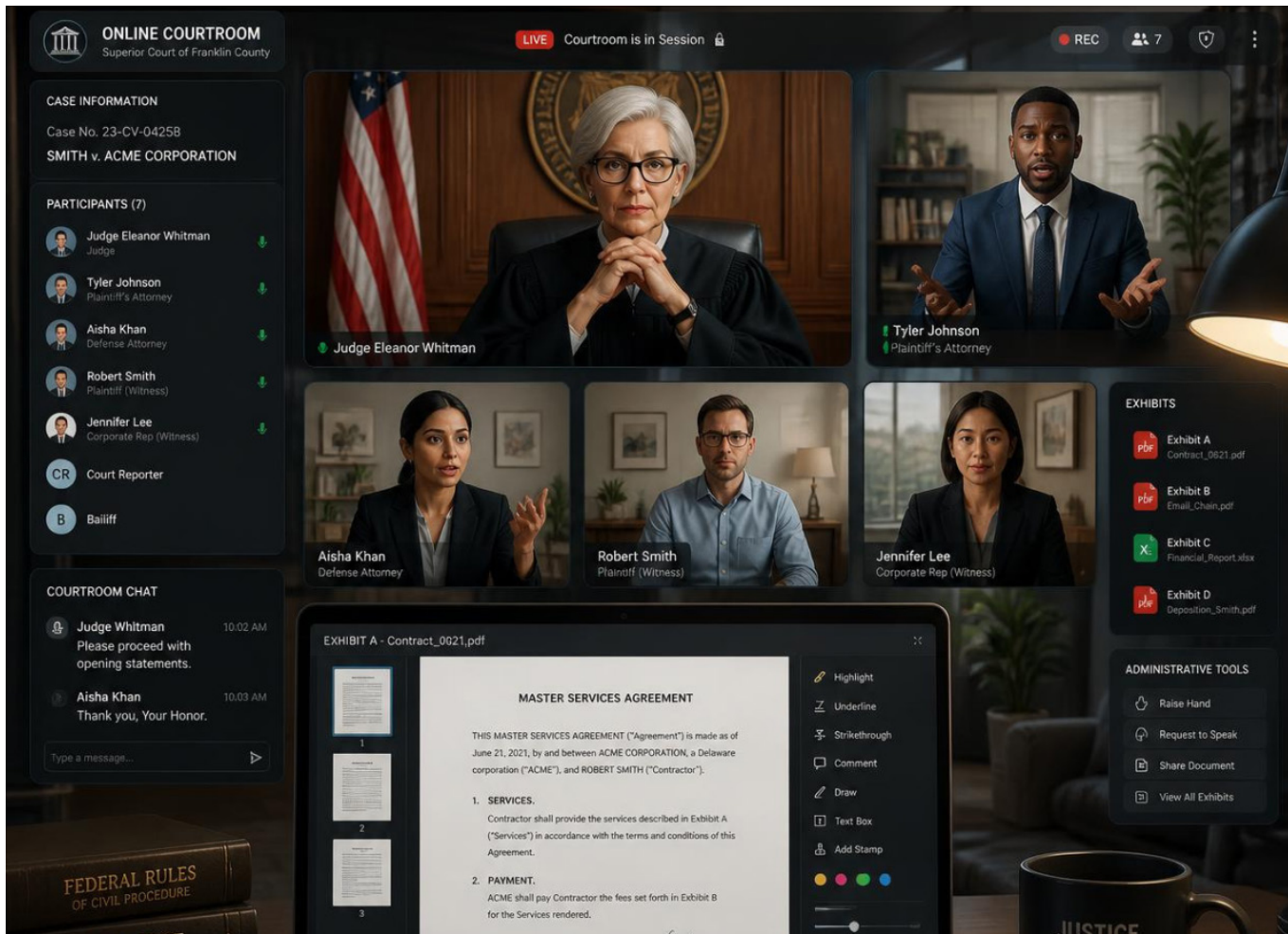




Courtrooms Go Virtual: What North Macedonia's New Law on Civil Procedure Changes

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The digitalisation of the judiciary has for some time now been one of the priority reforms in the justice sector, driven by the need for greater efficiency and cost-effectiveness in the conduct of court proceedings.

In this vein, on 16 June this year the Republic of North Macedonia adopted a new Law on Civil Procedure, which, compared to the previous Law on Civil Procedure, introduces a series of amendments aimed at modernising the proceedings. Among these, the possibility of holding hearings remotely stands out as the most significant novelty — an institute that has not previously existed in domestic procedural law.

Given the complexity of implementing digitalisation, the application of the new Law is split into two phases: its general application takes effect on 16 January 2027, while the provisions concerning the digitalisation become applicable 12 months later.

Digitalisation of Proceedings

Under both the old and the new Law, hearings are, as a rule, held on court premises, with the possibility of exception out of necessity.

However, the new Law now provides that, where there is a risk of the hearing being postponed, the court may decide to hold the hearing remotely, using means that ensure two-way electronic communication and enable a real-time audiovisual link through a closed information and communication system.

Systemic Links with Other Provisions

Remote hearings are not an isolated novelty. The new Law also regulates court settlements concluded at hearings held remotely with the possibility of concluding the settlement in electronic form, through a qualified electronic signature of each of the parties.

In addition, with regard to the service of court documents, it is now provided that service is to be carried out through a qualified electronic registered delivery service, and the possibility of direct service between the parties themselves has also been introduced.

New Procedural Institutes

However, the reform of civil procedure is not limited to the digitalisation of proceedings. Alongside the technological novelties, the new Law also introduces several entirely new procedural institutes, which do not merely change the form of the proceedings, but substantively upgrade the protection of the parties' rights.

1. Representative Action

The new Law regulates a new type of proceedings for the protection of collective interests and rights and of consumer rights. This is an institute known in comparative law as a “representative” action, and its content follows the trend established in European law on the collective judicial protection of consumers.

The right to initiate such proceedings is conferred on associations, foundations, institutions or organisations which, within the scope of their activities, deal with collective interests and rights. The claims are declaratory in nature and include a declaration that an infringement has occurred, an order prohibiting the continuation of the harmful conduct, an order requiring the elimination of the harmful consequences, and the publication of the operative part of the judgment in the media at the defendant’s expense.

2. Expert Evidence on the Court’s Own Initiative

A novelty that changes the allocation of procedural initiative between the court and the parties is the introduction of the court’s power to order expert evidence without a proposal from either party, if it considers that expert knowledge is needed to establish or clarify a particular fact.

This power is accompanied by a change to the deadline for proposing expert evidence. Under the old Law, the parties were required to raise such a proposal as early as the statement of claim or the statement of defence. Now, the proposal may be submitted no later than the preparatory hearing.

3. Revision filed with the permission of the Supreme Court

As an exception, revision may also be filed against second-instance judgments that are normally not subject to revision, provided that the Supreme Court gives permission for the revision to proceed.

A party must submit a request to the Supreme Court for permission to file a revision. The Supreme Court will grant permission if it considers that the decision in the case depends on an important substantive or procedural legal issue that is necessary to ensure the uniform application of the law.

What Comes Next?

Taken together, the new Law on Civil Procedure places the judiciary before a dual task — the technical preparation required for the digitalisation of proceedings, and practical adaptation to the new procedural institutes.

The fact that its application is split into two phases reflects an awareness that these changes require time for adjustment, both for the courts and for lawyers and parties to proceedings.

In any event, this is the most significant reform of civil procedure in two decades, the real effects of which will only become apparent once it begins to be applied in practice.

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