil Procedure*, Niš, 2024, p. 150.
[188] Article 19 of the LSA
[189] For example, in the Decision on the Municipal Attorney's Office of Žitorađa, the Decision on the City Attorney's Office of Vranje, the Decision on the City Attorney's Office of Pirot, and the Decision on the City Attorney's Office of Leskovac.
[190] See, for example, "The legal representation office as the ex lege representative of a local self-government unit." Available on the Paragraf.net portal.https://www.paragraf.rs/100pitanja/parnicni_postupak/pravobranilastvo-kao-zakonski-zastupnik-jedinice-lokalne-samouprave.html.

In judicial and other proceedings in which the party is a subject represented *ex lege* by the State Attorney's Office, it is not permitted for that subject to be represented by a representative designated under its governing instrument or by an attorney-at-law acting under a power of attorney, as such representation would be deemed improper, constituting an absolutely substantial procedural violation.[191] On the other hand, it is necessary to examine which State Attorney's Office is the *ex lege* representative of the party in the proceedings, which is determined based on the founding act of the specific entity on whose behalf the State Attorney's Office is undertaking procedural actions. Thus, for example, in labour disputes involving a school, the Municipal Attorney's Office is competent, not the SASr, given that the founder of the school is the Local Self-Government Unit (LSG), not the state.

The provisions of the LSASr regulate issues related to the representation of parties represented *ex lege* by the SASr when such parties have opposing interests in the same proceedings, meaning they are in adversarial procedural positions. In such a case, if one of the parties is the Republic of Serbia (RS), the SASr represents the RS, and if neither party is the RS, the SASr represents the party that initiated the proceedings.[192] Similar rules are also contained in the decisions on the LRO, except that in some of these decisions it is not regulated whom the LRO represents when neither party is the local self-government unit (LSG).[193]

3.2.2.2. REPRESENTATION BY POWER OF ATTORNEY

In proceedings before courts and other authorities, the State Attorney's Office may, on the basis of a specifically granted power of attorney, also represent other legal entities established by the entity it represents *ex lege*.[194] The scope of the power of attorney is determined by the represented entity. However, the law does not regulate the extent of the procedural powers of the State Attorney's Office in cases where the scope of the power of attorney is not specified, leaving open the question of whether the statuto-

[191] See the judgment of the Supreme Court of Cassation, Rev. 2 1120/2022 dated 15 June 2022. Available at: https://www.vrh.sud.rs/sr-lat/rev2-11202022-3191253.
[192] Article 11, paras. 5 and 6 of the LSA.
[193] See, for example, Article 12, paragraph 4 of the Decision on the City Attorney's Office of the City of Niš.
[194] Article 11, paragraph 4 of the LSA

ry rules on the powers of an attorney-at-law or those of a non-lawyer proxy apply.[195]

The solutions regarding the possibility of LSG legal representation offices (LRO) to represent legal entities on the basis of a power of attorney, when they are not legal representatives by law, vary significantly. Some decisions of local self-government units provide for this possibility, but only under the condition that the interests of those legal entities are not in conflict with the function performed by the LRO.[196] Some decisions of individual cities that include city municipalities in their structure provide the possibility for the LRO to represent the city municipality on the basis of a specifically granted power of attorney.[197] There are also decisions which, in principle, allow the LRO to act as a legal representative (by power of attorney) of legal entities financed from the budget, provided that the scope of duties permits such representation.[198] However, certain decisions do not provide for the possibility of the LRO to represent any entity based on a power of attorney. Since the decisions
establishing the LRO do not include any explanatory notes, it is not possible to determine the underlying reasons for such significant differences regarding the LRO's ability to represent legal entities—whose financing is provided from the LSG budget—in court and other proceedings based on a power of attorney.

3.2.2.3. REPRESENTATION COSTS

Considering that in court and other proceedings a public legal representation office acts in the capacity of an ex lege representative, the pecuniary value obtained as a result of favorable outcomes in such proceedings belongs to the represented entity, on whose behalf and for whose account the office conducted the case. On the other hand, the parties represented by the office are entitled to reimbursement of representation costs in proceedings before courts, administrative authorities, and other competent bodies, in accordance with the regulations on attorney fees and

[195] See Article 89 of the Law on Civil Procedure (Official Gazette of the RS, Nos. 72/2011, 49/2013 – decision of the Constitutional Court, 74/2013 – decision of the Constitutional Court, 55/2014, 87/2018, 18/2020, and 10/2023 – other law).
[196] See, for example, Article 7 of the Decision on the City Attorney's Office of the City of Leskovac.
[197] See Article 12, paragraph 3 of the Decision on the City Attorney's Office of the City of Niš.
[198] Article 6 of the Decision on the City Attorney's Office of the City of Leskovac.

expenses. These costs constitute revenue of the Republic of Serbia or of the local self-government units (LSGs), as prescribed by law,[199] and by the decisions establishing LROs.

The Tariff on Attorney Fees and Expenses (Tariff)[200] regulates the types and amounts of fees and expenses that attorneys are entitled to. The Tariff differentiates between fees based on the type of court proceedings in which representation services are provided, and the fees are classified according to the specific procedural actions undertaken. The reimbursable expenses refer to the performance of tasks outside the headquarters of the State Attorney's Office (SASr) or the headquarters of a legal representation office of a local self-government unit (LRO).[201] Although the Tariff provides for compensation of expenses due to absence from the office-set at 100 points[202] for each commenced hour, up to a maximum of ten hours per day—this compensation does not apply correspondingly to the work of state attorneys. This conclusion follows from the differing nature of business between a law office, where potential clients expect to reach the attorney for possible legal assistance, and the operations of a public legal representation office.

Regarding the advance bearing of litigation costs in court proceedings in which state attorneys represent parties, the general rules of the Law on Civil Procedure (LCP) on the advance bearing of litigation costs apply. However, the Republic of Serbia, state authorities and special organizations, authorities of the Autonomous Province, and authorities of Local Self-Government Units (LSG) are exempt from paying court fees.[203] When it comes to the final allocation of litigation costs, general rules governing

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199 Article 10 of the Law on State Attorney's Office (LSASr).

200 Official Gazette of the Republic of Serbia*, no. 43/2023.*

201 According to Article 9 of the Tariff on Fees and Reimbursement of Costs for Attorneys' Work, the following expenses are recognized:
– Transportation costs in intercity and international traffic, in the amount of the price of the means of transport chosen by the state attorney;
– Local transportation costs, in the amount of taxi fare;
– Use of a personal vehicle, in the amount of 30% of the price of the most expensive gasoline per kilometer traveled, including tolls;
– Accommodation costs, in the amount of hotel accommodation costs (excluding hotels with five or more stars);
– Per diem allowance, in the amount granted to employees in state authorities.

202 According to Article 15 of the Tariff on Fees and Reimbursement of Costs for Attorneys' Work, 1 point amounts to 45 dinars.

203 Article 9, paragraph 1 of the Law on Court Fees (*Official Gazette of the Republic of Serbia*, nos. 28/94, 53/95, 16/97, 34/2001 – other law, 9/2002, 29/2004, 61/2005, 116/2008 – other law, 31/2009, 101/2011, 93/2012, 93/2014, 106/2015, and 95/2018*).

the allocation of costs in specific proceedings apply. With respect to civil proceedings, which are the most common type where state attorneys act as legal representatives, the general provisions of the Law on Civil Procedure (LCP) apply.

However, court practice regarding the awarding of litigation costs in proceedings where the party is represented by a State Attorney's Office is not uniform. In lawsuits against the Republic of Serbia or Local Self-Government Units (LSG) where state attorneys act as representatives, strict application of the "loser pays" rule—based on the principle that the losing party bears the costs—may in some cases lead to violations of the right to a fair trial, as guaranteed by Article 6 of the European Convention on Human Rights.

Namely, according to the European Court of Human Rights (ECtHR), a decision on litigation costs constitutes a determination of civil rights and obligations, and therefore must meet the standards of fair trial.[204] Therefore, the ECtHR examines the issue of litigation costs within the framework of the right to a fair trial and the right to property.[205]

In the case of *Cindrić and Bešlić v. Croatia*,[206] the ECtHR ruled that requiring the plaintiffs to pay legal representation costs incurred by the State Attorney's Office constituted a disproportionate burden, infringing their right to peaceful enjoyment of possessions. Although the Court acknowledged that the "loser pays" rule and related cost allocation based on litigation success serve a legitimate purpose—namely, discouraging frivolous litigation and exaggerated claims—it emphasized that cost decisions must remain proportionate to that aim. Thus, in this case, the ECtHR found that the obligation imposed on the plaintiffs to cover Croatia's legal expenses, after their claim for damages was rejected on appeal, constituted a disproportionate burden. It violated their right to property under Article 1 of Protocol No. 1 to the Conven-

[204] *Klauz v. Croatia, Application No. 28963/10, Judgment of 18 July 2013, para. 25. Available at:* https://uredzastupnika.gov.hr/UserDocsImages//arhiva//KLAUZ%20presuda.pdf.

[205] See also: Robins v. United Kingdom, Application No. 22410/95, Judgment of 23 September 1997, para. 29; Rataru v. Romania, Application No. 28341/95, 4 May 2000, para. 78.

[206] *Cindrić and Bešlić v. Croatia, Application No. 72152/13, Judgment of 6 September 2015. Available at:* https://uredzastupnika.gov.hr/UserDocsImages//dokumenti/Presude%20i%20odluke//Cindri%C4%87%20i%20Be-%C5%A1li%C4%87,%20presuda.pdf.

tion and represented an excessive restriction on their right of access to a court under Article 6.

In the case of *Klauz v. Croatia*, the ECtHR held that the decision to impose litigation costs in a damages lawsuit against the state breached the applicant's right to a fair trial. The Court found it particularly relevant that, although the claim was partially upheld, the national court ordered the plaintiff to pay litigation costs amounting to 79% of the awarded damages. The ECtHR linked this to the right of access to a court, stating that "imposing a significant financial burden after the conclusion of proceedings may amount to a restriction of the right of access to a court."[207]

The rules of the Serbian Law on Civil Procedure (ZPP) regarding the final allocation of litigation costs are essentially identical to those prescribed by the Croatian Civil Procedure Act. Therefore, the positions expressed by the European Court of Human Rights (ECtHR) in the aforementioned cases are relevant for the practice of domestic courts as well.

3.2.3. Providing legal opinions and advice

One of the key functions of the State Attorney's Office (SAO) is its advisory (consultative) role, which serves to prevent violations of property rights and interests of the represented entities and to avoid the emergence of legal disputes. According to the Law on State Attorney's Office (LSASr), all entities that the SAO represents by law may submit drafts of legal transactions for the purpose of obtaining a legal opinion, provided that these transactions concern property rights and obligations of the Republic of Serbia or those entities. The SAO is also obliged, at the request of the entity, to provide legal opinions on other property-related legal matters to the entities it represents.[208] There is, therefore, no obligation for entities to submit draft legal transactions to the State Attorney's Office (SAO); it is merely their right, regardless of the property value of the subject of the transaction.

Similar provisions are contained in the decisions governing LROs. None of the decisions adopted by local self-government units (LSGs) governing their respective LRO establish an obligation for the LSG or other entities that the LRO represents by law to request an opinion and/or legal advice from the LRO prior to con-

[207] See more: Gajić, B., "Litigation Costs and Fair Trial," *Glasnik AK APV*, No. 1/2019, pp. 37–54.
[208] Article 17 of the LSASr.

cluding property-related agreements in which they are a party. This remains at their discretion. However, an obligation to obtain a prior opinion from the LRO does exist, but only in cases involving agreements on the acquisition, alienation, exchange, or transfer of ownership rights to real estate—this is regulated by special legal provisions. More on this will be discussed in the section on the LRO's special powers.

The law does not prescribe an obligation for an entity that requested the SAO's opinion on a draft legal transaction to provide a copy of the concluded agreement. As a result, the SAO has no insight into whether its opinion was ultimately accepted.

3.2.4. Activities related to amicable settlement of disputes

Participation of the SASr in procedures for amicable settlement of disputes involves several activities: assessing the possibility of an amicable resolution, direct negotiation with the aim of reaching a settlement, participation in mediation procedures, and providing legal opinions on settlement agreements in procedures in which the SASr is not directly involved.

According to the provisions of the LSASr,[209] the SASr is required, prior to initiating court or other proceedings, or before submitting a response to a lawsuit, motion, or any other document by which proceedings have been initiated against the represented party, to consider the possibility of amicable dispute resolution, either on its own initiative or at the initiative of the opposing party.[210] Considering this possibility, however, does not relieve the SAO of its duty to simultaneously undertake all necessary legal actions in the initiated procedure, especially the procedural actions prescribed by law, nor does it exempt it from the obligation to act within the legally defined time limits for taking such actions.[211]

[209] Article 21(1) LSASr

[210] The Law on Civil Procedure (LCP) (Official Gazette of the Republic of Serbia, No. 72/2011, 49/2013 – Constitutional Court decision, 74/2013 – Constitutional Court decision, 55/2014, 87/2018, 18/2020, and 10/2023) prescribes the possibility for a person intending to file a lawsuit against the Republic of Serbia (RS) to submit a proposal for an amicable settlement to the State Attorney's Office of the Republic of Serbia (SASr) before initiating proceedings, unless a special regulation determines a specific deadline for filing the lawsuit. Submitting such a proposal results in a suspension of the statute of limitations period for 60 days (Article 193 LCP). These rules also apply to the amicable resolution of disputes in which an autonomous province or Local Self-Government Unit (LSG) appears as a party.

[211] Article 21(4) LSASr

If the SAO determines that the material or formal conditions for an amicable resolution of the dispute are not met, or that the proposed settlement is not in the interest of the Republic of Serbia, it is obliged to notify the party it represents in writing. However, if it concludes that the dispute could be resolved amicably, the SAO engages in negotiations with the opposing party, but may conclude the settlement only with the approval of the ministry responsible for finance.[212] For conducting a procedure for amicable dispute resolution in which the SAO is not directly involved, an opinion from the SAO must be obtained.[213]

Similar rules regarding the activities of the SAO of the LSG are provided in decisions on LRO, authorizing the SAO to, before initiating court or other proceedings, consider the possibility of an amicable settlement—either on its own initiative or at the proposal of the opposing party—and to enter into negotiations if it assesses that conditions for a settlement exist. This includes direct negotiations or participation in mediation. However, the SAOs are not authorized to conclude a settlement agreement without prior approval from the LSG authority responsible for finance.[214] Some LSG legal representation offices (LRO) are required to obtain the approval of the council before concluding a settlement agreement only if the value of the disputed matter exceeds a certain monetary threshold.[215] However, in some decisions of local self-government units (LSG), there is no mention at all of the amicable settlement of disputes, nor is the procedure of the LRO defined with regard to pursuing an amicable resolution.[216]

3.2.5. Other functions of the SASr

One of the competences of the SASr is initiating proceedings for the review of the constitutionality of laws, or for the review of the constitutionality and legality of other general legal acts. The SASr may initiate such proceedings if it considers that a law or another general legal act has violated the property rights and inter-

[212] Article 21(3) LSASr
[213] Article 21(5) LSASr
[214] See, for example, Article 16 of the Decision on the City Attorney's Office of Niš.
[215] Such an obligation exists, for instance, for the City Attorney's Office of Pirot, in cases where the value of the claim determined by the agreement exceeds 500,000.00 dinars. See Article 5, paragraph 2 of the Decision on the City Attorney's Office of Pirot.
[216] See, for example, the Decision on the City Attorney's Office of Vranje.

ests of the Republic of Serbia or the legal status of the SASr as established by law.[217]

Some decisions of LSGs explicitly authorize their LROs to initiate proceedings for the review of constitutionality and legality,[218] while other decisions contain no such explicit provision. However, under the Law on the Constitutional Court,[219] LROs, as LSG bodies, are authorized petitioners. The scope of work of the State Attorney's Offices includes monitoring and analyzing legal issues relevant to the work of state authorities, as well as the application of laws and other general legal acts that are important for the protection of property rights and interests of the entities they represent. Upon identifying issues, the SAO informs the competent authorities: the SASr informs the Government, the Minister of Justice, and other competent state bodies,[220] while LROs inform the city or municipal council and other relevant local authorities.

The State Attorney's Office submits annual reports on its work to the competent authority: the SASr to the Government, and the LROs to the council and/or assembly of the LSG. As a public authority, the State Attorney's Office is also obliged to inform both the professional and general public about its work through a public information bulletin.[221]

3.2.6. Special Powers of the local government attorney's Office

The State Attorney's Offices are also vested with certain special powers provided by laws governing specific legal areas. Some of these special powers refer to the ability of the State Attorney's Office to initiate a specific procedure in its own name, where it has the status of a party rather than a legal representative ex lege. Certain powers granted under special laws do not confer party status

[217] Article 15 of the LSASr.
[218] See, for example, the Decision on the City Attorney's Office of Vranje.
[219] Article 29, paragraph 1, item 1 of the Law on the Constitutional Court (Official Gazette of the RS, Nos. 109/2007, 99/2011, 18/2013 – Constitutional Court Decision, 103/2015, 40/2015 – other law, 10/2023 and 92/2023).
[220] Article 14, paragraph 1 of the LSASr: If, in relation to proceedings before the European Court of Human Rights, the SASr (State Attorney's Office of the Republic of Serbia) assesses that a domestic regulation is not in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, it shall inform the competent state authorities of the need to harmonize the regulation (Article 16 of the LSASr).
[221] Article 39 of the Law on Free Access to Information of Public Importance (Official Gazette of the Republic of Serbia, Nos. 120/2004, 54/2007, 104/2009, 36/2010, and 105/2021).

to the State Attorney's Office but authorize it to initiate proceedings on behalf of and in the interest of the represented entity, as a legal representative ex lege. Some powers arise from the obligation of legal entities to obtain a prior opinion from the State Attorney's Office. Below is an overview of the powers of the State Attorney's Office as prescribed by special laws.

The Law on Public Property[222] regulates the competences of the State Attorney's Office in relation to immovable property in public ownership. For the conclusion of contracts concerning the acquisition, alienation, and exchange of immovable property owned by the Republic of Serbia, as well as for contracts on the transfer of public ownership rights over immovable property from the Republic of Serbia to other holders of public ownership rights, it is mandatory to obtain a prior opinion of the SASr.[223] In addition, the SASr (State Attorney's Office of the Republic of Serbia) is obligated to file a lawsuit for the annulment of a contract concluded contrary to legal provisions, as well as in cases where the agreed compensation deviates from the prescribed amount or from the compensation that could have been obtained at the time the contract was concluded.[224] In proceedings for the annulment of a contract, the SASr (State Attorney's Office of the Republic of Serbia) acts as a party and is authorized to undertake all litigation actions. The obligation to obtain a prior opinion from the State Attorney's Office also exists in relation to contracts involving the disposal of ownership rights over immovable property belonging to the Autonomous Province or to a Local Self-Government Unit (LSG).

The opinion is provided by the PPAOV (Provincial Public Attorney's Office of Vojvodina) or the LRO (legal representation office of a local self-government unit), respectively. These offices are also authorized to initiate proceedings for the annulment of such contracts.[225]

The basis for the authority of the State Attorney's Office to initiate proceedings for the annulment of contracts related to the disposal of public property is also provided by the Law on the Transfer of Real Estate,[226] which stipulates that the competent

[222] Official Gazette of the Republic of Serbia, Nos. 72/2011, 88/2013, 105/2014, 104/2016 - other law, 108/2016, 113/2017, 95/2018 and 153/2020.
[223] Article 37 of the Law on Public Property.
[224] Article 38 of the Law on Public Property.
[225] Article 39 of the Law on Public Property.
[226] *Official Gazette of the Republic of Serbia, No. 93/2014, 121/2014 and 6/2015.*

State Attorney is obligated to file a lawsuit for annulment within six months from the date the contract was delivered, and no later than three years from the date of solemnization of the contract, if the real estate transfer agreement was concluded contrary to the provisions of the law governing public property or any other law.[227]

According to the Law on Planning and Construction,[228] the competent State Attorney grants consent for the correction of a property boundary[229] if the adjacent plot is publicly owned and initiates proceedings for the termination of the right of use on construction land and the registration of ownership rights in favor of the public property holder over real estate previously registered under the right of use by legal entities that have ceased to exist.[230]

The Law on the Restitution of Confiscated Property and Compensation[231] stipulates that the SAO is a party in the restitution and compensation procedure conducted by the Restitution Agency[232] and that the first-instance decision of the Agency is delivered to the SAO,[233] which may file an appeal against the decision with the Ministry of Finance.[234]

The Law on Companies grants[235] the SAO the authority to initiate civil proceedings against a company whose business name offends public morals, causes confusion regarding the company's legal form, or misleads about the company's principal activity.[236]

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227 Article 14 of the Law on the Transfer of Real Estate (Official Gazette of the Republic of Serbia, No. 93/2014, 121/2014 and 6/2015).

228 *Official Gazette of the Republic of Serbia, Nos. 72/2009, 81/2009 – corr., 64/2010 – decision of the CC, 24/2011, 121/2012, 42/2013 – decision of the CC, 50/2013 – decision of the CC, 98/2013 – decision of the CC, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 – other law, 9/2020, 52/2021 and 62/2023.*

229 Article 68, para. 4 of the Law on Planning and Construction.

230 Article 102 of the Law on Planning and Construction.

231 *Official Gazette of the Republic of Serbia, Nos. 72/2011, 108/2013, 142/2014, 88/2015 – decision of the CC, 95/2018 and 153/2020.*

232 Article 39 of the Law on the Restitution of Confiscated Property and Compensation (Official Gazette of the RS, Nos. 72/2011 … 153/2020).

233 Article 47, para. 4 of the Law on the Restitution of Confiscated Property and Compensation.

234 Article 48 of the Law on the Restitution of Confiscated Property and Compensation.

235 *Official Gazette of the Republic of Serbia, Nos. 36/2011, 99/2011, 83/2014 – other law, 5/2015, 44/2018, 95/2018, 91/2019 and 109/2021.*

236 Article 27 of the Law on Business Companies (Official Gazette of the RS, Nos. 36/2011 … 109/2021).

According to the Law on Expropriation,[237] the proposal for expropriation is submitted by the competent SAO on behalf of the beneficiary of the expropriation.[238] In the administrative procedure for expropriation, the SAO acts as the legal representative, and it holds the same status in any potential non-contentious procedure for determining compensation for the expropriated real estate.

On behalf of the Republic of Serbia, the SAO submits a request for the registration of public ownership of the Republic of Serbia over real estate where legal entities or other forms of organization—registered in the public land registry as users or holders of usage rights—have ceased to exist and have no legal successors.[239]

Some local self-government units (LSG) have authorized their LROs to provide free legal aid to citizens, as was the case, for example, in the city of Pirot. This arrangement is unacceptable, particularly given that in many cases, citizens seek legal assistance precisely due to violations of their rights by LSG bodies, which the LRO is legally mandated to represent—thereby creating a conflict of interest. According to our informal findings, the person providing free legal aid within the City Attorney's Office is formally employed there but does not perform public legal representation duties. However, the very fact that this person is employed within the City Attorney's Office according to the systematization act renders them unsuitable for providing free legal aid.

3.3. Relationship between the State Attorney's Office and the Entities It Represents

As a legal representative *ex lege*, the State Attorney's Office (SAO) is authorized, in the performance of its official duties, to initiate the appropriate legal proceedings and undertake legal actions for the purpose of protecting the rights and interests of the represented entity, once it becomes aware of a legal matter that requires such action.[240]

The State Attorney's Office also acts upon written instructions and requests from the entities it represents.[241] Upon receiv-

[237] *Official Gazette of the RS, No. 53/95, Official Gazette of the FRY, No. 16/2001 – decision of the FCC and Official Gazette of the RS, Nos. 20/2009, 55/2013 – decision of the CC and 106/2016 – authentic interpretation.*

[238] Article 25 of the Law on Expropriation.

[239] Standalone Article 15 of the Law on Amendments to the Law on Public Property (*Official Gazette of the Republic of Serbia*, No. 95/2018).

[240] Article 8, paragraph 1 of the Law on State Attorney's Office (LSASr).

[241] Article 15, paragraphs 1 and 2 of the LSASr.

ing the instruction or request, the State Attorney's Office of the Republic of Serbia (SASr) is obliged to inform the subject of its legal opinion or of the actions taken within a reasonable period, which may not exceed 30 days. If there is a need for the legal opinion to be issued within a shorter period, the subject addressing the SASr must explicitly indicate and justify this in the written request, marking it as a priority and clearly specifying the deadline for action.[242]

With regard to taking legal actions, the functional autonomy of the State Attorney's Office is limited. Although the Law on State Attorney's Office (LSASr) does not explicitly stipulate that the consent of the represented entity is required to initiate proceedings or take dispositive actions within the procedure (such as withdrawal of the claim, acknowledgment or waiver of the claim, etc.), this obligation arises from the provisions governing the procedure to be followed when an instruction or request is issued which, in the opinion of the State Attorney's Office, violates the Constitution or the law or endangers the property rights and interests of the Republic of Serbia or a local self-government unit (LSG).

In such a case, the State Attorney's Office is required to immediately, no later than three days from the receipt of the instruction or request, inform the issuer of the instruction or the requester in writing, providing a reasoned explanation for its refusal to act. However, if the represented entity insists on the issued instruction or submitted request even after receiving the notice, the State Attorney's Office is obliged to comply, and neither the State Attorney nor the Deputy State Attorney may suffer any adverse consequences for doing so.[243] These provisions essentially mean that the State Attorney's Office (SAO) may not, on its own initiative, undertake dispositive procedural actions without consultation and the position of the party it represents. This legal arrangement is considered appropriate, as it prevents the SAO from exceeding its mandate's limits and usurping other authorities' competencies.[244]

The entities represented by the State Attorney's Office (SAO) are obligated, upon its request, to provide the SAO with case files

[242] Article 15, paragraphs 2 and 3 of the LSASr.
[243] Article 15, paragraphs 4–6 of the LSASr.
[244] Prodanović, S. *The New Law on the State Attorney's Office*, Bulletin of the SASr, No. 2/2014, p. 14.

and information, or to supply the data and explanations necessary for undertaking actions within its competence. When a deadline for action is prescribed, these entities are required to submit the files and information, or provide the data and explanations, without delay.[245]

In cases where damage occurs to the represented entity due to non-compliance or untimely fulfillment of the above-mentioned obligation, the State Attorney's Office (SAO) is required to notify the supervisory authority of the entity it represents: the competent ministry or the Government in the case of the SAO, and the competent authority or council of the Local Self-Government Unit (LSG) in the case of the LSG Attorney's Office (LRO). In addition, the SAO is legally authorized to seek compensation for the damage caused from the responsible person within that authority or organization, which means it may do so independently, without the need for prior approval.[246] There is, however, no clear legal provision stating whether the State Attorney's Office (SAO) is authorized to independently initiate court proceedings in order to pursue such a claim. Some decisions adopted by Local Self-Government Units (LSG) prescribe that the SAO may seek compensation for damages only with the approval of the city or municipal council,[247] while others impose an obligation on the SAO to inform the council of the incurred damage, along with a mandatory provision requiring the SAO to file a claim for compensation against the responsible individual.[248] In most decisions adopted by Local Self-Government Units (LSG), there are no specific provisions regulating compensation claims against the responsible individual.

The relationship between the State Attorney's Office (SAO) and the entities it represents is based on the principle of confidentiality. The SAO may not disclose to the opposing party in negotiations during an amicable dispute resolution procedure, or in court, administrative or other proceedings, nor to third parties, any information obtained from the represented entity, unless that entity has granted prior approval.[249] This resolved the dilemma regard-

[245] Article 8, paras. 2 and 3 LSASr.
[246] Article 8, para. 4 LSASr.
[247] See, for example, Article 9, para. 4 of the Decision on the City Attorney's Office of Niš.
[248] See, for example, Article 7, para. 2 of the Decision on the City Attorney's Office of the City of Pirot.
[249] Article 22 LSASr

ing the right of third parties to obtain information from the State Attorney's Office (SAO) about cases it is handling, by invoking the Law on Free Access to Information of Public Importance, as such data is considered confidential under the LSASr.

To understand the practical relationship between the SAO and the entities it represents, we explored this topic during a focus group interview. One of the key discussion points was the cooperation between the SAO and represented entities, focusing on the challenges SAOs face in communication with those they represent.

Participants agreed that problems in the SAO's work related to representation may arise due to a lack of understanding of the SAO's role by LSG authorities or due to an insufficient level of cooperation between the SAO and the administration. The causes of such problems were identified as the insufficient number of law graduates and licensed attorneys working in local government bodies and institutions founded by LSGs, as well as the inadequate professional qualifications of employees. Below are some of the participants' statements:

– In some situations, communication is poor, and the actions of the administrative bodies are not timely, which limits the SAO's ability to adequately protect the interests of the LSG.
– Attorneys are often forced to contact administrative bodies multiple times to obtain necessary information, statements, data, and documentation, which in practice can result in "missing" legal deadlines or those set by the court.
– The administration often does not recognize or respect the position of the attorney who issues a negative opinion on a proposal or request. As a result, SAOs face additional challenges because they must justify their positions and emphasize that their opinions serve to protect LSG interests.
– Attorneys face difficulties in initiating procedures to protect LSG property and interests, primarily due to inactivity and lack of cooperation from other local bodies, institutions, and organizations, which effectively prevents the SAO from taking necessary measures within its jurisdiction.
– Sometimes I receive an oral instruction that is not in the interest of the represented entity. In such situations, I present my position and provide verbal reasoning as to why the instruction is unfounded and request that it be sent in written form. Usual-

ly, they withdraw the instruction afterward.

– The personal authority of the attorney is of great importance for successful cooperation between the SAO and the administrative bodies, as well as for the effective protection of LSG interests.

– We strive to act preventively and proactively, emphasizing the need for voluntary enforcement of court decisions, responding to warnings, and engaging in dispute settlement negotiations.

– Our aim is to reduce litigation costs, acknowledge claims when they are truly justified, and avoid initiating proceedings when the LSG's claim is clearly unfounded.

3.4. Mutual Relations Between the State Attorney's Offices

The State Attorney's Office of the Republic of Serbia (SASr), the Provincial Public Attorney's Office of Vojvodina (PPAOV), and legal representation offices of local self-government units (LROs) are organizationally and functionally separate entities, with their competences regulated by specific legal provisions. The relationship among SASr, PPAOV, and LRO is generally based on cooperation and mutual legal assistance. However, when it comes to the relationship between the SASr and LRO, there are certain elements of subordination of LRO to the SASr.

According to the provisions of the Law on State Attorney's Office (LSASr), under the heading "Provision of Legal Assistance," the SASr may, upon request of another public legal representation office or a local self-government unit (LSG),[250] provide expert assistance or take over representation. However, the SASr is not obliged to accept such a request.

It is not specified under what conditions or for what reasons an LSG may request such assistance or representation from the SASr, nor whether it can do so without the consent of its own attorney's office, which acts as its ex lege representative. Additionally, the law does not clarify the legal status of the SASr when it "takes over representation" at the request of a LRO or LSG—specifically, whether it then acts as an ex lege representative or as an attorney-in-fact (proxy).

In addition, the law stipulates that the State Attorney's Office of the Republic of Serbia (SASr) may "take over proceedings" from

[250] Article 18, paragraph 1 LSASr

another State Attorney's Office when the actions of that office have violated the public interest.[251] This means that the State Attorney's Office of the Republic of Serbia (SASr) may, by its own decision, derogate the competence of another State Attorney's Office and "take over" representation from the Provincial Public Attorney's Office of Vojvodina (PPAOV) or any local self-government legal representation office (LRO). This legal provision essentially expresses a subordinated position of LRO in relation to the SASr, which contradicts their organizational and functional independence. Its implementation raises numerous questions that the law does not address: who can initiate the "takeover of representation," whether the SASr may act ex officio, whether the consent of the represented party is required for the takeover, how and based on what criteria the SASr determines that the actions of another State Attorney's Office have violated the public interest, whether the LRO has the right to challenge the decision to take over the case, and so on. For this reason, there is considerable room for arbitrariness in derogating the competence of LRO in cases within their jurisdiction.

The State Attorney and Deputy State Attorney may entrust an LRO with undertaking a specific procedural action before a court, administrative authority, or other competent body.[252] This type of substitution in representation does not require the consent of the LRO.

In court and other proceedings, the State Attorney's Office of the Republic of Serbia (SASr) and LRO may find themselves representing parties with opposing procedural positions. In such cases, the rules on legal assistance and substitution in taking procedural actions cannot be applied, nor may the SASr "take over" proceedings from a LRO.

In practice, among the LROs included in this research, substitution in representation occurs relatively frequently. These offices perform actions entrusted to them by the SASr or other public legal representation offices, but they also sometimes submit requests to other offices to substitute them in representation. Data on substitution in representation are presented in the second part of this study.

[251] Article 18, paragraph 2 of the LSASr.
[252] Article 29, paragraph 3 of the LSASr.

3.5. Status and Powers of Attorneys and Deputy Attorneys

The functions of the State Attorney's Office of the Republic of Serbia (SASr) are performed by the State Attorney and Deputy State Attorneys,[253] who are appointed by the Government for a term of five years, with the possibility of reappointment.[254] Public legal representation duties within LROs are performed by one or more individuals, appointed in accordance with the decision on the establishment of the respective LRO.[255]

A person may be appointed as the State Attorney or Deputy State Attorney if they are a citizen of the Republic of Serbia, meet the general requirements for employment in state bodies, have passed the bar exam, and are fit to hold office as State Attorney.

In addition, the State Attorney must have 10 years of work experience in the legal profession, and the Deputy State Attorney must have eight years of experience.

If the function of the State Attorney ceases, the competent authority shall appoint an Acting State Attorney from among the Deputy State Attorneys for a period of six months.[256] A Deputy State Attorney who represents the Republic of Serbia before the European Court of Human Rights must, in addition to meeting all other requirements, possess certified active knowledge of the English or French language.[257]

The municipal or city attorney typically has one or more deputies, as determined by the act on the establishment of the LRO or by the rules on the organization and systematization of job positions within the LRO, which form an integral part of the act on internal organization and job classification within the administration and bodies and services of the LSG.

When it comes to the conditions and methods of appointing attorneys and deputy attorneys within LROs, the solutions vary. Some decisions on the establishment of LROs prescribe the same requirements for the appointment or election of both the attorney and the deputy, while others prescribe different ones. Both attor-

253 Article 6 of the LSASr.
254 Article 37(1) LSASr. If the State Attorney is not reappointed upon the expiration of the term or if the position is terminated upon personal request, they shall be appointed as a Deputy State Attorney, provided that they were appointed as the State Attorney from among the Deputies (Article 37(2) LSASr)
255 Article 53(1) LSASr.
256 Article 31(4) LSASr.
257 Articles 39 and 400 of the LSASr.

neys and their deputies must hold a law degree, have passed the bar exam, and be deemed fit for the function, but the required legal experience ranges from three to ten years.

The method of appointment also differs: according to some decisions on the establishment of LROs, attorneys and their deputies are appointed by the council, while in others, the appointment is made by the assembly of the LSG.

The attorney manages and represents the office and is accountable for their work and the work of the office to the appointing or electing body—either the council or the assembly. The deputy attorney is accountable to the attorney and to the body that appointed or elected them.[258]

The attorney may undertake any action within the competence of the State Attorney's Office, with the exception of those matters falling under their exclusive authority, such as initiating proceedings for the review of constitutionality and legality, submitting reports and notifications to the competent authorities, and performing other duties established by law.

The deputy attorney may perform any action within the competence of the State Attorney's Office that does not fall under the exclusive authority of the attorney.[259]

The fundamental principles governing the relationship between the State Attorney and their deputies are modeled after those of the Public Prosecutor's Office—namely, the possibility of issuing binding instructions, devolution, and substitution. The State Attorney, as well as attorneys within legal representation offices of local self-government units (LROs), issues general binding instructions in written form to guide the actions and conduct of deputy attorneys and employees within the State Attorney's Office, with the aim of ensuring legality, efficiency, and uniformity in their work.[260] A Deputy State Attorney who considers that an instruction for mandatory action is unlawful or unfounded may submit an objection with justification to the State Attorney within three days from the date of receipt of the instruction. The State Attorney shall decide on the objection within eight days. If the State Attorney rejects the objection, the Deputy shall act in accordance

258 Article 23, paragraphs 2 and 3 of the LSASr.
259 Article 24 of the LSASr.
260 Article 26, paragraph 1 of the Law on State Attorney's Office (LSASr). The State Attorney may also issue general mandatory instructions upon the proposal of the Collegium of the State Attorney's Office (Article 26, paragraph 2 LSASr).

with the instruction. In the case where acting on the instruction cannot be postponed, the Deputy who filed the objection is obliged to follow the instruction until a decision on the objection is made.[261]

The State Attorney may undertake all actions in a case assigned to a Deputy State Attorney (devolution), and may, in writing, authorize a Deputy State Attorney to act in a specific case assigned to another Deputy State Attorney, when that Deputy is prevented from acting in the case for legal or factual reasons (substitution).[262]

Certain procedural actions in proceedings where the State Attorney's Office acts as legal representative may be undertaken by assistant attorneys and legal trainees, but only within the limits of a written authorization issued by the Deputy State Attorney.[263] In addition, in court and other proceedings, the State Attorney or their Deputy may delegate a specific action to an employee of the entity they represent, provided that the person is a law graduate who has passed the bar exam.[264]

According to the Law on State Attorney's Office (LSASr), the State Attorney manages the administration of the State Attorney's Office and is responsible for its proper and timely operation. The State Attorney organizes the functioning and structure of the Office, decides on rights arising from the work of Deputy State Attorneys and on the employment status of civil servants and staff, addresses irregularities and delays in work, and performs other duties assigned by law or other regulations. If the State Attorney is absent or unable to manage the Office, they are replaced by a Deputy State Attorney designated by an act issued by the State Attorney.[265] Similar rules are contained in the decisions on legal representation offices of local self-government units (LROs).

The State Attorney is authorized to transfer a Deputy from the headquarters to a branch office and vice versa, as well as from one branch office to another, with their written consent—except in cases where the branch office in which they worked is being abolished, in which case consent is not required. The decision on the transfer is issued by the Government upon the proposal of the State Attor-

261 Article 27 LSASr.
262 Article 28 LSASr.
263 Article 30 LSASr.
264 Article 29, paragraphs 1 and 2 LSASr.
265 Article 31 LSASr

ney.[266] In addition, the State Attorney is authorized to assign a Deputy from the headquarters to a department and vice versa, as well as from one department to another, for a period not exceeding one year with the Deputy's written consent, and without such consent for a period not exceeding six months.[267]

According to the Law on State Attorney's Office (LSASr), the State Attorney and their Deputies exercise their employment rights in accordance with the regulations governing the status of civil servants.[268] In contrast, city and municipal attorneys and their deputies exercise their rights and obligations arising from employment in accordance with the regulations that apply to appointed officials and employees in city or municipal bodies. Employment, rights, obligations, professional development, evaluation, and accountability of employees of the SASr are subject to regulations applicable to civil servants and administrative staff,[269] while for employees of LROs, the rules governing employees in the autonomous provinces and local self-government units apply.[270] Certain decisions on the LRO stipulate that the salary calculation and payment for employees of the LRO shall be based on the coefficients determined for the calculation and payment of salaries for appointed or employed persons in LSG bodies.

3.6. Internal Structure and Organization

The principles governing the internal structure and organization of public legal representation offices are established by law, while each individual office has further defined its internal units and organized and systematized job positions through its own acts, taking into account the type and scope of work, as well as the need for efficient performance.

The internal structure and organization of the SASr are regulated by the Rulebook on Internal Structure and Job Systematization of the State Attorney's Office of the Republic of Serbia.[271] The

[266] Article 35 LSASr
[267] Article 36 LSASr
[268] Article 34 LSASr
[269] Law on Employment Relations in State Bodies (*Official Gazette of the RS*, nos. 48/1991, 66/1991, 49/1999, 34/2001, 39/2002, 49/2005*).
[270] The Law on Employees in Autonomous Provinces and Local Self-Government Units (*Official Gazette of RS*, no. 21/2016, 113/2017, 95/2018, 114/2021, 92/2023, 113/2017 – other law, 95/2018 – other law, 86/2019 – other law, 157/2020 – other law, and 123/2021 – other law*).
[271] The Rulebook on Internal Organization and Job Classification in the State Attorney's Office (no. I DP.314/23 of 8 August 2023). According to this Rulebook, the SASr systematized 27 positions for state officials at managerial level, including

duties and tasks at the headquarters of the SASr are carried out within two organizational units: the Department for Representation of the Republic of Serbia before the European Court of Human Rights and the Secretariat of the SASr.

Within the headquarters, 14 sectors have been established, each headed by a Deputy State Attorney. The work of these sectors is divided according to specific areas of law.[272] Duties and tasks outside the headquarters of the SASr are carried out in regional departments, of which, as previously mentioned, there are 11.

The SASr has established a Secretariat, which performs activities of common interest for the SASr.

The collegium, composed of the State Attorney and their deputies, also plays a significant role.[273] The Collegium reviews the report on the work of the State Attorney's Office, matters relevant to the proper performance of its duties and organization, examines draft laws and other regulations of significance for the work of the State Attorney's Office, as well as the need to initiate proceedings for the review of constitutionality and legality.[274]

The internal organization and structure of LROs is regulated by the rules on internal organization and job classification within the LRO, which are either adopted as a separate act or constitute an integral part of the act on internal organization and job classification within the city or municipal administration.

There are significant differences among LROs regarding internal organization, primarily depending on the volume of work. In all cases, the organization of LROs is aligned with the principles for the organization and structure of the State Attorney's Office as prescribed by the provisions of the Law on State Attorney's Office (LSASr).

State attorney assistants are employed in these offices, assisting the deputy state attorney in performing tasks within the jurisdiction of the State Attorney's Office of the Republic of Serbia

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one State Attorney and 26 Deputy State Attorneys. Additionally, 211 positions were systematized for state officials in executive roles.

[272] Article 3 of the Rulebook on Internal Organization and Job Classification in the SASr. Two organizational units exist at the headquarters of the SASr: the Department for Representation of the Republic of Serbia before the European Court of Human Rights, and the Secretariat of the State Attorney's Office (*Article 4 of the Rulebook*).

[273] Article 43 of the LSASr.

[274] Article 43 of the LSASr.

(SASr). They draft attorney submissions and acts, take part in representation during hearings before courts, administrative bodies, or other competent authorities, and perform other tasks foreseen by law and the internal organization and job classification act.[275] In addition, legal trainees and volunteers are also engaged in the work of the State Attorney's Office.[276]

In many LROs, public legal representation duties are performed by a single person - the local government attorney. Data on employees in the LROs covered by the research are presented in the second part of the study.

3.7. Financing of Public Legal Representation Offices

According to the Constitution of the Republic of Serbia (RS), the funds for financing the competencies of the Republic of Serbia, the autonomous provinces, and the local self-government units (LSGs) are secured from taxes and other revenues determined by law.[277] The competencies of the Republic of Serbia (RS) include, among other things, regulating and ensuring the financing of the exercise of the rights and duties of RS, as well as regulating and ensuring the organization, competencies, and functioning of republican authorities.[278] As a state (republic-level) authority, the State Attorney's Office of the Republic of Serbia (SASr) performs tasks within the competencies of the Republic, and its activities are therefore financed from the aforementioned sources of revenue. The LSASr confirms this by stipulating that funds for the operation of the SASr shall be provided in the budget of the Republic of Serbia.[279]

The Law on State Attorney's Office (LSASr) stipulates that funds for the operation of legal representation offices of local self-government units (LROs) shall be provided in the budgets of the

[275] Article 46 of the LSASr.

[276] Article 47 of the LSASr. A State Attorney trainee is a person who has graduated from the Faculty of Law and meets the general requirements for employment in state bodies. A State Attorney trainee is employed for a fixed term of three years, and if they pass the bar exam during this period, they may be employed permanently as a State Attorney assistant. Volunteers are law graduates accepted for training in the State Attorney's Office, without establishing an employment relationship, for the purpose of gaining work experience and fulfilling the conditions for taking the bar exam.

[277] Article 91 of the Constitution of the Republic of Serbia (Official Gazette of the RS, Nos. 98/2006 and 115/2021).

[278] Article 97 of the Constitution of the RS.

[279] Article 4 of the LSASr.

respective Local Self-Government Units (LSG).[280] This legal provision is confirmed by the founding decisions of legal representation offices of local self-government units (LROs), which contain identical wording.

3.8. Supervision of Public Legal Representation Offices

Supervision over the work of the SASr is carried out by the ministry responsible for justice, ex officio, at the proposal of entities for which the SASr is the ex lege representative, or at the initiative of parties and participants in the proceedings. [281]

In exercising oversight, an authorized official of the ministry responsible for justice may inspect the case files, records, and documentation of the SASr, as well as request necessary information. During the course of oversight, the authorized official may order measures to remedy deficiencies in the work of the SASr, set a deadline for implementing those measures, and may also submit a proposal to initiate disciplinary or other proceedings.[282]

Decisions on LROs generally do not contain provisions regarding who is responsible for overseeing their work. Some decisions stipulate that oversight is exercised by the city or municipal council, based on a proposal from the represented entities or participants in proceedings. Other decisions provide that a specially authorized person may be appointed to perform the oversight, provided that this person holds a law degree, has passed the bar exam, and possesses at least ten years of professional legal experience after passing the bar exam. The powers of this person are defined analogously to those of the official authorized to oversee the work of the SASr.[283] There are also decisions that do not contain specific rules on oversight but impose the duty on the head of the LRO to submit reports to the council regarding actions taken in individual cases, as well as to the entities it represents, upon their request. If, based on the report, the council determines that there are deficiencies in the work of the legal representative, it may prescribe measures to remedy the shortcomings, set a deadline for implementing those measures, and submit a proposal to initiate disciplinary or other proceedings.[284]

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280 Article 4 of the LSASr.
281 Article 33, paragraph 1 of the LSASr.
282 Article 33, paragraphs 2 and 3 of the LSASr.
283 Such provisions are contained, for example, in the Decision on the City Attorney's Office of Niš (Article 29).
284 Article 13 of the Decision on the City Attorney's Office of Pirot.

3.9. Standards of Professional Conduct

Upon the proposal of the Collegium, and in accordance with its competencies, the State Attorney of the Republic of Serbia (SASr) adopted in 2020 the Standards of Professional Conduct, which establish the principles of professional and ethical behavior of civil servants and staff in the SASr in their mutual relations and in their relations with the represented entities, courts, other public authorities, parties, and the general and professional public. The rules of professional and ethical conduct apply to oral and written communication among employees and with third parties, as well as to employee dress code, encompassing all aspects of employee behavior in the performance of their duties.

The key ethical principles are: (1) professional integrity, (2) legality, independence and impartiality, (3) absence of conflict of interest, (4) confidentiality, (5) expertise, and (6) preservation and strengthening of public trust.

Employees of the SASr are expected to demonstrate both personal and professional integrity without exception. This is reflected in compliance with legal obligations and the performance of duties in accordance with professional and ethical rules. It is particularly emphasized that the conduct of employees in their private lives must not endanger the preservation and strengthening of public trust in the institution.

The principle of legality requires employees to perform the tasks within their job descriptions or those assigned to them, within their authority, in a professional and ethical manner, and in accordance with the Constitution, ratified international treaties, laws, and all by-laws. Independent conduct requires that employees base their legal opinions and positions on legality, objectivity, and professional legal reasoning. All represented entities must be treated impartially, without any personal interest or external influence, and without endangering legality, integrity, and public trust in the SASr.

Regulating situations involving conflicts of interest, the Standards state that employees must not use their position or employment status in the SASr to pursue private interests in any form. Employees are obliged to be aware at all times of the existence of an actual or potential conflict of interest. When such a conflict exists, the employee must take appropriate measures to eliminate it.

When, in the exercise of their duties, employees obtain information that is subject to any level of confidentiality, they are obliged to maintain its secrecy. Such information may only be disclosed to third parties in accordance with the law.

Employees are expected to possess the necessary expertise to perform their duties and to continuously develop professionally by following legislation, practice, and legal literature.

The implementation of these principles should ensure the professional and ethical performance of duties by SASr staff and public trust in the State Attorney's Office. This goal is emphasized as imperative in employee conduct, both in oral and written communication, mutual relations, and relations with represented entities and all other authorities and domestic and international organizations. Every form of communication must be based on politeness, without any sign of belittlement or mockery. It is particularly emphasized that written communication must avoid the use of punctuation or orthographic means in a manner that expresses an inappropriate tone, offensive language, or any other form of inappropriate communication that could objectively create such an impression. Mutual relations among employees and their relations with third parties must be based on professional and ethical grounds and full respect for human rights.

Although the Standards of Professional Conduct apply to employees of the SASr, in the absence of specific standards applicable to legal representation offices of local self-government units (LROs), they may be applied mutatis mutandis to employees of the LRO.

3.10. Assessment of the Legal Framework and Proposals for Improvement

In an effort to better understand the views of legal representatives regarding the legal framework governing the jurisdiction of attorney's offices and the status of state attorneys, we addressed these issues during the focus group discussion.

During the discussion, shortcomings in the Law on State Attorney's Office (LSASr) were pointed out, particularly concerning the regulation of the jurisdiction of LROs. One of the recurring issues in practice is whether these offices may represent institutions, public enterprises, and legal entities established by Local Self-Government Units (LSGs), given that Article 52 of the LSASr stipulates that LROs represent LSGs in proceedings before courts,

administrative and other competent authorities for the protection of their property rights and interests. This provision is not sufficiently precise, as it does not explicitly regulate the possibility of representing indirect budget beneficiaries under a power of attorney. As a result, courts, the State Audit Institution, and attorney's offices hold divergent interpretations. A recurring question in court practice is whether Article 11(3) of the LSASr—under which the SASr may represent other legal entities established by the Republic of Serbia under a special power of attorney—can be analogously applied. The prevailing position among focus group participants is that representation of entities established by LSGs is not permissible.

Some participants also raised concerns about the unclear regulation of the appointment and eligibility conditions for local attorneys and their deputies, particularly regarding the required years of legal experience. Certain founding decisions do not clarify whether the required experience must be acquired after passing the bar exam. Generally, decisions specify a requirement of three years of experience for appointment. The prevailing view, supported by some ministry opinions, is that LSGs are authorized to independently regulate the procedure and conditions for the appointment of their legal representatives. However, differing interpretations remain.

Another problematic issue for participants is the current regulation of the term of office for local attorneys. The time-limited nature of appointments creates uncertainty regarding reappointment, especially considering the political dynamics within LSGs, potentially affecting the independence of these offices. The fixed term also unjustifiably links the function of the local attorney to the executive branch of the LSG. Furthermore, if a local attorney is not reappointed, the established internal structure is disrupted, changing the office's functioning. For these reasons, participants advocated amending the law to ensure the permanence of the function, similar to judicial appointments.

Participants also emphasized the unjustified differences between the legal status and labor rights of attorneys and their deputies in LROs compared to those in the SASr. While the State Attorney and their deputies are classified as senior civil servants, local attorneys are treated as political appointees, preventing career advancement and limiting salary growth. The labor regime appli-

cable to LROs relies on coefficients for appointed and elected officials, in accordance with the Law on Employees in Autonomous Provinces and Local Self-Government Units. Moreover, LROs are excluded from regulations establishing salary grades. As a result, salaries are calculated using fixed coefficients that do not account for the specific demands, competencies, and responsibilities of the position.

Participants stressed the urgent need for a separate legal regime governing employment status in state attorney's offices, akin to that of judges and prosecutors. This should include a special salary framework for LROs that reflects the nature, complexity, and responsibility of the role. It is currently deemed unacceptable that a local attorney's salary is comparable to that of a judicial assistant, despite their far greater responsibilities.

IV ANALYSIS OF INSTITUTIONAL CAPACITIES AND PRACTICES OF LEGAL REPRESENTATION OFFICES

This section presents an analysis of data on the institutional capacities and operations of legal representation offices of local self-government units (LROs) included in the research, collected through two questionnaires.

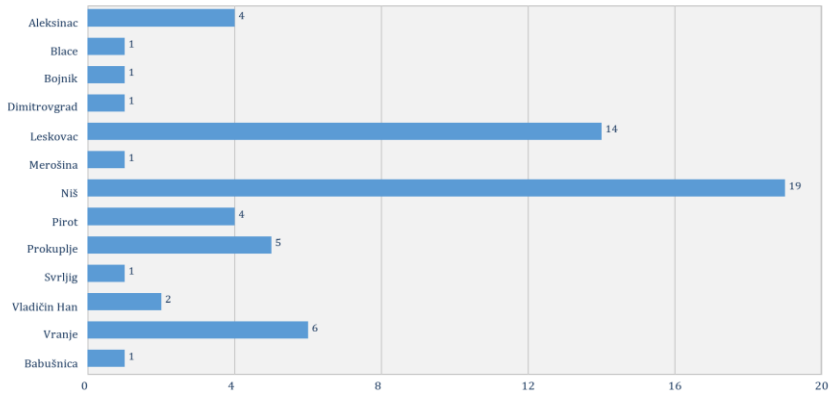
1. Institutional Capacity of Legal Representation Offices

1.1. Human Resources

STAFFING IN LEGAL REPRESENTATION OFFICES

On average, each LRO employs 4.6 individuals, with the highest number recorded in the City Attorney's Office of Niš (19), followed by the City of Leskovac (14). Several attorney's offices employ only one person – namely, the municipalities of Blace, Bojnik, Dimitrovgrad, Svrljig, Babušnica, and Merošina. These are municipalities that, according to the 2016 census, have approximately 10,000 inhabitants.

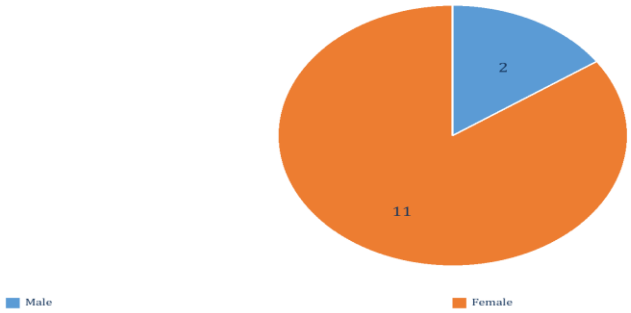
Chart 1: Number of Employees



Within the examined sample, all heads of offices (attorneys) were formally appointed; none were serving in an acting capacity.

The majority of appointed attorneys are women: 11 of them are female and only 2 are male. (*Chart* 2).

Chart 2: Gender of Appointed Attorneys



This finding indicates that the phenomenon of so-called "feminization of the judiciary" is also present in the attorney's office sector. Considering that feminization of professions refers to the growing representation and dominance of women in a given profession—and is often seen as an indicator of that profession's loss of prestige—it may be concluded that the function of city or municipal attorney is not perceived as one associated with significant financial benefit or social power.[285] Such a situation is unsatisfactory and calls for the implementation of measures aimed at establishing gender balance within the attorney profession.[286]

On average, the LROs included in the research sample employ 1.5 deputy attorneys. In all offices with only one employee, there are no deputies, while the highest number of deputies is employed in the City Attorney's Office of Niš—eight, all of whom are women—and the City of Leskovac—five. On average, these offices employ 1.5 legal professionals who have passed the bar exam, 0.5 law graduates, and 1.9 employees from other educational backgrounds. These figures indicate that the number of staff performing administrative and other support tasks exceeds the number of legal professionals engaged in core public legal representation work.

[285] "Professions dominated by women are largely marginalized in terms of social significance – that is, they have lower status, financial benefits, and social power." See: Tomić, M. & Spasić, D. *Masculinity in Professions*, *Anthropology*, vol. 10, no. 1, 2010, p. 103.
[286] Article 26.

HUMAN RESOURCES

Focus group discussion confirmed that most legal representation offices of local self-government units (LROs) do not have a sufficient number of employees, and that there is a clear need for additional staffing – primarily deputy local government attorneys, legal assistants or trainees, but also technical-administrative personnel and office secretaries.

It was pointed out that in smaller LRO, only one person – the local government attorney – performs all the tasks, which was assessed as unacceptable. Regardless of the size of the LSG, participants emphasized that a single local government attorney is not sufficient to ensure the efficient and effective functioning of the office.

Consequences of understaffing are multiple, directly impacting the functioning of the LRO and the timely and high-quality protection of the LSG's interests. The key problem involves the inability to represent the LSG at court hearings. Here are a few illustrative statements from the discussion:

– "We simply can't attend all the hearings – there are days when we have over ten, in different courtrooms."
– "The problem becomes critical when the attorney is on leave or sick, and there are no deputies or assistants to cover."
– "We often have to interrupt vacations or sick leave to keep things moving."
– "We don't have time for internal organization issues because we're overwhelmed with core legal work."
– "The lack of staff is especially visible when courts are located in another town – frequent travel means constant absences from the office."
– "While our administrative staff are valuable and experienced, they lack legal training and cannot compensate for the lack of legal professionals."

It was noted that some LSG administrations have included new positions in their systematization plans and budgets, but the proposed number is inadequate.

Causes vary:

– In some LRO, legal barriers prevent new hires.
– In others, both legal and financial conditions are lacking.

Examples from participants:

– "Our systematization act doesn't provide for a sufficient number

of positions."
– "Administrative and technical tasks are handled by someone from the municipal administration."
– "We constantly insist on reinforcing the team, but we have no control over the decisions."

EXPERTISE OF STAFF

All employees have several years of work experience: the average number of years of work experience for law graduates who have passed the bar exam is ten, for law graduates without the exam 7.22 years, and for employees of other educational backgrounds also ten years. These data indicate that currently there are few young professionals gaining legal experience within the LROs, which may negatively affect the future development of human resources in the LROs of LSGs.

According to responses from the LROs, the level of expertise and skills of staff performing legal representation is high. When choosing among four levels ("exceptionally high level of expertise and skills," "required level," "low level," and "exceptionally low level"), LROs assessed the expertise and skills of their staff as either "exceptionally high" (54%) or at the "required level" (46%).

A slightly more critical view was expressed in the self-assessment of staff proficiency in using modern information and communication technologies. On a four-point scale, most respondents selected "high level of proficiency" (54%), followed by "satisfactory level of proficiency" (38%). Only 8% assessed proficiency as "low," while none of the LROs assessed it as "exceptionally low."

Focus group participants expressed satisfaction with the staff's level of proficiency. Here are some of their statements:
– "Attorneys and staff in the LRO enjoy and understand their work, and generally have no professional need to leave."
– "I'm satisfied with the quality of work of all employees."
– "Employees are motivated to work."
– "LRO staff has a high level of expertise and is well-trained for the job."

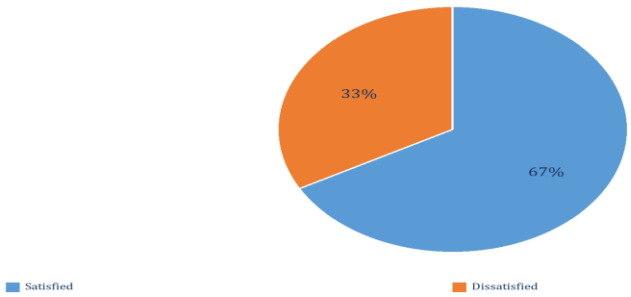
LEVEL OF SALARIES

Given the role of LROs (LROs) and the complexity of the legal work they perform, it is of great importance that LROs attract highly qualified personnel, which implies that salaries must be adequate. For this reason, we sought to determine how the salaries of LRO employees compare to those of employees in city or municipal administrations, offering three possible answers: higher, equal to, or lower than those in the administration.

The distribution of responses shows the following:
– 23% of LROs stated that the monthly salaries of their employees are higher than those of administrative staff,
– while 77% indicated that their employees' salaries are at the same level as those in the administration.

According to the LROs' assessments, their employees are mostly dissatisfied with the level of their salaries (67% of responses), whereas only half as many responses (33%) indicated that employees are mostly satisfied with their salaries – *see Chart 3*.

Chart 3: Satisfaction with Salary Level



Focus group participants assessed that employee salaries are low, given the complexity of the work they perform. Below are some of their responses on this topic:

- *"The earnings of employees in the LROs do not reflect the level of responsibility they carry."*
- *"Compared to the salaries of judiciary employees, ours are significantly lower."*
- *"The salary of a municipal attorney is similar to that of a judicial assistant, even though the level of responsibility*

for municipal attorneys is much higher. While judicial assistants draft decisions for judges without bearing responsibility for the proceedings or decisions, the municipal attorney is responsible for representing the LSG before the court and for the decisions they make in that capacity."

- *"Legal officers working in municipal administrations often earn more than legal professionals with a bar exam employed in that LSG's legal representation office."*
- *"Some offices do have the conditions for hiring new staff, but there is little interest or motivation from candidates precisely due to low wages."*
- *"Even though employees are motivated to perform well, their motivation is largely diminished by inadequate salaries that do not reflect the volume of work or level of responsibility – and this applies to the municipal attorney, deputies, and legal associates alike."*

Low salaries also affect staff retention, particularly after passing the bar exam. One focus group participant noted:

"When hiring new staff – especially those with no prior exposure to the judiciary or the specific nature of legal representation – or when hiring interns, long and thorough training is required. These efforts often go to waste, from the employer's perspective, as interns often switch to more lucrative professions after passing the bar exam or once they master the job requirements."

1.2. Material resources

For effective performance of complex legal representation tasks, material and technical working conditions are crucial, including adequate office space, furniture, modern technical equipment, and proper case tracking and management systems. To better understand the situation, we posed a series of questions with predefined answers.

1.2.1. Office space

- Average workspace per office: 51.33 m^2 total, or 11.1 m^2 per employee.
- Average number of employees per office: 1.7.

According to responses, nearly two-thirds of the LROs operate in spaces that are inaccessible to persons with disabilities

(69%), while only 31% have accessible premises.
This finding confirms that people with disabilities still face significant physical barriers when accessing government buildings, which puts them at a disadvantage in exercising their rights.[287]

Employees in the LROs work in office spaces that are adequately heated and cooled: heating and cooling are rated as good (46%) or even excellent (54%).

However, investment in office space renovation appears uneven. According to collected data, more than one-third of the LROs had their premises renovated over two years ago (38%), while in others, renovation took place more than five years ago (23%), more than ten years ago (31%), or never at all (7.7%).

During the focus group discussion, the issue of office space was examined in the context of the independence and autonomy of the LRO. As some LROs are located within the same building as the local government administration, the discussion included both the advantages and disadvantages of such arrangements. Below are some of the participants' observations:

- "The independence of the LRO is particularly enhanced by having more staff and offices that are separate from the local administration building."
- "It is important for the LRO to have its own space, separate from the administration."
- "When offices are located in the administration building, employees from the administration often excessively consult the LRO, even in cases that fall within the internal responsibilities of the administration or when there is a lack of legal staff within the administration."
- "It is not uncommon for citizens to directly address the LRO with their individual and personal legal issues."
- "Having separate office space reinforces the perception that the LRO is an independent body and legal representative of the LSG, separate from the local administration, and enhances its legitimacy."
- "There is one advantage when the LRO is located within the administration building – it allows direct access to officials responsible for providing information relevant

[287] See: Commissioner for the Protection of Equality, *Report on the Accessibility of Public Buildings of State Authorities for Persons with Disabilities*, No. 021-01-22/2013-03. Available at: https://ravnopravnost.gov.rs/rs/posebni-izvestaji/.

to proceedings in which the LSG is a party, making it easier to obtain timely responses and documentation."

1.2.2. Technical Equipment

According to data collected via questionnaires, the technical equipment in LROs is generally adequate and meets the needs of their operations.

- All surveyed LROs have internet access.
- Every employee has a personal computer and printer.
- Photocopiers and scanners are available.
- Adequate office supplies are provided.

Still, some challenges were noted during the focus group:

- "When it comes to HR, finances, technical and IT matters, and use of the official vehicle, we are entirely dependent on the administration."
- "There are no restrictions regarding basic office supplies, but when it comes to larger investments, like IT equipment or furniture, we often face difficulties."

1.2.3. LRO Budget

- In 2022, the average LRO budget was 7,406,433.2 RSD, or 1,604,727.2 RSD per employee.
- In 2021, the average was 6,541,731.44 RSD, or 1,417,375.1 RSD per employee.

Most attorneys (92%) assessed the approved budget as sufficient, while only 8% considered it insufficient.

All LROs confirmed that the procedure for approving the use of budget funds is simple and that requests are executed properly. In the focus group discussion, it was emphasized that there are no major problems with regular operations. However, certain limitations were noted:

- "Challenges arise with more significant requests, such as acquiring new equipment or furniture, anything that requires larger investments."
- "Public procurement is often required, which is managed by the administration – and this can take a long time."

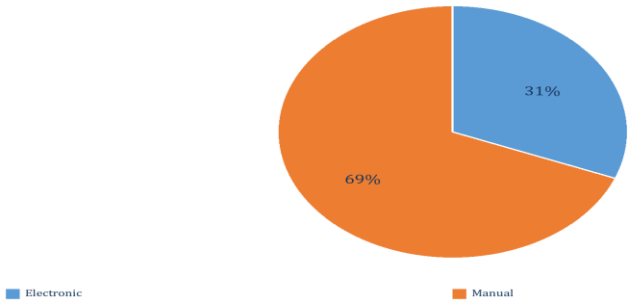
1.2.4. Record-Keeping

Different types of registries are maintained in the LROs (LROs), depending on the type of cases. On average, 5.3 different registries are kept. The minimum number of registries maintained is three, and the maximum is nine.

Only one-third of LROs maintain their registries in electronic format (31%), while in the remaining LROs (69%), registries are kept manually (Chart 4).

Some LROs noted in the questionnaire that although they currently keep registries manually, preparations are underway for implementing an electronic case management system, which will enable digital case entry.

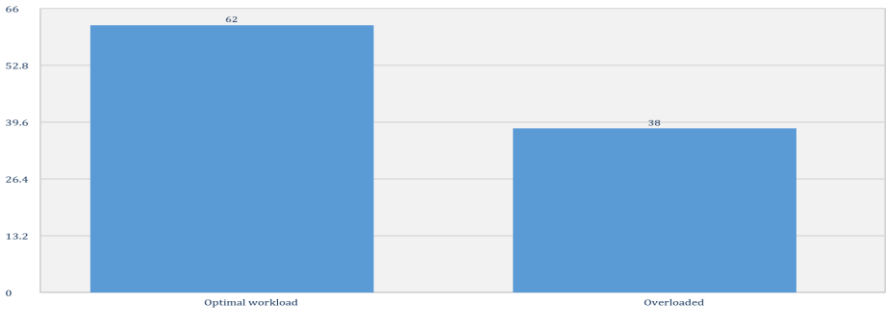
Chart 4: Method of Registry-Keeping



1.2.5. Workload

According to the responses, employees performing LRO-related tasks are mostly optimally burdened with work: 62% of LRO heads gave this response, while 38% stated that their staff is overburdened. None assessed the workload as insufficient (Chart 5).

Chart 5: Workload



Workload was also assessed through the statement "Employees often perform tasks that are not part of their job description," offering yes/no response options. In slightly more than half of the LROs, employees do not perform tasks outside their job descriptions, but a significant number (46%) do. These answers confirm the lack of staff in many LROs, especially those qualified to represent clients in court, which affects their capacity to perform this function.

However, according to the questionnaire responses, overtime work is not a frequent occurrence: only 8% of LROs agreed with the statement "Employees often work overtime."

The focus group discussion revealed that certain LRO heads are significantly overburdened, particularly in offices where they are the only employee. Those without enough staff are also overworked. The workload mainly depends on the number of court cases.

Selected participant statements on workload:

- "Due to the high volume of work, we often can't finish all tasks during working hours, so we work from home."
- "There are too few people authorized to represent the LRO, so we can't attend all hearings — sometimes dozens happen daily in different courtrooms."
- "During vacations or sick leave, especially when there are no deputies or assistants, we're forced to interrupt our leave or work remotely."
- "We often have to engage assistants in representation duties to ensure presence at all hearings."

- "LROs are overwhelmed with an excessive number of cases. Some municipalities are facing mass lawsuits, especially those concerning unlawful land occupation and damage claims."
- "When mass litigation is involved, we are fully engaged, as we act as legal representatives in all those cases."

Some LROs not burdened with large caseloads or mass lawsuits have greater capacity to handle additional tasks like legal advising or contract drafting. Still, others are expected to perform administrative functions or support the assembly and council, even though these fall outside their mandate. Participants unanimously agreed this constitutes an added burden that often limits their ability to protect the property interests of LSGs.

1.2.6. Support for Legal Work and Work Environment

The effective performance of complex LRO duties — particularly legal representation and the provision of legal opinions — requires the LRO to monitor and analyze legal issues relevant to the bodies it represents, including regulations applicable to pending cases. Therefore, it is essential for employees to have access to legal databases and case law.

To assess this, two questions were posed:

1. Access to legal databases and court practice: All LROs confirmed their employees have access.
2. Time for legal research: When asked whether employees have enough time to track legal developments and study legal issues, 54% said they do not, while 46% said they do.

Work discipline was rated as satisfactory in 92% of LROs and unsatisfactory in 8%. No disciplinary proceedings have been initiated in the past two years.

Workplace harassment was reported as nonexistent in all LROs. Discrimination is also rare, with 92% reporting no such incidents, and only 8% acknowledging it as an occasional issue.

1.2.7. Professional Development and Advancement

The need for professional development among staff was assessed using a four-point scale: "very high," "high," "low," and "very low." According to the responses, most LROs (85%) assessed the need as high, while 15% assessed it as low.

Regarding opportunities for professional development, the offered options were "ample," "limited," and "adequate." Most LRO heads (85%) assessed the opportunities as adequate, while 15% considered them ample. According to the responses, staff in the LROs are generally interested in professional development (92%), with only 8% of heads stating their staff are mostly uninterested.

Focus group participants emphasized the need for additional training of local government attorneys, deputies, and associates, but noted the limited availability of such opportunities.

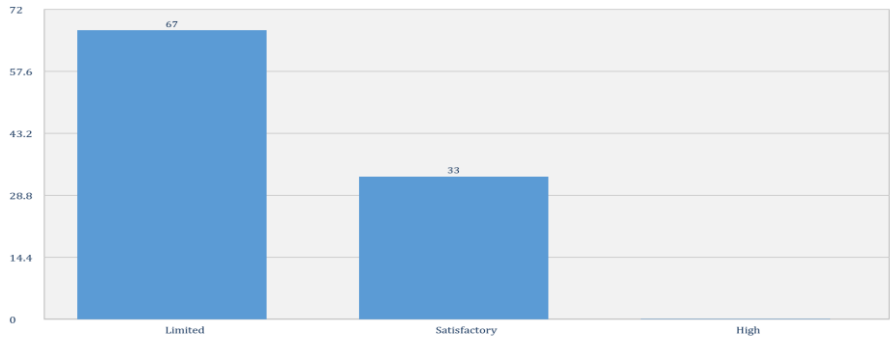
Statements from the focus group include:

- "There is no joint, specialized training for local government attorneys and deputies."
- "LSGs are generally unwilling to fund additional training for LRO staff, mainly due to budget constraints."
- "The National Academy for Public Administration occasionally informs us about upcoming training. However, such training mostly relates to administrative work and does not meet the specific needs of LROs, particularly in terms of litigation."
- "There are no specialized trainings, seminars, or courses tailored for LROs. Staff occasionally attend judicial conferences, especially when topics relevant to LRO practice are discussed."
- "For ongoing education, we mainly rely on electronic legal databases, our own case experience, and mutual consultations within and between LROs."

Career Advancement

The situation regarding advancement opportunities within LROs varies. Of the three offered responses — "ample," "satisfactory," and "limited" — the majority (67%) assessed the possibilities as limited, while 33% considered them satisfactory.

Chart 6: Opportunities for Career Advancement



This assessment is further supported by data on staff promotions in the last two years: in 82% of LROs, no employee was promoted, while 8% reported that one or two employees were promoted.

1.2.8. Work–Life Balance

The ability to balance professional and personal life — an important factor in work performance and job satisfaction — is largely influenced by structural conditions at the societal level. However, the role of the employer in enabling such balance is not negligible.

According to 77% of LROs, employees are able to easily reconcile their professional and family obligations, while 23% reported that this is more difficult.

An important indicator of work–life balance is the ability to take annual leave according to employees' preferences. All LROs agreed with the statement:
"The scheduling of annual leave is generally in accordance with employees' wishes."

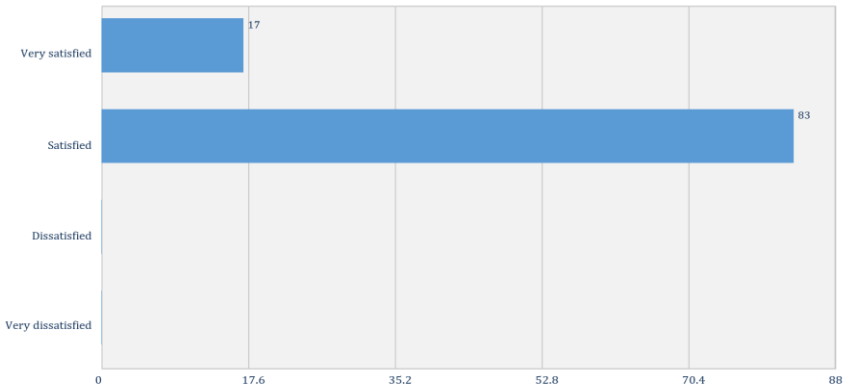
These findings suggest that employees in LROs do not face major difficulties in balancing personal and professional responsibilities — a positive and encouraging outcome.

1.2.9. Working Conditions

Working conditions in LROs (LROs) appear to be generally good. According to the responses, employees in 83% of LROs are satisfied with their working conditions, while those in 17% of

LROs are very satisfied. There were no LROs in which employees reported being dissatisfied or very dissatisfied.

Chart 7: Satisfaction with Working Conditions



The two most frequently mentioned demands for improving working conditions are:

- Reducing workload, and
- Increasing salaries.

To a lesser extent, employees also expressed the need for more flexible work arrangements and updated office furniture.

In any workplace, interpersonal relationships significantly influence satisfaction with working conditions. These relationships also impact employee performance, as poor interpersonal dynamics can lead to stress and create a negative working environment.

In the surveyed LROs:

- Interpersonal relationships were rated as either very good (50%) or good (50%).
- No LRO reported poor or very poor interpersonal relations.

However, activities aimed at strengthening the sense of team cohesion appear to be limited:

- In 89% of LROs, no group activities are organized.
- Only 20% organize such activities after working hours.

- None organize them on weekends.

Focus group participants confirmed these findings, noting:

- A high level of collaboration among employees,
  - Especially good collaboration in smaller teams.

Regarding union activity, participation levels are low:

- In 75% of LROs, union activity is minimal.
- In 25%, it is average.

Further research is needed to determine the reasons for limited union engagement among LRO employees.

2. local government attorney Practice

To gather data on the work of city and municipal LROs, a separate questionnaire was used. This allowed for insight into their practice areas and case volumes.

2.1. Number of Cases

The total number of cases handled in 2022 varied significantly among LROs. This includes:

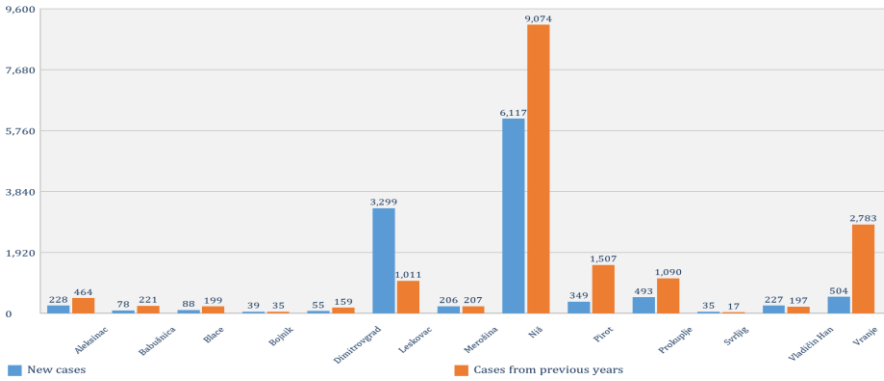
- New cases initiated in 2022, and
  - Old cases carried over from previous years.

City LROs (e.g., Niš, Leskovac, Vranje, Pirot, Prokuplje) handled more cases than municipal ones, which is expected given:

- Their broader jurisdiction,
- A higher number of represented entities, and
  - Larger population sizes in the cities.

In all LROs except Leskovac, the number of old cases exceeded new cases.
In Leskovac, however, more new cases were registered in 2022 than cases from previous years.

Chart 8: Number of Cases in 2022



In 2022, the LROs collectively handled:

- 11,715 new cases, and
  - 16,961 old cases,

resulting in a total of 28,676 cases.

Across the full sample, there were fewer new cases than ongoing ones from previous years in which the LROs:

- Provided legal representation, or
- Issued legal opinions and advice.

However, for the category "other cases"[288] the number of new cases exceeded the number of old ones.
Table 2 presents these data in detail.

[288] The category of "other cases" includes cases in which the State Attorney's Office (SASr) performs other duties within its jurisdiction: initiating proceedings for assessing the constitutionality and legality before the Constitutional Court; acting as a substitute representative for other public legal representation offices; conducting administrative procedures within Local Self-Government Units (LSG); drafting decisions for LSG bodies; processing requests from citizens and legal entities submitted to LSG bodies; and providing free legal aid.

Table 2: Cases Handled in 2022

	Total Number of Cases			Representation		Providing Opinions and Legal Advice		Other Cases	
	New Cases	Pending Cases from Previous Years	Total	New Cases	Pending Cases from Previous Years	New Cases	Pending Cases from Previous Years	New Cases	Pending Cases from Previous Years
Aleksinac	228	464	692	195	431	12	14	21	19
Babušnica	78	221	299	78	221	0	0	0	0
Blace	88	199	287	27	67	1	3	60	129
Bojnik	39	35	74	19	35	5	0	15	0
Dimitrovgrad	55	159	214	6	16	14	17	35	126
Leskovac	3.299	1.011	4.310	2.938	1.011	24	0	337	0
Merošina	203	204	407	200	201	3	3	0	0
Niš	6117	9.074	15.191	3.404	9.074	308	0	2.405	0
Pirot	349	1.507	1.856	51	309	134	516	164	682
Prokuplje	493	1.090	1.583	311	767	7	15	175	308
Svrljig	35	17	52	34	17	1	0	0	0
Vladičin Han	227	197	424	136	158	6	0	85	39
Vranje	504	2.783	3.287	283	2.000	21	150	200	633
TOTAL	**11.715**	**16.961**	**28.676**	**7.682**	**14.307**	**536**	**719**	**3.497**	**1.936**

An analysis of data from Table 2 related to individual LROs shows that the proportion of new and old cases differs compared to the overall sample.

The LRO of the City of Leskovac and the LRO of the Municipality of Svrljig recorded a higher number of new representation cases compared to old cases in the same category.

The LROs of Bojnik, Leskovac, Niš, Svrljig, and Vladičin Han reported a higher number of new legal opinion and advisory cases compared to old ones in this category.

The LRO of the Municipality of Babušnica had neither new nor old cases related to legal opinions and advice.

As for the "other cases" category, when observed cumulatively, the number of new cases exceeds the number of old cases in this group. However, there are significant differences among the LROs. In 2022, the LRO of the City of Niš had 2,405 new cases and no old cases in the "other cases" category. A similar situation

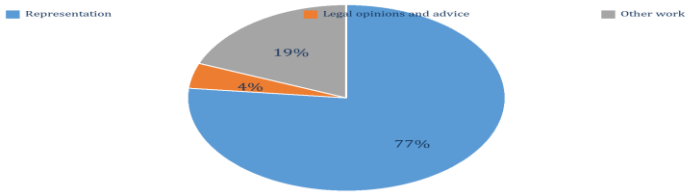
was recorded in the LRO of the City of Leskovac, which had 337 new cases and no old ones in the same category. In other LROs, the number of new cases in the "other cases" category is slightly lower than the number of old cases, except for the LRO of the Municipality of Vladičin Han.

The LROs of the municipalities of Babušnica, Merošina, and Svrljig had neither new nor old cases in the "other cases" category during 2022.

2.2. Structure of LRO Work

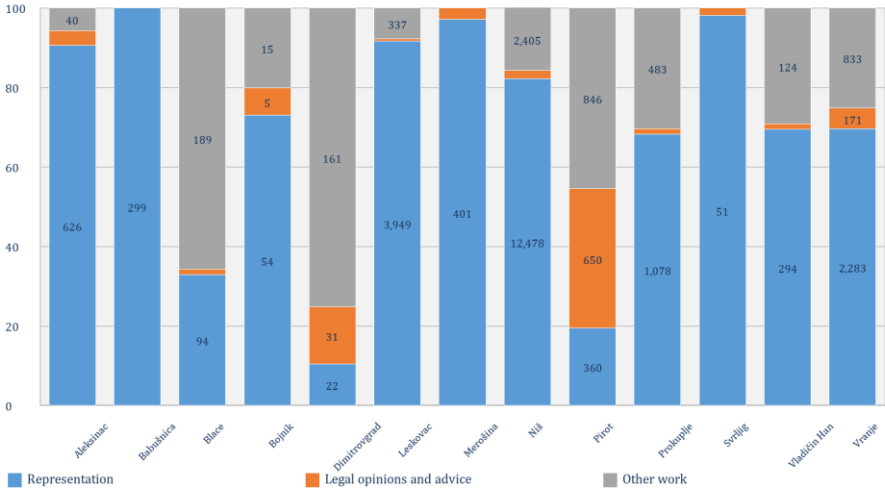
Data on the types of cases handled by LROs show that, cumulatively, the most common were representation cases (77%). Only 4% of cases were related to the provision of legal opinions and advice, while “other cases” within the scope of the LRO’s duties accounted for 19% of all cases handled (Chart 9).

Chart 9: LRO Work in 2022



The types of work performed in 2022 by individual municipal and city LROs varied significantly (Chart 10).

Chart 10: Types of LRO Work in 2022



The structure of work in the LROs of Blace, Dimitrovgrad, and Pirot shows that "other types of work" were predominant, while representation and legal advisory services were significantly less present.

These findings indicate that LSGs insufficiently use the possibility of requesting expert opinions and legal advice from their LROs when concluding property-related contracts, although doing so could lead to better protection of their property rights and interests and help prevent disputes.

2.3. Representation Tasks

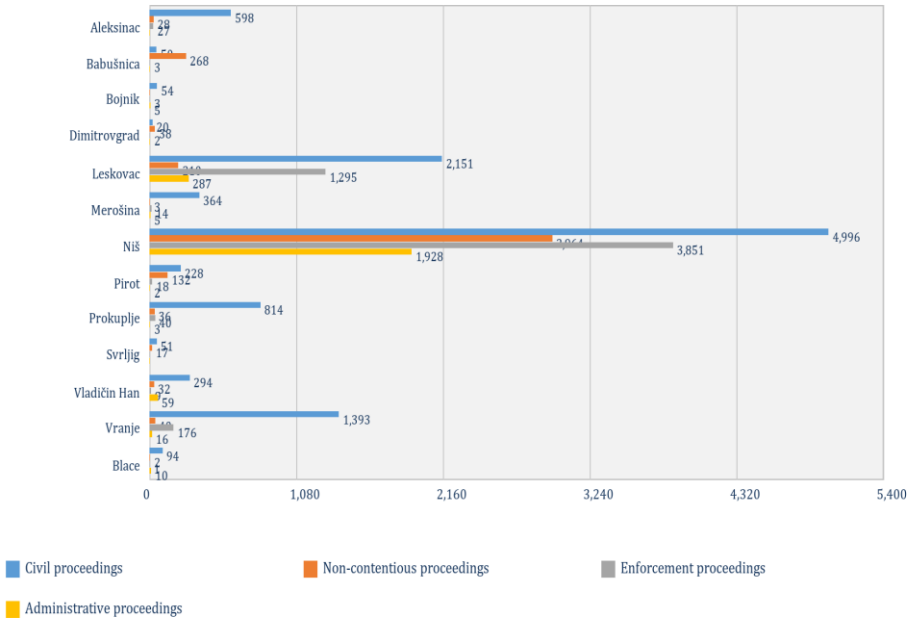
The representative function is one of the primary roles of the LRO, which is why tasks related to representation in court and other proceedings generally constitute the largest portion of its duties. We aimed to collect data on the scope and types of proceedings in which local government attorneys exercise this function, as well as information on the subjects they represent, their procedural positions, and the types of legal matters most commonly addressed in such proceedings.

2.4. Structure of Representation Cases by Type of Proceedings

legal representation offices of local self-government units (LROs) most frequently acted as legal representatives in civil proceedings initiated against Local Self-Government Units (LSGs) and

their authorities. Representation in non-contentious, enforcement, and administrative proceedings was significantly less frequent (see Chart 11).

Chart 11: Structure of Representation Cases



Civil proceedings were dominant, meaning that most legal actions involved civil disputes between represented entities and private individuals or legal entities.

Proportionally, representation in civil proceedings was most frequent in the LROs of Aleksinac and Bojnik, followed by Leskovac, Merošina, Niš, Pirot, Prokuplje, Svrljig, Vladičin Han, and Vranje. The LRO of Blace had the lowest number of such cases.

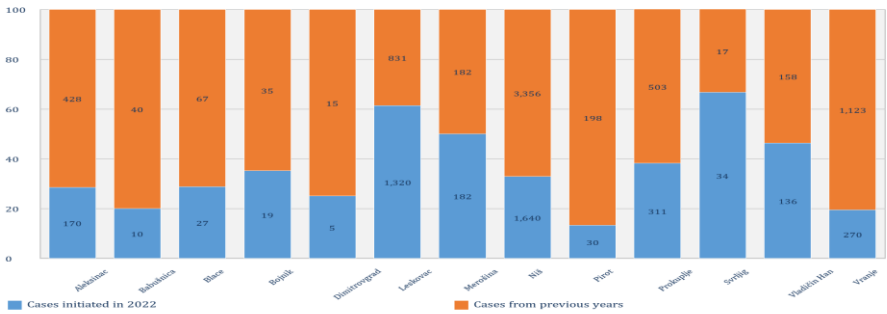
Representation in non-contentious proceedings was most frequent in the LROs of Babušnica and Dimitrovgrad, whereas the LRO of Bojnik reported no such cases.

In most LROs, representation in enforcement proceedings was minimal. The LRO of Svrljig reported no enforcement cases. However, Leskovac reported that 32.8% of all representation cases were enforcement-related, while in Niš, that number was 28.02%.

Administrative representation was the least common. LROs of Aleksinac, Babušnica, Dimitrovgrad, and Svrljig had no administrative cases at all.

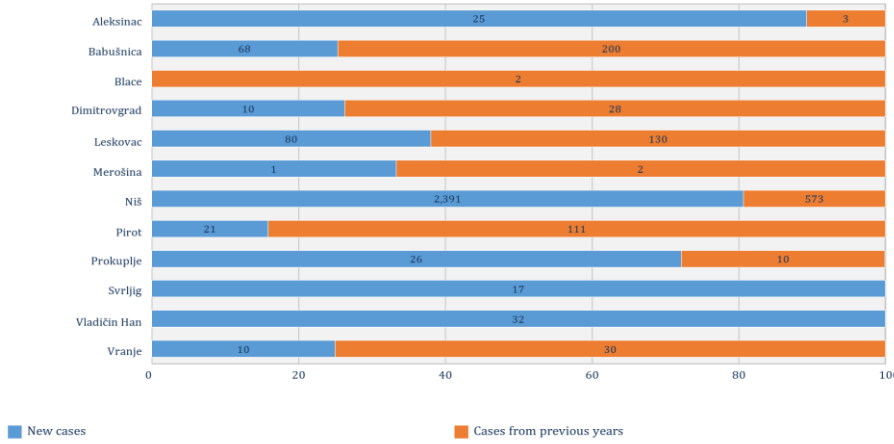
Regarding civil proceedings, older cases were dominant across most LROs. Only the LRO of Leskovac had more new than old civil cases (see Chart 12).

Chart 12: Old and New Representation Cases in Civil Proceedings



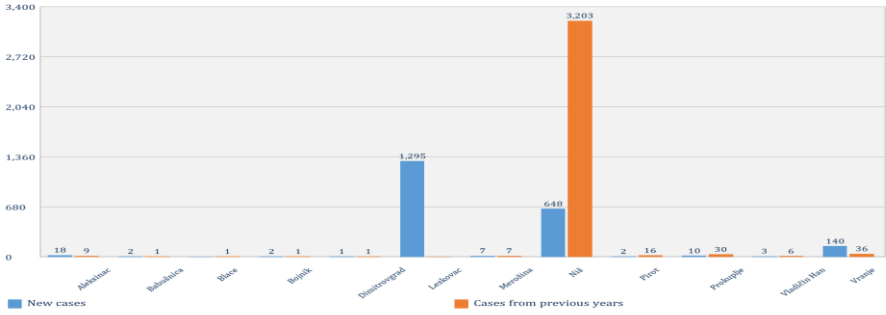
As for non-contentious proceedings, older cases prevailed in most LROs – notably Vranje, Pirot, Merošina, Leskovac, Dimitrovgrad, Blace, and Babušnica. However, Prokuplje, Niš, and Aleksinac had more new than old cases. Vladičin Han and Svrljig had no old non-contentious cases (see Chart 13).

Chart 13: Old and New Representation Cases in Non-Contentious Proceedings



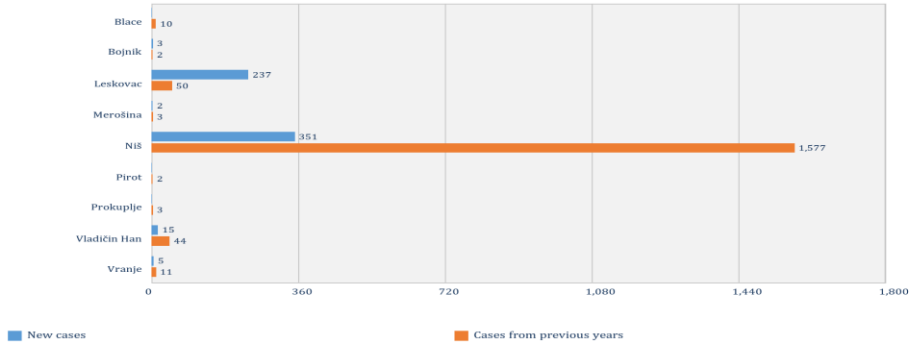
In enforcement proceedings, the LROs of Aleksinac, Babušnica, Bojnik, Leskovac, and Vranje had more new than old cases, while Blace, Niš, Pirot, Prokuplje, and Vladičin Han had the opposite ratio. Dimitrovgrad and Merošina had an equal number of old and new enforcement cases (see Chart 14).

Chart 14: Old and New Representation Cases in Enforcement Proceedings



Administrative cases were the least represented among all proceedings. The number of such cases ranged from 2 to 59, except in Niš and Leskovac, which had significantly more. In all LROs, old cases outnumbered new ones – except in Leskovac and Bojnik, where the reverse was true (see Chart 15).

Chart 15: Old and New Representation Cases in Administrative Proceedings



Despite the large number of old representation cases, this does not imply inefficiency on the part of the LROs. The duration of court and other proceedings depends on various objective and subjective factors beyond the control of the LROs.

2.4.1. Representation in Civil Proceedings

BASIS FOR REPRESENTATION IN CIVIL PROCEEDINGS

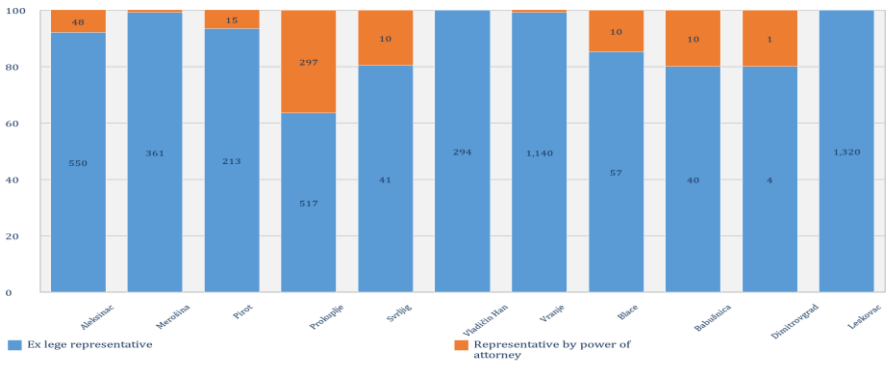
Legal representation by legal representation offices of local self-government units (LROs) in civil proceedings is performed ex lege (by force of law) or based on a power of attorney.

In the civil cases conducted during 2022, LROs most commonly acted ex lege, that is, as legal representatives mandated by law.

For example, the Municipal Attorney's Office of Vladičin Han acted exclusively ex lege in all civil cases. The same applies to the LROs of Babušnica, Dimitrovgrad, and Leskovac, although the available data refer only to new civil cases, not to those carried over from previous years.

The LROs of Niš and Bojnik did not provide data on the basis of representation.

Chart 16: Basis of Representation in Civil Cases



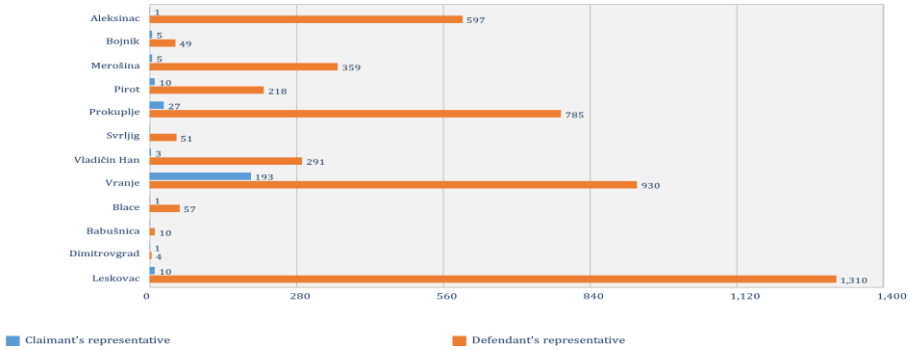
PROCEDURAL ROLE OF REPRESENTED PARTIES IN CIVIL PROCEEDINGS

At the overall sample level, in most new and ongoing civil cases handled in 2022, the LROs represented parties in the position of defendant.

However, the LROs of Babušnica and Dimitrovgrad reported a higher number of cases in which they represented parties in the position of plaintiff, although this refers only to civil proceedings initiated in 2022.

The City Attorney's Office of Niš acted ex lege in civil cases and represented the City of Niš as defendant in about two-thirds of all cases, and as plaintiff in the remaining third.

Chart 17: Procedural Role of Represented Entities



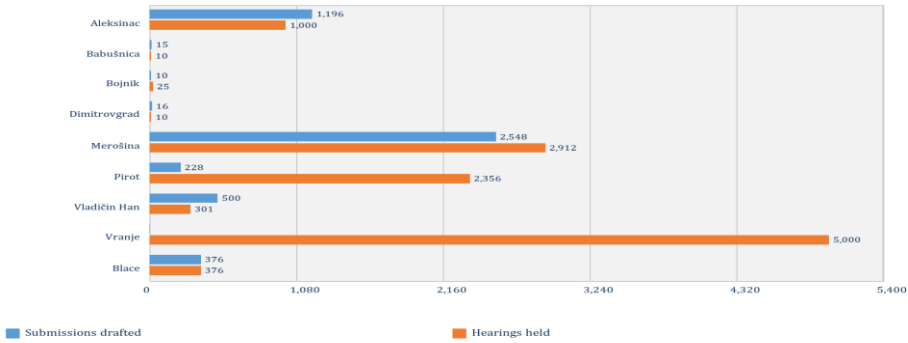
PROCEDURAL ACTIVITY IN CIVIL PROCEEDINGS

The most significant activities of legal representation in civil cases include drafting submissions and oral advocacy during hearings. The number of submissions prepared and hearings attended serves as one of the key indicators of the workload in LROs.

Across the entire sample, the number of hearings was relatively high, while the number of submissions was lower in comparison. This discrepancy is likely due to procedural limitations regarding the timing of presenting case material—specifically, the requirement that parties submit evidence and arguments in their initial brief or response, or at the preparatory hearing (if held), or otherwise at the main hearing.[289] (Chart 18).

[289] According to the provision of Article 308 LCP, a party is obliged to present, no later than at the preparatory hearing—or at the first main hearing if the preparatory hearing is not mandatory—all the facts necessary to support their claims, to propose the evidence confirming those facts, and to respond to the allegations and evidence submitted by the opposing party. Parties may, in written submissions or at later hearings, up until the conclusion of the main hearing, present new facts and propose new evidence only if they can credibly demonstrate that, through no fault of their own, they were unable to present or propose them at the preparatory hearing, or at the first main hearing if the preparatory hearing was not held (Article 314 LCP).

Chart 18: Number of Submissions and Hearings



At the level of individual LROs, the number of submissions prepared and hearings held generally correlates with the number of civil cases in which the offices acted. However, the ratio between submissions and hearings is not uniform across the offices: The LROs of the Municipalities of Vladičin Han, Dimitrovgrad, Babušnica, and Aleksinac reported a higher number of submissions compared to hearings.

The Municipal Attorney's Office of Blace stated that, on average, it prepares four submissions and attends four hearings per civil case.

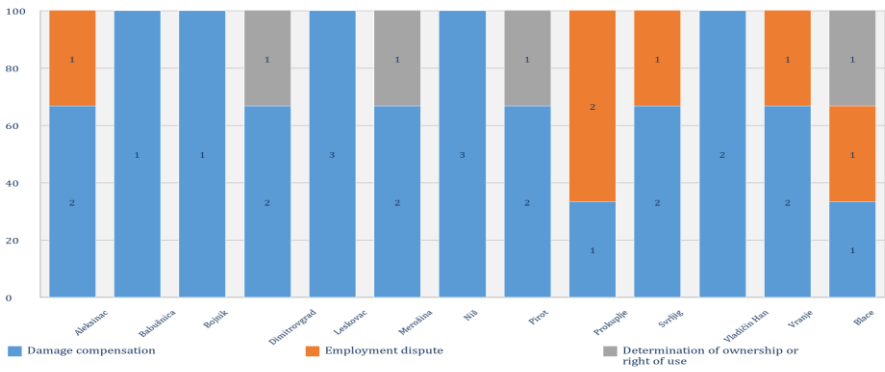
- The City Attorney's Office of Niš indicated that it does not keep records on the number of submissions and hearings in the cases it handles.

It can be assumed that the same applies to the LROs of Leskovac, Prokuplje, and Svrljig, as they also did not provide data on the number of submissions and hearings.

TYPES OF CIVIL LITIGATION

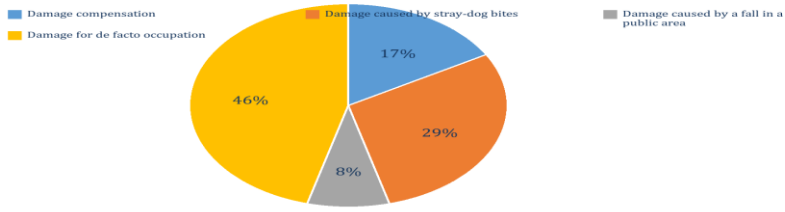
In order to determine the types of civil litigation in which LROs most frequently act, we collected data on the three most common types of cases where they exercise their representative function. At the level of the total sample, the most represented are damage compensation lawsuits, which were handled by all LROs (100%), followed by labor disputes, with a share of 46.1%, while the least represented are lawsuits for the determination of property ownership and usage rights, with a share of 30.8% (Chart 19).

Chart 19: Most Common Types of Civil Litigation



There are certain differences at the level of individual LROs. In the LROs of Niš and Vladičin Han, damage compensation cases were the dominant form of litigation, while in the LRO of Prokuplje, labor disputes outnumbered damage compensation cases. The LRO of Blace had an almost equal number of all types of litigation. The LROs of Babušnica, Bojnik, Pirot, and Dimitrovgrad did not provide data on damage compensation lawsuits, which is why these cases are shown as a separate category "Damage Compensation" in Chart 20.

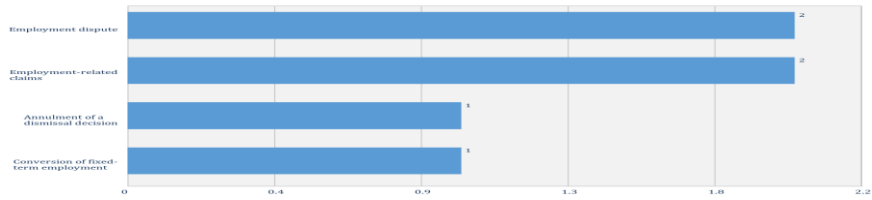
Chart 20: Damage Compensation Litigation



In the structure of damage compensation lawsuits, in 11 LROs, the dominant cases are lawsuits for compensation for de facto occupation, followed by dog bite compensation cases (LROs of Aleksinac, Leskovac, Merošina, Niš, Svrljig, Vladičin Han, and Vranje), and injuries caused by falling on public surfaces (LROs of Leskovac and Niš).

Regarding labor disputes, the LRO of Blace—where these disputes are dominant—most frequently acts in cases concerning the conversion of a fixed-term employment contract into a permanent employment relationship. In the practice of the LRO of Prokuplje, the most numerous labor disputes are lawsuits for the annulment of a decision on employment termination, while in the LRO of Vranje, the most frequent cases are lawsuits for claims arising from employment (Chart 21).

Chart 21: Employment Litigation



REPRESENTED PARTIES IN CIVIL LITIGATION

In order to identify which entities are most frequently represented by LROs in civil litigation, we collected data on the three most commonly represented entities in such proceedings. As expected, Local Self-Government Units (LSGs) are most frequently represented, followed by public enterprises and institutions (Table 3).

Table 3: Most frequently represented entities

LRO of LRO	Names of represented entities
Aleksinac	Municipality of Aleksinac, primary schools, public enterprises
Babušnica	Miljan Todorović[290]
Bojnik	Municipality of Bojnik
Dimitrovgrad	Municipality of Dimitrovgrad, Preschool Institution "8th September", Cultural Center
Leskovac	City of Leskovac, City Administration of the City of Leskovac
Merošina	Municipality of Merošina, Municipal Administration of the Municipality of Merošina, Assembly of the Municipality of Merošina

[290] In the questionnaire completed by the Municipal Attorney's Office of Babušnica, the represented party was identified as Miljan Todorović, without specifying his capacity. Given the jurisdiction of the LRO, it is presumed that the represented entity is the Public Enterprise for Construction Land, Roads and Communal Development, whose director is the aforementioned individual.

Niš	City Administration for Property, City Administration for Communal Affairs, City Administration for Construction
Pirot	The LRO of the Republic of Serbia (SASr), public enterprises
Prokuplje	City of Prokuplje, Public Utility Company "Hammeum" Prokuplje in liquidation, Sports Center Prokuplje in liquidation
Svrljig	Municipality of Svrljig, Primary School
Vladičin Han	Municipality of Vladičin Han
Vranje	City of Vranje, Public Enterprise Directorate for Development and Construction of the City of Vranje, Public Enterprise Ski Resort "Besna Kobila" Vranje, Preschool Institution „Naše Dete“
Blace	Municipality of Blace, Municipal Council, Cultural Center "Drainac" Blace

OUTCOME OF CIVIL PROCEEDINGS

According to the collected data, in 2022, a relatively small number of civil proceedings were concluded in favor of the represented entity: Bojnik (2), Dimitrovgrad (2), Merošina (8), Pirot (21), and Vladičin Han (10). The LROs of Aleksinac, Leskovac, Prokuplje, Svrljig, Vranje, and Blace did not complete the questionnaires in the section related to the outcome of civil proceedings. The same applies to the offices of Babušnica and Niš, which stated as a reason the fact that the proceedings have not yet been finally concluded.

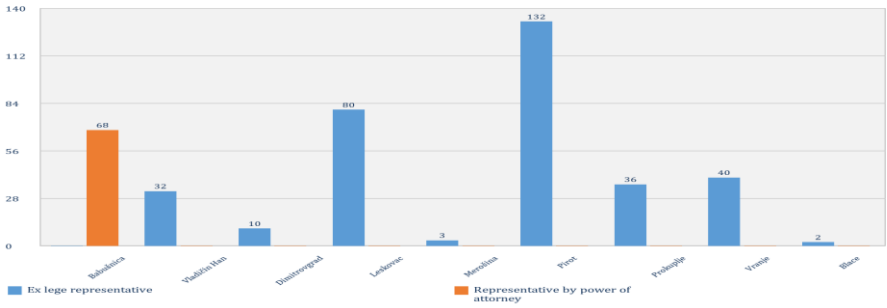
The data on the outcome of civil cases during a single calendar year certainly do not allow conclusions to be drawn about the overall success rate of representation, considering that many proceedings are still ongoing. However, it would be important for the LROs to conduct an internal analysis of the outcomes of civil cases in which they acted as legal representatives and to consider the reasons for unfavorable results for the entities they represent. Such an analysis would benefit both the LROs and the represented entities, and its findings should be publicly shared, with full respect for the principles of confidentiality and personal data protection.

2.4.2. Representation in Non-Contentious Proceedings

BASIS OF REPRESENTATION

As in civil proceedings, in non-contentious proceedings conducted during 2022, the LROs acted in the capacity of *ex lege* representatives (Chart 22).

Chart 22: Basis of Representation in Non-Contentious Proceedings



In non-contentious proceedings, all LROs, except for the Municipal Attorney's Office of Babušnica, acted as *ex lege* representatives.

The City Attorney's Office of Niš exclusively represented the City of Niš in these proceedings, as they concerned procedures for determining the amount of compensation for expropriated real estate owned by the City of Niš.

The LROs of Bojnik and Svrljig did not provide data on the basis of representation, and the data submitted by the Municipal Attorney's Office of Aleksinac were unusable, as it stated that the Office acted as *ex lege* representative in 28 cases, and also as representative by power of attorney in 28 cases, while the total number of non-contentious proceedings was 28.

The data on the basis of representation for the LROs in Vladičin Han, Dimitrovgrad, Leskovac, and Babušnica refer only to non-contentious proceedings initiated in 2022.

PROCEDURAL ROLE OF REPRESENTED ENTITIES

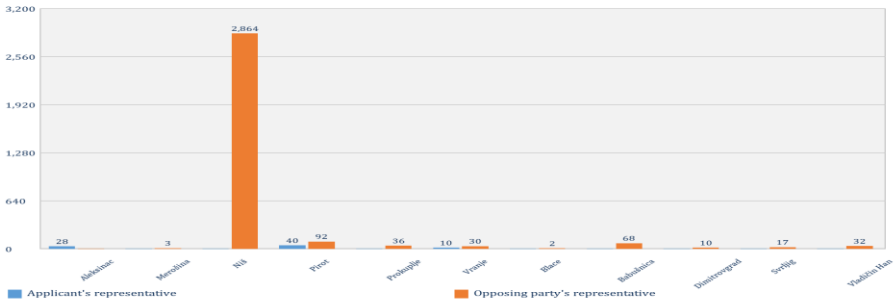
When it comes to the procedural role of the represented entities in non-contentious proceedings, data from the entire sample show that LROs most frequently represented LSGs and their bodies in the position of respondents (opposing parties)—both in proceedings initiated in 2022 and those initiated in earlier years.

The only exception was the Municipal Attorney's Office of Aleksinac, which represented entities in the role of petitioners in all non-contentious proceedings.

The data provided by the LROs of Babušnica, Dimitrovgrad, Svrljig, and Vladičin Han refer only to proceedings initiated in

2022. The LROs of Svrljig and Leskovac did not submit data on the procedural role of the entities they represented.

Chart 23: Procedural Position of Represented Entities

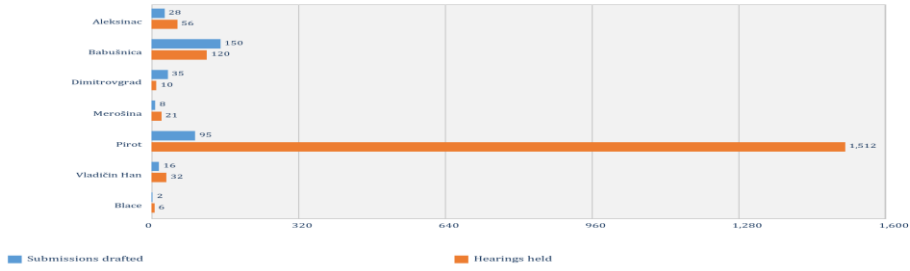


Procedural Activity

Number of submissions and hearings in non-contentious proceedings

The number of submissions and hearings in non-contentious proceedings conducted by the LROs was relatively low, as a consequence of the proportionally smaller number of such cases in the total caseload. An exception is the City Attorney's Office of Pirot, whose procedural activity in non-contentious matters was significantly more extensive than that of other offices (see Graph 24).

Chart 24: Number of Submissions and Hearings



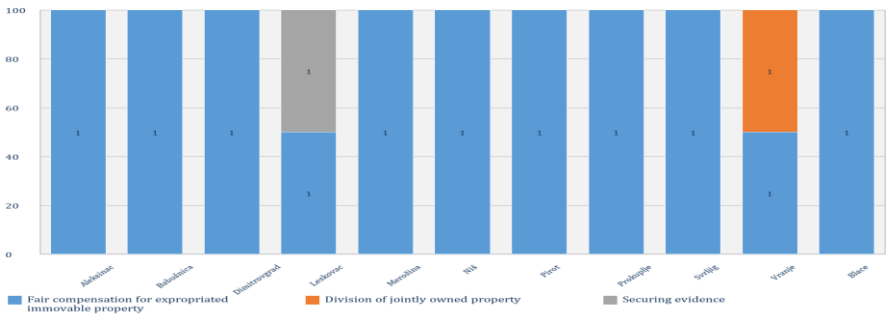
In most offices, a greater number of hearings were held compared to the number of prepared submissions. However, the LROs of Dimitrovgrad and Babušnica reported more written submissions than hearings.

The Municipal Attorney's Office of Blace did not provide a total number of hearings, but reported that it participates in an average of three hearings per case, totaling six hearings in 2022, as it handled two non-contentious cases during that year. The LROs of Bojnik, Leskovac, Niš, Svrljig, Vranje, and Prokuplje did not submit data on the number of submissions and hearings, which suggests they may not keep consolidated records of such data.

Types of non-contentious proceedings

In all LROs, the most common proceedings were those for determining compensation for expropriated real estate. The City Attorney's Office of Vranje also handled division of joint property cases, while the City Attorney's Office of Leskovac acted in evidence preservation proceedings (see Graph 25).

Chart 25: Most Common Types of Non-Contentious Proceedings



OUTCOME OF PROCEEDINGS

A relatively small number of non-contentious proceedings were resolved in favor of the represented entity in 2022: Dimitrovgrad (3), Merošina (1), Svrljig (2), Vladičin Han (10), and Blace (2).

An exception is the Municipal Attorney's Office of Aleksinac, which concluded all 28 non-contentious cases in favor of the represented entity.

The Municipal Attorney's Office of Babušnica did not provide outcome data because the proceedings had not yet been completed. The offices in Bojnik, Leskovac, Pirot, Prokuplje, and Vranje did not fill out the questionnaire section concerning the outcomes of non-contentious proceedings.

The City Attorney's Office of Niš did not submit data on the outcome of proceedings for determining compensation for expropriated property. However, it explained that such proceedings of-

ten end against the represented party. According to this office, the compensation amount determined by the court rarely matches the estimate of the Tax Administration, which the city must use when proposing an agreement to the property owner in the expropriation process—hence the unfavorable outcomes.

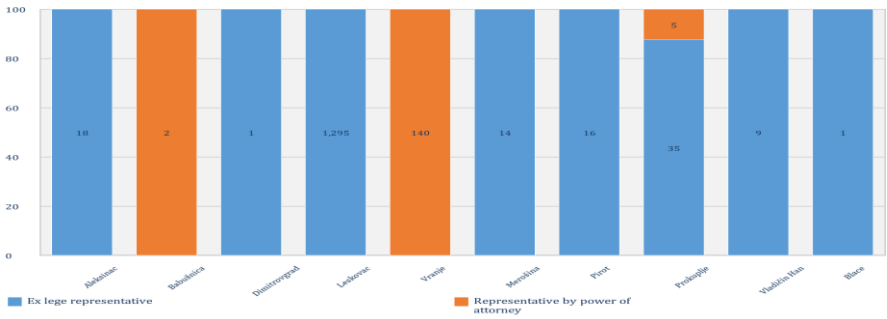
2.4.3. Representation in Enforcement Proceedings

LEGAL BASIS FOR REPRESENTATION

Among enforcement proceedings conducted during 2022, the majority involved ex lege representation (see Graph 26).

The LROs of Babušnica and Vranje acted solely under power of attorney. The offices in Bojnik and Svrljig did not provide data on the legal basis for representation, while the City of Niš Office reported acting in all enforcement cases ex lege.

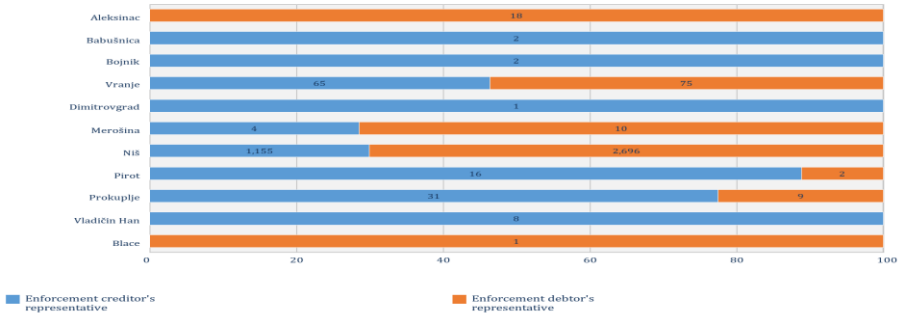
Chart 26: Basis of Representation



PROCEDURAL ROLE OF REPRESENTED ENTITIES

In enforcement proceedings, the offices more frequently represented entities in the role of creditor (six offices), while five offices represented entities in the role of debtor. The data for Aleksinac, Babušnica, Bojnik, Vranje, and Dimitrovgrad cover only enforcement cases initiated in 2022. The offices in Svrljig and Leskovac did not submit the requested data (see Graph 27).

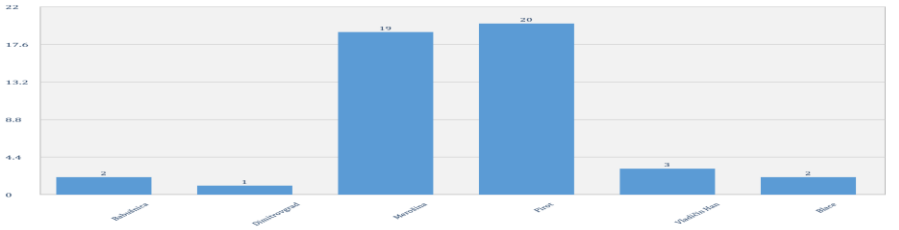
Chart 27: Procedural Role of Represented Entities



PROCEDURAL ACTIVITY

The scope of procedural activity in enforcement proceedings was relatively limited due to the low number of such cases. The LROs of Pirot and Merošina prepared the most submissions in proportion to their enforcement caseload, while Dimitrovgrad had the fewest. Six offices (Aleksinac, Bojnik, Leskovac, Vranje, Prokuplje) did not report the number of submissions, despite acting as representatives, and Svrljig had no enforcement cases (see Graph 28).

Chart 28: Procedural Activity in Enforcement Proceedings



REPRESENTED ENTITIES IN ENFORCEMENT PROCEEDINGS

The most frequently represented entities were the municipality, city, and their administrative bodies, followed by public enterprises and institutions. The offices of Niš and Pirot did not provide data on represented entities, and Svrljig had no enforcement cases. Below is an excerpt from the available data on three of the most commonly represented entities in enforcement cases (Table 4):

Table 4:

Most Frequently Represented Entities in Enforcement Proceedings

LSG	Most Frequently Represented Entities
Aleksinac	Municipality of Aleksinac, Preschool Institution "Lane", primary schools
Babušnica	PCE "Komunalac"
Blace	Municipality of Blace
Bojnik	Municipality of Bojnik
Dimitrovgrad	Municipality of Dimitrovgrad
Leskovac	City of Leskovac, City Administration
Merošina	Municipality of Merošina
Prokuplje	City of Prokuplje, PCE "Hammeum" in liquidation
Vladičin Han	Municipality of Vladičin Han
Vranje	PE Directorate for Development and Construction of the City of Vranje, PE Ski Resort "Besna Kobila" Vranje

OUTCOME OF PROCEEDINGS

The number of enforcement proceedings concluded in favor of the represented entity was relatively small: Babušnica (2), Bojnik (1), Merošina (4), Pirot (6), Vranje (65), and Blace (1). The practice of the Municipal Attorney's Office of Aleksinac offers a different picture: out of 27 enforcement proceedings conducted, 18 were concluded in favor of the represented entity. However, in all these proceedings, the represented entities were in the position of judgment debtor, so it can be assumed that the proceedings were terminated, which is certainly a favorable outcome for the represented entities. The LROs of Dimitrovgrad, Leskovac, Niš, Prokuplje, and Vladičin Han did not provide data on the outcome of enforcement proceedings.

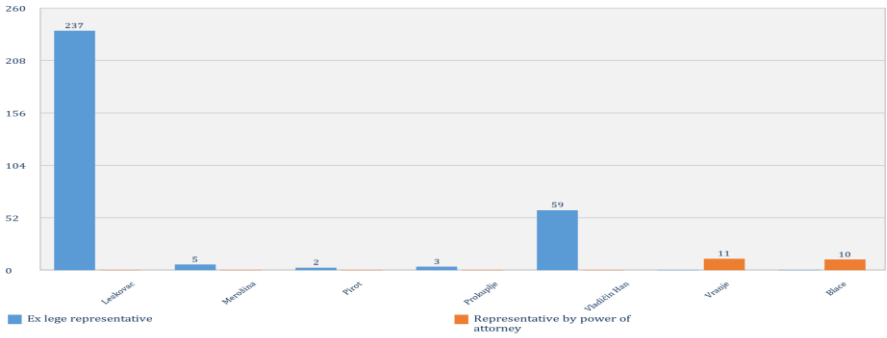
2.4.4. Representation in Administrative Proceedings

LEGAL BASIS FOR REPRESENTATION

In administrative proceedings, the LROs most often acted in the capacity of ex lege representatives. The Offices in Vranje and Blace, however, acted as attorneys-in-fact in all administrative proceedings. The City Attorney's Office of Niš acted as ex lege representative for the City of Niš, and represented the city municipalities based on a power of attorney, but no numerical data were provid-

ed. The Offices of Aleksinac, Babušnica, Svrljig, and Dimitrovgrad did not act as representatives in administrative proceedings, while the Office in Bojnik did not provide the requested data.
Chart 29: Legal Basis for Representation

Chart 29: Basis of Representation



REPRESENTED ENTITIES

In administrative proceedings, the represented entities were exclusively local self-government units (LSGs) and their bodies. The LROs in Aleksinac, Babušnica, Dimitrovgrad, and Svrljig did not act in administrative proceedings, while the Office in Pirot did not submit the requested data. (Table 5)

Table 5: Most Frequently Represented Entities

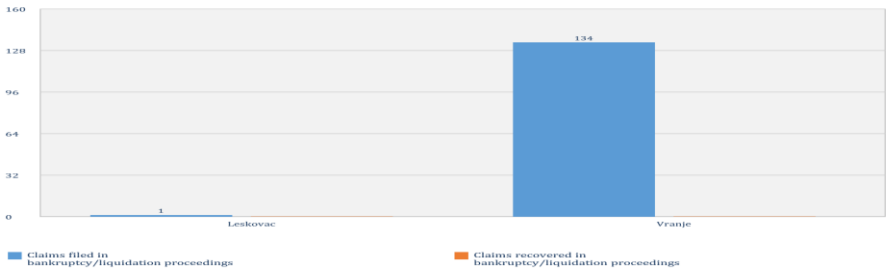
LSG	Most Frequently Represented Entities
Bojnik	Municipality of Bojnik
Leskovac	City of Leskovac
Merošina	Municipality of Merošina, Municipal Assembly of Merošina, Municipal Council of Merošina
Niš	Exclusively the city, i.e. city administrations
Prokuplje	City of Prokuplje
Vladičin Han	Municipality of Vladičin Han
Vranje	City Council of the City of Vranje, Assembly of the City of Vranje
Blace	Municipal Council

2.4.5. Representation in Bankruptcy and Liquidation Proceedings

In bankruptcy and liquidation proceedings, LROs perform a repre-

sentative function by filing and collecting claims on behalf of the entities they represent. In 2022, most LROs did not handle this type of case. According to the explanation provided by the City Attorney's Office of Niš, this office did not submit claims for the entities it represents, as such claims are submitted by the competent administrative department. Claims were submitted by the City Attorney's Offices of Leskovac and Vranje: the City Attorney's Office of Leskovac filed one claim, while the City Attorney's Office of Vranje filed as many as 134 claims. However, none of the claims filed in 2022 or earlier were collected in 2022 (Graph 30).

Chart 30: Representation in Bankruptcy and Liquidation Proceedings



2.4.6. Performing the Advisory Function

The advisory function is one of the primary functions of the LRO, exercised through the provision of legal opinions and advice. The surveyed LROs reported a relatively small number of issued opinions and legal advice. Exceptions are the offices in Niš and Pirot, which provided a relatively high number of legal opinions and advice (Table 6).

Table 6: Legal Opinions and Advice

LROs	**Number of Legal Opinions and Advice**		
	In written form	In oral form	Total number
Aleksinac	13		26
Babušnica	0	0	0
Blace	3	1	4
Bojnik	5	3	5
Dimitrovgrad	14	0	31
Leskovac	24		24

Merošina	6		6
Niš	233		308
Pirot	443	1.565	650
Prokuplje	22		22
Svrljig	1		1
Vladičin Han	6	0	6
Vranje	74	0	171

As shown in the table, the data referring to the LROs (LROs) in Aleksinac, Bojnik, Dimitrovgrad, Niš, Pirot, and Vranje are inconsistent. Namely, the reported total number of issued legal opinions and advice does not correspond to the sum of legal opinions and advice provided in written and oral form. The reasons for this inconsistency are unknown, but it can be assumed that the total number includes oral consultations with representatives of the represented entities, which are not recorded as separate cases. This assumption is supported by a note in the questionnaires of the LROs in Aleksinac, Merošina, Niš, and Svrljig stating that oral opinions and advice "cannot be counted because they are part of daily consultations, for which no records are kept."

This state of affairs in regard to recording legal opinions and advice is cause for concern, considering that providing legal opinions and advice is one of the primary functions of the LRO. From the perspective of professional responsibility of the attorneys and staff, it is crucial to reliably know who gave the legal opinion or advice, at whose request, and what its content was. Therefore, it seems necessary that every legal opinion or advice be appropriately recorded and registered, including oral legal opinions and advice, the content of which should be documented in an official note.

ENTITIES TO WHOM LEGAL OPINIONS AND ADVICE WERE GIVEN

According to the responses regarding the three entities for which the largest number of legal opinions and advice were issued, LROs most often provided legal opinions and advice to mayors/presidents of municipalities, city/municipal administrations, the municipal assembly, and the municipal council.

- The LRO of the Municipality of Aleksinac most often provided legal opinions and advice to the municipal president and the municipal administration, specifically to the Department for Property-Legal Affairs and the Department for Urban Planning.
- The LRO of the City of Vranje most often gave legal advice to the Budget Department of the City Administration.
- The LRO of the Municipality of Blace provided advice to the Property-Legal Service of the Municipal Administration.
- In the practice of the LRO of the City of Pirot, legal opinions and advice were most often given to the city administration, specifically to the Public Procurement Department and the Property-Legal Affairs Department, as well as to the PUC "Gradska toplana."

SUBJECT MATTER OF LEGAL OPINIONS AND ADVICE

The LROs most often provided legal opinions and advice regarding the conclusion of various property-related contracts: contracts on the alienation of real estate in public ownership, real estate purchase contracts, lease agreements for publicly owned real estate, sales of undeveloped construction land, business and technical cooperation agreements, and concession contracts.

- The LRO of the City of Pirot provided legal opinions and advice on public procurement.
- The LRO of the Municipality of Svrljig provided such services related to compensation of damages and expropriation.
- The LROs of Prokuplje and Vranje provided legal opinions and advice regarding labor law matters.
- The LRO of Babušnica did not provide data for this category (Table 7).

Table 7: Types of Legal Opinions and Advice by Subject Matter

LSG legal representation offices	Subject Matter of Legal Opinions and Advice
Aleksinac	Contracts for disposal of real estate, business-technical cooperation contracts
Bojnik	Contracts for disposal of real estate
Dimitrovgrad	Draft contracts

Leskovac	Contracts for alienation and lease of real estate in public ownership
Merošina	Purchase and sale of real estate, contracts for the sale of undeveloped construction land, lease of commercial premises
Niš	Draft contracts of property-legal and commercial-legal nature
Pirot	Public procurement, property-law issues, various contracts
Prokuplje	Concession contracts, contracts on acquisition/disposal of real estate, labor rights
Svrljig	Property-legal affairs, compensation for damages, expropriation
Vladičin Han	Contracts for disposal of real estate, approval of boundary correction studies, project proposals for parcelling/reparcelling
Vranje	Labor relations, public procurement
Blace	Contracts on alienation and acquisition of real estate, contracts on leasing of construction land

2.5. Performance of Other Duties

In addition to representation and the provision of legal opinions and advice, legal representation offices of local self-government units (LROs) perform a wide range of other duties within their scope of competence. Below we provide an overview of these activities.

2.5.1. Activities in the Domain of Amicable Dispute Resolution

The scope of work of LROs includes activities related to amicable dispute resolution. These activities include considering the possibility of resolving disputes amicably, participating in negotiations during mediation, concluding settlement agreements, and more. To gain insight into how LROs operate in this area, we collected data on the number of mediation proceedings in which LROs participated, as well as information on the nature of the proceedings, their initiators, and the types of disputes involved.

Number of Mediation Proceedings

In 2022, only six LROs handled cases involving amicable (settlement-based) dispute resolution through mediation:

- Aleksinac (50),
- Blace (23),
- Babušnica (10),
- Merošina (11),
- Pirot (47),

- Prokuplje (2).

LROs in Bojnik, Dimitrovgrad, and Leskovac reported no such cases. LROs in Niš, Svrljig, Vladičin Han, and Vranje did not submit data on this matter, so it is presumed they did not handle such cases.

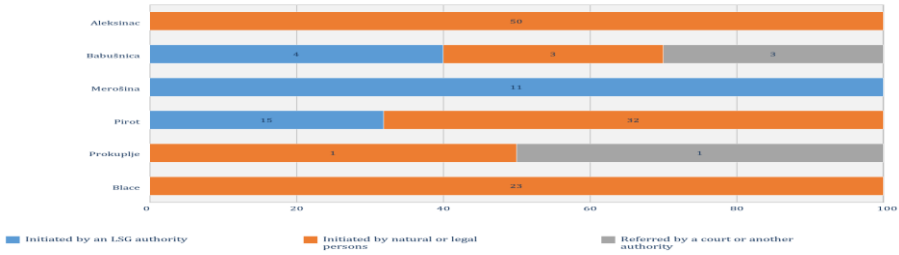
The LRO in Aleksinac had 79 concluded mediation cases in previous years but no new ones in 2022. The LRO in Niš did not provide data on the number of mediation proceedings in which it participated.

It is evident that amicable resolution of disputes through mediation is not widely practiced by the entities represented by LROs. This reflects the generally limited reach of this alternative dispute resolution method in Serbia, despite its advantages: lower costs, reduced court burden, more effective access to justice, and enhanced public trust in institutions. Therefore, additional efforts should be made to promote mediation at the local level, with LROs themselves playing a key role in that promotion.

Initiators of Mediation Proceedings

Overall, the majority of mediation proceedings were initiated by legal or natural persons (119). Only 30 proceedings were initiated by LSGs, and four were initiated upon court or other authority referrals.

Chart 31: Initiators



Exceptions:

- All mediation proceedings involving the LRO in Merošina were initiated by the Municipality of Merošina or its bodies.
- All proceedings involving the LRO in Blace were initiated by legal or natural persons.

Note on Niš: The LRO in Niš reported that, as the representative of the city, it proposed mediation in all court cases regarding

dog bite compensation, but such proposals were rarely accepted due to resistance from the opposing party's attorneys. Additionally, the LRO in Niš acted preventively in 75 disputed situations between third parties and city departments, serving as an informal intermediary aiming to resolve the disputes amicably at the request of those third parties.

Authority of LROs in Concluding Settlements

Participation in mediation proceedings implies negotiating mutually acceptable solutions and concluding agreements. To determine the extent of LROs' authority in concluding settlement agreements, the questionnaire offered three options:

1. "Approval of the competent authority is required for each agreement";
2. "There are pre-established conditions for concluding certain types of agreements (e.g. dog bite compensation, utility service disputes, etc.)";
3. "No approval from the competent authority is required."

Findings:

- LROs in Aleksinac, Babušnica, Niš, and Prokuplje require approval from the competent authority for each settlement.
- LROs in Leskovac and Vranje do not require such approval.
- The LRO in Niš explained that approval is required for court settlements or agreements resulting from court-ordered mediation. For disputes that are not the subject of court proceedings, LROs are not authorized to conclude out-of-court settlements – this is the responsibility of the relevant city departments.
- LROs in Merošina, Pirot, and Blace operate based on predefined criteria for concluding certain types of settlements (e.g. dog bites, utility-related disputes).

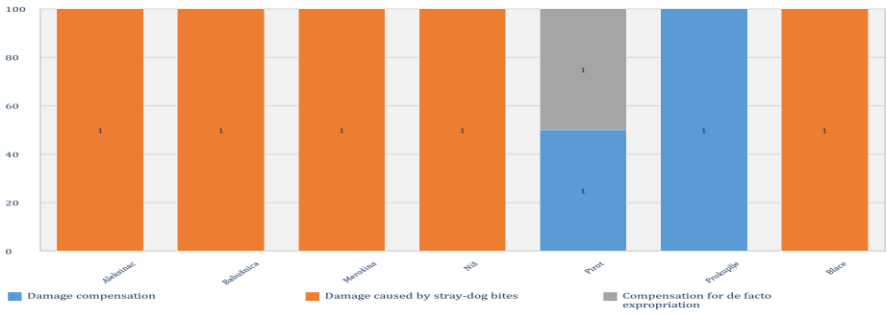
LROs in Bojnik, Dimitrovgrad, Svrljig, and Vladičin Han did not provide information on their authority to conclude settlements.

Types of Disputes Resolved through Mediation

In mediation proceedings, disputes concerning damage compensation are most frequently resolved. In the practice of the

LROs of Aleksinac, Babušnica, Merošina, Niš, and Blace, these are primarily cases of compensation for injuries caused by stray dogs. The City Attorney's Office of Pirot reports that disputes over the amount of compensation for de facto expropriation are also resolved through mediation. The LRO of Prokuplje, which participated in two mediation proceedings, did not provide information on the type of disputes involved (Graph 32).

Chart 32: Types of Disputes



2.5.2. Initiating Proceedings for Constitutional and Legal Review

One of the competences of the LRO is initiating proceedings for the assessment of the constitutionality of laws and the legality of by-laws. During 2022, no LRO exercised this competence.

According to the data provided, the City Attorney's Office of Niš submitted one initiative to the Supreme Court (then, the Supreme Court of Cassation) to harmonize court practice. The City Attorney also filed constitutional complaints, although the number was not specified.

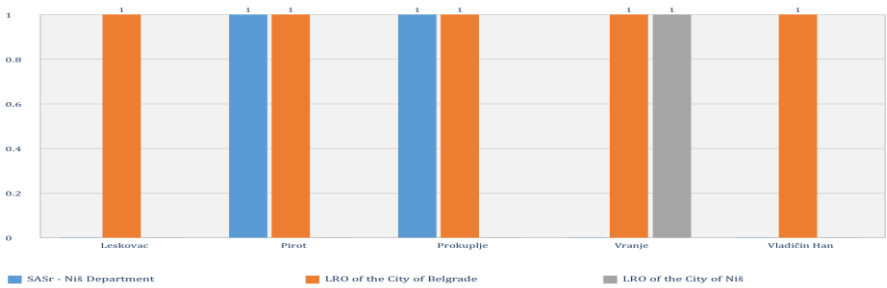
2.5.3. Substitution in Representation

Part of the LRO's work includes representation in court and other proceedings based on substitution. The highest number of such substitutions was recorded by the City Attorney's Office of Prokuplje (14), followed by Pirot (8) and Vranje (6). The LROs in Leskovac and Vladičin Han reported only one case each. The LROs of Babušnica, Bojnik, Merošina, Svrljig, and Blace had no requests for substitution, and the Offices of Aleksinac and Dimitrovgrad did not provide data for this category.

Substitution was most frequently requested by the Department of the LRO in Niš, the City Attorney's Office of Belgrade, and

the City Attorney's Office of Niš. The Niš Office noted that it "several times a year" substitutes for the LROs in Belgrade, Novi Sad, and Kragujevac (Graph 33).

Chart 33: Offices Requesting Substitute Representation



2.5.4. Entrusted Administrative Proceedings

In 2022, the Municipal Attorney's Office of Vladičin Han handled entrusted administrative procedures related to the transfer of property rights from the Republic of Serbia to the municipality. The Office of the City of Niš stated that it does not perform administrative tasks, while other LROs either did not have this category of cases or did not respond.

2.5.5. Drafting Decisions

Some LROs are also engaged in drafting decisions for the local self-government bodies. Based on the collected data, only the Office of Svrljig appears to be performing this duty, having drafted over 100 decisions in 2022 concerning property-law matters, normative acts, and decisions on exercising social welfare rights. Other offices stated that they do not engage in this type of work. The Offices of Aleksinac, Dimitrovgrad, and Merošina did not provide information.

2.5.6. Handling Requests from Natural and Legal Persons

In 2022, the City Attorney's Office of Prokuplje processed three requests from individuals and legal entities submitted to the city, related to the occupation of local roads. The Offices of Babušnica, Bojnik, Leskovac, Pirot, Svrljig, Vranje, Vladičin Han, and Blace did not process such requests, while the Offices of Niš, Aleksinac, Dimitrovgrad, and Merošina did not provide data.

2.5.7. Providing Free Legal Aid

Although the provision of free legal aid is within the competence of local legal aid services, some LSGs have assigned these

duties to their LROs. Within our sample, only the City Attorney's Office of Pirot was engaged in this type of work. In 2022, it provided:

- 1,096 free legal aid services,
- 2,635 legal consultations,
- **418 other services.**

This assistance was provided in matters of family law, property-law relations, and criminal liability. Providing such services by the LRO is incompatible with its role, which likely explains why other Offices do not act as providers of free legal aid to citizens.

V KEY FINDINGS AND RECOMMENDATIONS

1. Various institutional models for the exercise of public legal representation have been developed in comparative legal systems, in accordance with the specificities of state organization, legal tradition, and culture. The countries of the former Yugoslavia have regulated the performance of public legal representation in different ways. Bosnia and Herzegovina, Serbia, and North Macedonia have retained the institution of the state attorney's office as a separate authority, as well as the name of this institution. Slovenia has entrusted the public legal representation function to the State Attorney's Office of the Republic of Slovenia, and Montenegro to the Protector of Property and Legal Interests of Montenegro. Croatia has combined the public prosecution and public legal representation functions within the State Attorney's Office of the Republic of Croatia.

2. In the Republic of Serbia, the protection of the property rights and interests of the state, the province, and local self-government units (LSG) is carried out by the State Attorney's Office of the Republic of Serbia (SASr), the Provincial Public Attorney's Office of Vojvodina (PPAOV), and the city and municipal legal representation offices (LROs), which are organizationally and functionally autonomous. As holders of the public legal representation function, public legal representation offices belong to the group of executive authorities, but they are simultaneously part of the judicial system as they participate in the exercise of judicial power, the third branch of government.

3. The jurisdiction and mode of operation of the SASr are regulated by the Law on State Attorney's Office (LSASr) and by-laws of the SASr, while the jurisdiction and mode of operation of the LROs are regulated by the provisions of the LSASr, the statutes of the LSGs, and decisions on municipal or city legal representation offices. The rules on the organization and systematization of job positions in the LROs are part of the act on the organization and systematization of job positions in the administrations, services, and bodies of the LSGs.

4. All municipalities and cities in the territory of Southern Serbia have established their own LROs. The exception is the Municipality of Crna Trava, which has entrusted the public legal representation duties to the Municipal Attorney's Office of Vlasotince. The scope of work of the LROs included in the research sample is mostly the same and includes representation, provision of legal opinions and advice, participation in procedures for the amicable settlement of disputes, initiation of procedures for reviewing the constitutionality and legality, informing and reporting, and the performance of tasks involving special authorizations.

5. The LROs perform their representative function either as representatives ex lege or as attorneys-in-fact. Their representation is limited to the domain of procedural legal protection of the property rights and interests of the entities they represent and does not include their representation in the conclusion of contracts governed by substantive law. Although it is undisputed that LROs are legal representatives by law, many decisions governing LROs incorrectly state that the LRO is a statutory representative. This terminological error should be corrected as soon as possible.

6. The scope of entities that LROs represent ex lege varies significantly: some LROs represent the LSG, its bodies, organizations, and all other legal entities funded from the LSG budget; some LROs ex lege represent only the LSG and its bodies; while others represent the LSG and only those of its bodies that do not have legal personality and are financed from the LSG budget. Given the differences regarding the entities that LROs represent ex lege, it seems useful to reconsider existing arrangements in the context of the actual needs for representation of entities within the LSGs that exercise public powers and are fully or partially funded from the LSG budget.

7. According to the LSASr, whose provisions also apply to LROs, an LRO, as an ex lege representative, is authorized to initiate proceedings and undertake legal actions ex officio or upon the order of the represented entity, in order to protect its property rights and interests. In terms of undertaking legal actions, the

functional independence of the LROs, as well as the SASr, is significantly limited, as they are bound by the instructions and requests of the entities they represent. Even when it considers that the instruction or request of the represented entity violates the Constitution or the law, or endangers its property rights and interests, the LRO must act on that instruction or request. There is no provision allowing the LRO, in the event of a difference of opinion with the represented entity, to refer the matter to a higher authority. The only safeguard is that the local government attorney or a deputy cannot suffer adverse consequences for acting in accordance with the instruction or request of the represented entity, thus being protected from liability for any potentially damaging consequences of their actions. We believe that this arrangement should be reconsidered and, following examples from certain comparative legal systems, a mechanism should be introduced allowing a higher authority to issue an opinion in cases of disagreement between the LRO and the represented entity.

8. Most LROs covered by the research may, based on a power of attorney, represent legal entities founded by the LSG or financed from the LSG budget, although some LROs may do so only under certain conditions: provided that the interests of those legal entities are not in conflict with the function performed by the local government attorney or that such representation is allowed by the volume of work handled by the LRO, and similar. Some LROs are not authorized at all to represent any entity based on a power of attorney. The scope of the LRO's authority under the power of attorney is determined by the principal. However, it is not regulated which procedural powers the LRO has in cases where the scope of the power of attorney is not defined, so the question arises whether the statutory rules on the powers of attorney granted to lawyers or non-lawyer representatives apply in this regard. The same question arises concerning the powers of the SASr.

9. Regarding the final allocation of procedural costs in cases in which the parties are represented by LRO attorneys, general rules apply which regulate the allocation of procedural costs in particular types of proceedings. However, the strict application of these rules may, in certain situations, lead to violations of the right to a fair trial and the right to property, bearing in mind

that, according to the ECtHR, decisions on costs concern an individual's rights and obligations within the meaning of "civil rights and obligations," and that such decisions must meet the standards of a fair trial. It would be beneficial to take appropriate measures to harmonize the practice of domestic courts with the case law of the ECtHR in this area.

10. In order for an LRO to successfully perform its function, decisions establishing LROs prescribe the obligation of the represented entity to, upon the LRO's request, provide case files and information, or to supply the necessary data and explanations required to undertake legal actions. When a deadline for action is prescribed, these must be submitted without delay. If, due to failure or untimely fulfillment of this obligation, damage occurs to the represented entity, the LRO is obliged to inform the authority supervising the work of the represented entity and to request compensation for the damage from the responsible person within the entity. However, compensation for damages from the responsible person is not precisely and fully regulated, which leaves room for different interpretations and arbitrary conduct. Therefore, it is necessary to supplement and clarify the provisions on liability for damages caused by responsible individuals.

11. At the request of the entity represented ex lege, the LRO provides legal opinions on drafts of legal transactions involving property rights and obligations, as well as on other property-related legal matters. However, the LSG and other entities represented ex lege by the LRO are not obliged to request an opinion and/or advice from the LRO before concluding legal property-related contracts—this is at their discretion. An exception applies to contracts concerning the acquisition, disposal, exchange, or transfer of ownership rights to real estate owned by the LSG, for which the LSG is obliged to obtain a prior opinion from the LRO. On the other hand, there is no obligation for the requesting entity to submit a copy of the finalized contract to the LRO, meaning that the LRO has no insight into whether its legal opinion was accepted. Given the preventive role of the consultative function of LROs, it would be advisable to establish the obligation of the represented entities to seek the LRO's legal opinion and advice before entering into high-value proper-

ty-related contracts, as well as the obligation to submit a copy of the finalized contract afterward.

12. Most LROs included in the research sample are authorized to carry out activities aimed at the amicable settlement of disputes. However, the provisions on the powers of LROs in this area are not sufficiently detailed or precise, leaving ambiguity regarding the specific actions a LRO may take to resolve disputes amicably. Furthermore, some decisions on LROs do not contain any provisions at all regarding their authority in this area. Considering the benefits of amicable dispute resolution, we believe that decisions on LROs should more precisely regulate the activities of LROs, both in terms of assessing the potential for amicable resolution and in conducting direct negotiations and participating in mediation procedures for amicable dispute resolution, as well as providing legal opinions on settlement agreements in cases where the LRO was not directly involved in the procedure.

13. The scope of work of the LRO also includes monitoring and analyzing legal matters relevant to the work of the authorities, as well as monitoring the application of laws and other general legal acts that are relevant to the protection of property rights and interests of the entities it represents. Moreover, the LRO is obliged to inform the competent authorities about the problems it identifies. However, decisions on LROs do not prescribe the duty of those authorities to consider the LRO's notifications and report back on the measures taken, which would undoubtedly be useful to introduce.

14. Although the relationship between the SASr and LROs is generally based on cooperation and mutual legal assistance, the law allows the SASr to "assume proceedings" from an LRO at the request of the LSG, or on its own initiative if it determines that the actions of the LRO have harmed the public interest. This legal provision, which places LROs in a subordinated position relative to the SASr, contradicts the principle of their organizational and functional independence. On the other hand, there are no criteria for assessing what constitutes the public interest or its violation, nor are there rules on how such "assumption of proceedings" is to be carried out. These gaps in the

law generate legal uncertainty and open the door to arbitrary derogation of LRO jurisdiction by the SASr.

15. The decisions on LROs included in the research generally prescribe the same conditions for the appointment of local government attorneys and their deputies (completion of a law degree, passing the bar exam, and fitness to perform the function), but differ in the required years of legal experience. State attorneys within the LROs argue that the appointment criteria are not clearly regulated, as it is not specified whether the required experience should be acquired before or after passing the bar exam. They also point out that appointing local government attorneys for a fixed term is an inadequate solution because it unjustifiably links the local government attorney's role to the executive branch of the LSG, and the uncertainty regarding reappointment can negatively affect the independence and autonomy of the LRO. Therefore, LRO attorneys advocate for establishing the permanency of the public legal representation function, similar to that of judges.
16. According to the assessment of local government attorneys in LROs, there are unjustified differences in the status and employment conditions of attorneys and deputy attorneys in LROs compared to those in the SASr. The State Attorney and deputies at the SASr are officials in appointed positions, while attorneys in LROs are functionaries, which prevents them from career advancement and limits the possibility of salary growth. There is a clear need to specifically regulate the employment status of staff of public legal representation offices, similar to the regulation of the status of judges, prosecutors, and court staff.

17. The basic principles governing the relationship between the attorney and deputy attorneys in the LROs are modeled after the public prosecution service – including the possibility of issuing binding instructions, devolving cases, and substituting roles.

18. Attorneys and their deputies in LROs exercise their labor rights and obligations in accordance with the regulations governing appointed officials and employees in city or municipal authorities. Employment, rights and obligations, professional

development, performance evaluation, and accountability of employees in LROs are subject to regulations applicable to employees in the autonomous provinces and LSGs. Certain decisions on LROs stipulate that the salary calculation and payment for employees are based on coefficients used for appointed or employed persons in LSG authorities.

19. While the Law on State Attorney's Office (LSASr) regulates oversight over the SASr, oversight over LROs included in this research is not regulated by the acts of their founders. Some decisions contain provisions requiring the LRO to submit reports to the municipal or city council on specific cases or to the represented entities, upon request. It is also stipulated that the council may order corrective measures and set deadlines for compliance if it determines, based on the report, that deficiencies in the office's work exist; the council may also initiate disciplinary or other proceedings. However, monitoring the handling of individual cases cannot substitute for general oversight of the office. Given the importance of oversight, there is a need to regulate it more thoroughly to prevent potential misuse and ensure that the professional independence of the LRO in handling cases is not compromised.
20. The professional conduct standards adopted by the SASr in 2020, which define the principles of ethical and professional behavior for civil servants and staff within the SASr in their mutual relations and in relation to represented entities, courts, other state bodies, parties, and the general and professional public, are also applicable to employees in the services of LROs. However, it would be beneficial for LROs to adopt their own ethical standards of professional conduct.

21. The institutional capacities of LROs are relatively limited. In six municipal LROs, only one person is employed – the local government attorney. Only the LROs of Niš and Leskovac employ more than 10 staff members – Niš has 19, and Leskovac 14. Staffing shortages hinder the proper functioning of these offices, particularly regarding representation in court proceedings. Therefore, there is a need to increase the number of employees.

22. The trend of the feminization of the judiciary is also present in the public legal representation sector, indicating that the position of local government attorney in LROs is not perceived as prestigious.

23. According to the evaluation of local government attorneys in LROs, the professional competence of employees is generally satisfactory, including their proficiency in using modern information and communication technologies.

24. local government attorneys in LROs believe that employee salaries are low and do not reflect the level of responsibility required. The salaries of local government attorneys in LROs are comparable to those of judicial assistants, despite the former bearing significantly more responsibility. Disparities also exist between the salaries of law graduates and those who have passed the bar exam working in LROs compared to employees with the same qualifications in city/municipal administrations. Since LROs are part of LSG structures, these discrepancies are deemed inappropriate. Due to low salaries, positions in LROs are not attractive to younger generations of legal professionals, who often complete their internships elsewhere or seek alternative employment after passing the bar exam. Therefore, it is desirable to amend salary regulations and formally establish, at the national level, the employment status of LRO staff—especially regarding salary levels, which should be aligned with those in the judiciary.

25. The material and technical working conditions of LROs vary significantly. While the size of office space generally meets the needs of staff, only one-third of the offices are accessible to persons with disabilities, and nearly two-thirds of LROs included in the research operate in facilities requiring renovation. Some LROs are located within the premises of local administrations, which undermines the image of independence and autonomy of these offices and creates a risk of employees in administration requesting legal advice on administrative matters. However, the level of technical equipment is generally adequate and meets the needs of LROs.

26. local government attorneys in LROs generally assess that their budget is sufficient for performing the duties of the LRO. However, occasional difficulties arise in the execution of the budget, particularly regarding major procurements handled by the LSG administration, which should be addressed.

27. LROs maintain a varying number of registries, mostly manually, but preparations for implementing an electronic registry system are underway in some LROs, which will also enable digital case logging.

28. Most LROs are facing a shortage of staff and express the need to hire deputy local government attorneys and legal assistants capable of handling professional legal representation tasks, as well as additional technical and administrative personnel. In smaller LROs, a single person — the local government attorney — performs all functions. This understaffing issue is especially critical during annual leaves or maternity and other types of absence, creating a real risk of procedural errors due to workload overload. Some LROs are also burdened with additional tasks of the city/municipal administration, exceeding their legal scope of work. To resolve this, each LSG should evaluate the optimal staffing of their LRO, taking into account workload, particularly the number of court and other procedures, number of represented entities, population size within the respective LSG, and other indicators, and based on this evaluation, take steps to ensure an adequate number of personnel.

29. Employees in LROs have access to electronic databases of regulations and case law, but due to insufficient staffing and heavy workloads, most of them lack sufficient time to follow legal developments or research legal issues in depth.

30. There is a need for professional development of LRO employees, for which there is evident interest. However, opportunities are limited due to the lack of specialized training, seminars, and courses tailored to the needs of LROs. Some LSGs are unwilling to fund additional education of LRO staff, often citing insufficient budget resources. Given the importance of continuous

learning, it is necessary to ensure ongoing training and the exchange of knowledge and experience among LRO employees.

31. Advancement opportunities are relatively limited: in over 80% of LROs, no employee has been promoted in the last two years.

32. According to the assessments of local government attorneys, working conditions for LRO staff are generally satisfactory. The two key demands for improvement are reducing workload and increasing salaries. To a lesser extent, there is a desire for more flexible working arrangements and updated office furniture. Employees are not subject to discrimination or workplace bullying, and interpersonal relations and cooperation are rated as good. In most LROs, employees report no major difficulties in balancing professional and personal obligations.

33. The number of cases handled by LROs is relatively high, with a larger proportion being old rather than new cases. Overall, the majority of cases (77%) involve representation duties, while only 4% concern legal opinions and advisory services. This indicates that LSGs and their bodies do not sufficiently utilize the possibility of obtaining expert opinions and legal advice from their LROs when entering into property-related legal transactions, although such consultations would enhance the protection of their property rights and interests and help prevent legal disputes.
34. LROs most frequently act as representatives in civil proceedings, which means that the most common reason for LROs to initiate legal action is civil disputes between represented entities and natural or legal persons. Significantly less often, they act in non-contentious, enforcement, administrative, and other types of proceedings.

35. In civil proceedings, LROs most often act ex lege as representatives of entities in the position of defendants. The most common disputes are claims for damages due to de facto occupation and dog bites, followed by labor disputes and lawsuits for determining property rights and usage rights. Among non-contentious matters, the most common are proceedings for determining compensation for expropriated immovable property,

in which represented entities appear as respondents. In enforcement proceedings, represented entities appear in nearly equal numbers as enforcement creditors and debtors. In the few administrative proceedings, LROs primarily appear ex lege as representatives of LSGs and their bodies, and only rarely do they submit claims in bankruptcy and liquidation proceedings on behalf of the represented entities.

36. The collected data do not provide a basis for drawing conclusions about the outcomes of proceedings in which LROs act as representatives. However, it would be important for the LROs themselves to conduct an analysis of the outcomes and consider the reasons why some decisions were unfavorable for the represented entities. Such analysis would benefit both the LROs and the entities they represent and should be publicly disclosed, while respecting confidentiality principles and data protection regulations.

37. In the practice of LROs, activities related to dispute resolution through mediation are not widely implemented, reflecting the generally limited reach of this method in Serbia. Given that mediation reduces costs, relieves the courts, provides more effective access to justice, and strengthens public trust in institutions, additional efforts should be made to promote mediation in local communities — efforts in which LROs themselves can play a key role.

38. Annual activity reports and public information documents from most of the LROs covered in the research are not available to the public, nor are the decisions on the establishment and functioning of the LROs. None of the surveyed LROs have their own websites, and the official websites of the LSGs typically contain only basic information about their respective LROs. This situation is clearly unsatisfactory from the standpoint of public visibility and transparency of LROs' work. Appropriate measures should be taken to improve the accessibility of information about the competences, operations, and performance of LROs.

39. Local government attorneys are the only legal profession in the justice sector without a professional association or organization focused on issues of specific relevance to their work — especially status-related and labor-law issues — or responsible for the continuous education and training of employees of public legal representation offices. local government attorneys in LROs have expressed interest in establishing such an organization, whether national or regional in scope. This organization would enable institutional networking among local government attorneys and their deputies, providing a platform for knowledge exchange and joint efforts to improve the status and practice of public legal representation.

ANNEXES

Annex No. 1

QUESTIONNAIRE FOR COLLECTING DATA ON INSTITUTIONAL CAPACITIES AND WORKING CONDITIONS OF legal representation offices Name _____

1.	Human Resources	Employees	**Required number of positions as determined by the general act**
			Number of employees_____
			Gender of the local government attorney F _____ M _____
			Status of the local government attorney a) appointed to function b) acting official
			Number of deputy local government attorneys_____
			Gender structure of deputy local government attorneys F _____ M _____
			Number of employed law graduates who passed the Bar Exam_____
			Number of employed law graduates_____
			Number of employees with other educational background_____
			Average years of work experience of law graduates who passed the Bar Exam_____
			Average years of work experience of law graduates_____
			Average years of work experience of employees with other educational background_____
			The staff performing LRO tasks has a) an exceptionally high level of professional knowledge and skills b) an adequate level of professional knowledge and skills c) a low level of professional knowledge and skills d) an exceptionally low level of professional knowledge and skills
			The staff performing LRO tasks is specialized for a specific range or type of tasks a) yes b) no
			LRO has internal departments in which staff is assigned to specific ranges or types of tasks a) yes b) no
			Employee proficiency in using modern ICT is a) at a high level b) at a satisfactory level c) at a low level

			d) at an exceptionally low level
		Salaries of employees	Monthly salaries of employees are a) higher than the salaries of employees in the LSG administration b) equal to the salaries of employees in the LSG administration c) lower than the salaries of employees in the LSG administration
			Employees are a) mostly satisfied with the salary level b) mostly dissatisfied with the salary level
2.	Material resources	Work space	Office space area_____
			Average number of employees per office_____
			Is the office space accessible to persons with disabilities? a) yes b) no
			Heating/cooling of the work space a) excellent b) good c) poor d) very poor
			The office space was renovated a) more than two years ago b) more than five years ago c) more than ten years ago d) never renovated
		Equipment of the work space	Does the office have an internet connection? a) yes b) no
			Does every employee have a personal computer? a) yes b) no
			Does every employee have a printer? a) yes b) no
			Is a photocopier available to employees? a) yes b) no
			Is a scanner available to employees? a) yes b) no
			Is sufficient office material provided for employees? a) yes b) no
			Equipment a) mostly meets the needs of employees b) mostly does not meet the needs of employees
		Budget	Budget for 2022: _____ RSD

			Budget for 2021: _____ RSD
			The approved budget is a) sufficient b) insufficient c) extremely insufficient
			The procedure for approving the use of funds from the approved budget is a) simple b) complicated c) extremely complicated
			Requests for the use of funds from the approved budget a) are always approved b) are mostly approved c) are approved with significant delay
		Registries	Number of registries by type of case _____
			Registry management method a) electronic b) manual
3.	Working conditions	Workload	Employees performing LRO tasks are a) optimally burdened b) overburdened c) underutilized
			Employees often perform tasks not included in their job descriptions a) yes b) no
			Employees often work overtime a) yes b) no
			Employees have access to electronic databases of regulations and case law a) yes b) no c) limited access
			For tracking regulations and studying legal issues, employees a) have enough time b) do not have enough time
		Motivation for work	Employee motivation for work is a) high b) low c) satisfactory
		Work discipline	Work discipline is a) mostly satisfactory b) mostly unsatisfactory
			In the last two years, disciplinary procedures against employees a) were not conducted at all

			b) were conducted against 1–2 employees c) were conducted against 3–5 employees
		Harassment and discrimination at the workplace	Occurrence of workplace harassment a) does not exist b) occurs rarely c) occurs frequently
			Occurrence of workplace discrimination a) does not exist b) occurs rarely c) occurs frequently
		Professional development	Need for professional development is a) extremely high b) high c) low d) extremely low
			Opportunities for employees to receive professional development are a) great b) poor c) optimal
			Employee interest in professional development a) mostly interested b) mostly not interested
3.	Working conditions	Balancing professional and family obligations	Employees balance professional and family obligations a) easily b) with difficulty
			Scheduling of annual leave a) is mostly aligned with employees' preferences b) mostly deviates from employees' preferences
		Career advancement	Opportunities for career advancement within the service are a) high b) satisfactory c) low
			In the last two years a) no employee was promoted b) 1–2 employees were promoted c) 3–5 employees were promoted
		Work in the union	Employee union activity is a) high b) average c) low
		Employee satisfaction with working conditions	Employees are a) very satisfied with working conditions b) satisfied with working conditions c) dissatisfied with working conditions d) extremely dissatisfied with working conditions
			Key employee requests for improving working conditions relate to

			a) reducing work overload b) introducing flexible work arrangements c) increasing salaries d) improving interpersonal relations e) other_____
		Interpersonal relations within the collective	Interpersonal relations among employees performing LRO tasks are a) excellent b) good c) poor d) very poor
			Sense of team spirit among LRO staff is fostered through a) joint celebrations after working hours b) joint weekend activities c) no joint activities are organized

Annex No. 2
QUESTIONNAIRE FOR COLLECTING DATA ON THE WORK OF legal representation offices

Name_____

Year _____

1.	Pending cases	New cases	**Total number of cases_____**
			Number of representation cases_____
			Number of legal opinions and advice_____
			Number of other cases_____
		Cases from previous years	Total number of cases_____
			Number of representation cases_____
			Number of legal opinions and advice_____
			Number of other cases_____
2.	Representation in civil court proceedings	Representation in litigation proceedings	Number of newly initiated proceedings_____
			Number of proceedings from previous years:_____
			Number of ex lege representation proceedings_____
			Number of power of attorney representation proceedings_____
			Number of proceedings as claimant's representative_____
			Number of proceedings as respondent's representative_____
			Number of submissions filed_____
			Number of hearings held_____
			Three most frequent types of litigation cases, by legal matter _____ _____ _____
			Three most frequently represented entities _____ _____ _____
			Number of proceedings concluded in favor of the represented party_____
		Representation in non-contentious proceedings	Number of newly initiated proceedings_____
			Number of proceedings from previous years_____
			Number of ex lege representation proceedings_____

			Number of power of attorney representation proceedings_____
			Number of proceedings as petitioner_____
			Number of proceedings as opposing party_____
			Three most frequent types of non-contentious cases, by legal matter _____ _____ _____
			Three most frequently represented entities _____ _____ _____
2.	Representation before administrative bodies	Representation before administrative bodies	Number of hearings held_____
			Number of submissions filed_____
			Number of non-contentious proceedings concluded in favor of the represented party_____
		Representation in enforcement proceedings	Number of newly initiated proceedings _____
			Number of proceedings from previous years _____
			Number of ex lege representation proceedings _____
			Number of power of attorney representation proceedings ___
			Number of proceedings as creditor's representative _____
			Number of proceedings as debtor's representative_____
			Number of submissions filed _____
			Number of proceedings concluded in favor of the represented party _____
			Three most frequently represented entities _____ _____ _____
		Representation in bankruptcy and liquidation cases	Number of claims filed in bankruptcy and liquidation cases _____
			Number of claims collected in bankruptcy and liquidation cases _____

		Total number of proceedings in which the attorney acted as representative _____	Number of newly initiated proceedings _____
			Number of proceedings from previous years _____
			Number of ex lege representation proceedings _____
			Number of power of attorney representation proceedings ____
			hree most frequently represented entities _____ _____ _____
3.	Legal opinions and advice	Total number of legal opinions and advice _____	Written legal opinions and advice _____
			Oral legal opinions and advice _____
			Three most frequent types of legal opinions and advice, by subject matter _____ _____ _____
			Three entities who most frequently requested legal opinions and advice _____ _____ _____
4.	Mediation proceedings	Total number of proceedings _____	Number of newly initiated proceedings _____
			Number of proceedings from previous years _____
			Number of proceedings initiated by LSG authorities ___
			Number of proceedings initiated by natural or legal persons _____
			Number of proceedings initiated on the recommendation of the court or another authority _____
			For the conclusion of an agreement in mediation proceedings: a) Consent of the competent authority is required for each agreement b) There are predefined conditions for concluding specific types of agreements (e.g., compensation for dog bites, utility payment disputes, etc.) c) Consent of the competent authority is not required
			Three most frequent types of disputes resolved through mediation _____ _____ _____
			Number of successfully concluded proceedings _____

5.	Other tasks	Initiating proceedings before the Constitutional Court for assessment of constitutionality and legality	Number of initiated proceedings _____
		Substitution in representation	Number of requested substitutions _____
			Attorney's Offices that most frequently requested substitution _____ _____ _____
		Conducting administrative procedures within the LSG (legalization, public procurement, etc.), drafting decisions of LSG bodies, etc.	Number of conducted procedures _____ _____ Three most common types of administrative cases _____ _____ _____ _____ Number of drafted decisions _____ _____ Three most frequent types of decisions drafted for LSG bodies: _____ _____ _____
		Processing requests of citizens and legal entities addressed to LSG bodies	Number of processed requests
			Three most frequent types of requests _____ _____ _____
5.	Other services	Free legal aid to citizens (for Attorney's Offices authorized for such tasks)	Number of free legal aid services provided ____
			Number of legal advice services provided _____
			Number of other services provided _____
			Three legal areas in which free legal aid was most often provided _____ _____ _____

Annex No. 3
PROTOCOL FOR FOCUS GROUP INTERVIEW

General instructions

– Introduce yourself.
– Briefly describe the research project and explain the purpose of the in-depth interview.
– Emphasize that the obtained data will be used solely for research purposes and that participation is voluntary and confidential (only the moderator will know the participants' data; names or any other information that could reveal their identity will not be mentioned in the study).
– Request permission to record the session.
– Provide information on the duration of the interview – up to 90 minutes.
– Give participants the opportunity to ask questions.
– Store the audio recording securely.
– Prepare a transcript of the interview and keep it in a secure location.
– At the end of the discussion, thank participants for their time and willingness to participate.

The participants in the focus group interview are municipal/city attorneys.

Good afternoon, my name is _____.

I am participating in the research *Institutional Capacities and Practices of Legal Representation Offices of Local Self-Government Units in Southern Serbia*, conducted by the "Niš Human Rights Committee" within the project *"Continuation of the Development of the Judicial Base South (JBS) Coalition – Spin-off"*, whose goal is to improve existing and develop new capacities for monitoring and engagement in the field of rule of law, with a particular focus on judiciary reform.

We have gathered here to talk about the resources, capacities, working conditions, and practices of municipal and city attorney's offices in southern Serbia. Your insights, positions, and comments will be valuable for the analysis of the current situation in the area of suppression and protection from this form of abuse, and will also serve as a solid basis for drafting recommendations to overcome the observed problems. It is with that purpose that we have organized this focus group.

My role is to moderate this discussion. The point is for us to talk openly about your experiences.

I would kindly ask for your permission to record the conversation. Everything you say will be used solely for research purposes. Before we begin, I would like to present a few rules regarding our session. Each of you should participate in the conversation; all of your views are equally valid.

To proceed with the discussion, it is necessary to sign the consent form for participation in the interview, so I kindly ask you to do so.

Thank you for your participation!

FOCUS GROUP DATA

Place and date of the session: _____

Number of focus group participants: _____

TOPICS FOR DISCUSSION

Institutional capacities of legal representation offices

– Human resources
– Material resources
– Financial resources
– Suggestions for improving institutional capacities

Practices of legal representation offices

– Quality and efficiency of work
– Cooperation with represented entities
– Difficulties and challenges in the work
– Suggestions for improving work performance

Legal framework of operation

– Status of the legal representation office
– Powers of the local government attorney
– Suggestions for improving the legal framework

Possible forms of networking and experience sharing among LRO Attorneys

– Association of LRO Attorneys – yes or no?
– Other forms of organized cooperation and experience sharing

ANNEX NO. 4
INFORMED CONSENT FOR PARTICIPATION IN FOCUS GROUP INTERVIEW

This consent form must be individually completed and signed prior to the focus group interview.

The results of the focus group interview will be used for the purposes of the research *Institutional Capacities and Practices of Legal Representation Offices of Local Self-Government Units in Southern Serbia*, conducted by the Committee for Human Rights Niš within the project *Continuation of the Development of the Judicial Base South (JBS) Coalition – Spin-off*.

Data collected during the focus group will be accessible only to the researchers, who will take all necessary measures to protect the information from unauthorized use.

Regarding the publication of personal data, the will of the participants will be strictly respected, as indicated below.

By signing this consent, I, _____ (full name), from _____ (address/place of residence), born on _____, confirm that the purpose and nature of the focus group interview have been explained to me and that I have agreed to participate in the focus group.

I consent that the information obtained during the focus group interview may be published and used for research purposes. Concerning the use of my personal data, I give consent for the following information to be published:

Full name:	YES	NO
Initials only:	YES	NO
Name of institution:	YES	NO

I agree under the following conditions (if any):

_____
_____
_____
_____
_____
_____

Signature: _____ Date: _____

Annex No. 5

QUESTIONNAIRE FORM

Gender: ☐ **F** ☐ **M**

1. Name of the legal representation office: _____

2. Status:

a) Appointed as local government attorney
b) Acting local government attorney

3. Years of service in the legal representation office:

a) Less than two years
b) 2–5 years
c) More than five years

4. Term of Office:

a) First term
b) Second term
c) Third term

5. Status:

a) Elected to the position
b) Acting

6. Before appointment as local government attorney, worked as:a) deputy local government attorney

b) In the judiciary
c) As an attorney
d) In public administration
e) In another field

AUTHOR BIOGRAPHIES

Dr Nevena Petrušić is a retired full professor at the Faculty of Law, University of Niš. She has authored or co-authored over 50 books and more than 200 articles in the fields of civil procedure, alternative dispute resolution, children's rights, anti-discrimination protection, and gender-based violence. She has participated in numerous research studies in these fields. She co-authored the *Commentary on the Civil Procedure Act*, the *Commentary on the Anti-Discrimination Act*, and university textbooks *Children's Rights* and *Mediation – Theory, Law, and Practice*. She led the national research project *The Right to Access to Justice*, as well as many scientific studies. She was editor-in-chief of the journal *Temida* and organized many scientific publications and conferences. She has participated in numerous scientific conferences at home and abroad. She was the first Commissioner for the Protection of Equality in the Republic of Serbia (2010–2015) and Dean of the Faculty of Law in Niš (2007–2010). She has provided expert support in drafting several laws and strategic documents. She has been engaged as an expert by UNDP, UN Women, UNICEF, OSCE, and the Council of Europe in Serbia and the region. She is a licensed mediator and a trainer at the Judicial Academy.

Bojana Arsenijević graduated from the Faculty of Law in Niš in 2016. She was elected as a teaching assistant in civil law at the Faculty of Law in Niš in 2020. She is the author of numerous scholarly articles. In addition to this research, she has conducted several empirical studies as an author or co-author: on the implementation of the Law on Prevention of Domestic Violence (2018), on alimony lawsuits in the practice of the Basic Court in Niš (2019), on disciplinary liability of attorneys and trainee attorneys before the Bar Association of the City of Niš (2020), and on the results of implementing the Law on Establishing the Facts about the Status of Newborns Suspected of Having Disappeared in Maternity Hospitals in the Republic of Serbia (2024).

Stefan Vlatković is a lawyer from Niš. He graduated from the Faculty of Law in Niš in 2016, completed his master's degree in 2018, and passed the bar exam in 2019.