



Updated in April 2020

## The Judicial Officer in the World

# MONTENEGRO

Name (singular and plural): **Javni izvršitelj / Javni izvršitelji**

### Presentation

#### Generalities

30 judicial officers are appointed. They work together with approx. 293 staff. All are liberal or self-employed professionals

#### Training

##### Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: Four years of law studies or equivalent (Master 1 or equivalent).

There is no initial training for the future judicial officers.

Ongoing training is available for the judicial officers. At least 2 training courses are compulsory each year.

##### Ongoing training for the staff of judicial officers

Ongoing training courses are not available for the staff of judicial officers.

#### The exercise of the profession

A legal exam and a professional exam (judicial officer exam) are compulsory for judicial officers. The judicial officers are appointed by the ministry of justice. There are a limited number of judicial officers. A judicial officer can exert his activities within a structure including another or several other judicial officers. All the judicial officers exert individually.

The profession is represented at national level by the **Chamber of Public Enforcement Officers of Montenegro**.

#### Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Compulsory service of the judicial officer and possible cases of exemption of service.
- Prohibition of service in certain cases (relationship, union, conflict of interest, ...).
- Obligations relating to the professional activities of the judicial officer.
- Conditions of keeping of archives of the judicial officer.
- Bookkeeping.



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- Obligation to have an account specifically intended for depositing funds collected on behalf of clients of the judicial officer.
- Obligation to hand over the monies of third parties in a specific time.
- Obligation to respect the tariff.
- Obligation for the judicial officer to be submitted to a control of his activities.
- Obligation to comply with ethical and/or deontological rules.
- Professional secrecy.
- Obligation to take out professional and civil liability insurance.

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities.

## Activities

### Enforcement of court decisions

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Setting up of a provisional judicial security on an immovable of the debtor.
- Setting up of a provisional judicial security on a business of the debtor.
- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Internet forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced public auction sale of immovable.
- Forced auction sale of businesses attached by the judicial officer.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.



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- Distribution to creditors of monies collected during the forced auction sale of an immovable good.

When in charge of enforcement, the judicial officer has access to some information on the assets of the debtor.

### **Service of judicial or extrajudicial documents**

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters. When serving documents, the judicial officers has access to information to locate and search the addresses.

### **Forced public auction sales**

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of businesses attached by the judicial officer.
- Physical (as opposed to Internet) sale of immovable goods attached by the judicial officer.

### **Voluntary public auction sales**

The judicial officer cannot carry out the voluntary public auction sale of movable or immovable goods.

<b>Other activities (X = yes)</b>	
Debt collection	<b>X</b>
Statements of facts	<b>X</b>
Sequestration of goods	<b>X</b>
Legal advice	
Bankruptcy proceedings	
Missions entrusted by a judge	
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	