



ODA E AVOKATËVE TË KOSOVËS  
ADVOKATSKA KOMORA KOSOVA  
KOSOVA BAR ASSOCIATION

**No.316/2014**

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**For:** European Bar Presidents Conference

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**Through:** Ibrahim Z. Dobruna, KBA President

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**Subject:** Brief report of Kosova Bar Association!

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## 1. Introduction

Kosovo Bar Association (KBA hereinafter) was established by law in 1973 as an independent professional organization of lawyers in Kosovo. KBA mission is to advance the rule of law by supporting the legal reform process, promote legal access and representation for all persons regardless of economic and social conditions, and also engages in increasing public recognition, rule of law, legal procedures, the role of the legal profession and protection of legal standards.

KBA is a Constitutional category envisaged by article 111 of the Constitution of the Republic of Kosovo, it regulates its activity with the Law on Bar no. 04/L-193 as well as legal acts: statute, code of professional ethics and regulations.

### 1.1 KBA membership

KBA membership consists of all national, religious and gender affiliation, living in Kosovo and currently has over 560 active lawyers and 190 interns.<sup>1</sup>

### 1.2. The system of ethics and discipline

Kosovo Bar Association is based on the principle of self-discipline. Code of Professional Ethics establishes a complete system of ethics rules which stipulate (sanction) mutual relations of lawyer-lawyer, lawyers with the client, the organization – Bar and courts. KBA

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<sup>1</sup>According to KBA registry on (29/12/2013)

Disciplinary Office consists of the Office of Disciplinary Counsel, Disciplinary Committee and Appeals Committee.

### 1.3. KBA Bodies

In accordance with the Law on Bar no. 04/L-193 and KBA Statute, the KBA bodies are: the General Conference, Assembly, President, Governing Council, Supervisory Council, the Disciplinary Bodies and Appeals Committee.

### 1.4 Training Center

Lawyer Training Center enables professional capacity building of lawyers and interns.

#### Types of training:

Lawyer Training Center, during 2013 held:

**53 trainings** on Mandatory Continuing Legal Education;

**4 trainings** on Comprehensive Program for Interns CPI,

**8 trainings** with potential candidates for the Bar Exam;

Total number of trainings organized by the Lawyer Training Center is: **65 Trainings**

### 1.5 Change of Normative

Assembly of Republic of Kosovo adopted the Law on Bar No. 04/L-193, which entered into force on 15 June 2013.

During 2013 in order to harmonize the bylaws to the Law on Bar, KBA approved;

- Statute,
- Code of professional Ethics,
- Tariff for lawyer's fees and cost compensation,
- Regulation on Mandatory Continuous Legal Education
- Regulation on Disciplinary Procedure
- Regulation on Regional Branches;
- Regulation on the Organization and Operation of Committees;
- Regulation on spatial and technical conditions of Advocacy offices;
- Regulation on Specializations;
- Regulation on financial management;
- Regulation for the Ethics Exam for Lawyers;

Bylaws approved by KBA effective from 01/01/2014.

### 1.6 Cooperation

KBA cooperates with all institutions of the rule of law in Kosovo. On an international level KBA since 23/05/2009 is a full member of International Bar Association and The European Bars Federation.

Since 2012 KBA has begun a number of activities for the establishment and strengthening of international cooperation with Bar Associations. KBA has an excellent cooperation with the Bar Association of Croatia, of Albania, and currently is establishing a close cooperation with other Chambers in the region, of Serbia, Macedonia, Montenegro, Federation of Bosnia and Herzegovina etc. PECO Committee (CCBE) is providing assistance in the establishment of this cooperation. In terms of international aspect, KBA mission is membership in the CCBE.

During the celebration of the Advocacy Day, June 10, 2013, KBA hosted a meeting with vice president of PECO Committee (CCBE), the representative of the Croatian Bar Association, representative of the German Bar Association, of Albania Bar Association, and representative of Montenegro Bar Association.

Upon the invitation of the President of Serbia Bar Association, on February 21, 201, KBA representatives participated in the celebration of the Advocacy Day of Serbia.

## **2. CHALLENGES DURING 2013**

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### **2.1 Lack of space**

KBA, also during 2013, continued to face the challenge of lack of space for the development of planned activities for providing better services to its members and the community, as well as accomplishing the mission and activities of KBA. KBA addressed the Ministry of Justice as well as the Municipality of Pristina for support in terms of finding space for the development of its activities but despite promises there is no positive action in solving this problem and KBA still performs its activities in the property with 60 m<sup>2</sup> of working space.

### **2.2 Amendments to the Law on Contested Procedure with regard to representation authorization**

KBA initiated amendment to the Law on Contested Procedure respectively article 86 with regard to representation authorization. In accordance with the Law on Contested Procedure of the Republic of Kosovo, parties can perform actions in the proceedings, in person or through authorized representatives (authorization). Representative of the party can be any person who has full capacity to act.

KBA has proposed the amendment of article 86 par. 1 of the Contested Procedure Law which should be defined; "Authorized representative of the party may be; lawyer, free legal aid officials, next-of-kin blood relatives and gender if they have capacity to act, legal persons may be represented by graduated lawyers to the Bar Exam who are in regular working relationship.

The goal of this proposal is to achieve: safety and quality of legal representation of the parties in the relevant procedures.

Assembly Committee on Legislation of the Republic of Kosovo has not reached consensus regarding further processing of the proposal to amend article 86 of the Law on Contested Procedure, which continues to be a challenge and commitment of KBA.

## 2.3 Dual enrollment

In accordance with article 111 of the Constitution of the Republic of Kosovo, Advocacy is a constitutional category, and the only institution to regulate the Bar and Licensing of Lawyers is KBA. Kosovo Government through the Ministry of Trade and Industry obliges lawyers for registration in the Business Registration Agency. KBA considers that this stipulation by the Government is contrary to the Constitution and the Law on the Bar which determine that KBA is an institution of compulsory licensing of lawyers in the Republic of Kosovo, and it undermines its independence.

## 2.4 Fiscal Cash register

As well as other Bar Associations in the region, during 2011 KBA was faced with the pressure of fiscal cash registers for lawyers. With the support of CCBE, KBA was informed regarding the installation of fiscal cash registers for lawyers in the countries in the region and the European Union as well as the letters that CCBE sent to the representatives of these states, regarding the non-installation of fiscal cash registers for lawyers. KBA has managed to avoid the installation of fiscal cash registers for lawyers in the Republic of Kosovo. Now we can see the tendencies of government to actualize the issue of fiscal cash registers, which represents a challenge for KBA during 2014 and demand from partners for not allowing the installation of fiscal cash registers for lawyers.

## 2.5 International cooperation

KBA and advocacy in Kosovo are facing difficulties regarding international cooperation. These difficulties arise from the fact of limitations and difficulties of lawyer's movement abroad and especially the representatives of KBA, because of visa regime that applies to the Republic of Kosovo.

These restrictions and obstacles are hampering the establishment of close relations of the international cooperation of the KBA with other Chamber in the European Union, and the loss of opportunities to participate in international conferences with special interest for KBA as is now the case with the European Bar Presidents Conference and CCBE, where KBA was unable to participate in full delegation due to problems with issuing visas.

Given that the Republic of Kosovo is a new country and the only one without visa liberalization in the European Union, KBA requires from international partners especially from the CCBE and representatives of EU Bar Associations, to demand from their states to facilitate the lawyers of the Republic of Kosovo in obtaining long-term visas. This would enable the establishment of cooperation between the lawyers of the Republic of Kosovo and their colleagues from EU States, in advancing the profession of lawyer. It will also facilitate the work of the KBA representatives in advancing international cooperation and exchange of experiences with the Bar Associations of the European Union.