
Le Président
The President

Mr. Mato Jozić, Minister
Federal Ministry of Justice
Valtera Perića 15
71000 Sarajevo
Bosnia and Herzegovina

Brussels, 29 March 2017

Dear Minister,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers.

The regulation of the profession, the defence of the rule of law, human rights and democratic values are the most important missions of the CCBE. In this context, the CCBE regularly meets with representatives of the European institutions to discuss matters relating to the lawyer's profession and its core functions.

The CCBE has received reports on developments affecting the legal profession from the Bar Association of Federation of Bosnia and Herzegovina (Bar Association of the FBiH). We have been informed that the Constitutional Court of the Federation of Bosnia and Herzegovina passed the Decision U-15/10 on 2 December 2015, and in its Decision determined that certain provisions of the Law on Notaries are not in conformity with the Constitution of Federation Bosnia and Herzegovina.

The Decision of the Court declared unconstitutional the articles 6 (Paragraph 1 and 2), 27 and 73 of the Law on Notaries. Particularly important for the legal profession is the article 73, that classified the categories of documents and legal relations that were mandatorily administered by notaries. Following the decision regarding the unconstitutionality of these provisions, the lawyers should have the legal possibility to perform the defined actions in article 73, which consist of drafting real-estate purchase contracts, handling inheritance and matrimonial matters and drafting of agreements for establishment and operations of companies. Consequently, the Bar Association of the FBiH wishes to call attention to the fact that the implementation of the Decision U-15/10 of 02 December 2015 of the Constitutional Court of the FBiH requires amendments to the existing laws:

- 1) The Real Rights Law of Federation Bosnia and Herzegovina, which prescribes mandatory notary form for acquiring of ownership rights;
- 2) Inheritance Law of Federation Bosnia and Herzegovina, which prescribes mandatory notary form for inheritance matters;
- 3) The Law on Land Registry of Federation Bosnia and Herzegovina, which prescribes mandatory notary form for documents regarding registration in the land register and transfer of rights with removal from the land register;
- 4) The Family Law of Federation Bosnia and Herzegovina, which prescribes mandatory notary form for alimony agreements;

5) The Law on Registration of Business Entities of Federation Bosnia and Herzegovina, which prescribes mandatory notary form for foundation acts of business companies and definition of their statutes, as well as any change to the statutes or operations.

The Bar Association of the FBiH asks the Federal Ministry of Justice to take the necessary steps to implement changes to the aforementioned laws as soon as possible.

The CCBE wishes to express its support to the call of the Bar Association of the FBiH. We recognise the concerns of the Bar in their call to the Ministry of Justice of the FBiH to commence the necessary action pursuant the Decision U-15/10 of 02 December 2015.

The CCBE therefore kindly urges you to consider the comments in this letter. We would appreciate to be informed about any further developments concerning the practice of law in the federation of Bosnia and Herzegovina. The CCBE is committed to supporting law reform in the region of Western Balkans and, as an international association for lawyers, we are always available for consultation and for providing expertise.

Yours sincerely,

A handwritten signature in black ink, reading "Ruthven Gemmell". The signature is written in a cursive style and is positioned above the typed name and title.

Ruthven Gemmell WS
CCBE President